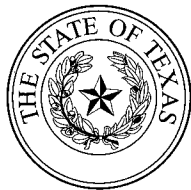


JOURNAL
OF THE
House of Representatives
OF THE
FIRST CALLED SESSION
OF THE
Eighty-Second Legislature
OF THE
STATE OF TEXAS

BEGUN AND HELD AT
THE CITY OF AUSTIN

May 31, 2011



VOLUME VIII

VOLUME VIII
TABLE OF CONTENTS

Proceedings of the House — May 31, 2011 through June 29, 2011

	Pages
First Day	1
Second Day	5
Second Day (cont'd)	9
Third Day	15
Fourth Day	19
Fifth Day	27
Sixth Day	93
Seventh Day	367
Eighth Day	389
Ninth Day	413
Tenth Day	455
Eleventh Day	515
Twelfth Day	525
Thirteenth Day	539
Fourteenth Day	545
Fifteenth Day	553
Sixteenth Day	583
Seventeenth Day	679
Eighth Day Supplement	S1
Ninth Day Supplement	S421
House Bills, History Of	A1
House Concurrent Resolutions, History Of	A9
House Joint Resolutions, History Of	A11
House Resolutions, History Of	A12
Senate Bills, History Of	A33
Senate Concurrent Resolutions, History Of	A41
House Bills And Resolutions, Authors Of	A42
Index	A65

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

FIRST DAY — TUESDAY, MAY 31, 2011

In obedience of the proclamation of His Excellency, Rick Perry, Governor of the State of Texas, convening the 82nd Legislature, First Called Session, to meet in special session at Austin, Texas, the seat of government, on this the 31st day of May 2011, the members of the House of Representatives assembled in the hall of the House of Representatives, and at 10 a.m. the house was called to order by the Honorable Joe Straus, speaker.

The roll of the house was called and a quorum was announced present (Record 1).

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; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Gallego; Garza; 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; 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, Excused — Driver; Frullo; Gonzalez.

The invocation was offered by Representative D. Howard.

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

LEAVES OF ABSENCE GRANTED

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

Driver on motion of Landtroop.

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

Gonzalez on motion of Landtroop.

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

Frullo on motion of Perry.

REGULAR ORDER OF BUSINESS SUSPENDED

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

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS

The chair laid before the house and had read the following proclamation by the governor:

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, RICK PERRY, GOVERNOR OF THE STATE OF TEXAS, by the authority vested in me by Article III, Section 5 and Article IV, Section 8 of the Texas Constitution, do hereby call an extraordinary session of the 82nd Legislature, to convene in the city of Austin, commencing at 8 a.m. on Tuesday, May 31, 2011, for the following purposes:

To consider legislation relating to fiscal matters necessary for the implementation of **HB 1** as passed by the 82nd Legislature, Regular Session, including measures that will allow school districts to operate more efficiently.

To consider legislation relating to healthcare cost containment, access to services through managed care, and the creation of economic and structural incentives to improve the quality of Medicaid services.

The secretary of state will take notice of this action and will notify the members of the legislature of my action.

IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of State to be affixed at my office in the city of Austin, Texas, this the 30th day of May 2011.

Respectfully submitted,

Rick Perry
Governor of Texas

(SEAL)
Hope Andrade
Secretary of State

PROVIDING FOR ADJOURNMENT

Representative Hunter moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

(D. Howard in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 3:45 p.m., adjourned until 10 a.m. tomorrow.

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

SECOND DAY — WEDNESDAY, JUNE 1, 2011

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

The roll of the house was called and a quorum was announced present (Record 2).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; 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; 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; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; 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, Excused — Hochberg; Lewis; Otto; Perry; Simpson.

The invocation was offered by Representative Hughes.

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

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Hochberg on motion of L. Gonzales.

Otto on motion of L. Gonzales.

Perry on motion of Isaac.

Simpson on motion of L. Gonzales.

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

Lewis on motion of Pitts.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Huberty on motion of Zerwas.

Schwertner on motion of Zerwas.

**PROCLAMATION BY THE GOVERNOR
OF THE STATE OF TEXAS**

The chair laid before the house and had read the following proclamation by the governor:

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-SECOND TEXAS LEGISLATURE, FIRST CALLED SESSION:

WHEREAS, the people of Texas, through their state constitution, have placed the power to call the legislature into special session in the hands of the chief executive officer of the state; and

WHEREAS, the members of the Eighty-Second Texas Legislature, First Called Session, have now convened to consider items presented to them by the governor;

NOW, THEREFORE, I, RICK PERRY, Governor of the State of Texas, by the authority vested in me by Article IV, Section 8, and Article III, Section 40, of the Texas Constitution, do hereby present the following subject matter to the Eighty-Second Texas Legislature, First Called Session, for consideration:

Legislation relating to congressional redistricting.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of this State to be affixed hereto at Austin, this 31st day of May 2011.

Respectfully submitted,

Rick Perry
Governor of Texas

(SEAL)
Hope Andrade
Secretary of State

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a funeral:

Torres on motion of Pitts.

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

Castro on motion of Farias.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Pitts requested permission for the Committee on Appropriations to meet while the house is in session, at 9 a.m. tomorrow, in E1.030, to consider **HB 1**, **HB 2**, and **HB 7**.

Permission to meet was granted.

RULES SUSPENDED

Representative Pitts moved to suspend all necessary rules to allow the Committee on Appropriations to consider **HB 1**, **HB 2**, and **HB 7** at 9 a.m. tomorrow in E1.030.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Appropriations, 9 a.m. tomorrow, E1.030, for a public hearing, to consider **HB 1**, **HB 2**, and **HB 7**.

LEAVE OF ABSENCE GRANTED

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

Driver on motion of Zerwas.

RECESS

Representative W. Smith moved that the house recess until 10 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 10:25 a.m., recessed until 10 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

HB 1 (By Pitts), Relating to certain state fiscal matters; providing penalties.
To Appropriations.

HB 2 (By Pitts), Relating to appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds; and declaring an emergency.

To Appropriations.

HB 4 (By Solomons), Relating to the composition of the congressional districts for the State of Texas.

To Redistricting.

HB 5 (By Kolkhorst), Relating to the Interstate Health Care Compact.
To Select State Sovereignty.

HB 7 (By Zerwas), Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state.
To Appropriations.

HB 13 (By Kolkhorst), Relating to the Medicaid program and alternate methods of providing health services to low-income persons in this state.
To Appropriations.

HB 27 (By Hochberg), Relating to reducing costs in public school extracurricular activities.
To Public Education.

HB 28 (By Hochberg), Relating to the eligibility of a student to participate in extracurricular activities or competitions after transferring or moving from one public school to another.
To Public Education.

HB 29 (By Hochberg), Relating to requirements for students to be assessed in certain subjects and in certain grades.
To Public Education.

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

SECOND DAY (CONTINUED) — THURSDAY, JUNE 2, 2011

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

The roll of the house was called and a quorum was announced present (Record 3).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; 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; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; 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; Lozano; 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; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; 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, Excused — Anderson, R.; Eiland; Harless; Lewis; Lucio; Sheets.

Absent — Miller, S.

The invocation was offered by Representative Phillips.

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

LEAVES OF ABSENCE GRANTED

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

R. Anderson on motion of Isaac.

Harless on motion of Geren.

Lewis on motion of Geren.

Lucio on motion of Geren.

Sheets on motion of Isaac.

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

Eiland on motion of Madden.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Phillips requested permission for the Committee on Redistricting to meet while the house is in session, at 10:45 a.m. today, in E1.004, to consider **HB 4**.

Permission to meet was granted.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

LEAVE OF ABSENCE GRANTED

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

Farias on motion of D. Howard.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Phillips requested permission for the Committee on Appropriations to meet while the house is in session, 9 a.m. tomorrow, in E1.030, to consider **HB 13** and pending business.

Permission to meet was granted.

Representative Phillips requested permission for the Committee on Appropriations to meet while the house is in session, at 9 a.m. Saturday, June 4, in E1.030, to consider pending business.

Permission to meet was granted.

LEAVE OF ABSENCE GRANTED

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

S. Miller on motion of Harper-Brown.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Eissler requested permission for the Committee on Public Education to meet while the house is in session, at 9 a.m. tomorrow, in E2.036, to consider **HB 6**, **HB 18**, **HB 19**, **HB 20**, and **HB 21**.

Permission to meet was granted.

RULES SUSPENDED

Representative Eissler moved to suspend all necessary rules to allow the Committee on Public Education to consider **HB 6, HB 18, HB 19, HB 20, and HB 21** at 9 a.m. tomorrow in E2.036.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Education, 9 a.m. tomorrow, E2.036, for a public hearing, to consider **HB 6, HB 18, HB 19, HB 20, and HB 21**.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

PROVIDING FOR ADJOURNMENT

Representative Hardcastle moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees and the receipt of messages from the senate, the house adjourn until 1 p.m. Monday, June 6.

The motion prevailed.

(Phillips in the chair)

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List Nos. 3 and 4.)

(Pitts in the chair)

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. 1 - Saturday, June 4).

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1 - Saturday, June 4.)

ADJOURNMENT

In accordance with a previous motion, the house, at 8:49 a.m. Saturday, June 4, adjourned until 1 p.m. Monday, June 6.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 6 (By Eissler), Relating to the foundation curriculum, the establishment of the instructional materials allotment, the adoption, review, and purchase of instructional materials and technological equipment for public schools, and the administration of state assessment instruments to public school students.

To Public Education.

HB 8 (By Eissler), Relating to flexibility for public schools to administer primary and secondary education efficiently.

To Public Education.

HB 18 (By Eissler), Relating to elementary class size limits in public schools.

To Public Education.

HB 19 (By Aycock), Relating to hearings on public school educator contracts.

To Public Education.

HB 20 (By Huberty), Relating to notice required for termination of a teacher's probationary contract or nonrenewal of a teacher's term contract.

To Public Education.

HB 21 (By Shelton), Relating to the reduction in force of teachers employed by a school district.

To Public Education.

HB 26 (By Madden), Relating to the containment of costs incurred in the correctional health care system.

To Corrections.

HB 32 (By Zerwas), Relating to creation of a study committee for the Interstate Health Care Compact.

To Appropriations.

HB 34 (By Madden), Relating to funding for basic civil legal services, indigent defense, and judicial technical support through certain fees and court costs and to the establishment of the judicial access and improvement account.

To Judiciary and Civil Jurisprudence.

HB 39 (By Shelton), Relating to revising, revoking, or denying renewal of charters of open-enrollment charter schools under certain circumstances.
To Public Education.

List No. 2

HB 33 (By S. Miller), Relating to providing for efficient government resource allocation.
To Government Efficiency and Reform.

List No. 3

HB 17 (By Callegari), Relating to the minimum salary for and minimum service required of certain public school employees.
To Government Efficiency and Reform.

HB 31 (By Callegari), Relating to school district personnel.
To Government Efficiency and Reform.

List No. 4

HB 30 (By Callegari), Relating to unpaid furloughs for state employees.
To Government Efficiency and Reform.

HB 46 (By Crownover), Relating to reducing state Medicaid and other health care costs by prohibiting smoking in certain public places; providing penalties.
To Appropriations.

List No. 1 - Saturday, June 4

HB 3 (By Smithee), 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.
To Insurance.

SB 1 to Appropriations.

SB 2 to Appropriations.

SB 6 to Public Education.

SB 7 to Appropriations.

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1 - Saturday, June 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Saturday, June 4, 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:

SB 1

Duncan

Relating to certain state fiscal matters; providing penalties.

SB 2

Ogden

Relating to appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds; and declaring an emergency.

SB 6

Shapiro

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; providing penalties.

SB 7

Nelson

Relating to the administration, quality, efficiency, and funding of health care, health and human services, and health benefits programs in this state; providing administrative and civil penalties.

Respectfully,

Patsy Spaw

Secretary of the Senate

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

THIRD DAY — MONDAY, JUNE 6, 2011

The house met at 1 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 4).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; 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; Garza; 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; 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, Excused — Alvarado; Chisum; Farias; Hilderbran; Keffer.

The invocation was offered by Representative Berman, as follows:

Lord, make me an instrument of your peace. Where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; and where there is sadness, joy.

O Divine Master, grant that I may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love; for it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to eternal life.

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

LEAVES OF ABSENCE GRANTED

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

Chisum on motion of Brown.

The following members were granted leaves of absence for today because of important business in the district:

Alvarado on motion of Brown.

Farias on motion of Raymond.

Hilderbran on motion of Madden.

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

Keffer on motion of Otto.

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Anchia on motion of D. Howard.

Johnson on motion of D. Howard.

**PROCLAMATION BY THE GOVERNOR
OF THE STATE OF TEXAS**

The chair laid before the house and had read the following proclamation by the governor:

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-SECOND TEXAS LEGISLATURE, FIRST CALLED SESSION:

WHEREAS, the people of Texas, through their state constitution, have placed the power to call the legislature into special session in the hands of the chief executive officer of the state; and

WHEREAS, the members of the Eighty-Second Texas Legislature, First Called Session, have now convened to consider items presented to them by the governor;

NOW, THEREFORE, I, RICK PERRY, Governor of the State of Texas, by the authority vested in me by Article IV, Section 8, and Article III, Section 40, of the Texas Constitution, do hereby present the following subject matter to the Eighty-Second Texas Legislature, First Called Session, for consideration:

Legislation relating to the operation of the Texas Windstorm Insurance Association.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 3rd day of June 2011.

Respectfully submitted,

Rick Perry

Governor of Texas

(SEAL)

Hope Andrade

Secretary of State

COMMITTEES GRANTED PERMISSION TO MEET

Representative Callegari requested permission for the Committee on Government Efficiency and Reform to meet while the house is in session, at 3 p.m. today, in E2.012, to consider previously posted business.

Permission to meet was granted.

Representative Creighton requested permission for the Select Committee on State Sovereignty to meet while the house is in session, at 1:30 p.m. today, in E2.010, to consider **HB 5**.

Permission to meet was 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:

Hochberg on motion of Turner.

PROVIDING FOR ADJOURNMENT

Representative Creighton moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees and the receipt of messages from the senate, the house adjourn until 10 a.m. tomorrow in memory of Mary Ruth Duke Loika of Austin.

The motion prevailed.

(Aycock in the chair)

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. 1).

ADJOURNMENT

In accordance with a previous motion, the house, at 9:41 a.m. Tuesday, June 7, adjourned until 10 a.m. today.

ADDENDUM

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
Tuesday, June 7, 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:

SB 4 Seliger

Relating to the composition of the congressional districts for the State of Texas.

SB 8 Shapiro

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

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

June 5

Appropriations - **HB 13, SB 1, SB 2, SB 7**

Public Education - **HB 18, HB 19, HB 20, HB 21**

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

FOURTH DAY — TUESDAY, JUNE 7, 2011

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

The roll of the house was called and a quorum was announced present (Record 5).

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

The invocation was offered by Representative Weber.

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

CAPITOL PHYSICIAN

The speaker recognized Representative Strama who presented Dr. Larry Kravitz of Austin as the "Doctor for the Day."

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

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Chisum on motion of Brown.

Hilderbran on motion of Brown.

Hochberg on motion of Raymond.

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

Anchia on motion of D. Howard.

Giddings on motion of Dutton.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List Nos. 1 and 2.)

LEAVE OF ABSENCE GRANTED

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

Driver on motion of Hancock.

SB 1 - COMMITTEE ON CALENDARS RULE ADOPTED

Pursuant to Rule 3, Section 5(2) and Rule 6, Section 16(f) of the House Rules, Representative Hunter moved to adopt the following rule governing floor consideration of **SB 1**:

All original amendments to **SB 1** that will be offered during second reading consideration must be filed with the chief clerk not later than 5 p.m. tomorrow.

The Committee on Calendars rule was adopted by (Record 6): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landroop; 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; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Chisum; Driver; Giddings; Hilderbran; Hochberg; Keffer.

Absent — Gallego; Turner.

SB 2 - COMMITTEE ON CALENDARS RULE ADOPTED

Pursuant to Rule 3, Section 5(2) and Rule 6, Section 16(f) of the House Rules, Representative Hunter moved to adopt the following rule governing floor consideration of **SB 2**:

All original amendments to **SB 2** that will be offered during second reading consideration must be filed with the chief clerk not later than 5 p.m. tomorrow.

The Committee on Calendars rule was adopted by (Record 7): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Chisum; Driver; Giddings; Hilderbran; Hochberg; Keffer.

Absent — Muñoz.

STATEMENT OF VOTE

When Record No. 7 was taken, I was in the house but away from my desk. I would have voted yes.

Muñoz

**HR 41 - ADOPTED
(by Darby)**

Representative Darby moved to suspend all necessary rules to take up and consider at this time **HR 41**.

The motion prevailed.

The following resolution was laid before the house:

HR 41, In memory of Mary Ruth Duke Loika of Austin.

HR 41 was read and was unanimously adopted by a rising vote.

On motion of Representative Darby, the names of all the members of the house were added to **HR 41** as signers thereof.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Solomons requested permission for the Committee on Redistricting to meet while the house is in session, at 9 a.m. Thursday, June 9, in E1.030, to consider **SB 4**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Redistricting, 9 a.m. Thursday, June 9, E1.030, for a formal meeting, to consider **SB 4**.

LEAVE OF ABSENCE GRANTED

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

Burnam on motion of D. Howard.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Education, upon adjournment today, Desk 56, for a formal meeting, to consider **SB 6**.

ADJOURNMENT

At 10:38 a.m., the speaker announced that the house would stand adjourned until 1 p.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

SB 4 to Redistricting.

SB 8 to Public Education.

List No. 2

HB 35 (By Alvarado), Relating to an increase in the cigarette tax, to the use of revenue from the tax, and to the enforcement of the tax.

To Ways and Means.

HB 36 (By Guillen), Relating to reimbursement for health care services provided at certain times to persons enrolled in the Medicaid managed care program.

To Public Health.

HB 37 (By Guillen), Relating to a pilot project to establish a comprehensive access point for long-term services and supports provided to older persons and persons with physical disabilities.

To Human Services.

HB 38 (By Guillen), Relating to the optional flexible school day program provided by school districts.

To Public Education.

HB 40 (By C. Anderson), Relating to an interlocal contract between a governmental entity and a purchasing cooperative to purchase roofing materials or services.

To State Affairs.

HB 41 (By Simpson), Relating to prosecution and punishment for the offense of official oppression by the intrusive touching of persons seeking access to public buildings and transportation; providing penalties.

To Criminal Jurisprudence.

HB 42 (By Callegari), Relating to the operation, powers, and duties of certain water districts.

To Natural Resources.

HB 43 (By C. Anderson), Relating to election through secret ballot of a labor union as the exclusive bargaining representative.

To Economic and Small Business Development.

HB 44 (By Dutton), Relating to the consolidation of, or detachment and annexation of territory in, certain school districts and the board of trustees of those districts.

To Public Education.

HB 45 (By Guillen), Relating to allocation of state and federal funds for adult basic education.

To Public Education.

HB 47 (By Bonnen), Relating to a person's ability to read and write in English as a qualification for service as a petit juror.

To Judiciary and Civil Jurisprudence.

HB 48 (By Weber), Relating to the governance of home-rule school districts.

To Public Education.

HB 49 (By Weber), Relating to personal leave provided for a school district employee who is a victim of certain assaults.

To Public Education.

HB 50 (By Weber), Relating to a disciplinary proceeding for a professional employee of a school district based on the employee's use of physical force against a student.

To Public Education.

HB 51 (By Weber), Relating to the authority of school districts to suspend teachers without pay pending discharge.

To Public Education.

HB 52 (By Weber), Relating to the right to a hearing before an independent hearing examiner of a public school teacher suspended without pay.

To Public Education.

HB 53 (By Callegari), Relating to the offense of coercing a person to have or seek an abortion and informed and voluntary consent for an abortion; providing penalties.

To State Affairs.

HB 54 (By Garza), Relating to equal opportunity for access by private and parochial school students to University Interscholastic League sponsored activities.

To Public Education.

HB 55 (By McClendon), Relating to increasing fiscal flexibility through the provision of state aid for certain juvenile justice alternative education programs that enter into certain revenue sharing agreements.

To Corrections.

HB 56 (By Larson), Relating to the regulation of certain animals.

To Culture, Recreation, and Tourism.

HB 60 (By Huberty), Relating to state control of teacher appraisal criteria, curriculum standards, and assessment instruments.

To Public Education.

HB 61 (By Flynn), Relating to inclusion of a course on the United States Constitution in the curriculum requirements for public high school students.

To Public Education.

HB 62 (By Flynn), Relating to the posting of the Ten Commandments in public school classrooms.

To Public Education.

HB 63 (By Flynn), Relating to a moratorium on administering assessment instruments to public school students under the public school accountability system.

To Public Education.

HB 64 (By Coleman), Relating to a county mental health services Medicaid waiver program.

To Appropriations.

HB 65 (By D. Howard), Relating to requirements for reapportionment of congressional districts.

To Redistricting.

HCR 11 (By Hartnett), Urging the federal government to grant a conditional green card to certain noncitizens to allow them to enlist in the United States armed forces and urging the federal government to award citizenship to these immigrants upon the completion of four years of honorable military service.

To State Affairs.

HJR 11 (By Legler), Proposing a constitutional amendment relating to the use of the assets of certain associations established by the legislature of this state for the purpose of providing certain insurance coverage.

To Insurance.

HJR 12 (By D. Howard), Proposing a constitutional amendment to establish certain principles and procedures for the drawing of congressional districts.

To Redistricting.

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

FIFTH DAY — WEDNESDAY, JUNE 8, 2011

The house met at 1 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 8).

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; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Garza; 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; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Absent, Excused — Creighton; Gallego; Hilderbran; Smithee; Truitt; Woolley.

Absent — Paxton.

The invocation was offered by Representative Perry.

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

LEAVES OF ABSENCE GRANTED

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

Gallego on motion of Hochberg.

Smithee on motion of Flynn.

Truitt on motion of Alvarado.

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

Woolley on motion of Weber.

The following members were granted leaves of absence for today because of important business in the district:

Creighton on motion of Madden.

Hilderbran on motion of Madden.

**PROCLAMATION BY THE GOVERNOR
OF THE STATE OF TEXAS**

The chair laid before the house and had read the following proclamation by the governor:

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-SECOND TEXAS LEGISLATURE, FIRST CALLED SESSION:

WHEREAS, the people of Texas, through their state constitution, have placed the power to call the legislature into special session in the hands of the chief executive officer of the state; and

WHEREAS, the members of the Eighty-Second Texas Legislature, First Called Session, have now convened to consider items presented to them by the governor;

NOW, THEREFORE, I, RICK PERRY, Governor of the State of Texas, by the authority vested in me by Article IV, Section 8, and Article III, Section 40, of the Texas Constitution, do hereby present the following subject matter to the Eighty-Second Texas Legislature, First Called Session, for consideration:

Legislation relating to the use of the federal Secure Communities Program by law enforcement agencies, the issuance of driver's licenses and personal identification certificates, and the abolishment of sanctuary cities in Texas.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 7th day of June 2011.

Respectfully submitted,

Rick Perry

Governor of Texas

(SEAL)

Hope Andrade

Secretary of State

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.)

**MAJOR STATE CALENDAR
SENATE BILLS
SECOND READING**

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

**CSSB 7 ON SECOND READING
(Zerwas - House Sponsor)**

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

Amendment No. 1

Representative Zerwas offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee printing) as follows:

(1) In SECTION 1.01 of the bill, in added Section 531.02417(d), Government Code (page 2, line 24), strike "An" and substitute "Unless the commissioner determines that the assessment is feasible and beneficial, an".

(2) In ARTICLE 1 of the bill, add the following appropriately numbered SECTION to the ARTICLE and renumber subsequent SECTIONS of that ARTICLE accordingly:

SECTION 1.____. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.074 to read as follows:

Sec. 32.074. ACCESS TO PERSONAL EMERGENCY RESPONSE SYSTEM. (a) In this section, "personal emergency response system" has the meaning assigned by Section 781.001, Health and Safety Code.

(b) The department shall ensure that each Medicaid recipient has access to a personal emergency response system, if necessary, without regard to the recipient's access to a landline telephone.

(3) In SECTION 4.01 of the bill, in added Section 848.052, Insurance Code, immediately following Subsection (d) (page 95, between lines 19 and 20), insert the following:

(d-1) If a health care collaborative includes hospital-based physicians, one member of the board must be a hospital-based physician.

(4) In SECTION 4.01 of the bill, strike added Section 848.053(a)(1), Insurance Code (page 96, line 24), and substitute the following:

(1) two members of the board of directors, of which one member is the hospital-based physician member, if the health care collaborative includes hospital-based physicians; and

(5) In SECTION 4.01 of the bill, after added Section 848.053(b), Insurance Code (page 97, between lines 7 and 8), insert the following:

(c) The compensation advisory committee shall make recommendations to the board of directors regarding all charges, fees, payments, distributions, or other compensation assessed for health care services provided by a physician or health care provider who participates in the health care collaborative.

(d) Except as provided by Subsections (e) and (f), the board of directors and the compensation advisory committee may not use or consider a government payor's payment rates in setting the charges or fees for health care services provided by a physician or health care provider who participates in the health care collaborative.

(e) The board of directors or the compensation advisory committee may use or consider a government payor's payment rates when setting the charges or fees for health care services paid by a government payor.

(f) This section does not prohibit a reference to a government payor's payment rates in agreements with health maintenance organizations, insurers, or other payors.

(g) After the compensation advisory committee submits a recommendation to the board of directors, the board shall formally approve or refuse the recommendation.

(h) For purposes of this section, "government payor" includes:

- (1) Medicare;
- (2) Medicaid;
- (3) the state child health plan program; and
- (4) the TRICARE Military Health System.

(6) In SECTION 4.01 of the bill, strike added Sections 848.103(c) and (d), Insurance Code (page 107, lines 13-21), and substitute the following:

(c) Except as provided by Subsection (d), a health care collaborative may not contract for and accept payment from a governmental or private entity on a prepaid, capitation, or indemnity basis unless the health care collaborative is licensed as a health maintenance organization or insurer. The department shall review a health care collaborative's proposed payment methodology in contracts with governmental or private entities to ensure compliance with this section.

(d) A health care collaborative may contract for and accept compensation on a prepaid or capitation basis from a health maintenance organization or insurer.

(7) In ARTICLE 7 of the bill, add the following appropriately numbered SECTION to the ARTICLE and renumber subsequent SECTIONS of that ARTICLE accordingly:

SECTION 7. ____ . Chapter 108, Health and Safety Code, is amended by adding Section 108.0131 to read as follows:

Sec. 108.0131. LIST OF PURCHASERS OR RECIPIENTS OF DATA. The department shall post on the department's Internet website a list of each entity that purchases or receives data collected under this chapter.

(8) Add the following appropriately numbered SECTION to ARTICLE 11 of the bill and renumber subsequent SECTIONS of that ARTICLE accordingly:

SECTION 11. ____ . It is the intent of the legislature that the Health and Human Services Commission take any action the commission determines is necessary and appropriate, including expedited and emergency action, to ensure the timely implementation of the relevant provisions of this bill and the corresponding assumptions reflected in **HB 1**, 82nd Legislature, Regular Session (General Appropriations Act), by September 1, 2011, or the effective date of this

Act, whichever is later, including the adoption of administrative rules, the preparation and submission of any required waivers or state plan amendments, and the preparation and execution of any necessary contract changes or amendments.

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

ARTICLE ____ IMPROVING NUTRITION AND HEALTH OUTCOMES
AMONG RECIPIENTS OF SUPPLEMENTAL NUTRITION ASSISTANCE
PROGRAM BENEFITS

SECTION _____.01. The legislature finds that:

(1) Texans are committed to ensuring the health of families and children and understand the importance of the effect preventive health care measures have on population health and the state economy;

(2) consuming healthy foods such as fruits, vegetables, whole grains, fat-free and low-fat dairy products, and seafood and consuming fewer foods with sodium, saturated and trans fats, added sugars, and refined grains are important preventive health care measures; and

(3) public benefits programs that provide recipients with access to an adequate and nutritional diet should incorporate sound nutritional principles and promote the health and well-being of recipients.

SECTION _____.02. (a) The executive commissioner of the Health and Human Services Commission shall develop and seek a waiver or other appropriate authorization from the United States secretary of agriculture under Section 17, Food and Nutrition Act of 2008 (7 U.S.C. Section 2026), to make changes to the supplemental nutrition assistance program provided under Chapter 33, Human Resources Code, to improve nutrition and health outcomes among recipients of benefits under the program.

(b) In developing the waiver or other authorization under Subsection (a) of this section, the executive commissioner of the Health and Human Services Commission may consider the feasibility, including the costs and benefits, of:

(1) restricting the purchase of certain food items with minimal nutritional value under the supplemental nutrition assistance program; and

(2) promoting healthy food choices by recipients of benefits under the program.

(c) In developing the waiver or other authorization under Subsection (a) of this section, the executive commissioner of the Health and Human Services Commission shall solicit input from interested persons, including state agencies that administer nutritional assistance programs, nonprofit organizations that administer hunger relief programs, health care providers, nutrition experts, food retailers, and food industry representatives.

(d) As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall apply for and actively pursue the waiver or other authorization as required by Subsection (a) of this section.

Amendment No. 2

Representative Geren offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Zerwas to **CSSB 7** by striking item (9) of the amendment (page 4, line 5 through page 5, line 21).

(Paxton now present)

Representative Zerwas moved to table Amendment No. 2.

The motion to table was lost by (Record 9): 28 Yeas, 110 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Brown; Burkett; Cain; Callegari; Christian; Davis, J.; Deshotel; Gutierrez; Hochberg; Hopson; Howard, D.; Hughes; Isaac; Kolkhorst; Lewis; Morrison; Muñoz; Pitts; Raymond; Shelton; Simpson; Strama; Taylor, V.; Weber; White; Zerwas.

Nays — Aliseda; Allen; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burnam; Button; Carter; Castro; Chisum; Coleman; Cook; Craddock; Crownover; Darby; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Howard, C.; Huberty; Hunter; Jackson; Johnson; King, P.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Price; Quintanilla; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Smith, T.; Smith, W.; Solomons; Taylor, L.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; Workman; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Creighton; Gallego; Hilderbran; Smithee; Truitt; Woolley.

Absent — Garza; Giddings; Guillen; Keffer; King, S.

STATEMENTS OF VOTE

I was shown voting no on Record No. 9. I intended to vote yes.

Crownover

I was shown voting no on Record No. 9. I intended to vote yes.

C. Howard

When Record No. 9 was taken, I was in the house but away from my desk. I would have voted yes.

S. King

I was shown voting yes on Record No. 9. I intended to vote no.

Muñoz

I was shown voting no on Record No. 9. I intended to vote yes.

W. Smith

I was shown voting no on Record No. 9. I intended to vote yes.

L. Taylor

Amendment No. 2 was adopted.

Amendment No. 3

Representative Zerwas offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Zerwas to **CSSB 7** (house committee printing), in added Section 32.074, Human Resources Code (page 1, line 15), between "recipient" and "has" by inserting "enrolled in a home and community-based services waiver program that includes a personal emergency response system as a service".

Amendment No. 3 was adopted.

Amendment No. 1, as amended, was adopted.

Amendment No. 4

Representative D. Howard offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee printing) in SECTION 1.01(a) of the bill as follows:

(1) In added Section 531.02417(b), Government Code (page 1, line 16), between "cost-effective" and the underlined comma, insert "and in the best interests of Medicaid recipients".

(2) In added Section 531.02417(b)(1)(A), Government Code (page 1, line 22), strike "a state employee or contractor" and substitute "or under the direction of the recipient's personal physician who is licensed to practice in this state, or by a physician, physician assistant, registered nurse, or nurse practitioner who is licensed to practice in this state, and".

Amendment No. 4 was adopted.

Amendment No. 5

Representative Naishtat offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee printing), on page 44, by striking lines 7 and 8 and substituting the following:

(6) at least three members who are consumer representatives as follows:

(A) one member who is a recipient of long-term care services;

(B) one member who is a non-elderly consumer with disabilities;

and

(C) one member who is represents families with children; and

Amendment No. 5 was adopted.

Amendment No. 6

Representative Brown offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee printing) as follows:

(1) In the recital to SECTION 1.15 of the bill (page 63, line 11), strike "Section 531.0697" and substitute "Sections 531.0696 and 531.0697".

(2) In SECTION 1.15 of the bill, immediately following the recital (page 63, between lines 11 and 12), insert the following:

Sec. 531.0696. CONSIDERATIONS IN AWARDING CERTAIN CONTRACTS. The commission may not contract with a managed care organization, including a health maintenance organization, or a pharmacy benefit manager if, in the preceding three years, the organization or pharmacy benefit manager, in connection with a bid, proposal, or contract with a governmental entity:

(1) made a material misrepresentation or committed fraud;

(2) was convicted of violating a state or federal law; or

(3) was assessed a penalty or fine in the amount of \$500,000 or more in a state or federal administrative proceeding.

Representative Zerwas moved to table Amendment No. 6.

The motion to table was lost by (Record 10): 7 Yeas, 133 Nays, 1 Present, not voting.

Yeas — Davis, J.; Geren; Jackson; Lyne; Margo; Shelton; Zerwas.

Nays — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycok; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Crownover; Darby; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Madden; Mallory Caraway; 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; Simpson; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Creighton; Gallego; Hilderbran; Smithee; Truitt; Woolley.

Absent — Garza; Hardcastle; King, S.

STATEMENT OF VOTE

I was shown voting yes on Record No. 10. I intended to vote no.

Geren

Amendment No. 6 was adopted.

Amendment No. 7

Representative Hughes offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee printing) in SECTION 1.19 of the bill, in added Section 531.0025(a)(1)(A), Government Code (page 68, lines 3-4), by striking "and local community health clinics" and substituting "local community health clinics, and federally qualified health centers".

Amendment No. 7 was adopted.

Amendment No. 8

Representative Zedler offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee printing) as follows:

(1) In the recital to SECTION 1.19(b) of the bill (page 68, line 19), strike "Subsection (c-1)" and substitute "Subsections (c-1) and (c-2)".

(2) In SECTION 1.19(b) of the bill (page 68, between lines 26 and 27), insert the following:

(c-2) A physician who, under the medical assistance program, provides an abortion other than an abortion described by Subsection (c-1) shall report to the department not later than the 30th day after the date the abortion is provided:

(1) the type of abortion provided by the physician; and

(2) the cost of each abortion provided.

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

ARTICLE ____ . REPORTING REQUIREMENTS REGARDING ABORTION AND RELATED MEDICAL PROCEDURES

SECTION ____ .01. Chapter 171, Health and Safety Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. REPORTING REQUIREMENTS

Sec. 171.051. REPORTING REQUIREMENTS. (a) Not later than the 15th day of each month, a physician by mail shall submit to the department the abortion reporting form required by Section 171.052 for each abortion performed by the physician in the preceding calendar month.

(b) As soon as practicable, but not later than 48 hours after the time of diagnosis or treatment, a physician by mail shall submit to the department the complication reporting form required by Section 171.053 for each illness or injury of a woman in the preceding calendar year that:

(1) the physician determines was caused by a medical complication resulting from an abortion for which the physician treated the woman; or

(2) the woman suspects was caused by a medical complication resulting from an abortion for which the physician treated the woman.

(c) The reports submitted to the department as required by this subchapter may not by any means identify the name of a woman on whom an abortion is performed.

Sec. 171.052. ABORTION REPORTING FORM; PARTIAL EXCEPTION. (a) A physician shall report to the department on the form prescribed by the department the information required by this section for each abortion performed by the physician.

(b) The form must include:

(1) the following information, which must be completed by the woman before anesthesia is administered or the abortion is performed:

(A) the woman's:

(i) age;
(ii) race or ethnicity;
(iii) marital status; and
(iv) municipality, county, state, and nation of residence and whether that residence is 100 miles or more from the facility where the abortion is to be performed;

(B) the woman's highest level of education, selected by checking one of the following:

(i) did not receive any high school education;
(ii) received some high school education but did not graduate;
(iii) is a high school graduate or recipient of a high school equivalency certificate;

(iv) received some college education but is not a college graduate;

(v) obtained an associate's degree;

(vi) obtained a bachelor's degree;

(vii) obtained a master's degree;

(viii) obtained a doctoral degree; or

(ix) received other education (specify): _____;

(C) the age of the father of the unborn child at the time of the abortion;

(D) the method or methods of contraception used at the time the unborn child was conceived, selected by checking all applicable methods from the following list:

(i) condoms;

(ii) spermicide;

(iii) male sterilization;

(iv) female sterilization;

(v) an injectable contraceptive;

(vi) an inter-uterine device;

(vii) mini pills;

(viii) combination pills;

(ix) a diaphragm;

(x) a cervical cap or vaginal contraceptive ring;

(xi) a contraceptive patch;

(xii) a sponge;
(xiii) a calendar-based contraceptive method, including rhythm method or natural family planning or fertility awareness;

(xiv) withdrawal;

(xv) no method of contraception; or

(xvi) other method (specify): _____;

(E) a space for the woman to indicate the specific reason the abortion is to be performed, selected from the following list:

(i) the woman was coerced or forced to have the abortion;

(ii) the woman does not want any more children;

(iii) economic reasons;

(iv) the woman's unborn child has been diagnosed with one or more health problems that are documented in the woman's medical records;

(v) the father of the unborn child opposes the pregnancy;

(vi) the woman's parent opposes the pregnancy;

(vii) the woman fears a loss of family support;

(viii) the woman fears losing her job;

(ix) a school counselor recommends abortion;

(x) a physician recommends abortion;

(xi) the pregnancy is the result of rape;

(xii) the pregnancy is the result of incest;

(xiii) the woman does not prefer the gender of the unborn child; or

(xiv) the woman does not want to complete this section;

(F) the number of the woman's previous live births;

(G) the number of induced abortions the woman has previously undergone;

(H) the number of miscarriages the woman has previously experienced;

(I) the source of the woman's referral to the physician for the abortion, selected from the following list:

(i) a physician;

(ii) the woman herself;

(iii) a friend or family member of the woman;

(iv) a member of the clergy;

(v) a school counselor;

(vi) a social services agency;

(vii) the department;

(viii) a family planning clinic; or

(ix) other (specify): _____;

(J) the method of payment for the abortion, selected from the following list:

(i) private insurance;

(ii) a public health plan;

(iii) personal payment by cash; or

(iv) personal payment by check or credit card;

(K) whether the woman availed herself of the opportunity to view the printed information required under Subchapter B and, if so, whether the woman viewed the information described by Section 171.014 in printed form or on the department's Internet website;

(L) whether the sonogram image, verbal explanation of the image, and audio of the heart auscultation described by Section 171.012(a)(4) were made available to the woman; and

(M) whether the woman availed herself of the opportunity to receive the sonogram image, verbal explanation of the image, and audio of the heart auscultation described by Section 171.012(a)(4); and

(2) the following information, which must be completed by the physician:

(A) the name of the facility at which the abortion was performed, the municipality and county in which the facility is located, and the type of facility at which the abortion was performed, selected from the following list:

(i) an abortion facility licensed under Chapter 245;

(ii) a private office of a licensed physician;

(iii) a licensed hospital;

(iv) a licensed hospital satellite clinic; or

(v) an ambulatory surgical center licensed under Chapter 243;

(B) the license number, area of specialty, and signature of the physician who performed the abortion;

(C) a statement that the physician screened the woman to determine whether:

(i) coercion, as defined by Section 1.07, Penal Code, is a reason that the woman is seeking the abortion; and

(ii) the woman is a victim of an offense described by Section 22.011(a)(2), Penal Code;

(D) the type of the abortion procedure performed, selected from the following list:

(i) chemical abortion, specifying the chemical used;

(ii) suction and curettage;

(iii) dilation and curettage;

(iv) dilation and evacuation;

(v) dilation and extraction;

(vi) labor and induction;

(vii) hysterotomy or hysterectomy; or

(viii) other (specify): _____;

(E) the date the abortion was performed;

(F) whether the woman survived the abortion and, if the woman did not survive, the cause of the woman's death;

(G) the number of fetuses aborted;

(H) the number of weeks of gestation at which the abortion was performed, based on the best medical judgment of the attending physician performing the procedure, and the weight of the fetus or fetuses, if determinable;

(I) the method of pregnancy verification, selected from the following list:

- (i) urine test;
- (ii) clinical laboratory test;
- (iii) ultrasound;
- (iv) not tested; or
- (v) other (specify): _____;

(J) the total fee collected from the patient by the physician for performing the abortion, including any services related to the abortion;

(K) whether the abortion procedure was:

- (i) covered by fee-for-service insurance;
- (ii) covered by a managed care benefit plan;
- (iii) covered by another type of health benefit plan (specify): _____;
- or
- (iv) not covered by insurance or a health benefit plan;

(L) the type of anesthetic, if any, used on the woman during the abortion;

(M) the type of anesthetic, if any, used on the unborn child or children during the abortion;

(N) the method used to dispose of fetal tissue and remains;

(O) complications of the abortion, including:

- (i) none;
- (ii) shock;
- (iii) uterine perforation;
- (iv) cervical laceration;
- (v) hemorrhage;
- (vi) aspiration or allergic response;
- (vii) infection or sepsis;
- (viii) infant or infants born alive;
- (ix) death of woman; or
- (x) other (specify): _____;

(P) if an infant was born alive during the abortion:

(i) whether life-sustaining measures were provided to the infant; and

(ii) the period of time the infant survived; and

(Q) for each abortion performed on a woman who is younger than 18 years of age:

(i) whether:

(a) the minor's parent, managing conservator, or legal guardian provided the written consent required by Section 164.052(a)(19), Occupations Code;

(b) the minor obtained judicial authorization under Section 33.003 or 33.004, Family Code, for the minor to consent to the abortion;

(c) the woman is emancipated and permitted under law to have the abortion without the written consent required by Section 164.052(a)(19), Occupations Code, or judicial authorization; or

(d) the physician concluded and documented in writing in the patient's medical record that on the basis of the physician's good faith clinical judgment a condition existed that complicated the medical condition of the pregnant minor and necessitated the immediate abortion of her pregnancy to avert her death or to avoid a serious risk of substantial impairment of a major bodily function and that there was insufficient time to obtain the consent of the minor's parent, managing conservator, or legal guardian;

(ii) if the minor's parent, managing conservator, or legal guardian gave written consent, whether the consent was given:

(a) in person at the time of the abortion; or

(b) at a place other than the location where the abortion was performed; and

(iii) if the minor obtained judicial authorization:

(a) the process the physician or physician's agent used to inform the minor of the availability of judicial bypass as an alternative to the written consent required by Section 164.052(a)(19), Occupations Code;

(b) whether court forms were provided to the minor; and

(c) who made arrangements for the minor for the court appearance.

(c) The information required by Subsection (b)(1) must be at the top of the form. The information required by Subsection (b)(2) must be at the bottom of the form.

(d) A woman is required to complete the information required by Subsection (b)(1) unless the abortion is medically necessary, as certified by a physician, to prevent death or the serious risk of substantial impairment of a major bodily function resulting from a life-threatening physical condition that is aggravated by, is caused by, or arises from the woman's pregnancy.

(e) If the woman does not complete the required information, the physician who performs the abortion shall include in the woman's medical file a signed written statement certifying the nature of the medical emergency described by Subsection (d).

(f) A physician shall maintain a copy of each completed form in the woman's medical file until the later of:

(1) the seventh anniversary of the date on which the form was signed; or

(2) the woman's 25th birthday.

(g) A physician or the physician's agent shall provide to each woman required to complete a form under this section a copy of the completed form before the woman leaves the facility where the abortion was performed.

(h) The department shall make the abortion reporting form available on the department's Internet website.

(i) The form prescribed by this section must comply with the requirements of Section 171.014(b)(1).

Sec. 171.053. COMPLICATION REPORTING FORM. (a) A physician shall report to the department on the form prescribed by the department the information required by this section on the physician's treatment of an illness or injury related to a medical complication resulting from the performance of an abortion.

(b) The form must include the following information to be completed by the physician providing the treatment:

(1) the date of the abortion that caused or may have caused the complication;

(2) the type of abortion that caused or may have caused the complication, selected from the following list:

(A) chemical abortion, specifying the chemical used;

(B) suction and curettage;

(C) dilation and curettage;

(D) dilation and evacuation;

(E) dilation and extraction;

(F) labor and induction;

(G) hysterotomy or hysterectomy; or

(H) other (specify): _____;

(3) the name and type of the facility where the abortion complication was diagnosed and treated, selected from the following list:

(A) an abortion facility licensed under Chapter 245;

(B) a private office of a licensed physician;

(C) a licensed hospital;

(D) a licensed hospital satellite clinic; or

(E) an ambulatory surgical center licensed under Chapter 243;

(4) the name and type of the facility where the abortion was provided, if known;

(5) the license number, area of specialty, and signature of the physician who treated the abortion complication;

(6) the date on which the abortion complication was treated;

(7) a description of the complication or complications, selected from the following list:

(A) none;

(B) shock;

(C) uterine perforation;

(D) cervical laceration;

(E) hemorrhage;

(F) aspiration or allergic response;

(G) infection or sepsis;

(H) infant or infants born alive;

(I) death of woman; or

(J) other (specify): _____;

(8) the number of weeks of gestation at which the abortion was performed, based on the best medical judgment of the attending physician at the time of the treatment for the complication;

- (9) the number of the woman's previous live births;
(10) the number of previous induced abortions the woman has undergone;
(11) the number of miscarriages the woman has previously experienced;
(12) whether the treatment for the complication was paid for by:
(A) private insurance;
(B) a public health plan;
(C) personal payment by cash; or
(D) personal payment by check or credit card;
(13) the total fee collected by the physician for treatment of the complication;
(14) whether the treatment for the complication was:
(A) covered by fee-for-service insurance;
(B) covered by a managed care benefit plan;
(C) covered by another type of health benefit plan (specify):
_____ ; or
(D) not covered by insurance or a health benefit plan; and
(15) the type of follow-up care recommended by the physician after the physician provides treatment for the complication.

(c) A physician shall maintain a copy of each completed form in the woman's medical file until the later of:

- (1) the seventh anniversary of the date on which the form was signed;
or
(2) the woman's 25th birthday.

(d) A physician or the physician's agent shall provide to each woman for whom a form is completed under this section a copy of the completed form before the woman leaves the facility where the treatment was received.

(e) The department shall make the complication form available on the department's Internet website.

(f) The form prescribed by this section must comply with the requirements of Section 171.014(b)(1).

Sec. 171.054. CONFIDENTIAL INFORMATION. (a) Except as provided by Section 171.057 and Subsection (b), all information received or maintained by the department under this subchapter is confidential and is not subject to disclosure under Chapter 552, Government Code.

(b) A department employee may disclose information described by Subsection (a):

- (1) for statistical purposes, but only if a person or facility is not identified;
(2) to a medical professional, a state agency, or a county or district court for purposes of enforcing this chapter or Chapter 245; or
(3) to a state licensing board for purposes of enforcing state licensing laws.

Sec. 171.055. PENALTIES. (a) The commissioner of state health services may assess an administrative penalty against a physician who fails to submit a report within the time required by Section 171.051 in the amount of \$500 for each 30-day period or portion of a 30-day period the report remains overdue.

(b) The commissioner may bring an action against a physician who fails to file a report required under Section 171.051 before the first anniversary of the date the report was due to compel the physician to submit a complete report within a time stated by the court order or be subject to sanctions for civil contempt.

Sec. 171.056. OFFENSE; CRIMINAL PENALTY. (a) A physician commits an offense if:

(1) the physician fails to submit a report required by this subchapter;

(2) the physician intentionally, knowingly, or recklessly submits false information in a report required by this subchapter;

(3) the physician includes in a report required by this subchapter the name or identifying information of a woman on whom the physician performed an abortion; or

(4) the physician or the physician's agent discloses identifying information that is confidential under Section 171.054.

(b) An offense under this section is a Class A misdemeanor.

Sec. 171.057. PUBLIC DATA POSTING BY DEPARTMENT. (a) In order to assess the quality and efficiency of health care, the department shall aggregate the data that details the information reported under Section 171.051 during the preceding calendar year.

(b) Not later than April 1 of each year, the department shall post on the department's Internet website the statistical data aggregated under Subsection (a).

(c) Each posting under Subsection (b) must include data from the postings made under this section in previous years, including updated or corrected information for those postings. Each Internet web page containing a posting from a previous year must indicate at the bottom of the web page the date on which the data contained on the web page was most recently updated or corrected.

(d) The department shall ensure that a posting made under this section does not contain any information that could reasonably lead to the identification of:

(1) a woman on whom an abortion was performed or who received treatment for a complication resulting from an abortion; or

(2) a physician who performed an abortion or treated a complication resulting from an abortion.

SECTION ____ .02. Section 245.001, Health and Safety Code, is amended to read as follows:

Sec. 245.001. SHORT TITLE. This chapter may be cited as the Texas Abortion Facility [Reporting and] Licensing Act.

SECTION ____ .03. Section 245.005(e), Health and Safety Code, is amended to read as follows:

(e) As a condition for renewal of a license, the licensee must submit to the department the annual license renewal fee and an annual report[~~including the report required under Section 245.011~~].

SECTION _____.04. Section 248.003, Health and Safety Code, is amended to read as follows:

Sec. 248.003. EXEMPTIONS. This chapter does not apply to:

(1) a home and community support services agency required to be licensed under Chapter 142;

(2) a person required to be licensed under Chapter 241 (Texas Hospital Licensing Law);

(3) an institution required to be licensed under Chapter 242;

(4) an ambulatory surgical center required to be licensed under Chapter 243 (Texas Ambulatory Surgical Center Licensing Act);

(5) a birthing center required to be licensed under Chapter 244 (Texas Birthing Center Licensing Act);

(6) a facility required to be licensed under Chapter 245 (Texas Abortion Facility [~~Reporting and~~] Licensing Act);

(7) a child care institution, foster group home, foster family home, and child-placing agency, for children in foster care or other residential care who are under the conservatorship of the Department of Family and Protective [~~and Regulatory~~] Services; or

(8) a person providing medical or nursing care or services under a license or permit issued under other state law.

SECTION _____.05. Effective January 1, 2012, Section 245.011, Health and Safety Code, is repealed.

SECTION _____.06. (a) Not later than December 1, 2011, the Department of State Health Services shall make available the forms required by Sections 171.052 and 171.053, Health and Safety Code, as added by this article.

(b) Notwithstanding Section 171.051, Health and Safety Code, as added by this article, a physician is not required to submit a report required by Section 171.051, Health and Safety Code, as added by this article, before January 1, 2012.

SECTION _____.07. Not later than April 1, 2013, the Department of State Health Services shall make the data posting required by Section 171.057, Health and Safety Code, as added by this article.

SECTION _____.08. (a) Except as provided by Subsection (b) of this section, this article takes effect on the 91st day after the last day of the legislative session.

(b) Section 171.056, Health and Safety Code, as added by this article, and Sections 245.001, 245.005, and 248.003, Health and Safety Code, as amended by this article, take effect January 1, 2012.

Amendment No. 8 was adopted. (Anchia and Strama recorded voting no.)

Amendment No. 9

Representative Simpson offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee printing) by adding the following appropriately lettered subsection to SECTION 1.19 of the bill and relettering subsequent subsections of SECTION 1.19 accordingly:

() Subchapter A, Chapter 171, Health and Safety Code, is amended by adding Section 171.006 to read as follows:

Sec. 171.006. PROHIBITED USE OF STATE OR GOVERNMENTAL ENTITY RESOURCES. This state or a governmental entity in this state may not provide support to a person or facility that performs abortions or provides abortion-related services. Support includes:

(1) directly or indirectly using state or local tax revenue to finance the performance of an abortion or a service related to an abortion; and

(2) providing preferential access to assets that are owned or controlled by this state or a governmental entity in this state through a lease, contract, or other agreement.

Amendment No. 9 - Point of Order

Representative D. Howard raised a point of order against further consideration of Amendment No. 9 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 9.

Amendment No. 10

Representative S. King offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee printing), in ARTICLE 7 of the bill, by adding the following appropriately numbered SECTIONS to the article and renumbering subsequent SECTIONS of that article accordingly:

SECTION 7.____. Chapter 108, Health and Safety Code, is amended by adding Section 108.0131 to read as follows:

Sec. 108.0131. NOTICE REQUIRED. A provider who submits data under Section 108.009 shall provide notice to the provider's patients that:

(1) the provider submits data as required by this chapter; and

(2) the data may be sold, collected, identified, or distributed to third parties.

SECTION 7.____. A health care provider is not required to comply with the requirements of Section 108.0131, Health and Safety Code, as added by this Act, before October 1, 2012.

Amendment No. 10 was adopted.

Amendment No. 11

Representatives Riddle and Simpson offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee printing) in SECTION 8.02 of the bill, in added Section 224.002(c), Health and Safety Code (page 136, line 11), by striking "The policy may" and substituting "The policy must".

Representative Zerwas moved to table Amendment No. 11.

The motion to table prevailed by (Record 11): 84 Yeas, 52 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Aycock; Branch; Burnam; Button; Callegari; Castro; Chisum; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Frullo; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gutierrez; Hamilton; Hernandez Luna; Hochberg; Hopson; Howard, D.; Hunter; Johnson; Keffer; King, T.; Kleinschmidt; Kuempel; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Oliveira; Peña; Pickett; Pitts; Price; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheffield; Shelton; Smith, T.; Solomons; Strama; Taylor, L.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; Workman; Zerwas.

Nays — Aliseda; Allen; Anderson, C.; Anderson, R.; Beck; Berman; Bonnen; Brown; Burkett; Cain; Carter; Christian; Elkins; Fletcher; Flynn; Geren; Gooden; Guillen; Hancock; Hardcastle; Harless; Harper-Brown; Howard, C.; Huberty; Isaac; Jackson; King, P.; King, S.; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Legler; Madden; Morrison; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Quintanilla; Raymond; Riddle; Sheets; Simpson; Smith, W.; Taylor, V.; White; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Creighton; Gallego; Hilderbran; Smithee; Truitt; Woolley.

Absent — Bohac; Farrar; Garza; Hartnett; Hughes; Nash; Weber.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 11. I intended to vote no.

Crownover

I was shown voting yes on Record No. 11. I intended to vote no.

L. Taylor

When Record No. 11 was taken, I was in the house but away from my desk. I would have voted no.

Weber

Amendment No. 12

Representative Menendez offered the following amendment to **CSSB 7**:

Amend **CSSB 7** by adding the following and renumbering the sections accordingly:

SECTION 1. Subtitle B, Title 4, Health and Safety Code, is amended by adding Chapter 260 to read as follows:

CHAPTER 260. REPORTS OF ABUSE, NEGLECT, AND EXPLOITATION OF RESIDENTS OF CERTAIN FACILITIES

Sec. 260.001. DEFINITIONS. In this chapter:

(1) "Abuse" means:

(A) the negligent or wilful infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical or emotional harm or pain to a resident by the resident's caregiver, family member, or other individual who has an ongoing relationship with the resident; or

(B) sexual abuse of a resident, including any involuntary or nonconsensual sexual conduct that would constitute an offense under Section 21.08, Penal Code (indecent exposure), or Chapter 22, Penal Code (assaultive offenses), committed by the resident's caregiver, family member, or other individual who has an ongoing relationship with the resident.

(2) "Department" means the Department of Aging and Disability Services.

(3) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(4) "Exploitation" means the illegal or improper act or process of a caregiver, family member, or other individual who has an ongoing relationship with the resident using the resources of a resident for monetary or personal benefit, profit, or gain without the informed consent of the resident.

(5) "Facility" means:

(A) an institution as that term is defined by Section 242.002; and

(B) an assisted living facility as that term is defined by Section 247.002.

(6) "Neglect" means the failure to provide for one's self the goods or services, including medical services, which are necessary to avoid physical or emotional harm or pain or the failure of a caregiver to provide such goods or services.

(7) "Resident" means an individual, including a patient, who resides in a facility.

Sec. 260.002. REPORTING OF ABUSE, NEGLECT, AND EXPLOITATION. (a) A person, including an owner or employee of a facility, who has cause to believe that the physical or mental health or welfare of a resident has been or may be adversely affected by abuse, neglect, or exploitation caused by another person shall report the abuse, neglect, or exploitation in accordance with this chapter.

(b) Each facility shall require each employee of the facility, as a condition of employment with the facility, to sign a statement that the employee realizes that the employee may be criminally liable for failure to report those abuses.

(c) A person shall make an oral report immediately on learning of the abuse, neglect, or exploitation and shall make a written report to the department not later than the fifth day after the oral report is made.

Sec. 260.003. CONTENTS OF REPORT. (a) A report of abuse, neglect, or exploitation is nonaccusatory and reflects the reporting person's belief that a resident has been or will be abused, neglected, or exploited or has died of abuse or neglect.

(b) The report must contain:

(1) the name and address of the resident;

(2) the name and address of the person responsible for the care of the resident, if available; and

(3) other relevant information.

(c) Except for an anonymous report under Section 260.004, a report of abuse, neglect, or exploitation under Section 260.002 should also include the address or phone number of the person making the report so that an investigator can contact the person for any necessary additional information. The phone number, address, and name of the person making the report must be deleted from any copy of any type of report that is released to the public, to the facility, or to an owner or agent of the facility.

Sec. 260.004. ANONYMOUS REPORTS OF ABUSE, NEGLECT, OR EXPLOITATION. (a) An anonymous report of abuse, neglect, or exploitation, although not encouraged, shall be received and acted on in the same manner as an acknowledged report.

(b) An anonymous report about a specific individual that accuses the individual of abuse, neglect, or exploitation need not be investigated.

Sec. 260.005. TELEPHONE HOTLINE; PROCESSING OF REPORTS.

(a) The department shall operate the department's telephone hotline to:

(1) receive reports of abuse, neglect, or exploitation; and

(2) dispatch investigators.

(b) A report of abuse, neglect, or exploitation shall be made to the department's telephone hotline or to a local or state law enforcement agency. A report made relating to abuse, neglect, or exploitation or another complaint described by Section 260.007(c)(1) shall be made to the department's telephone hotline and to the law enforcement agency described by Section 260.017(a).

(c) Except as provided by Section 260.017, a local or state law enforcement agency that receives a report of abuse, neglect, or exploitation shall refer the report to the department.

Sec. 260.006. NOTICE. (a) Each facility shall prominently and conspicuously post a sign for display in a public area of the facility that is readily available to residents, employees, and visitors.

(b) The sign must include the statement: CASES OF SUSPECTED ABUSE, NEGLECT, OR EXPLOITATION SHALL BE REPORTED TO THE TEXAS DEPARTMENT OF AGING AND DISABILITY SERVICES BY CALLING (insert telephone hotline number).

(c) A facility shall provide the telephone hotline number to an immediate family member of a resident of the facility upon the resident's admission into the facility.

Sec. 260.007. INVESTIGATION AND REPORT OF DEPARTMENT. (a) The department shall make a thorough investigation after receiving an oral or written report of abuse, neglect, or exploitation under Section 260.002 or another complaint alleging abuse, neglect, or exploitation.

(b) The primary purpose of the investigation is the protection of the resident.

(c) The department shall begin the investigation:

(1) within 24 hours after receipt of the report or other allegation, if the report of abuse, neglect, exploitation, or other complaint alleges that:

(A) a resident's health or safety is in imminent danger;

(B) a resident has recently died because of conduct alleged in the report of abuse, neglect, exploitation, or other complaint;

(C) a resident has been hospitalized or been treated in an emergency room because of conduct alleged in the report of abuse, neglect, exploitation, or other complaint;

(D) a resident has been a victim of any act or attempted act described by Section 21.02, 21.11, 22.011, or 22.021, Penal Code; or

(E) a resident has suffered bodily injury, as that term is defined by Section 1.07, Penal Code, because of conduct alleged in the report of abuse, neglect, exploitation, or other complaint; or

(2) before the end of the next working day after the date of receipt of the report of abuse, neglect, exploitation, or other complaint, if the report or complaint alleges the existence of circumstances that could result in abuse, neglect, or exploitation and that could place a resident's health or safety in imminent danger.

(d) The department shall adopt rules governing the conduct of investigations, including procedures to ensure that the complainant and the resident, the resident's next of kin, and any person designated to receive information concerning the resident receive periodic information regarding the investigation.

(e) In investigating the report of abuse, neglect, exploitation, or other complaint, the investigator for the department shall:

(1) make an unannounced visit to the facility to determine the nature and cause of the alleged abuse, neglect, or exploitation of the resident;

(2) interview each available witness, including the resident who suffered the alleged abuse, neglect, or exploitation if the resident is able to communicate or another resident or other witness identified by any source as having personal knowledge relevant to the report of abuse, neglect, exploitation, or other complaint;

(3) personally inspect any physical circumstance that is relevant and material to the report of abuse, neglect, exploitation, or other complaint and that may be objectively observed;

(4) make a photographic record of any injury to a resident, subject to Subsection (n); and

(5) write an investigation report that includes:

(A) the investigator's personal observations;

(B) a review of relevant documents and records;

(C) a summary of each witness statement, including the statement of the resident that suffered the alleged abuse, neglect, or exploitation and any other resident interviewed in the investigation; and

(D) a statement of the factual basis for the findings for each incident or problem alleged in the report or other allegation.

(f) An investigator for an investigating agency shall conduct an interview under Subsection (e)(2) in private unless the witness expressly requests that the interview not be private.

(g) Not later than the 30th day after the date the investigation is complete, the investigator shall prepare the written report required by Subsection (e). The department shall make the investigation report available to the public on request after the date the department's letter of determination is complete. The department shall delete from any copy made available to the public:

(1) the name of:

(A) any resident, unless the department receives written authorization from a resident or the resident's legal representative requesting the resident's name be left in the report;

(B) the person making the report of abuse, neglect, exploitation, or other complaint; and

(C) an individual interviewed in the investigation; and

(2) photographs of any injury to the resident.

(h) In the investigation, the department shall determine:

(1) the nature, extent, and cause of the abuse, neglect, or exploitation;

(2) the identity of the person responsible for the abuse, neglect, or exploitation;

(3) the names and conditions of the other residents;

(4) an evaluation of the persons responsible for the care of the residents;

(5) the adequacy of the facility environment; and

(6) any other information required by the department.

(i) If the department attempts to carry out an on-site investigation and it is shown that admission to the facility or any place where the resident is located cannot be obtained, a probate or county court shall order the person responsible for the care of the resident or the person in charge of a place where the resident is located to allow entrance for the interview and investigation.

(j) Before the completion of the investigation, the department shall file a petition for temporary care and protection of the resident if the department determines that immediate removal is necessary to protect the resident from further abuse, neglect, or exploitation.

(k) The department shall make a complete final written report of the investigation and submit the report and its recommendations to the district attorney and, if a law enforcement agency has not investigated the report of abuse, neglect, exploitation, or other complaint, to the appropriate law enforcement agency.

(l) Within 24 hours after receipt of a report of abuse, neglect, exploitation, or other complaint described by Subsection (c)(1), the department shall report the report or complaint to the law enforcement agency described by Section 260.017(a). The department shall cooperate with that law enforcement agency in the investigation of the report or complaint as described by Section 260.017.

(m) The inability or unwillingness of a local law enforcement agency to conduct a joint investigation under Section 260.017 does not constitute grounds to prevent or prohibit the department from performing its duties under this chapter. The department shall document any instance in which a law enforcement agency is unable or unwilling to conduct a joint investigation under Section 260.017.

(n) If the department determines that, before a photographic record of an injury to a resident may be made under Subsection (e), consent is required under state or federal law, the investigator:

(1) shall seek to obtain any required consent; and

(2) may not make the photographic record unless the consent is obtained.

Sec. 260.008. CONFIDENTIALITY. A report, record, or working paper used or developed in an investigation made under this chapter and the name, address, and phone number of any person making a report under this chapter are confidential and may be disclosed only for purposes consistent with rules adopted by the executive commissioner. The report, record, or working paper and the name, address, and phone number of the person making the report shall be disclosed to a law enforcement agency as necessary to permit the law enforcement agency to investigate a report of abuse, neglect, exploitation, or other complaint in accordance with Section 260.017.

Sec. 260.009. IMMUNITY. (a) A person who reports as provided by this chapter is immune from civil or criminal liability that, in the absence of the immunity, might result from making the report.

(b) The immunity provided by this section extends to participation in any judicial proceeding that results from the report.

(c) This section does not apply to a person who reports in bad faith or with malice.

Sec. 260.010. PRIVILEGED COMMUNICATIONS. In a proceeding regarding the abuse, neglect, or exploitation of a resident or the cause of any abuse, neglect, or exploitation, evidence may not be excluded on the ground of privileged communication except in the case of a communication between an attorney and client.

Sec. 260.011. CENTRAL REGISTRY. (a) The department shall maintain in the city of Austin a central registry of reported cases of resident abuse, neglect, or exploitation.

(b) The executive commissioner may adopt rules necessary to carry out this section.

(c) The rules shall provide for cooperation with hospitals and clinics in the exchange of reports of resident abuse, neglect, or exploitation.

Sec. 260.012. FAILURE TO REPORT; CRIMINAL PENALTY. (a) A person commits an offense if the person has cause to believe that a resident's physical or mental health or welfare has been or may be further adversely affected by abuse, neglect, or exploitation and knowingly fails to report in accordance with Section 260.002.

(b) An offense under this section is a Class A misdemeanor.

Sec. 260.013. BAD FAITH, MALICIOUS, OR RECKLESS REPORTING; CRIMINAL PENALTY. (a) A person commits an offense if the person reports under this chapter in bad faith, maliciously, or recklessly.

(b) An offense under this section is a Class A misdemeanor.

(c) The criminal penalty provided by this section is in addition to any civil penalties for which the person may be liable.

Sec. 260.014. RETALIATION AGAINST EMPLOYEES PROHIBITED.

(a) In this section, "employee" means a person who is an employee of a facility or any other person who provides services for a facility for compensation, including a contract laborer for the facility.

(b) An employee has a cause of action against a facility, or the owner or another employee of the facility, that suspends or terminates the employment of the person or otherwise disciplines or discriminates or retaliates against the employee for reporting to the employee's supervisor, an administrator of the facility, a state regulatory agency, or a law enforcement agency a violation of law, including a violation of Chapter 242 or 247 or a rule adopted under Chapter 242 or 247, or for initiating or cooperating in any investigation or proceeding of a governmental entity relating to care, services, or conditions at the facility.

(c) The petitioner may recover:

(1) the greater of \$1,000 or actual damages, including damages for mental anguish even if an injury other than mental anguish is not shown, and damages for lost wages if the petitioner's employment was suspended or terminated;

(2) exemplary damages;

(3) court costs; and

(4) reasonable attorney's fees.

(d) In addition to the amounts that may be recovered under Subsection (c), a person whose employment is suspended or terminated is entitled to appropriate injunctive relief, including, if applicable:

(1) reinstatement in the person's former position; and

(2) reinstatement of lost fringe benefits or seniority rights.

(e) The petitioner, not later than the 90th day after the date on which the person's employment is suspended or terminated, must bring suit or notify the Texas Workforce Commission of the petitioner's intent to sue under this section. A petitioner who notifies the Texas Workforce Commission under this subsection must bring suit not later than the 90th day after the date of the delivery of the notice to the commission. On receipt of the notice, the commission shall notify the facility of the petitioner's intent to bring suit under this section.

(f) The petitioner has the burden of proof, except that there is a rebuttable presumption that the person's employment was suspended or terminated for reporting abuse, neglect, or exploitation if the person is suspended or terminated within 60 days after the date on which the person reported in good faith.

(g) A suit under this section may be brought in the district court of the county in which:

(1) the plaintiff resides;

(2) the plaintiff was employed by the defendant; or

(3) the defendant conducts business.

(h) Each facility shall require each employee of the facility, as a condition of employment with the facility, to sign a statement that the employee understands the employee's rights under this section. The statement must be part of the statement required under Section 260.002. If a facility does not require an employee to read and sign the statement, the periods under Subsection (e) do not apply, and the petitioner must bring suit not later than the second anniversary of the date on which the person's employment is suspended or terminated.

Sec. 260.015. RETALIATION AGAINST VOLUNTEERS, RESIDENTS, OR FAMILY MEMBERS OR GUARDIANS OF RESIDENTS. (a) A facility may not retaliate or discriminate against a volunteer, resident, or family member or guardian of a resident because the volunteer, resident, resident's family member or guardian, or any other person:

(1) makes a complaint or files a grievance concerning the facility;

(2) reports a violation of law, including a violation of Chapter 242 or 247 or a rule adopted under Chapter 242 or 247; or

(3) initiates or cooperates in an investigation or proceeding of a governmental entity relating to care, services, or conditions at the facility.

(b) A volunteer, resident, or family member or guardian of a resident who is retaliated or discriminated against in violation of Subsection (a) is entitled to sue for:

(1) injunctive relief;

(2) the greater of \$1,000 or actual damages, including damages for mental anguish even if an injury other than mental anguish is not shown;

(3) exemplary damages;

(4) court costs; and

(5) reasonable attorney's fees.

(c) A volunteer, resident, or family member or guardian of a resident who seeks relief under this section must report the alleged violation not later than the 180th day after the date on which the alleged violation of this section occurred or was discovered by the volunteer, resident, or family member or guardian of the resident through reasonable diligence.

(d) A suit under this section may be brought in the district court of the county in which the facility is located or in a district court of Travis County.

Sec. 260.016. REPORTS RELATING TO DEATHS OF RESIDENTS OF AN INSTITUTION. (a) In this section, "institution" has the meaning assigned by Section 242.002.

(b) An institution shall submit a report to the department concerning deaths of residents of the institution. The report must be submitted within 10 working days after the last day of each month in which a resident of the institution dies. The report must also include the death of a resident occurring within 24 hours after the resident is transferred from the institution to a hospital.

(c) The institution must make the report on a form prescribed by the department. The report must contain the name and social security number of the deceased.

(d) The department shall correlate reports under this section with death certificate information to develop data relating to the:

- (1) name and age of the deceased;
- (2) official cause of death listed on the death certificate;
- (3) date, time, and place of death; and
- (4) name and address of the institution in which the deceased resided.

(e) Except as provided by Subsection (f), a record under this section is confidential and not subject to the provisions of Chapter 552, Government Code.

(f) The department shall develop statistical information on official causes of death to determine patterns and trends of incidents of death among residents and in specific institutions. Information developed under this subsection is public.

(g) A licensed institution shall make available historical statistics on all required information on request of an applicant or applicant's representative.

Sec. 260.017. DUTIES OF LAW ENFORCEMENT; JOINT INVESTIGATION. (a) The department shall investigate a report of abuse, neglect, exploitation, or other complaint described by Section 260.007(c)(1) jointly with:

(1) the municipal law enforcement agency, if the facility is located within the territorial boundaries of a municipality; or

(2) the sheriff's department of the county in which the facility is located, if the facility is not located within the territorial boundaries of a municipality.

(b) The law enforcement agency described by Subsection (a) shall acknowledge the report of abuse, neglect, exploitation, or other complaint and begin the joint investigation required by this section within 24 hours after receipt of the report or complaint. The law enforcement agency shall cooperate with the department and report to the department the results of the investigation.

(c) The requirement that the law enforcement agency and the department conduct a joint investigation under this section does not require that a representative of each agency be physically present during all phases of the investigation or that each agency participate equally in each activity conducted in the course of the investigation.

Sec. 260.018. CALL CENTER EVALUATION; REPORT. (a) The department, using existing resources, shall test, evaluate, and determine the most effective and efficient staffing pattern for receiving and processing complaints by expanding customer service representatives' hours of availability at the department's telephone hotline call center.

(b) The department shall report the findings of the evaluation described by Subsection (a) to the House Committee on Human Services and the Senate Committee on Health and Human Services not later than September 1, 2012.

(c) This section expires October 31, 2012.

SECTION 2. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.271 to read as follows:

Art. 2.271. INVESTIGATION OF CERTAIN REPORTS ALLEGING ABUSE, NEGLIGENCE, OR EXPLOITATION. Notwithstanding Article 2.27, on receipt of a report of abuse, neglect, exploitation, or other complaint of a resident

of a nursing home, convalescent home, or other related institution or an assisted living facility, under Section 260.007(c)(1), Health and Safety Code, the appropriate local law enforcement agency shall investigate the report as required by Section 260.017, Health and Safety Code.

SECTION 3. Subchapter A, Chapter 242, Health and Safety Code, is amended by adding Section 242.018 to read as follows:

Sec. 242.018. COMPLIANCE WITH CHAPTER 260. (a) An institution shall comply with Chapter 260 and the rules adopted under that chapter.

(b) A person, including an owner or employee of an institution, shall comply with Chapter 260 and the rules adopted under that chapter.

SECTION 4. Section 242.042(a), Health and Safety Code, is amended to read as follows:

(a) Each institution shall prominently and conspicuously post for display in a public area of the institution that is readily available to residents, employees, and visitors:

(1) the license issued under this chapter;

(2) a sign prescribed by the department that specifies complaint procedures established under this chapter or rules adopted under this chapter and that specifies how complaints may be registered with the department;

(3) a notice in a form prescribed by the department stating that licensing inspection reports and other related reports which show deficiencies cited by the department are available at the institution for public inspection and providing the department's toll-free telephone number that may be used to obtain information concerning the institution;

(4) a concise summary of the most recent inspection report relating to the institution;

(5) notice that the department can provide summary reports relating to the quality of care, recent investigations, litigation, and other aspects of the operation of the institution;

(6) notice that the Texas Board of Nursing Facility Administrators can provide information about the nursing facility administrator;

(7) any notice or written statement required to be posted under Section 242.072(c);

(8) notice that informational materials relating to the compliance history of the institution are available for inspection at a location in the institution specified by the sign; ~~and~~

(9) notice that employees, other staff, residents, volunteers, and family members and guardians of residents are protected from discrimination or retaliation as provided by Sections 260.014 and 260.015; and

(10) a sign required to be posted under Section 260.006(a) [242.133 and 242.1335].

SECTION 5. Section 242.0665(b), Health and Safety Code, is amended to read as follows:

(b) Subsection (a) does not apply:

(1) to a violation that the department determines:

(A) results in serious harm to or death of a resident;

(B) constitutes a serious threat to the health or safety of a resident;

or

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

(2) to a violation described by Sections 242.066(a)(2)-(7);

(3) to a violation of Section 260.014 [~~242.133~~] or 260.015 [~~242.1335~~];

or

(4) to a violation of a right of a resident adopted under Subchapter L.

SECTION 6. Sections 242.848(a) and (b), Health and Safety Code, are amended to read as follows:

(a) For purposes of the duty to report abuse or neglect under Section 260.002 [~~242.122~~] and the criminal penalty for the failure to report abuse or neglect under Section 260.012 [~~242.131~~], a person who is conducting electronic monitoring on behalf of a resident under this subchapter is considered to have viewed or listened to a tape or recording made by the electronic monitoring device on or before the 14th day after the date the tape or recording is made.

(b) If a resident who has capacity to determine that the resident has been abused or neglected and who is conducting electronic monitoring under this subchapter gives a tape or recording made by the electronic monitoring device to a person and directs the person to view or listen to the tape or recording to determine whether abuse or neglect has occurred, the person to whom the resident gives the tape or recording is considered to have viewed or listened to the tape or recording on or before the seventh day after the date the person receives the tape or recording for purposes of the duty to report abuse or neglect under Section 260.002 [~~242.122~~] and of the criminal penalty for the failure to report abuse or neglect under Section 260.012 [~~242.131~~].

SECTION 7. Subchapter A, Chapter 247, Health and Safety Code, is amended by adding Section 247.007 to read as follows:

Sec. 247.007. COMPLIANCE WITH CHAPTER 260. (a) An assisted living facility shall comply with Chapter 260 and the rules adopted under that chapter.

(b) A person, including an owner or employee of an assisted living facility, shall comply with Chapter 260 and the rules adopted under that chapter.

SECTION 8. Section 247.043(a), Health and Safety Code, is amended to read as follows:

(a) The department shall conduct an investigation in accordance with Section 260.007 after receiving a report [~~a preliminary investigation of each allegation~~] of abuse, exploitation, or neglect of a resident of an assisted living facility [~~to determine if there is evidence to corroborate the allegation. If the department determines that there is evidence to corroborate the allegation, the department shall conduct a thorough investigation of the allegation~~].

SECTION 9. Section 247.0452(b), Health and Safety Code, is amended to read as follows:

(b) Subsection (a) does not apply:

(1) to a violation that the department determines results in serious harm to or death of a resident;

(2) to a violation described by Sections 247.0451(a)(2)-(7) or a violation of Section 260.014 or 260.015;

(3) to a second or subsequent violation of:

(A) a right of the same resident under Section 247.064; or

(B) the same right of all residents under Section 247.064; or

(4) to a violation described by Section 247.066, which contains its own right to correct provisions.

SECTION 10. Section 48.003, Human Resources Code, is amended to read as follows:

Sec. 48.003. INVESTIGATIONS IN NURSING HOMES, ASSISTED LIVING FACILITIES, AND SIMILAR FACILITIES. (a) This chapter does not apply if the alleged or suspected abuse, neglect, or exploitation occurs in a facility licensed under Chapter 242 or 247, Health and Safety Code.

(b) Alleged or suspected abuse, neglect, or exploitation that occurs in a facility licensed under Chapter 242 or 247, Health and Safety Code, is governed by Chapter 260 [~~Subchapter B, Chapter 242~~], Health and Safety Code.

SECTION 11. Subchapter E, Chapter 242, Health and Safety Code, is repealed.

SECTION 12. (a) The repeal by this Act of Section 242.131, Health and Safety Code, does not apply to an offense committed under that section before the effective date of this Act. An offense committed before the effective date of this Act is governed by that section as it existed on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(b) The repeal by this Act of Sections 242.133 and 242.1335, Health and Safety Code, does not apply to a cause of action that accrues before the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by Section 242.133 or 242.1335, Health and Safety Code, as applicable, as the section existed at the time the cause of action accrued, and the former law is continued in effect for that purpose.

(c) The change in law made by this Act by the repeal of Subchapter E, Chapter 242, Health and Safety Code, does not apply to a disciplinary action under Subchapter C, Chapter 242, Health and Safety Code, for conduct that occurred before the effective date of this Act. Conduct that occurs before the effective date of this Act is governed by the law as it existed on the date the conduct occurred, and the former law is continued in effect for that purpose.

SECTION 13. (a) The Department of Aging and Disability Services shall implement Chapter 260, Health and Safety Code, as added by this Act, using only existing resources and personnel.

(b) The Department of Aging and Disability Services shall ensure that the services provided on the effective date of this Act are at least as comprehensive as the services provided on the day before the effective date of this Act.

Amendment No. 12 was adopted.

Amendment No. 13

Representative Alonzo offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house second reading) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.0065 to read as follows:

Sec. 533.0065. EYE HEALTH CARE SERVICE PROVIDERS. (a) In this section, "Texas-Mexico border region" has the meaning assigned by Section 2056.002.

(b) Subject to Section 32.047, Human Resources Code, but notwithstanding any other law, the commission shall require that each managed care organization that contracts with the commission under any Medicaid managed care model or arrangement to provide health care services to recipients in a region, including a region consisting of all or part of the Texas-Mexico border region, include in the organization's provider network each optometrist, therapeutic optometrist, and ophthalmologist in the region who:

(1) agrees to comply with the terms and conditions of the organization;

(2) agrees to accept the prevailing provider contract rate of the organization;

(3) agrees to abide by the standards of care required by the organization; and

(4) has the credentials required by the organization.

(b) The Health and Human Services Commission shall conduct a study of the fiscal impact on this state of requiring each Medicaid managed care organization that contracts with the commission under any Medicaid managed care model or arrangement implemented under Chapter 533, Government Code, to include in the organization's health care provider network providing services in all or part of the Texas-Mexico border region, as defined by Section 2056.002, Government Code, each optometrist, therapeutic optometrist, and ophthalmologist who meets the requirements under Section 533.0065, Government Code, as added by this section. The study must include an analysis of cost savings to the state as a result of a reduction in the number of emergency room visits by Medicaid recipients for nonemergency eye health care services that are realized after implementation of Section 533.0065, Government Code, as added by this section.

(c) Not later than September 1, 2016, the Health and Human Services Commission shall submit to the legislature a written report containing the findings of the study conducted under Subsection (b) of this section and the commission's recommendations regarding the requirement addressed in the study.

(d) The Health and Human Services Commission shall, in a contract between the commission and a Medicaid managed care organization under Chapter 533, Government Code, that is entered into or renewed on or after the effective date of this Act, require that the managed care organization comply with Section 533.0065, Government Code, as added by this section.

(e) The Health and Human Services Commission shall seek to amend each contract entered into with a Medicaid managed care organization under Chapter 533, Government Code, before the effective date of this Act to require those managed care organizations to comply with Section 533.0065, Government Code, as added by this section. To the extent of a conflict between Section 533.0065, Government Code, as added by this section, and a provision of a contract with a managed care organization entered into before the effective date of this Act, the contract provision prevails.

(f) If before implementing any provision of this section a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

Amendment No. 13 was withdrawn.

Amendment No. 14

Representative Kolkhorst offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES accordingly:

ARTICLE ____ INTERSTATE HEALTH CARE COMPACT

SECTION ____ .01. Title 15, Insurance Code, is amended by adding Chapter 5002 to read as follows:

CHAPTER 5002. INTERSTATE HEALTH CARE COMPACT

Sec. 5002.001. EXECUTION OF COMPACT. This state enacts the Interstate Health Care Compact and enters into the compact with all other states legally joining in the compact in substantially the following form:

Whereas, the separation of powers, both between the branches of the Federal government and between Federal and State authority, is essential to the preservation of individual liberty;

Whereas, the Constitution creates a Federal government of limited and enumerated powers, and reserves to the States or to the people those powers not granted to the Federal government;

Whereas, the Federal government has enacted many laws that have preempted State laws with respect to Health Care, and placed increasing strain on State budgets, impairing other responsibilities such as education, infrastructure, and public safety;

Whereas, the Member States seek to protect individual liberty and personal control over Health Care decisions, and believe the best method to achieve these ends is by vesting regulatory authority over Health Care in the States;

Whereas, by acting in concert, the Member States may express and inspire confidence in the ability of each Member State to govern Health Care effectively; and

Whereas, the Member States recognize that consent of Congress may be more easily secured if the Member States collectively seek consent through an interstate compact;

NOW THEREFORE, the Member States hereto resolve, and by the adoption into law under their respective State Constitutions of this Health Care Compact, agree, as follows:

Sec. 1. Definitions. As used in this Compact, unless the context clearly indicates otherwise:

"Commission" means the Interstate Advisory Health Care Commission.

"Effective Date" means the date upon which this Compact shall become effective for purposes of the operation of State and Federal law in a Member State, which shall be the later of:

- a) the date upon which this Compact shall be adopted under the laws of the Member State, and
- b) the date upon which this Compact receives the consent of Congress pursuant to Article I, Section 10, of the United States Constitution, after at least two Member States adopt this Compact.

"Health Care" means care, services, supplies, or plans related to the health of an individual and includes but is not limited to:

- (a) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care and counseling, service, assessment, or procedure with respect to the physical or mental condition or functional status of an individual or that affects the structure or function of the body, and
- (b) sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription, and
- (c) an individual or group plan that provides, or pays the cost of, care, services, or supplies related to the health of an individual, except any care, services, supplies, or plans provided by the United States Department of Defense and United States Department of Veteran Affairs, or provided to Native Americans.

"Member State" means a State that is signatory to this Compact and has adopted it under the laws of that State.

"Member State Base Funding Level" means a number equal to the total Federal spending on Health Care in the Member State during Federal fiscal year 2010. On or before the Effective Date, each Member State shall determine the Member State Base Funding Level for its State, and that number shall be binding upon that Member State.

"Member State Current Year Funding Level" means the Member State Base Funding Level multiplied by the Member State Current Year Population Adjustment Factor multiplied by the Current Year Inflation Adjustment Factor.

"Member State Current Year Population Adjustment Factor" means the average population of the Member State in the current year less the average population of the Member State in Federal fiscal year 2010, divided by the average population of the Member State in Federal fiscal year 2010, plus 1. Average population in a Member State shall be determined by the United States Census Bureau.

"Current Year Inflation Adjustment Factor" means the Total Gross Domestic Product Deflator in the current year divided by the Total Gross Domestic Product Deflator in Federal fiscal year 2010. Total Gross Domestic Product Deflator shall be determined by the Bureau of Economic Analysis of the United States Department of Commerce.

Sec. 2. Pledge. The Member States shall take joint and separate action to secure the consent of the United States Congress to this Compact in order to return the authority to regulate Health Care to the Member States consistent with the goals and principles articulated in this Compact. The Member States shall improve Health Care policy within their respective jurisdictions and according to the judgment and discretion of each Member State.

Sec. 3. Legislative Power. The legislatures of the Member States have the primary responsibility to regulate Health Care in their respective States.

Sec. 4. State Control. Each Member State, within its State, may suspend by legislation the operation of all federal laws, rules, regulations, and orders regarding Health Care that are inconsistent with the laws and regulations adopted by the Member State pursuant to this Compact. Federal and State laws, rules, regulations, and orders regarding Health Care will remain in effect unless a Member State expressly suspends them pursuant to its authority under this Compact. For any federal law, rule, regulation, or order that remains in effect in a Member State after the Effective Date, that Member State shall be responsible for the associated funding obligations in its State.

Sec. 5. Funding.

(a) Each Federal fiscal year, each Member State shall have the right to Federal monies up to an amount equal to its Member State Current Year Funding Level for that Federal fiscal year, funded by Congress as mandatory spending and not subject to annual appropriation, to support the exercise of Member State authority under this Compact. This funding shall not be conditional on any action of or regulation, policy, law, or rule being adopted by the Member State.

(b) By the start of each Federal fiscal year, Congress shall establish an initial Member State Current Year Funding Level for each Member State, based upon reasonable estimates. The final Member State Current Year Funding Level shall be calculated, and funding shall be reconciled by the United States Congress based upon information provided by each Member State and audited by the United States Government Accountability Office.

Sec. 6. Interstate Advisory Health Care Commission.

(a) The Interstate Advisory Health Care Commission is established. The Commission consists of members appointed by each Member State through a process to be determined by each Member State. A Member State may not appoint more than two members to the Commission and may withdraw membership from the Commission at any time. Each Commission member is entitled to one vote. The Commission shall not act unless a majority of the members are present, and no action shall be binding unless approved by a majority of the Commission's total membership.

(b) The Commission may elect from among its membership a Chairperson. The Commission may adopt and publish bylaws and policies that are not inconsistent with this Compact. The Commission shall meet at least once a year, and may meet more frequently.

(c) The Commission may study issues of Health Care regulation that are of particular concern to the Member States. The Commission may make non-binding recommendations to the Member States. The legislatures of the Member States may consider these recommendations in determining the appropriate Health Care policies in their respective States.

(d) The Commission shall collect information and data to assist the Member States in their regulation of Health Care, including assessing the performance of various State Health Care programs and compiling information on the prices of Health Care. The Commission shall make this information and data available to the legislatures of the Member States. Notwithstanding any other provision in this Compact, no Member State shall disclose to the Commission the health information of any individual, nor shall the Commission disclose the health information of any individual.

(e) The Commission shall be funded by the Member States as agreed to by the Member States. The Commission shall have the responsibilities and duties as may be conferred upon it by subsequent action of the respective legislatures of the Member States in accordance with the terms of this Compact.

(f) The Commission shall not take any action within a Member State that contravenes any State law of that Member State.

Sec. 7. Congressional Consent. This Compact shall be effective on its adoption by at least two Member States and consent of the United States Congress. This Compact shall be effective unless the United States Congress, in consenting to this Compact, alters the fundamental purposes of this Compact, which are:

(a) To secure the right of the Member States to regulate Health Care in their respective States pursuant to this Compact and to suspend the operation of any conflicting federal laws, rules, regulations, and orders within their States; and

(b) To secure Federal funding for Member States that choose to invoke their authority under this Compact, as prescribed by Section 5 above.

Sec. 8. Amendments. The Member States, by unanimous agreement, may amend this Compact from time to time without the prior consent or approval of Congress and any amendment shall be effective unless, within one year, the

Congress disapproves that amendment. Any State may join this Compact after the date on which Congress consents to the Compact by adoption into law under its State Constitution.

Sec. 9. Withdrawal; Dissolution. Any Member State may withdraw from this Compact by adopting a law to that effect, but no such withdrawal shall take effect until six months after the Governor of the withdrawing Member State has given notice of the withdrawal to the other Member States. A withdrawing State shall be liable for any obligations that it may have incurred prior to the date on which its withdrawal becomes effective. This Compact shall be dissolved upon the withdrawal of all but one of the Member States.

SECTION ____ .02. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect on the 91st day after the last day of the legislative session.

LEAVE OF ABSENCE GRANTED

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

Castro on motion of Marquez.

CSSB 7 - (consideration continued)

Amendment No. 14 was adopted. (Alonzo, Alvarado, Anchia, Castro, Deshotel, Dukes, Dutton, Farrar, V. Gonzales, Gonzalez, Guillen, D. Howard, Lozano, Marquez, Martinez, Martinez Fischer, McClendon, Menendez, Muñoz, Naishtat, Quintanilla, Raymond, Strama, Thompson, Turner, Veasey, and Vo recorded voting no.)

Amendment No. 15

Representative Kolkhorst offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . MEDICAID PROGRAM AND ALTERNATE METHODS OF PROVIDING HEALTH SERVICES TO LOW-INCOME PERSONS

SECTION ____ .01. Subtitle I, Title 4, Government Code, is amended by adding Chapter 537 to read as follows:

CHAPTER 537. MEDICAID REFORM WAIVER

Sec. 537.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

Sec. 537.002. FEDERAL AUTHORIZATION FOR MEDICAID REFORM. (a) The executive commissioner shall seek a waiver under Section 1115 of the federal Social Security Act (42 U.S.C. Section 1315) to the state Medicaid plan.

(b) The waiver under this section must be designed to achieve the following objectives regarding the Medicaid program and alternatives to the program:

(1) provide flexibility to determine Medicaid eligibility categories and income levels;

(2) provide flexibility to design Medicaid benefits that meet the demographic, public health, clinical, and cultural needs of this state or regions within this state;

(3) encourage use of the private health benefits coverage market rather than public benefits systems;

(4) encourage people who have access to private employer-based health benefits to obtain or maintain those benefits;

(5) create a culture of shared financial responsibility, accountability, and participation in the Medicaid program by:

(A) establishing and enforcing copayment requirements similar to private sector principles for all eligibility groups;

(B) promoting the use of health savings accounts to influence a culture of individual responsibility; and

(C) promoting the use of vouchers for consumer-directed services in which consumers manage and pay for health-related services provided to them using program vouchers;

(6) consolidate federal funding streams, including funds from the disproportionate share hospitals and upper payment limit supplemental payment programs and other federal Medicaid funds, to ensure the most effective and efficient use of those funding streams;

(7) allow flexibility in the use of state funds used to obtain federal matching funds, including allowing the use of intergovernmental transfers, certified public expenditures, costs not otherwise matchable, or other funds and funding mechanisms to obtain federal matching funds;

(8) empower individuals who are uninsured to acquire health benefits coverage through the promotion of cost-effective coverage models that provide access to affordable primary, preventive, and other health care on a sliding scale, with fees paid at the point of service; and

(9) allow for the redesign of long-term care services and supports to increase access to patient-centered care in the most cost-effective manner.

SECTION ____ .02. (a) In this section:

(1) "Commission" means the Health and Human Services Commission.

(2) "FMAP" means the federal medical assistance percentage by which state expenditures under the Medicaid program are matched with federal funds.

(3) "Illegal immigrant" means an individual who is not a citizen or national of the United States and who is unlawfully present in the United States.

(4) "Medicaid program" means the medical assistance program under Chapter 32, Human Resources Code.

(b) The commission shall actively pursue a modification to the formula prescribed by federal law for determining this state's FMAP to achieve a formula that would produce an FMAP that accounts for and is periodically adjusted to reflect changes in the following factors in this state:

- (1) the total population;
- (2) the population growth rate; and
- (3) the percentage of the population with household incomes below the

federal poverty level.

(c) The commission shall pursue the modification as required by Subsection (b) of this section by providing to the Texas delegation to the United States Congress and the federal Centers for Medicare and Medicaid Services and other appropriate federal agencies data regarding the factors listed in that subsection and information indicating the effects of those factors on the Medicaid program that are unique to this state.

(d) In addition to the modification to the FMAP described by Subsection (b) of this section, the commission shall make efforts to obtain additional federal Medicaid funding for Medicaid services required to be provided to illegal immigrants in this state. As part of that effort, the commission shall provide to the Texas delegation to the United States Congress and the federal Centers for Medicare and Medicaid Services and other appropriate federal agencies data regarding the costs to this state of providing those services.

(e) This section expires September 1, 2013.

SECTION _____.03. (a) The Medicaid Reform Waiver Legislative Oversight Committee is created to facilitate the reform waiver efforts with respect to Medicaid.

(b) The committee is composed of eight members, as follows:

(1) four members of the senate, appointed by the lieutenant governor not later than October 1, 2011; and

(2) four members of the house of representatives, appointed by the speaker of the house of representatives not later than October 1, 2011.

(c) A member of the committee serves at the pleasure of the appointing official.

(d) The speaker of the house of representatives shall designate a member of the committee as the presiding officer.

(e) A member of the committee may not receive compensation for serving on the committee but is entitled to reimbursement for travel expenses incurred by the member while conducting the business of the committee as provided by the General Appropriations Act.

(f) The committee shall:

(1) facilitate the design and development of the Medicaid reform waiver required by Chapter 537, Government Code, as added by this article;

(2) facilitate a smooth transition from existing Medicaid payment systems and benefit designs to a new model of Medicaid enabled by the waiver described by Subdivision (1) of this subsection;

(3) meet at the call of the presiding officer; and

(4) research, take public testimony, and issue reports requested by the lieutenant governor or speaker of the house of representatives.

(g) The committee may request reports and other information from the Health and Human Services Commission.

(h) The committee shall use existing staff of the senate, the house of representatives, and the Texas Legislative Council to assist the committee in performing its duties under this section.

(i) Chapter 551, Government Code, applies to the committee.

(j) The committee shall report to the lieutenant governor and speaker of the house of representatives not later than November 15, 2012. The report must include:

(1) identification of significant issues that impede the transition to a more effective Medicaid program;

(2) the measures of effectiveness associated with changes to the Medicaid program;

(3) the impact of Medicaid changes on safety net hospitals and other significant traditional providers; and

(4) the impact on the uninsured in Texas.

(k) This section expires September 1, 2013, and the committee is abolished on that date.

SECTION ____ .04. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect on the 91st day after the last day of the legislative session.

Amendment No. 15 was adopted. (Turner recorded voting no.)

Amendment No. 16

Representative Riddle offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of ARTICLE 1 of the bill accordingly:

SECTION 1. ____ . Chapter 33, Human Resources Code, is amended by adding Section 33.029 to read as follows:

Sec. 33.029. CERTAIN ELIGIBILITY RESTRICTION. Notwithstanding any other provision of this chapter, an applicant for or recipient of benefits under the supplemental nutrition assistance program is not entitled to and may not receive or continue to receive any benefit under the program if the applicant or recipient is not legally present in the United States.

Amendment No. 16 was adopted. (Alonzo, Alvarado, Castro, Deshotel, Dukes, Lozano, Marquez, Martinez Fischer, McClendon, Muñoz, Thompson, Turner, and Vo recorded voting no.)

Amendment No. 17

Representatives Christian and Coleman offered the following amendment to **CSSB 7**:

Amend **CSSB 7** by adding appropriately numbered SECTIONS to read as follows and renumbering the remaining SECTIONS accordingly.

SECTION _____. INTERIM STUDY OF INDEPENDENT PRESCRIPTIVE AUTHORITY FOR ADVANCED PRACTICE REGISTERED NURSES. (a) The speaker of the house and the lieutenant governor shall create and appoint a joint interim committee composed of a combination of legislators, state officials and citizen members to conduct a joint study as described by Subsection (b).

(b) The study shall examine the independent authority of advanced practice registered nurses to diagnose and prescribe drugs and medical devices within the scope of the health care providers' practice and license, including:

(1) the impact on access to health care services for underserved communities and health professional shortage areas;

(2) any projected impact on patient safety and the quality of care for persons treated by advanced practice registered nurses;

(3) the effect on the state's overall health care system; and

(4) the potential cost savings and other foreseeable consequences of expanding the authority in the Nursing Practice Act of advanced practice registered nurses to prescribe medication to patients without statutory requirements for physician delegation or collaboration.

(c) Not later than January 1, 2013, the committees shall report the committees' finding and recommendations to the lieutenant governor, the speaker of the house of representatives, and the governor. The committees shall include in their recommendations specific changes to statutes and agency rules that may be necessary according to the results of the committees' study conducted under this section.

(d) Not later than November 1, 2011, the lieutenant governor and the speaker of the house of representatives shall issue the joint interim charge required by this section.

(e) This section expires January 1, 2013.

SECTION _____. (a) The Institute for Health Policy at the School of Public Health at The University of Texas Health Science Center at Houston shall study, with respect to patients who receive health care services from an advanced practice nurse, as that term is defined in Section 301.152, Occupations Code, patient safety and outcomes, including quality of care, health care costs, access to health care, and any other measures determined by the institute.

(b) Not later than October 15, 2012, the Institute for Health Policy shall report its findings to the governor, the lieutenant governor, the speaker of the house of representatives, the Senate Health and Human Services Committee or its successor, and the House Public Health Committee or its successor and the joint interim committee created and appointed to study independent prescriptive authority for Advanced Practice Registered Nurses.

(c) This section expires September 1, 2013.

Amendment No. 17 was adopted.

Amendment No. 18

Representatives V. Gonzales, Deshotel, Muñoz, and Schwertner offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . COUNTY ELIGIBILITY TO RECEIVE STATE ASSISTANCE
FOR HEALTH CARE EXPENDITURES

SECTION ____ .01. Section 61.037, Health and Safety Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) The department may distribute funds as provided by this subchapter to eligible counties to assist the counties in providing:

(1) health care services under Sections 61.028 and 61.0285 to their eligible county residents; or

(2) health care services provided by Medicaid as described by Subsection (b)(1).

(b) Except as provided by Subsection (c), (d), (e), or (g), to be eligible for state assistance, a county must:

(1) spend in a state fiscal year at least eight percent of the county general revenue levy for that year to provide health care services described by Subsection (a) to its eligible county residents who qualify for assistance under Section 61.023 and may, subject to Subsection (b-1), include as part of the county's eight percent expenditure level any payment made by the county for health care services provided through Medicaid, including the county's direct reimbursement to health care providers and indirect reimbursement through transfers of funds to the state for health care services provided through Medicaid; and

(2) notify the department, not later than the seventh day after the date on which the county reaches the expenditure level, that the county has spent at least six percent of the applicable county general revenue levy for that year to provide health care services described by Subsection (a)(1) ~~[(a)]~~ to its eligible county residents who qualify for assistance under Section 61.023 or health care services provided by Medicaid as described by Subdivision (1).

(b-1) A county may not include payment for health care services provided through Medicaid as part of the county's eight percent expenditure level under Subsection (b) for a state fiscal year unless the county spends in that state fiscal year an amount to provide health care services described by Subsection (a)(1) to its eligible county residents who qualify for assistance under Section 61.023 that is at least equal to the lesser of:

(1) the amount the county spent for that purpose in the immediately preceding state fiscal year; or

(2) eight percent of the county general revenue levy in the immediately preceding state fiscal year.

SECTION ____ .02. Section 61.038, Health and Safety Code, is amended to read as follows:

Sec. 61.038. DISTRIBUTION OF ASSISTANCE FUNDS. (a) If the department determines that a county is eligible for assistance, the department shall distribute funds appropriated to the department from the indigent health care assistance fund or any other available fund to the county to assist the county in providing:

(1) health care services under Sections 61.028 and 61.0285 to its eligible county residents who qualify for assistance as described by Section 61.037; or

(2) health care services provided through Medicaid as described by Section 61.037(b)(1).

(b) State funds provided under this section to a county must be equal to at least 90 percent of the actual payment for the health care services for the county's eligible residents, including any payments made by the county for health care services provided through Medicaid as described by Section 61.037(b)(1), during the remainder of the state fiscal year after the eight percent expenditure level is reached.

(c) In distributing state funds under this section, the department shall give priority to a county that spends in a state fiscal year at least eight percent of the county general revenue levy for that year to provide health care services described by Section 61.037(a)(1) to its eligible county residents who qualify for assistance under Section 61.023.

Amendment No. 18 was adopted.

Amendment No. 19

Representative Guillen offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee printing) in ARTICLE 1 of the bill by adding the following appropriately numbered SECTION to the ARTICLE and renumbering subsequent SECTIONS of the ARTICLE accordingly:

SECTION 1. _____. (a) Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0525 to read as follows:

Sec. 531.0525. PILOT PROJECT TO ESTABLISH COMPREHENSIVE ACCESS POINT FOR LONG-TERM SERVICES AND SUPPORTS. (a) In this section:

(1) "Aging and disability resource center" means a center established under the Aging and Disability Resource Center initiative funded in part by the federal Administration on Aging and the Centers for Medicare and Medicaid Services.

(2) "Colocated long-term services and supports staff members" means:
(A) long-term services and supports staff members who are located in the same physical office; or

(B) long-term services and supports staff members who are not located in the same physical office but who work collaboratively through the use of the telephone or other technologies.

(3) "Department of Aging and Disability Services staff members" includes community services staff members of the Department of Aging and Disability Services.

(4) "Long-term services and supports" means long-term assistance or care provided to older persons and persons with physical disabilities through the Medicaid program or other programs. The term includes assistance or care provided through the following programs:

(A) the primary home care program;

(B) the community attendant services program;

(C) the community-based alternatives program;

(D) the day activity and health services program;

(E) the promoting independence program;

(F) a program funded through the Older Americans Act of 1965 (42 U.S.C. Section 3001 et seq.);

(G) a community care program funded through Title XX of the federal Social Security Act (42 U.S.C. Section 301 et seq.);

(H) the in-home and family support program; and

(I) a nursing facility program.

(5) "Long-term services and supports staff" means:

(A) one or more of the commission's Medicaid eligibility determination staff members;

(B) one or more Department of Aging and Disability Services staff members; and

(C) one or more area agency on aging staff members.

(6) "Pilot project site" means a location in an area served by the pilot project established under this section where colocated long-term services and supports staff members work collaboratively to provide information and tentatively assess functional and financial eligibility to initiate long-term services and supports.

(7) "Tentative assessment of functional and financial eligibility" means an expedited preliminary screening of an applicant to determine Medicaid eligibility with the goal of initiating services within seven business days. The tentative assessment does not guarantee state payment for services.

(b) Subject to availability of funds appropriated by the legislature for this purpose, the commission shall develop and implement a pilot project to establish a comprehensive access point system for long-term services and supports in which colocated long-term services and supports staff members work in collaboration to provide all necessary services in connection with long-term services and supports from the intake process to the start of service delivery. The pilot project must require that, at a minimum, the staff members work collaboratively to:

(1) inform and educate older persons, persons with physical disabilities, and their family members and other caregivers about long-term services and supports for which they may qualify;

(2) screen older persons and persons with physical disabilities requesting long-term services and supports;

(3) provide a tentative assessment of functional and financial eligibility for older persons and persons with physical disabilities requesting long-term services and supports for which there are no interest lists; and

(4) make final determinations of eligibility for long-term services and supports.

(c) In developing and implementing the pilot project, the commission shall ensure that:

(1) the pilot project site has colocated long-term services and supports staff members who are located in the same physical office;

(2) the pilot project site serves as a comprehensive access point for older persons and persons with physical disabilities to obtain information about long-term services and supports for which they may qualify and access long-term services and supports in the site's service area;

(3) the pilot project site is designed and operated in accordance with best practices adopted by the executive commissioner after the commission reviews best practices for similar initiatives in other states and professional policy-based research describing best practices for successful initiatives;

(4) the colocated long-term services and supports staff members supporting the pilot project site include:

(A) one full-time commission staff member who determines eligibility for the Medicaid program and who:

(i) has full access to the Texas Integrated Eligibility Redesign System (TIERS);

(ii) has previously made Medicaid long-term care eligibility determinations; and

(iii) is dedicated primarily to making eligibility determinations for incoming clients at the site;

(B) sufficient Department of Aging and Disability Services staff members to carry out the tentative functional and financial eligibility and screening functions at the site;

(C) sufficient area agency on aging staff members to:

(i) assist with the performance of screening functions and service coordination for services funded under the Older Americans Act of 1965 (42 U.S.C. Section 3001 et seq.), such as meals programs; and

(ii) identify other locally funded and supported services that will enable older persons and persons with physical disabilities to continue to reside in the community to the extent reasonable; and

(D) any available staff members from local service agencies; and

(5) the colocated long-term services and supports staff members of the pilot project site:

(A) process intakes for long-term services and supports in person or by telephone or through the Internet;

(B) use a standardized screening tool to tentatively assess both functional and financial eligibility with the goal of initiating services within seven business days;

(C) closely coordinate with local hospital discharge planners and staff members of extended rehabilitation units of local hospitals and nursing homes; and

(D) inform persons about community-based services available in the area served by the pilot project.

(d) The pilot project must be implemented in a single county or a multicounty area, as determined by the commission. The pilot project site must be located within an aging and disability resource center service area. If the commission finds that there is no aging and disability resource center that is willing or able to accommodate a pilot project site on the date the pilot project is to be implemented, the pilot project site may be located at another appropriate location.

(e) Not later than January 31, 2013, the commission shall submit a report concerning the pilot project to the presiding officers of the standing committees of the senate and house of representatives having primary jurisdiction over health and human services. The report must:

(1) contain an evaluation of the operation of the pilot project;

(2) contain an evaluation of the pilot project's benefits for persons who received services;

(3) contain a calculation of the costs and cost savings that can be attributed to implementation of the pilot project;

(4) include a recommendation regarding adopting improved policies and procedures concerning long-term services and supports with statewide applicability, as determined from information obtained in operating the pilot project;

(5) include a recommendation regarding the feasibility of expanding the pilot project to other areas of this state or statewide; and

(6) contain the perspectives of service providers participating in the pilot project.

(f) This section expires September 1, 2015.

(b) Not later than December 31, 2011, the Health and Human Services Commission shall ensure that the pilot project site is in operation under the pilot project required by Section 531.0525, Government Code, as added by this section.

Amendment No. 19 was adopted.

(Alvarado in the chair)

Amendment No. 20

Representative Eiland offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . PROVIDER NETWORK CONTRACT ARRANGEMENTS

SECTION ____ .001. Subtitle F, Title 8, Insurance Code, is

amended by adding Chapter 1458 to read as follows:

CHAPTER 1458. PROVIDER NETWORK CONTRACT ARRANGEMENTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1458.001. GENERAL DEFINITIONS. In this chapter:

(1) "Affiliate" means a person who, directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with another person.

(2) "Contracting entity" means a person who:

(A) enters into a direct contract with a provider for the delivery of health care services to covered individuals; and

(B) in the ordinary course of business establishes a provider network or networks for access by another party.

(3) "Covered individual" means an individual who is covered under a health benefit plan.

(4) "Direct notification" means a written or electronic communication from a contracting entity to a physician or other health care provider documenting third party access to a provider network.

(5) "Health care services" means services provided for the diagnosis, prevention, treatment, or cure of a health condition, illness, injury, or disease.

(6) "Person" has the meaning assigned by Section 823.002.

(7) "Provider" means a physician, a professional association composed solely of physicians, a single legal entity authorized to practice medicine owned by two or more physicians, a nonprofit health corporation certified by the Texas Medical Board under Chapter 162, Occupations Code, a partnership composed solely of physicians, a physician-hospital organization that acts exclusively as an administrator for a provider to facilitate the provider's participation in health care contracts, or an institution that is licensed under Chapter 241, Health and Safety Code. The term does not include a physician-hospital organization that leases or rents the physician-hospital organization's network to a third party.

(8) "Provider network contract" means a contract between a contracting entity and a provider for the delivery of, and payment for, health care services to a covered individual.

(9) "Third party" means a person that contracts with a contracting entity or another party to gain access to a provider network contract.

Sec. 1458.002. DEFINITION OF HEALTH BENEFIT PLAN. (a) In this chapter, "health benefit plan" means:

(1) a hospital and medical expense incurred policy;

(2) a nonprofit health care service plan contract;

(3) a health maintenance organization subscriber contract; or

(4) any other health care plan or arrangement that pays for or furnishes medical or health care services.

(b) "Health benefit plan" does not include one or more or any combination of the following:

(1) coverage only for accident or disability income insurance or any combination of those coverages;

(2) credit-only insurance;

(3) coverage issued as a supplement to liability insurance;

(4) liability insurance, including general liability insurance and automobile liability insurance;

(5) workers' compensation or similar insurance;

(6) a discount health care program, as defined by Section 7001.001;
(7) coverage for on-site medical clinics;
(8) automobile medical payment insurance; or
(9) other similar insurance coverage, as specified by federal regulations issued under the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191), under which benefits for medical care are secondary or incidental to other insurance benefits.

(c) "Health benefit plan" does not include the following benefits if they are provided under a separate policy, certificate, or contract of insurance, or are otherwise not an integral part of the coverage:

(1) dental or vision benefits;
(2) benefits for long-term care, nursing home care, home health care, community-based care, or any combination of these benefits;
(3) other similar, limited benefits, including benefits specified by federal regulations issued under the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191); or

(4) a Medicare supplement benefit plan described by Section 1652.002.

(d) "Health benefit plan" does not include coverage limited to a specified disease or illness or hospital indemnity coverage or other fixed indemnity insurance coverage if:

(1) the coverage is provided under a separate policy, certificate, or contract of insurance;

(2) there is no coordination between the provision of the coverage and any exclusion of benefits under any group health benefit plan maintained by the same plan sponsor; and

(3) the coverage is paid with respect to an event without regard to whether benefits are provided with respect to such an event under any group health benefit plan maintained by the same plan sponsor.

Sec. 1458.003. EXEMPTIONS. This chapter does not apply:

(1) to a provider network contract for services provided to a beneficiary under the Medicaid program, the Medicare program, or the state child health plan established under Chapter 62, Health and Safety Code, or the comparable plan under Chapter 63, Health and Safety Code;

(2) under circumstances in which access to the provider network is granted to an entity that operates under the same brand licensee program as the contracting entity; or

(3) to a contract between a contracting entity and a discount health care program operator, as defined by Section 7001.001.

[Sections 1458.004-1458.050 reserved for expansion]

SUBCHAPTER B. REGISTRATION REQUIREMENTS

Sec. 1458.051. REGISTRATION REQUIRED. (a) Unless the person holds a certificate of authority issued by the department to engage in the business of insurance in this state or operate a health maintenance organization under Chapter 843, a person must register with the department not later than the 30th day after the date on which the person begins acting as a contracting entity in this state.

(b) Notwithstanding Subsection (a), under Section 1458.055 a contracting entity that holds a certificate of authority issued by the department to engage in the business of insurance in this state or is a health maintenance organization shall file with the commissioner an application for exemption from registration under which the affiliates may access the contracting entity's network.

(c) An application for an exemption filed under Subsection (b) must be accompanied by a list of the contracting entity's affiliates. The contracting entity shall update the list with the commissioner on an annual basis.

(d) A list of affiliates filed with the commissioner under Subsection (c) is public information and is not exempt from disclosure under Chapter 552, Government Code.

Sec. 1458.052. DISCLOSURE OF INFORMATION. (a) A person required to register under Section 1458.051 must disclose:

(1) all names used by the contracting entity, including any name under which the contracting entity intends to engage or has engaged in business in this state;

(2) the mailing address and main telephone number of the contracting entity's headquarters;

(3) the name and telephone number of the contracting entity's primary contact for the department; and

(4) any other information required by the commissioner by rule.

(b) The disclosure made under Subsection (a) must include a description or a copy of the applicant's basic organizational structure documents and a copy of organizational charts and lists that show:

(1) the relationships between the contracting entity and any affiliates of the contracting entity, including subsidiary networks or other networks; and

(2) the internal organizational structure of the contracting entity's management.

Sec. 1458.053. SUBMISSION OF INFORMATION. Information required under this subchapter must be submitted in a written or electronic format adopted by the commissioner by rule.

Sec. 1458.054. FEES. The department may collect a reasonable fee set by the commissioner as necessary to administer the registration process. Fees collected under this chapter shall be deposited in the Texas Department of Insurance operating fund.

Sec. 1458.055. EXEMPTION FOR AFFILIATES. (a) The commissioner shall grant an exemption for affiliates of a contracting entity if the contracting entity holds a certificate of authority issued by the department to engage in the business of insurance in this state or is a health maintenance organization if the commissioner determines that:

(1) the affiliate is not subject to a disclaimer of affiliation under Chapter 823; and

(2) the relationships between the person who holds a certificate of authority and all affiliates of the person, including subsidiary networks or other networks, are disclosed and clearly defined.

(b) An exemption granted under this section applies only to registration. An entity granted an exemption is otherwise subject to this chapter.

(c) The commissioner shall establish a reasonable fee as necessary to administer the exemption process.

[Sections 1458.056-1458.100 reserved for expansion]

SUBCHAPTER C. RIGHTS AND RESPONSIBILITIES OF A
CONTRACTING ENTITY

Sec. 1458.101. CONTRACT REQUIREMENTS. A contracting entity may not provide a person access to health care services or contractual discounts under a provider network contract unless the provider network contract specifically states that:

(1) the contracting entity may contract with a third party to provide access to the contracting entity's rights and responsibilities under a provider network contract; and

(2) the third party must comply with all applicable terms, limitations, and conditions of the provider network contract.

Sec. 1458.102. DUTIES OF CONTRACTING ENTITY. (a) A contracting entity that has granted access to health care services and contractual discounts under a provider network contract shall:

(1) notify each provider of the identity of, and contact information for, each third party that has or may obtain access to the provider's health care services and contractual discounts;

(2) provide each third party with sufficient information regarding the provider network contract to enable the third party to comply with all relevant terms, limitations, and conditions of the provider network contract;

(3) require each third party to disclose the identity of the contracting entity and the existence of a provider network contract on each remittance advice or explanation of payment form; and

(4) notify each third party of the termination of the provider network contract not later than the 30th day after the effective date of the contract termination.

(b) If a contracting entity knows that a third party is making claims under a terminated contract, the contracting entity must take reasonable steps to cause the third party to cease making claims under the provider network contract. If the steps taken by the contracting entity are unsuccessful and the third party continues to make claims under the terminated provider network contract, the contracting entity must:

(1) terminate the contracting entity's contract with the third party; or

(2) notify the commissioner, if termination of the contract is not feasible.

(c) Any notice provided by a contracting entity to a third party under Subsection (b) must include a statement regarding the third party's potential liability under this chapter for using a provider's contractual discount for services provided after the termination date of the provider network contract.

(d) The notice required under Subsection (a)(1):

(1) must be provided by:

(A) providing for a subscription to receive the notice by e-mail; or
(B) posting the information on an Internet website at least once
each calendar quarter; and

(2) must include a separate prominent section that lists:

(A) each third party that the contracting entity knows will have
access to a discounted fee of the provider in the succeeding calendar quarter; and

(B) the effective date and termination or renewal dates, if any, of
the third party's contract to access the network.

(e) The e-mail notice described by Subsection (d) may contain a link to an
Internet web page that contains a list of third parties that complies with this
section.

(f) The notice described by Subsection (a)(1) is not required to include
information regarding payors who are not insurers or health maintenance
organizations.

Sec. 1458.103. EFFECT OF CONTRACT TERMINATION. Subject to
continuity of care requirements, agreements, or contractual provisions:

(1) a third party may not access health care services and contractual
discounts after the date the provider network contract terminates;

(2) claims for health care services performed after the termination date
may not be processed or paid under the provider network contract after the
termination; and

(3) claims for health care services performed before the termination
date and processed after the termination date may be processed and paid under
the provider network contract after the date of termination.

Sec. 1458.104. AVAILABILITY OF CODING GUIDELINES. (a) A
contract between a contracting entity and a provider must provide that:

(1) the provider may request a description and copy of the coding
guidelines, including any underlying bundling, recoding, or other payment
process and fee schedules applicable to specific procedures that the provider will
receive under the contract;

(2) the contracting entity or the contracting entity's agent will provide
the coding guidelines and fee schedules not later than the 30th day after the date
the contracting entity receives the request;

(3) the contracting entity or the contracting entity's agent will provide
notice of changes to the coding guidelines and fee schedules that will result in a
change of payment to the provider not later than the 90th day before the date the
changes take effect and will not make retroactive revisions to the coding
guidelines and fee schedules; and

(4) if the requested information indicates a reduction in payment to the
provider from the amounts agreed to on the effective date of the contract, the
contract may be terminated by the provider on written notice to the contracting
entity on or before the 30th day after the date the provider receives information
requested under this subsection without penalty or discrimination in participation
in other health care products or plans.

(b) A provider who receives information under Subsection (a) may only:

(1) use or disclose the information for the purpose of practice management, billing activities, and other business operations; and

(2) disclose the information to a governmental agency involved in the regulation of health care or insurance.

(c) The contracting entity shall, on request of the provider, provide the name, edition, and model version of the software that the contracting entity uses to determine bundling and unbundling of claims.

(d) The provisions of this section may not be waived, voided, or nullified by contract.

(e) If a contracting entity is unable to provide the information described by Subsection (a)(1), (a)(3), or (c), the contracting entity shall by telephone provide a readily available medium in which providers may obtain the information, which may include an Internet website.

[Sections 1458.105-1458.150 reserved for expansion]

SUBCHAPTER D. RIGHTS AND RESPONSIBILITIES OF THIRD PARTY

Sec. 1458.151. THIRD-PARTY RIGHTS AND RESPONSIBILITIES. A third party that leases, sells, aggregates, assigns, or otherwise conveys a provider's contractual discount to another party, who is not a covered individual, must comply with the responsibilities of a contracting entity under Subchapters C and E.

Sec. 1458.152. DISCLOSURE BY THIRD PARTY. (a) A third party shall disclose, to the contracting entity and providers under the provider network contract, the identity of a person, who is not a covered individual, to whom the third party leases, sells, aggregates, assigns, or otherwise conveys a provider's contractual discount through an electronic notification that complies with Section 1458.102 and includes a link to the Internet website described by Section 1458.102(d).

(b) A third party that uses an Internet website under this section must update the website on a quarterly basis. On request, a contracting entity shall disclose the information by telephone or through direct notification.

[Sections 1458.153-1458.200 reserved for expansion]

SUBCHAPTER E. UNAUTHORIZED ACCESS TO PROVIDER NETWORK CONTRACTS

Sec. 1458.201. UNAUTHORIZED ACCESS TO OR USE OF DISCOUNT. (a) A person who knowingly accesses or uses a provider's contractual discount under a provider network contract without a contractual relationship established under this chapter commits an unfair or deceptive act in the business of insurance that violates Subchapter B, Chapter 541. The remedies available for a violation of Subchapter B, Chapter 541, under this subsection do not include a private cause of action under Subchapter D, Chapter 541, or a class action under Subchapter F, Chapter 541.

(b) A contracting entity or third party must comply with the disclosure requirements under Sections 1458.102 and 1458.152 concerning the services listed on a remittance advice or explanation of payment. A provider may refuse a discount taken without a contract under this chapter or in violation of those sections.

(c) Notwithstanding Subsection (b), an error in the remittance advice or explanation of payment may be corrected by a contracting entity or third party not later than the 30th day after the date the provider notifies in writing the contracting entity or third party of the error.

Sec. 1458.202. ACCESS TO THIRD PARTY. A contracting entity may not provide a third party access to a provider network contract unless the third party is:

(1) a payor or person who administers or processes claims on behalf of the payor;

(2) a preferred provider benefit plan issuer or preferred provider network, including a physician-hospital organization; or

(3) a person who transports claims electronically between the contracting entity and the payor and does not provide access to the provider's services and discounts to any other third party.

[Sections 1458.203-1458.250 reserved for expansion]

SUBCHAPTER F. ENFORCEMENT

Sec. 1458.251. UNFAIR CLAIM SETTLEMENT PRACTICE. (a) A contracting entity that violates this chapter commits an unfair claim settlement practice under Subchapter A, Chapter 542, and is subject to sanctions under that subchapter as if the contracting entity were an insurer.

(b) A provider who is adversely affected by a violation of this chapter may make a complaint under Subchapter A, Chapter 542.

Sec. 1458.252. REMEDIES NOT EXCLUSIVE. The remedies provided by this subchapter are in addition to any other defense, remedy, or procedure provided by law, including common law.

SECTION ____.002. The change in law made by this article applies only to a provider network contract entered into or renewed on or after January 1, 2012. A provider network contract entered into or renewed before January 1, 2012, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 20 was adopted.

Amendment No. 21

Representative Chisum offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. COVERED SERVICES OF CERTAIN HEALTH CARE PRACTITIONERS

SECTION _____.01. Section 1451.109, Insurance Code, is amended to read as follows:

Sec. 1451.109. SELECTION OF CHIROPRACTOR. (a) An insured may select a chiropractor to provide the medical or surgical services or procedures scheduled in the health insurance policy that are within the scope of the chiropractor's license.

(b) If physical modalities and procedures are covered services under a health insurance policy and within the scope of the license of a chiropractor and one or more other type of practitioner, a health insurance policy issuer may not:

(1) deny payment or reimbursement for physical modalities and procedures provided by a chiropractor if:

(A) the chiropractor provides the modalities and procedures in strict compliance with laws and rules relating to a chiropractor's license; and

(B) the health insurance policy issuer allows payment or reimbursement for the same physical modalities and procedures performed by another type of practitioner;

(2) make payment or reimbursement for particular covered physical modalities and procedures within the scope of a chiropractor's practice contingent on treatment or examination by a practitioner that is not a chiropractor; or

(3) establish other limitations on the provision of covered physical modalities and procedures that would prohibit an insured from seeking the covered physical modalities and procedures from a chiropractor to the same extent that the insured may obtain covered physical modalities and procedures from another type of practitioner.

(c) Nothing in this section requires a health insurance policy issuer to cover particular services or affects the ability of a health insurance policy issuer to determine whether specific procedures for which payment or reimbursement is requested are medically necessary.

(d) This section does not apply to:

(1) workers' compensation insurance coverage as defined by Section 401.011, Labor Code;

(2) a self-insured employee welfare benefit plan subject to the Employee Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et seq.);

(3) the child health plan program under Chapter 62, Health and Safety Code, or the health benefits plan for children under Chapter 63, Health and Safety Code; or

(4) a Medicaid managed care program operated under Chapter 533, Government Code, or a Medicaid program operated under Chapter 32, Human Resources Code.

SECTION ____.02. The changes in law made by this article to Section 1451.109, Insurance Code, apply only to a health insurance policy that is delivered, issued for delivery, or renewed on or after the effective date of this Act. A policy delivered, issued for delivery, or renewed before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 22

Representative Schwertner offered the following amendment to Amendment No. 21:

Amend Amendment No. 21 by Chisum to **CSSB 7** (house committee printing) as follows:

(1) In added Section 1451.109(b)(1)(A), Insurance Code (page 1, lines 19 and 20), strike "laws and rules relating to a chiropractor's license" and substitute "state law".

(2) In added Section 1451.109(b)(1)(B), Insurance Code (page 1, line 23), between "practitioner" and the semicolon, insert "that an insured may select under this subchapter".

(3) In added Section 1451.109(b)(2), Insurance Code (page 1, line 26), strike "practice" and substitute "license".

Amendment No. 22 was adopted.

Amendment No. 21, as amended, was adopted.

Amendment No. 23

Representative Hardcastle offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS accordingly:

ARTICLE ____ . AUTOLOGOUS STEM CELL BANK FOR RECIPIENTS OF BLOOD AND TISSUE COMPONENTS WHO ARE THE LIVE HUMAN DONORS OF THE ADULT STEM CELLS

Section ____ .01. Title 12, Health and Safety Code, is amended by adding Chapter 1003 to read as follows:

CHAPTER 1003. AUTOLOGOUS STEM CELL BANK FOR RECIPIENTS OF BLOOD AND TISSUE COMPONENTS WHO ARE THE LIVE HUMAN DONORS OF THE ADULT STEM CELLS.

Sec. 1003.001. ESTABLISHMENT OF ADULT STEM CELL BANK. (a) If the executive commissioner of the Health and Human Services Commission determines that it will be cost-effective and increase the efficiency or quality of health care, health and human service, and health benefits programs in this state, the executive commissioner by rule shall establish eligibility criteria for the creation and operation of an autologous adult stem cell bank.

(b) In adopting the rules under Subsection (a), the executive commissioner shall consider:

(1) the ability of the applicant to establish, operate, and maintain an autologous adult stem cell bank and to provide related services; and

(2) the demonstrated experience of the applicant in operating similar facilities in this state.

(c) This section does not affect the application of or apply to Chapter 162.

Amendment No. 23 - Point of Order

Representative Thompson raised a point of order against further consideration of Amendment No. 23 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Amendment No. 24

Representative Thompson offered the following amendment to Amendment No. 23:

Amend Amendment No. 23 by Hardcastle to **CSSB 7** (house committee printing) in the chapter added by the amendment by adding the following appropriately numbered section:

Sec. ____ . PURPOSE; APPLICABILITY. (a) An autologous adult stem cell bank created under this chapter operates solely for the purpose of storing and maintaining autologous adult stem cells.

(b) This chapter does not apply to a facility, entity, person, or institution that:

- (1) extracts autologous cells or autologous adult stem cells;
- (2) conducts research on autologous cells or autologous stem cells;
- (3) provides educational instruction related to autologous cells or autologous adults stem cells at an institution of higher education; or
- (4) performs therapeutic treatments involving the use of autologous cells or autologous adult stem cells.

Amendment No. 24 was adopted.

Amendment No. 23, as amended, was adopted.

Amendment No. 25

Representative Jackson offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS accordingly:

ARTICLE ____ . FORMATION OF BUSINESS ORGANIZATIONS BY
CERTAIN HEALTH CARE PROFESSIONALS

SECTION ____ .01. Subtitle A, Title 3, Occupations Code, is amended by adding Chapter 115 to read as follows:

CHAPTER 115. PROFESSIONAL COLLABORATION OF PHYSICIANS
AND CHIROPRACTORS

Sec. 115.001. PURPOSE; CONSTRUCTION OF CHAPTER. (a) The purpose of this chapter is to:

- (1) reduce barriers to a free market for health care by increasing efficiency and professional collaboration for the purpose of improving patient care and lowering costs; and
- (2) authorize physicians and chiropractors to use certain business organizations to efficiently collaborate in the delivery of health care.

(b) This chapter may not be construed to modify the scope of practice of a health care professional or to allow one type of health care professional to directly or indirectly control the performance of another type of health care professional's practice.

Sec. 115.002. BUSINESS ORGANIZATIONS AUTHORIZED. (a) A person licensed under Subtitle B and a person licensed under Chapter 201 may form a partnership, professional association, or professional limited liability company according to the requirements of this section and any other applicable law.

(b) If a person licensed under Chapter 201 forms a professional entity with a person licensed under Subtitle B, as authorized by this section, the authority of each practitioner is limited by that practitioner's scope of practice. A practitioner may not exercise control over the other practitioner's clinical authority granted by the practitioner's license, including control over a treatment decision by the other practitioner through an agreement, bylaw, directive, financial incentive, or other arrangement.

(c) The Texas Medical Board and the Texas Board of Chiropractic Examiners continue to exercise each board's respective regulatory authority over license holders.

(d) A person licensed under Subtitle B who forms a professional entity under this section shall report the formation of the entity and any material change in an agreement, bylaw, directive, financial incentive, or other arrangement related to the operation of the entity to the Texas Medical Board not later than the 30th day after the date the entity is formed or the material change is made.

Amendment No. 25 - Point of Order

Representative Schwertner raised a point of order against further consideration of Amendment No. 25 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair overruled the point of order.

Amendment No. 25 was adopted.

Amendment No. 26

Representative Alonzo offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee printing) in ARTICLE 1 of the bill by adding the following appropriately numbered SECTION to that article and renumbering subsequent SECTIONS of the article accordingly:

SECTION 1.____. Section 61.033, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) In accordance with Subsection (a), if an eligible resident receives health care services from a county other than the county in which the resident resides, the county in which the resident resides is liable for those costs. This subsection applies only to a county seeking state assistance money under this chapter.

Amendment No. 26 was adopted.

Amendment No. 27

Representative Christian offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . STATE FUNDING FOR CERTAIN MEDICAL PROCEDURES

SECTION ____ .01. The heading to Subchapter M, Chapter 285, Health and Safety Code, is amended to read as follows:

SUBCHAPTER M. REGULATION [PROVISION] OF SERVICES

SECTION ____ .02. Subchapter M, Chapter 285, Health and Safety Code, is amended by adding Section 285.202 to read as follows:

Sec. 285.202. USE OF TAX REVENUE FOR ABORTIONS; EXCEPTION FOR MEDICAL EMERGENCY. (a) In this section, "medical emergency" means a condition exists that, in a physician's good faith clinical judgment, complicates the medical condition of the pregnant woman and necessitates the immediate abortion of her pregnancy to avert her death or to avoid a serious risk of substantial impairment of a major bodily function.

(b) Except in the case of a medical emergency, a hospital district created under general or special law that uses tax revenue of the district to finance the performance of an abortion may not receive state funding.

(c) A physician who performs an abortion in a medical emergency at a hospital or other health care facility owned or operated by a hospital district that receives state funds shall:

(1) include in the patient's medical records a statement signed by the physician certifying the nature of the medical emergency; and

(2) not later than the 30th day after the date the abortion is performed, certify to the Department of State Health Services the specific medical condition that constituted the emergency.

(d) The statement required under Subsection (c)(1) shall be placed in the patient's medical records and shall be kept by the hospital or other health care facility where the abortion is performed until:

(1) the seventh anniversary of the date the abortion is performed; or

(2) if the pregnant woman is a minor, the later of:

(A) the seventh anniversary of the date the abortion is performed;

or

(B) the woman's 21st birthday.

(e) A hospital district created by general or special law that receives state funding may not:

(1) make a charitable donation or financial contribution from tax revenue of the district to an organization, agency, or entity that provides or refers for abortion or abortion-related services; or

(2) contract or affiliate with other organizations, agencies, or entities that provide or refer for abortion or abortion related services.

Amendment No. 27 - Point of Order

Representative D. Howard raised a point of order against further consideration of Amendment No. 27 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

(L. Taylor in the chair)

The chair overruled the point of order.

Amendment No. 27 - Point of Order

Representative Naishtat raised a point of order against further consideration of Amendment No. 27 under Rule 8, Section 3 of the House Rules on the grounds that the amendment violates the one subject rule.

The chair overruled the point of order.

Amendment No. 27 was adopted by (Record 12): 100 Yeas, 37 Nays, 2 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farrar; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Mallory Caraway; Marquez; Martinez Fischer; McClendon; Miles; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

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

Absent, Excused — Castro; Creighton; Gallego; Hilderbran; Smithee; Truitt; Woolley.

Absent — Coleman; Farias; Menendez; Walle.

(Castro now present)

Amendment No. 28

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

Amend **CSSB 7** (house committee printing) in SECTION 1.12 of the bill (page 38, line 1, through page 59, line 22) by adding the following appropriately lettered subsection to the SECTION and relettering subsequent subsections of the SECTION accordingly:

() (1) In converting the hospital reimbursement systems used under the medical assistance program under Chapter 32, Human Resources Code, to the diagnosis-related groups (DRG) methodology to the extent possible as required

by Section 536.005, Government Code, as added by this section, and in any rebasing of the hospital reimbursement rates using a methodology based on a statewide standard dollar amount (SDA), the executive commissioner of the Health and Human Services Commission shall adopt reasonable reimbursement rate maximums and may adopt reasonable reimbursement rate minimums for the state fiscal biennium ending August 31, 2013, that ensure that:

(A) each hospital in this state that participates in the medical assistance program, other than a hospital that received a reimbursement rate in the state fiscal year ending August 31, 2011, that exceeds the rate maximum adopted by the executive commissioner under this subsection for the state fiscal biennium ending August 31, 2013, does not experience a decrease of more than 10 percent in the highest reimbursement rate received by the hospital during the state fiscal year ending August 31, 2011; and

(B) hospital reimbursement rates are sufficient to encourage enough hospitals to participate in the medical assistance program to ensure that services are available to recipients under the program at least to the extent those services are available to the general public.

(2) Notwithstanding Subdivision (1)(A) of this subsection, the executive commissioner of the Health and Human Services Commission may adopt reimbursement rates that result in a decrease in rates that exceeds the limitation prescribed by that provision if the commission determines that those rates are necessary to provide services within the amounts appropriated in the General Appropriations Act and other appropriations acts.

Amendment No. 29

Representative Zerwas offered the following amendment to Amendment No. 28:

Amend Amendment No. 28 to **CSSB 7** by Lucio as follows:

(1) Strike page 1, lines 16 through page 2, line 1 and substitute the following:

that include for the state fiscal year ending August 31, 2012 a transition rate that limits to eight percent, for hospitals in this state that participate in the medical assistance program, any loss resulting from rebasing hospital reimbursement rates using a methodology based on a SDA.

(2) On page 2, line 2, strike "Subdivision (1)(A)" and substitute "Subdivision (1)".

Amendment No. 29 was adopted.

Amendment No. 28, as amended, was adopted.

(Speaker in the chair)

CSSB 7, as amended, was passed to third reading by (Record 13): 91 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.;

Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Solomons; Taylor, L.; Taylor, V.; Torres; Weber; White; Workman; Zedler; Zerwas.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Creighton; Gallego; Hilderbran; Smithee; Truitt; Woolley.

Absent — Coleman; Garza; Hartnett; Hernandez Luna; Walle.

ADJOURNMENT

Representative Otto moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 4:47 p.m., adjourned until 10 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

HCR 12 (By Dutton), Congratulating country-pop superstar Kenny Rogers on his achievements.

To Rules and Resolutions.

HR 11 (By Alonzo), Congratulating Julian Rodriguez on being named the 2011 valedictorian of Adamson High School in Dallas.

To Rules and Resolutions.

HR 12 (By Alonzo), Congratulating Adan Gonzalez on being named the 2011 salutatorian of Adamson High School in Dallas.

To Rules and Resolutions.

HR 13 (By Alonzo), Congratulating Kevin Prado on being named the 2011 valedictorian of Molina High School in Dallas.

To Rules and Resolutions.

HR 14 (By Alonzo), Congratulating Leticia Gallegos on being named the 2011 salutatorian of Molina High School in Dallas.

To Rules and Resolutions.

HR 15 (By Alonzo), Congratulating Gustavo Castillo on being named the 2011 valedictorian of Trini Garza Early College High School in Dallas.

To Rules and Resolutions.

HR 16 (By Alonzo), Congratulating Jocelyn Velasquez on being named the 2011 salutatorian of Trini Garza Early College High School in Dallas.

To Rules and Resolutions.

HR 17 (By Alonzo), Congratulating Xochitl Escobar on being named valedictorian of Sunset High School in Dallas.

To Rules and Resolutions.

HR 18 (By Alonzo), Congratulating Veronica Flores on being named salutatorian of Sunset High School in Dallas.

To Rules and Resolutions.

HR 19 (By Alonzo), Congratulating Kathy T. Do on being named the 2011 valedictorian of Grand Prairie High School.

To Rules and Resolutions.

HR 20 (By Alonzo), Congratulating Juan C. Cerda on being named the 2011 Salutatorian of Grand Prairie High School.

To Rules and Resolutions.

HR 21 (By Alonzo), Congratulating Rosa Walker on her induction into the Texas AFL-CIO Hall of Fame.

To Rules and Resolutions.

HR 22 (By Sheffield), Congratulating Ervin and Janice Schwindt of Belton on their 50th wedding anniversary.

To Rules and Resolutions.

HR 23 (By Sheffield), Congratulating Dr. Vernon D. Holleman and Shirley Holleman of Temple on their 50th wedding anniversary.

To Rules and Resolutions.

HR 24 (By Sheffield), Honoring Roy and Eloisa Doroso of Temple on their 50th wedding anniversary.

To Rules and Resolutions.

HR 25 (By Sheffield), Honoring Carl and Patsy Feller of Salado on their 60th wedding anniversary.

To Rules and Resolutions.

HR 26 (By Huberty), Congratulating Matthew Simpson of Huffman on being named valedictorian of the Class of 2011 at Hargrave High School.

To Rules and Resolutions.

HR 27 (By Huberty), Congratulating Paige Alan Sullivan on her graduation from Kingwood High School.

To Rules and Resolutions.

HR 28 (By Workman), Congratulating Lake Travis High School basketball coach Jan Jernberg on his retirement.

To Rules and Resolutions.

HR 29 (By Patrick), In memory of Ronald Gene Howell of Arlington.

To Rules and Resolutions.

HR 30 (By Y. Davis), Recognizing the Best Southwest Partnership on the occasion of the 25th anniversary of its incorporation.

To Rules and Resolutions.

HR 31 (By Paxton), Congratulating Burks Elementary School in McKinney on earning recognition as a Healthy Zone School.

To Rules and Resolutions.

HR 32 (By L. Gonzales), Congratulating Patti Jurena Wiggs of Round Rock on her retirement as a teacher at Park Crest Middle School in Pflugerville.

To Rules and Resolutions.

HR 33 (By Torres), Congratulating R. E. "Bob" Parker on his induction into the Corpus Christi Business Hall of Fame.

To Rules and Resolutions.

HR 34 (By Torres), Congratulating the marketing and community relations department of Driscoll Children's Hospital in Corpus Christi on winning three 2011 Aster Awards.

To Rules and Resolutions.

HR 35 (By Torres), Congratulating the Destination ImagiNation teams from Baker Middle School in Corpus Christi for advancing to the 2011 Destination ImagiNation Global Finals.

To Rules and Resolutions.

HR 36 (By Torres), Congratulating David Richter on his induction into the Corpus Christi Business Hall of Fame.

To Rules and Resolutions.

HR 37 (By Torres), Congratulating Dr. Robert R. Furgason on his induction into the Corpus Christi Business Hall of Fame.

To Rules and Resolutions.

HR 38 (By Torres), Congratulating Elizabeth Chu Richter on her induction into the Corpus Christi Business Hall of Fame.

To Rules and Resolutions.

HR 39 (By Dutton), Congratulating Gertrude Jack Lewis of Houston on the occasion of her 100th birthday.

To Rules and Resolutions.

HR 40 (By Cain), Congratulating Second Lieutenant Jermaine Dewayne Wright of Sulphur Springs on his graduation from the United States Military Academy at West Point.

To Rules and Resolutions.

HR 42 (By Guillen), In memory of Eladio Carrera of Rio Grande City.

To Rules and Resolutions.

HR 43 (By Guillen), Congratulating Homero Juan Salmon on his retirement as constable of Starr County Precinct 4.

To Rules and Resolutions.

HR 44 (By Dutton), Commemorating EXPO 2011, hosted by the Houston Minority Supplier Development Council.

To Rules and Resolutions.

HR 45 (By Guillen), Commending the Honorable John A. Pope III of McAllen for his distinguished work in the legal profession.

To Rules and Resolutions.

HR 46 (By Guillen), Honoring Lino Canales, Jr., for his contributions to the community as founder of the Starr County Town Crier.

To Rules and Resolutions.

HR 47 (By Guillen), In memory of Nidia Ann Leal.

To Rules and Resolutions.

HR 48 (By Guillen), Honoring Immaculate Conception Church in Rio Grande City for its service to the community.

To Rules and Resolutions.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

June 7

Public Education - **HB 6**

State Sovereignty, Select - **HB 5**

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

SIXTH DAY — THURSDAY, JUNE 9, 2011

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

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

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

Absent, Excused — Woolley.

The invocation was offered by Representative Landtroop.

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

HR 74 - ADOPTED (by Hughes)

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

The motion prevailed.

The following resolution was laid before the house:

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

HR 74 was adopted.

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

LEAVES OF ABSENCE GRANTED

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

Alonzo on motion of Lavender.
 Alvarado on motion of Lavender.
 Aycock on motion of Lavender.
 Branch on motion of Lavender.
 Eissler on motion of Lavender.
 Geren on motion of Lavender.
 Harless on motion of Lavender.
 Hilderbran on motion of Lavender.
 Hunter on motion of Lavender.
 Keffer on motion of Lavender.
 Madden on motion of Lavender.
 Peña on motion of Lavender.
 Phillips on motion of Lavender.
 Pickett on motion of Lavender.
 Solomons on motion of Lavender.
 Veasey on motion of Lavender.
 Villarreal on motion of Lavender.

MAJOR STATE CALENDAR SENATE BILLS THIRD READING

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

SB 7 ON THIRD READING (Zerwas - House Sponsor)

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

LEAVE OF ABSENCE GRANTED

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

Bohac on motion of C. Howard.

SB 7 - (consideration continued)

Amendment No. 1

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

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

Amendment No. 1 was adopted.

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

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Woolley.

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

STATEMENTS OF VOTE

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

Alvarado

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

Coleman

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

Geren

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

Harless

**MAJOR STATE CALENDAR
SENATE BILLS
SECOND READING**

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

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

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

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

The motion prevailed.

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

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

Amendment No. 1

Representative Pitts offered the following amendment to **CSSB 2**:
Floor Packet Page No. 1

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

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

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

SECTION _____. EFFECTIVE DATE. This Act takes effect immediately.

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

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

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

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

Sec. 32. The amount of \$2,000,000 is appropriated from General Revenue Fund 0001 to the Health and Human Services Commission for Strategy A.1.1, Enterprise Oversight and Policy, as designated by page II-73, House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for the purpose of entering into a contract with a public cord blood bank in this state for gathering from live births umbilical cord blood and retaining the blood at an unrelated cord blood bank for the primary purpose of making umbilical cord blood available for transplantation purposes. The contracting blood bank must be accredited by the American Association of Blood Banks and the International Organization of Standardization. ~~[THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO: UMBILICAL CORD BLOOD BANK. The amount of \$2,000,000 is appropriated from General Revenue Fund 0001 to The University of Texas Health Science Center at San Antonio for the state fiscal biennium ending August 31, 2013, for the umbilical cord blood bank.]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

Amendment No. 1 was adopted.

Amendment No. 2

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

Floor Packet Page No. 7

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

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

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

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

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

Representative Pitts moved to table Amendment No. 2.

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

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Woolley.

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

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

STATEMENTS OF VOTE

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

Alvarado

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

Fletcher

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

Geren

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

Harless

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

Harper-Brown

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

P. King

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

S. King

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

Orr

Amendment No. 2 was adopted.

Amendment No. 3

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

Floor Packet Page No. 15

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

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

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

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

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

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

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

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

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

Amendment No. 3 was adopted.

Amendment No. 4

Representative Margo offered the following amendment to **CSSB 2**:
Floor Packet Page No. 17

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

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

Amendment No. 4 was adopted.

Amendment No. 5

Representative Lucio offered the following amendment to **CSSB 2**:
Floor Packet Page No. 19

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

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

Amendment No. 5 was adopted.

Amendment No. 6

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

Floor Packet Page No. 20

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

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

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

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

Amendment No. 7

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

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

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

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

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

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

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

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

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

(Ritter in the chair)

Representative Perry moved to table Amendment No. 7.

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

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

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

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

Absent, Excused — Bohac; Woolley.

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

STATEMENTS OF VOTE

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

Alvarado

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

Geren

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

Harless

Representative Zerwas moved to table Amendment No. 6.

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

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

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

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

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

Absent, Excused — Bohac; Woolley.

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

Absent — Guillen; Margo.

STATEMENTS OF VOTE

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

Alvarado

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

Geren

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

Harless

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

Margo

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

T. Smith

Amendment No. 8

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

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

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

Amendment No. 8 was withdrawn.

Amendment No. 9

Representative Alonzo offered the following amendment to **CSSB 2**:
Floor Packet Page No. 23

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

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

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

Amendment No. 9 was withdrawn.

Amendment No. 10

Representative Zerwas offered the following amendment to **CSSB 2**:
Floor Packet Page No. 25

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

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

- (1) within the Office of Inspector General (OIG) to improve systems for the detection, prevention, and prosecution of fraud, waste, and abuse; and
- (2) that may involve:

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

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

Amendment No. 10 was adopted.

Amendment No. 11

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

Floor Packet Page No. 26

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

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

Amendment No. 11 was withdrawn.

Amendment No. 12

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

Floor Packet Page No. 29

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

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

() Texas Department of Rural Affairs Executive Director Group 4

Amendment No. 12 was adopted.

Amendment No. 13

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

Floor Packet Page No. 31

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

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

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

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

Amendment No. 13 was withdrawn.

Amendment No. 14

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

Floor Packet Page No. 32

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

SECTION _____. Commission on State Emergency Communications.

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

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

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

Amendment No. 14 was adopted.

(Madden now present)

Amendment No. 15

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

Floor Packet Page No. 34

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

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

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

Amendment No. 15 was withdrawn.

Amendment No. 16

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

Floor Packet Page No. 35

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

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

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

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

Amendment No. 17

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

Floor Packet Page No. 36

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

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

Amendment No. 17 was adopted.

(Alonzo, Eissler, and Pickett now present)

Amendment No. 18

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

Floor Packet Page No. 18

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

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

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

Amendment No. 18 - Point of Order

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

The point of order was withdrawn.

Representative Otto moved to table Amendment No. 18.

(Hilderbran and Solomons now present)

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

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

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

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

Absent, Excused — Bohac; Woolley.

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

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

STATEMENTS OF VOTE

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

Alvarado

When Record No. 19 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

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

White

Amendment No. 16 - Vote Reconsidered

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

The motion to reconsider prevailed.

Amendment No. 16 was withdrawn.

Amendment No. 19

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

Floor Packet Page No. 23

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

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

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

Amendment No. 19 was withdrawn.

Amendment No. 20

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

Floor Packet Page No. 8

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

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

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

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

Amendment No. 21

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

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

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

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

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

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

(Phillips now present)

Amendment No. 21 was adopted.

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

(Speaker in the chair)

Amendment No. 22

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

Floor Packet Page No. 10

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

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

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

Amendment No. 23

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

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

(a) In addition to amounts appropriated to the Texas Education Agency for the Foundation School Program by this Act or similar legislation, the amount necessary to provide school districts and open-enrollment charter schools with at least the amount of state and local maintenance and operations funding per student in weighted average daily attendance that the district or school would be entitled to receive under Chapter 42, Education Code, as that chapter existed on January 1, 2011, for the state fiscal biennium beginning September 1, 2011, as determined by the commissioner of education in consultation with the Legislative Budget Board, is appropriated from the economic stabilization fund to the Texas Education Agency for the Foundation School Program under Chapter 42, Education Code.

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

(Alvarado, Branch, and Veasey now present)

Representative Eissler moved to table Amendment No. 23.

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

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Woolley.

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

Amendment No. 24

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

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

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

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

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

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

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

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

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

(Keffer now present)

Amendment No. 24 was adopted. (C. Anderson, Aycock, Beck, Berman, Button, Cain, Callegari, Carter, Christian, Craddick, Creighton, Crownover, Elkins, Flynn, Frullo, Harper-Brown, Hughes, Isaac, Keffer, P. King, Kleinschmidt, Landtroop, Laubenberg, Legler, Madden, S. Miller, Morrison, Murphy, Otto, Parker, Paxton, Perry, Phillips, Price, Schwertner, Sheets, Sheffield, L. Taylor, V. Taylor, Weber, Workman, and Zedler recorded voting no.)

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

Amendment No. 25

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

Floor Packet Page No. 27

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

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

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

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

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

(e) Of general revenue appropriated to the Department of Family and Protective Services in Article II, **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for Strategy C.1.6, At-Risk Prevention Program Support (page II-32), not more than \$1,055,245 each state fiscal year may be used to implement the provisions of **SB 653**, Acts of the 82nd Legislature, Regular Session, 2011, as effective September 1, 2011, related to prevention and intervention services.

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

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

Amendment No. 25 was adopted.

Amendment No. 26

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

Floor Packet Page No. 30

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

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

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

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

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

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

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

Amendment No. 26 was withdrawn.

Amendment No. 27

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

Floor Packet Page No. 26

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

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

(Hunter now present)

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

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

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

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

Absent, Excused — Bohac; Woolley.

Absent, Excused, Committee Meeting — Peña.

Absent — Eiland; Thompson.

STATEMENT OF VOTE

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

Thompson

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

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Woolley.

Absent, Excused, Committee Meeting — Peña.

Absent — Guillen.

STATEMENTS OF VOTE

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

Carter

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

Deshotel

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

Nash

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

Strama

REASONS FOR VOTE

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

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

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

POSTPONED BUSINESS

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

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

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

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

(D. Miller in the chair)

Amendment No. 1

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

Floor Packet Page No. 1

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

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

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

SECTION ____ .01. (a) Each state agency that received federal funds originally appropriated in Article XII, Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act) and reappropriated in Section 8.02(a), Article IX, **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011, to prevent the federal law authorization to spend that money from lapsing before the money is spent, may direct the comptroller to transfer an amount of that federal money to the office of the governor for the purposes of Subsection (b) of this section. The total of the amounts transferred under this subsection by all agencies may not exceed \$20 million.

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

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

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

ARTICLE 3. TAX RECORDS

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

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

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

(2) include information relating to:

(A) the kind of each machine;

(B) the date each machine is:

(i) acquired or received in this state; and

(ii) placed in operation;

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

(i) county;

(ii) municipality, if any; and

(iii) street or rural route number;

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

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

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

(3) be maintained[=

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3.12. This article takes effect September 1, 2011, if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for this article to have effect on that date, this article takes effect October 1, 2011.

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

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

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

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

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

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

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

Amendment No. 1 was adopted.

Amendment No. 2

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

Floor Packet Page No. 8

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

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

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

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

Amendment No. 2 was withdrawn.

Amendment No. 3

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

Floor Packet Page No. 18

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

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

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

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

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

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

(Peña now present)

Representative Pitts moved to table Amendment No. 3.

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

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

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

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

Absent, Excused — Bohac; Woolley.

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

STATEMENTS OF VOTE

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

Alvarado

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

C. Anderson

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

Branch

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

Menendez

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

Peña

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

Veasey

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

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

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

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

Absent, Excused — Bohac; Woolley.

Absent — Miles; Walle.

STATEMENTS OF VOTE

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

Branch

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

Eiland

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

Farrar

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

Parker

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

Solomons

Amendment No. 4

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

Floor Packet Page No. 19

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

LEAVE OF ABSENCE GRANTED

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

Burnam on motion of Gooden.

CSSB 1 - (consideration continued)

(Speaker in the chair)

Representative Pitts moved to table Amendment No. 4.

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

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

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

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

Absent, Excused — Bohac; Burnam; Woolley.

Absent — Walle.

STATEMENTS OF VOTE

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

C. Anderson

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

Farrar

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

Orr

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

Solomons

Amendment No. 5

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

Floor Packet Page No. 20

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

Amendment No. 5 was withdrawn.

Amendment No. 6

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

Floor Packet Page No. 21

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

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

Amendment No. 6 was withdrawn.

Amendment No. 7

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

Floor Packet Page No. 22

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

Amendment No. 7 was adopted.

Amendment No. 8

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

Floor Packet Page No. 23

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

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

Amendment No. 8 was adopted.

Amendment No. 9

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

Floor Packet Page No. 24

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

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

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

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

Amendment No. 10

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

Floor Packet Page No. 25

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

Amendment No. 10 was withdrawn.

Amendment No. 11

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

Floor Packet Page No. 26

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

Representative Otto moved to table Amendment No. 11.

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

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Aycock; Beck; Branch; Brown; Burkett; Button; Callegari; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver;

Dukes; Dutton; Eissler; Farrar; Fletcher; Frullo; Garza; Geren; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kuempel; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Perry; Pitts; Price; Quintanilla; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheffield; Shelton; Smith, T.; Smith, W.; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; White; Workman.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Woolley.

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

STATEMENTS OF VOTE

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

Creighton

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

Eiland

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

L. Gonzales

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

Harless

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

C. Howard

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

Huberty

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

Kuempel

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

Schwertner

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

Sheffield

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

L. Taylor

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

Truitt

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

Veasey

Amendment No. 12

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

Floor Packet Page No. 27

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

ARTICLE ____ . FRANCHISE TAX TOTAL REVENUE EXEMPTION

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

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

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

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

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

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

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

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

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

Amendment No. 12 was withdrawn.

Amendment No. 13

Representative Weber offered the following amendment to **CSSB 1**:
Floor Packet Page No. 29

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

Representative Gooden moved to table Amendment No. 13.

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

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Woolley.

Absent — Eiland; Jackson; Villarreal.

STATEMENTS OF VOTE

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

C. Anderson

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

Eiland

Amendment No. 14

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

Floor Packet Page No. 30

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

Amendment No. 14 was withdrawn.

Amendment No. 15

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

Floor Packet Page No. 31

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

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

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

Amendment No. 16

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

Floor Packet Page No. 32

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

Representative Pitts moved to table Amendment No. 16.

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

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

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Woolley.

Absent — Cain; Naishtat.

STATEMENTS OF VOTE

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

Callegari

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

Craddick

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

Parker

Amendment No. 17

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

Floor Packet Page No. 33

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

Representative Otto moved to table Amendment No. 17.

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

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Woolley.

Absent — Murphy; Thompson.

STATEMENTS OF VOTE

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

Parker

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

Perry

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

Sheets

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

Thompson

Amendment No. 18

Representative D. Howard offered the following amendment to **CSSB 1**:

Floor Packet Page No. 34

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

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

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

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

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

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

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

Amendment No. 19

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

Floor Packet Page No. 35

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

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

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

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

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

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

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

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

(7) Renumber subsequent SECTIONS in the ARTICLE accordingly.

Representative Eissler moved to table Amendment No. 19.

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

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Woolley.

Absent — Nash.

Amendment No. 20

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

Floor Packet Page No. 36

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

where:

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

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

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

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

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

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

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

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

Amendment No. 20 was adopted.

Amendment No. 21

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

Floor Packet Page No. 45

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

$$MS = SF \times FS$$

where:

"MS" is the minimum monthly salary;

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

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

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

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

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

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

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

where:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) If the amount appropriated for the Foundation School Program for the second year of a state fiscal biennium is less than the amount to which school districts are entitled for that year, the commissioner shall certify the amount of the difference to the Legislative Budget Board not later than January 1 of the second year of the state fiscal biennium. The Legislative Budget Board shall propose to the legislature that the certified amount be transferred to the foundation school fund from the economic stabilization fund and appropriated for the purpose of increases in allocations under this subsection. If the legislature fails during the regular session to enact the proposed transfer and appropriation and there are no funds available under Subsection (j), the commissioner shall reduce the total amount of state funds allocated to each district by an amount determined by a method under which the application of the same number of cents of increase in tax rate in all districts applied to the taxable value of property of each district, as determined under Subchapter M, Chapter 403, Government Code, results in a total levy equal to the total reduction. The following fiscal year, a district's entitlement under this section is increased by an amount equal to the reduction made under this subsection.

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

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

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

(17) Renumber subsequent SECTIONS of ARTICLE 56 accordingly.

Amendment No. 21 was withdrawn.

Amendment No. 22

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

Floor Packet Page No. 56

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

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

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

Amendment No. 23

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 56. FISCAL MATTERS RELATING TO PUBLIC SCHOOL FINANCE

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

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

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

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

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

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

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

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

Amendment No. 23 was withdrawn.

Amendment No. 22 was withdrawn.

Amendment No. 24

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

Floor Packet Page No. 68

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

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

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

Sec. 114.001. DEFINITIONS. In this chapter:

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

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

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

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

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

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

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

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

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

(3) interest as allowed by law.

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

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

(2) exemplary damages; or

(3) damages for unabsorbed home office overhead.

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

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

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

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

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

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

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

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

(2) Travis County.

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

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

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

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

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

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

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

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

Amendment No. 25

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amendment No. 26

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

Floor Packet Page No. 75

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amendment No. 27

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) the federal Occupational Safety and Health Administration;

(B) Chapter 752, Health and Safety Code;

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

and

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

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

SECTION _____.02. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for this article to have immediate effect, this article takes effect on the 91st day after the last day of the legislative session.

Amendment No. 27 was withdrawn.

Amendment No. 28

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

Floor Packet Page No. 81

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

ARTICLE ____ . VIRTUAL CAMPUS CHARTER SCHOOLS

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

Sec. 12.051. DEFINITIONS. In this subchapter:

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

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

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

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

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

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

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

(2) a program that is operated:

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

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

(3) a virtual campus charter school.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amendment No. 28 was withdrawn.

Amendment No. 29

Representative Shelton offered the following amendment to **CSSB 1**:
Floor Packet Page No. 85

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

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

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

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

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

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

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

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

(3) each additional charter school:

(A) will serve only high school students;

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

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

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

(c) This section expires September 1, 2013.

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

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

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

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

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

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

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

(c) This section expires September 1, 2013.

(Keffer in the chair)

Amendment No. 29 was withdrawn.

Amendment No. 30

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) without the guarantee, be rated as investment grade by a nationally recognized investment rating firm; and

(2) be issued under Chapter 53.

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

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

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

(1) the name of the school district or charter district and the principal amount of the bonds to be issued;

(2) the name and address of the district's paying agent for those bonds; and

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

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

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

(1) the status of the district's accreditation; and

(2) the total amount of outstanding guaranteed bonds.

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

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

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

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

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

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

(2) interest earned on balances in the fund.

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

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

(d) Each year, the commissioner shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amendment No. 31

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

Amend **CSSB 1** (house committee printing) by adding to the bill the following appropriately numbered new ARTICLE and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . NUMBER OF DAYS OF INSTRUCTION REQUIRED TO BE
PROVIDED BY SCHOOL DISTRICTS

SECTION ____ . Section 25.081, Education Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as authorized under Subsection (b) or (c) of this section, Section 25.084, or Section 29.0821, for each school year each school district must operate so that the district provides for at least 180 days of instruction for students.

(c) A school district may reduce the number of days of instruction for students required by Subsection (a) for any school year for which, as a result of a reduction in state funding levels, the amount of state and local funds per weighted student available to the district is less than the amount of state and local funds per weighted student available to the district for the 2010-2011 school year. A district may reduce the number of days of instruction for students under this subsection by the number of days necessary, as determined by the district, to operate within the funding levels available to the district without furloughing any classroom teachers.

Representative Eissler moved to table Amendment No. 31.

The motion to table prevailed by (Record 31): 92 Yeas, 44 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Jackson; Johnson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, S.; Morrison; Murphy; Nash; Orr;

Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Castro; Coleman; Davis, Y.; Dukes; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Strama; Thompson; Torres; Turner; Veasey; Vo; Walle; White.

Present, not voting — Mr. Speaker; Keffer(C).

Absent, Excused — Bohac; Burnam; Woolley.

Absent — Dutton; Eiland; Garza; Isaac; Miles; Miller, D.; Naishtat; Pickett; Villarreal.

STATEMENTS OF VOTE

When Record No. 31 was taken, I was temporarily out of the house chamber. I would have voted yes.

Eiland

When Record No. 31 was taken, I was in the house but away from my desk. I would have voted yes.

Isaac

When Record No. 31 was taken, I was in the house but away from my desk. I would have voted no.

Naishtat

Amendment No. 32

Representative Dutton offered the following amendment to **CSSB 1**:

Floor Packet Page No. 108

Amend **CSSB 1** (house committee printing) by adding to the bill the following appropriately numbered new ARTICLE and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . MINIMUM NUMBER OF DAYS OF INSTRUCTION
REQUIRED TO BE PROVIDED BY SCHOOL DISTRICTS

SECTION ____ .01. Section 25.081(a), Education Code, is amended to read as follows:

(a) Except as authorized under Subsection (b) of this section, Section 25.084, or Section 29.0821, for each school year each school district must operate so that the district provides for at least 170 [~~180~~] days of instruction for students.

Amendment No. 32 was withdrawn.

Amendment No. 33

Representative Guillen offered the following amendment to **CSSB 1**:

Floor Packet Page No. 113

Amend **CSSB 1** (house committee printing) by adding to the bill the following appropriately numbered new ARTICLE and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . FLEXIBLE SCHOOL DAY PROGRAM

SECTION ____ .01. (a) Section 29.0822(a), Education Code, is amended to read as follows:

(a) Notwithstanding Section 25.081 or 25.082, a school district may apply to the commissioner to provide a flexible school day program for ~~[students who]~~:

(1) students who have dropped out of school or are at risk of dropping out of school as defined by Section 29.081;

(2) students who attend a campus that is implementing an innovative redesign of the campus or an early college high school under a plan approved by the commissioner; ~~or~~

(3) students who, as a result of attendance requirements under Section 25.092, will be denied credit for one or more classes in which the students have been enrolled; or

(4) a campus or campuses that would benefit from the program.

(b) Subsection (a) of this section applies beginning with the 2011-2012 school year.

Amendment No. 33 was adopted.

Amendment No. 34

Representative Shelton offered the following amendment to **CSSB 1**:

Floor Packet Page No. 114

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . FISCAL MATTERS RELATING TO PREKINDERGARTEN PROGRAMS

SECTION ____ .01. Section 29.1532, Education Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

(a) A school district's prekindergarten program shall be designed to develop skills necessary for success in the regular public school curriculum, including language, mathematics, ~~and~~ social, and school readiness skills that are aligned with the Texas Prekindergarten Guidelines approved by the commissioner.

(d) A school district's prekindergarten program must demonstrate effectiveness in preparing children for kindergarten according to a school readiness certification system established by the commissioner. The commissioner may waive participation in the certification system for a school district whose prekindergarten program otherwise demonstrates effectiveness in preparing students for kindergarten.

(e) The commissioner may adopt rules as necessary to implement this section.

SECTION ____ .02. Section 29.154, Education Code, is amended to read as follows:

Sec. 29.154. EVALUATION OF PREKINDERGARTEN PROGRAMS.

(a) ~~The commissioner [of education, in consultation with the commissioner of human services,] shall:~~

(1) monitor and evaluate prekindergarten programs as to their developmental appropriateness and the development of school readiness, as aligned with the Texas Prekindergarten Guidelines approved by the commissioner and a school readiness certification system established by the commissioner;

~~(2) [The commissioners shall also] evaluate the potential for coordination on a statewide basis of prekindergarten programs with government-funded early childhood care and education programs such as child care administered under Chapter 44, Human Resources Code, and federal Head Start programs; and~~

~~(3) [That evaluation shall use recommendations contained in the report to the 71st Legislature required by Chapter 717, Acts of the 70th Legislature, Regular Session, 1987. For the purpose of providing cost effective care for children during the full workday with developmentally appropriate curriculum, the commissioners shall investigate the use of existing child care program sites as prekindergarten sites. Following the evaluation required by this section, the commissioners,] in cooperation with school districts and other program administrators, [shall] integrate programs, staff, and program sites for prekindergarten, child-care, and federal Head Start programs to the greatest extent possible.~~

(b) The commissioner or an entity acting under a contract with the commissioner shall provide technical assistance to implement proven school readiness components to a school district operating a prekindergarten program under this subchapter that is not certified by the commissioner following two consecutive review cycles. The commissioner is not required to provide assistance to a school district under this subsection if funding is not available.

(c) The commissioner may adopt rules as necessary to implement this section.

SECTION ____ .03. Section 42.003, Education Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) A student to whom Subsection (a) does not apply is entitled to the benefits of the Foundation School Program if the student is enrolled in a prekindergarten class under Section 29.153 that participates in a school readiness certification system established by the commissioner or that has received a waiver from participation under Section 29.1532(d).

(b-1) For the 2012-2013 school year, the commissioner may withhold from a school district an amount of the funds appropriated to the district for allotments for prekindergarten students enrolled in a classroom that participates in a school readiness certification system established by the commissioner to pay the costs of the district's participation in the school readiness certification system. The commissioner may also withhold an amount of revenue to which a school district

is otherwise entitled under Section 42.2516 to ensure that each school district in this state pays a comparable amount of the costs of participation in the system. This subsection expires September 1, 2013.

Amendment No. 34 - Point of Order

Representative Thompson raised a point of order against further consideration of Amendment No. 34.

The point of order was withdrawn.

Amendment No. 34 was withdrawn.

Amendment No. 35

Representative Guillen offered the following amendment to **CSSB 1**:

Floor Packet Page No. 117

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . ALLOCATION OF STATE AND FEDERAL FUNDS FOR
ADULT BASIC EDUCATION

SECTION ____ .01. Section 29.255, Education Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding any other provision of this subchapter, the agency shall allocate state and federal adult education program funds, other than federal funds set aside for state administration, special projects, and staff development, to each county based on need, performance, and efficiency.

SECTION ____ .02. Subchapter H, Chapter 29, Education Code, is amended by adding Section 29.2535 to read as follows:

Sec. 29.2535. SERVICE PROVIDER CONTRACTS: COMPETITIVE PROCUREMENT REQUIREMENT. (a) The agency shall use a competitive procurement process to award a contract to a service provider of an adult education program.

(b) The agency shall adopt rules to administer this section.

SECTION ____ .03. (a) The change in law made by Section 29.2535(a), Education Code, as added by this article, applies only to a contract entered into on or after the effective date of this article.

(b) Not later than August 31, 2012, the Texas Education Agency shall adopt rules to provide for a competitive procurement process to award contracts to service providers of adult education programs as provided by Section 29.2535, Education Code, as added by this article.

SECTION ____ .04. (a) Except as provided by Subsection (b) of this section, this article takes effect September 1, 2012.

(b) Section 29.2535(b), Education Code, as added by this article, takes effect on the 91st day after the last day of the legislative session.

Amendment No. 35 was adopted.

Amendment No. 36

Representative Madden offered the following amendment to **CSSB 1**:

Floor Packet Page No. 119

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . VIRTUAL SCHOOL NETWORK

SECTION ____ .01. Subchapter A, Chapter 30A, Education Code, is amended by adding Section 30A.0021 to read as follows:

Sec. 30A.0021. ADULT ELIGIBILITY. (a) A person who resides in this state and is at least 21 years of age on September 1 of the school year is eligible to enroll in one or more courses provided through the state virtual school network.

(b) The commissioner may not limit the number of courses a person eligible under this section may take through the state virtual school network.

(c) A person who enrolls in a course under this section must pay to the administering authority a fee in an amount established by the commissioner. The fee under this subsection must include the cost of the course established by the administering authority under Section 30A.105(b). Section 30A.155 does not apply to enrollment under this section.

SECTION ____ .02. Section 30A.107(a), Education Code, is amended to read as follows:

(a) A provider school district or school may offer electronic courses to:

(1) students and adults who reside in this state; and

(2) students who reside outside this state and who meet the eligibility requirements under Section 30A.002(c).

Amendment No. 36 was withdrawn.

Amendment No. 37

Representative Madden offered the following amendment to **CSSB 1**:

Floor Packet Page No. 125

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered new ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . STATE VIRTUAL SCHOOL NETWORK

SECTION ____ .01. Section 30A.105, Education Code, is amended by amending Subsections (a), (c), and (d) and adding Subsections (a-1), (a-2), and (a-3) to read as follows:

(a) The administering authority shall:

(1) establish a schedule for an annual submission and approval process for electronic courses;

(2) evaluate electronic courses to be offered through the state virtual school network; and

(3) not later than the 90th day after the date of submission [~~August 1 of each year~~], approve electronic courses that:

(A) meet the criteria established under Section 30A.103; and

(B) provide the minimum instructional rigor and scope required under Section 30A.104.

(a-1) If the administering authority does not take action regarding approval or disapproval of a submitted electronic course by the deadline specified in Subsection (a)(3), the course is considered approved.

(a-2) The administering authority shall publish the schedule established under Subsection (a)(1), including any deadlines specified in that schedule, and any guidelines applicable to the submission and approval process for electronic courses.

(a-3) The evaluation required by Subsection (a)(2) must include review of each electronic course component, including off-line material proposed to be used in the course.

(c) The agency shall require each school district, open-enrollment charter school, or public or private institution of higher education that submits an electronic course for evaluation and approval to pay a fee in the amount of \$500 for each course submitted. The agency shall use the fees to pay the reasonable costs of evaluating and approving electronic courses. If the amount of fees collected under this subsection is [~~funds available to the agency for that purpose are~~] insufficient to pay the costs of evaluating and approving all electronic courses submitted for evaluation and approval, the agency shall give priority to paying the costs of evaluating and approving the following courses:

(1) courses that satisfy high school graduation requirements;

(2) courses that would likely benefit a student in obtaining admission to a postsecondary institution;

(3) courses, including dual credit courses, that allow a student to earn college credit or other advanced credit;

(4) courses in subject areas most likely to be highly beneficial to students receiving educational services under the supervision of a juvenile probation department, the Texas Youth Commission, or the Texas Department of Criminal Justice; and

(5) courses in subject areas designated by the commissioner as commonly experiencing a shortage of teachers.

(d) If the agency determines that the costs of evaluating and approving a submitted electronic course will not be paid by the agency due to a shortage of fees collected [~~funds available~~] for that purpose, the school district, open-enrollment charter school, or public or private institution of higher education that submitted the course for evaluation and approval may pay the costs in order to ensure that evaluation of the course occurs.

Amendment No. 37 was adopted.

Amendment No. 38

Representatives Bonnen, Lyne, Madden, Harless, Geren, Flynn, Berman, Kolkhorst, Ritter, Sheffield, Paxton, Marquez, Anchia, Aycock, Aliseda, Otto, Hancock, Darby, Crownover, L. Taylor, Harper-Brown, Sheets, Thompson, Cook, Kleinschmidt, C. Anderson, Truitt, Hamilton, Hardcastle, Hughes, Parker, C. Howard, Isaac, Frullo, Simpson, W. Smith, S. King, Weber, Chisum, Orr, Murphy, Cain, Scott, Hopson, P. King, T. King, V. Taylor, S. Miller, Brown, Keffer, Patrick, T. Smith, Smithee, Riddle, Beck, Fletcher, Creighton, Landtroop, R. Anderson, Jackson, Lavender, J. Davis, Deshotel, and Hunter offered the following amendment to **CSSB 1**:

Floor Packet Page No. 132

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . SUNSET REVIEW OF UNIVERSITY INTERSCHOLASTIC LEAGUE

SECTION ____ .01. Section 33.083, Education Code, is amended by adding Subsection (e) to read as follows:

(e) The University Interscholastic League is subject to review under Chapter 325, Government Code (Texas Sunset Act), but is not abolished under that chapter. The University Interscholastic League shall be reviewed during the period in which state agencies abolished in 2013 are reviewed. The University Interscholastic League shall pay the costs incurred by the Sunset Advisory Commission in performing the review under this subsection. The Sunset Advisory Commission shall determine the costs of the review performed under this subsection, and the University Interscholastic League shall pay the amount of those costs promptly on receipt of a statement from the Sunset Advisory Commission regarding those costs. This subsection expires September 1, 2013.

Amendment No. 38 was adopted by (Record 32): 135 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer(C); King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Pickett; Pitts; Price; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets;

Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Workman; Zedler; Zerwas.

Nays — Carter; Driver; Menendez; Phillips; Quintanilla.

Present, not voting — Mr. Speaker; Aliseda.

Absent, Excused — Bohac; Burnam; Woolley.

Absent — Callegari; Coleman; Madden; Nash; Walle.

STATEMENT OF VOTE

I was shown voting present, not voting on Record No. 32. I intended to vote yes.

Aliseda

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of family business:

Walle on motion of Farias.

CSSB 1 - (consideration continued)

Amendment No. 39

Representative Flynn offered the following amendment to **CSSB 1**:

Floor Packet Page No. 133

Amend **CSSB 1** by adding the appropriately numbered sections:

SECTION _____. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0221 to read as follows:

Sec. 39.0221. TEMPORARY MORATORIUM ON ADMINISTERING ASSESSMENT INSTRUMENTS. (a) The agency shall:

(1) develop a plan for school districts to suspend the administration of assessment instruments under Section 39.023 for the 2011-2012 and 2012-2013 school years;

(2) determine whether implementation of a plan under Subdivision (1) would result in the loss of any federal education funding under the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et seq.) or other federal law; and

(3) advise districts regarding any potential loss of federal education funding.

(b) A superintendent of a school district may suspend district administration of assessment instruments under Section 39.023 for the 2011-2012 and 2012-2013 school years if the suspension is:

(1) approved by the board of trustees of the district; and

(2) consistent with the plan developed by the agency under Subsection

(a).

(c) A superintendent of a school district may apply funds the superintendent identifies as savings from expenditures otherwise required for assessment instruments or the administration of assessment instruments only to:

(1) the retention of teachers or other district personnel with direct student contact and involvement; or

(2) consumable resources requested by classroom teachers for classroom instruction.

(d) The amount of state funding a school district receives each school year is not contingent on a superintendent's decision under this section concerning the administration of assessment instruments under Section 39.023 for the 2011-2012 and 2012-2013 school years.

(e) This section expires September 1, 2013.

Amendment No. 39 was adopted by (Record 33): 139 Yeas, 2 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Workman; Zedler; Zerwas.

Nays — Carter; Smith, T.

Present, not voting — Mr. Speaker; Eissler; Keffer(C).

Absent, Excused — Bohac; Burnam; Walle; Woolley.

Absent — Driver; Thompson.

STATEMENTS OF VOTE

When Record No. 33 was taken, I was in the house but away from my desk. I would have voted yes.

Driver

I was shown voting yes on Record No. 33. I intended to vote present, not voting.

Strama

Amendment No. 40

Representative Martinez offered the following amendment to **CSSB 1**:

Floor Packet Page No. 25

Amend **CSSB 1** (house committee printing) in SECTION 24.01 of the bill, in amended Section 305.005(c)(1), Government Code (page 80, line 5), by striking "or 501(c)(6)," and substituting "501(c)(5), 501(c)(6), 501(c)(8), 501(c)(10), or 501(c)(19),".

Amendment No. 40 was withdrawn.

Amendment No. 41

Representatives Chisum and Branch offered the following amendment to **CSSB 1**:

Floor Packet Page No. 135

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 56 of the bill and renumbering subsequent SECTIONS of the ARTICLE accordingly:

SECTION 56.____. Section 41.093, Education Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding Subsection (a), for the 2009-2010 school year, the commissioner may allow a school district to determine the cost of each credit under Subsection (a) based on the amount described by Subsection (a)(1) if the district imposed a tax to service the district's debt for the 2009 tax year at a rate at least equal to the maintenance and operations tax rate the district imposed for the 2008 tax year. This subsection expires September 1, 2012.

Amendment No. 41 was adopted.

Amendment No. 42

Representative Aycock offered the following amendment to **CSSB 1**:

Floor Packet Page No. 137

Amend **CSSB 1** (house committee printing) in ARTICLE 56 of the bill by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of ARTICLE 56 of the bill accordingly:

SECTION 56.____. Section 42.152(c), Education Code, is amended to read as follows:

(c) Funds allocated under this section shall be used to fund supplemental programs and services designed to eliminate any disparity in performance on assessment instruments administered under Subchapter B, Chapter 39, or disparity in the rates of high school completion between students at risk of dropping out of school, as defined by Section 29.081, and all other students. Specifically, the funds, other than an indirect cost allotment established under State Board of Education rule, which may not exceed 45 percent, may be used to meet the costs of providing a compensatory, intensive, or accelerated instruction program under Section 29.081 or a disciplinary [am] alternative education program established under Section 37.008, to pay the costs associated with placing students in a juvenile justice alternative education program established under Section 37.011, or to support a program eligible under Title I of the

Elementary and Secondary Education Act of 1965, as provided by Pub. L. No. 103-382 and its subsequent amendments, and by federal regulations implementing that Act, at a campus at which at least 40 percent of the students are educationally disadvantaged. In meeting the costs of providing a compensatory, intensive, or accelerated instruction program under Section 29.081, a district's compensatory education allotment shall be used for costs supplementary to the regular education program, such as costs for program and student evaluation, instructional materials and equipment and other supplies required for quality instruction, supplemental staff expenses, salary for teachers of at-risk students, smaller class size, and individualized instruction. A home-rule school district or an open-enrollment charter school must use funds allocated under Subsection (a) for a purpose authorized in this subsection but is not otherwise subject to Subchapter C, Chapter 29. For ~~Notwithstanding any other provisions of this section:~~

~~[(1) to ensure that a sufficient amount of the funds allotted under this section are available to supplement instructional programs and services, no more than 18 percent of the funds allotted under this section may be used to fund disciplinary alternative education programs established under Section 37.008;~~

~~[(2) the commissioner may waive the limitations of Subdivision (1) upon an annual petition, by a district's board and a district's site-based decision making committee, presenting the reason for the need to spend supplemental compensatory education funds on disciplinary alternative education programs under Section 37.008, provided that:~~

~~[(A) the district in its petition reports the number of students in each grade level, by demographic subgroup, not making satisfactory progress under the state's assessment system; and~~

~~[(B) the commissioner makes the waiver request information available annually to the public on the agency's website; and~~

~~[(3) for]~~ purposes of this subsection, a program specifically designed to serve students at risk of dropping out of school, as defined by Section 29.081, is considered to be a program supplemental to the regular education program, and a district may use its compensatory education allotment for such a program.

Amendment No. 42 was withdrawn.

Amendment No. 43

Representative Marquez offered the following amendment to **CSSB 1**:

Floor Packet Page No. 139

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered SECTION:

SECTION _____. Subsections (s-2) and (s-3), Section 42.152, Education Code, are amended to read as follows:

(s-2) ~~[The commissioner may provide allotments under Subsection (s) only if funds are specifically appropriated for that purpose or the commissioner determines that the amount appropriated for purposes of the Foundation School Program exceeds the amount to which school districts are entitled under this~~

~~chapter and the excess funds may be used for that purpose.]~~ The total amount allotted [~~appropriated for allotments~~] under Subsection (s) may not exceed \$9.9 million in a school year. If the total amount of allotments to which districts are entitled under Subsection (s) for a school year exceeds \$9.9 million [~~the amount appropriated or otherwise available for allotments under that subsection~~], the commissioner shall reduce each district's allotment under that subsection proportionately.

(s-3) Subsections (s), (s-1), (s-2), and this subsection expire September 1, 2017 [~~2013~~].

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Hancock on motion of Driver.

CSSB 1 - (consideration continued)

Representative Eissler moved to table Amendment No. 43.

The motion to table prevailed by (Record 34): 84 Yeas, 58 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Anderson, C.; Anderson, R.; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Hamilton; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Hughes; Hunter; Isaac; Jackson; Keffer(C); King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landroop; Laubenberg; Lavender; Legler; Lyne; Madden; Miller, D.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Aycock; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Geren; Giddings; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hardcastle; Hernandez Luna; Hochberg; Howard, D.; Huberty; Johnson; King, T.; Larson; Lozano; Lucio; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, S.; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Sheffield; Strama; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Workman.

Present, not voting — Mr. Speaker.

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Lewis; Smith, W.

STATEMENT OF VOTE

I was shown voting yes on Record No. 34. I intended to vote no.

Sheets

Amendment No. 44

Representative Aycock offered the following amendment to **CSSB 1**:

Floor Packet Page No. 140

Amend **CSSB 1** (house committee report) in ARTICLE 56 of the bill by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS in the ARTICLE accordingly:

SECTION 56. _____. Subchapter C, Chapter 42, Education Code, is amended by adding Section 42.1541 to read as follows:

Sec. 42.1541. INDIRECT COST ALLOTMENTS. (a) The State Board of Education shall by rule increase the indirect cost allotments established under Sections 42.151(h), 42.152(c), 42.153(b), and 42.154(a-1) and (c) and in effect for the 2010-2011 school year in proportion to the average percentage reduction in total state and local maintenance and operations revenue provided under this chapter for the 2011-2012 school year as a result of **SB 1** and **SB 2**, Acts of the 82nd Legislature, 1st Called Session, 2011.

(b) To the extent necessary to permit the board to comply with this section, the limitation on the percentage of the indirect cost allotment prescribed by Section 42.152(c) does not apply.

(c) The board shall take the action required by Subsection (a) not later than the date that permits the increased indirect cost allotments to apply beginning with the 2011-2012 school year.

Amendment No. 44 was adopted.

Amendment No. 45

Representative Aycock offered the following amendment to **CSSB 1**:

Floor Packet Page No. 137

Amend **CSSB 1** (house committee printing) in ARTICLE 56 of the bill by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of ARTICLE 56 of the bill accordingly:

SECTION 56. _____. Section 42.152(c), Education Code, is amended to read as follows:

(c) Funds allocated under this section shall be used to fund supplemental programs and services designed to eliminate any disparity in performance on assessment instruments administered under Subchapter B, Chapter 39, or disparity in the rates of high school completion between students at risk of dropping out of school, as defined by Section 29.081, and all other students. Specifically, the funds, other than an indirect cost allotment established under State Board of Education rule, which may not exceed 45 percent, may be used to meet the costs of providing a compensatory, intensive, or accelerated instruction program under Section 29.081 or a disciplinary [am] alternative education

program established under Section 37.008, to pay the costs associated with placing students in a juvenile justice alternative education program established under Section 37.011, or to support a program eligible under Title I of the Elementary and Secondary Education Act of 1965, as provided by Pub. L. No. 103-382 and its subsequent amendments, and by federal regulations implementing that Act, at a campus at which at least 40 percent of the students are educationally disadvantaged. In meeting the costs of providing a compensatory, intensive, or accelerated instruction program under Section 29.081, a district's compensatory education allotment shall be used for costs supplementary to the regular education program, such as costs for program and student evaluation, instructional materials and equipment and other supplies required for quality instruction, supplemental staff expenses, salary for teachers of at-risk students, smaller class size, and individualized instruction. A home-rule school district or an open-enrollment charter school must use funds allocated under Subsection (a) for a purpose authorized in this subsection but is not otherwise subject to Subchapter C, Chapter 29. For ~~Notwithstanding any other provisions of this section:~~

~~[(1) to ensure that a sufficient amount of the funds allotted under this section are available to supplement instructional programs and services, no more than 18 percent of the funds allotted under this section may be used to fund disciplinary alternative education programs established under Section 37.008;~~

~~[(2) the commissioner may waive the limitations of Subdivision (1) upon an annual petition, by a district's board and a district's site-based decision making committee, presenting the reason for the need to spend supplemental compensatory education funds on disciplinary alternative education programs under Section 37.008, provided that:~~

~~[(A) the district in its petition reports the number of students in each grade level, by demographic subgroup, not making satisfactory progress under the state's assessment system; and~~

~~[(B) the commissioner makes the waiver request information available annually to the public on the agency's website; and~~

~~[(3) for] purposes of this subsection, a program specifically designed to serve students at risk of dropping out of school, as defined by Section 29.081, is considered to be a program supplemental to the regular education program, and a district may use its compensatory education allotment for such a program.~~

Amendment No. 45 was adopted.

Amendment No. 46

Representative Deshotel offered the following amendment to **CSSB 1**:
Floor Packet Page No. 141

Amend **CSSB 1** (house committee report) in ARTICLE 56 of the bill by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS in ARTICLE 56 accordingly:

SECTION 56.____. (a) Section 42.2531, Education Code, is amended by adding Subsection (c-1) and amending Subsection (d) to read as follows:

(c-1) Notwithstanding any other provision of this section, the commissioner shall compensate a school district for a tax refund paid in the current year as a result of a property tax value appeal for a previous year if the district is not compensated by an offsetting adjustment to the district's taxable value of property and the amount of the refund exceeds 10 percent of the district's net maintenance and operations tax revenue collected in the current year, after deducting any payments required to be made by the district to comply with Chapter 41, if applicable.

(d) Except as provided by Subsection (c-1), this [~~This~~] section does not require the commissioner to make any requested adjustment. A determination by the commissioner under this section is final and may not be appealed.

(b) Section 42.2531(c-1), Education Code, as added by this section, applies beginning with refunds paid during the 2010-2011 school year.

Amendment No. 46 was adopted. (Burkett, Guillen, Phillips, V. Taylor, and White recorded voting no.)

Amendment No. 47

Representative Aycock offered the following amendment to **CSSB 1**:

Floor Packet Page No. 143

Amend **CSSB 1** by adding the appropriately numbered SECTION:

SECTION _____. Section 42.302, Education Code, is amended by adding Subsection (a-3) to read as follows:

(a-3) Notwithstanding any reduction in a district's regular program allotment due to adoption of a regular program adjustment factor less than 1.0 under Section 42.101, Education Code, the entitlement under this subchapter for a district with a tax rate for maintenance and operations that was adopted pursuant to a tax ratification election is calculated using students in weighted average daily attendance determined under the law as it existed on January 1, 2011, for the portion of the adopted rate that exceeds \$1.04.

Amendment No. 47 was withdrawn.

Amendment No. 48

Representative Zedler offered the following amendment to **CSSB 1**:

Floor Packet Page No. 144

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. INTERNET ACCESS TO CERTAIN SCHOOL DISTRICT
FINANCIAL INFORMATION

SECTION _____.01. Subchapter A, Chapter 44, Education Code, is amended by adding Section 44.0031 to read as follows:

Sec. 44.0031. INTERNET ACCESS TO FINANCIAL DATA. (a) Except as otherwise provided by this section, a school district shall post on the district's Internet website or on an Internet website hosted by the district's business or financial services department for viewing by interested persons a copy of the district's:

- (1) annual budget;
- (2) end-of-year financial report; and
- (3) checking account transaction register.

(b) A school district may not include in the district's checking account transaction register under Subsection (a)(3) a check issued to a district employee in payment of salary, wages, or an employment stipend.

(c) A school district may not post any information protected by state or federal law regarding confidentiality of health or education records.

(d) The superintendent and chief financial officer of a school district shall jointly notify the commissioner when the financial data required under Subsection (a) is available to interested persons. The notification must include information regarding the current and expected costs associated with implementing and maintaining the requirements of this section.

(e) If a school district is unable to post all or part of the financial data required under Subsection (a), the superintendent and chief financial officer of the school district shall jointly submit a letter to the commissioner explaining why the district is unable to post the financial data, including the results of any applicable cost analysis performed by or for the district.

SECTION _____.02. This article takes effect January 1, 2012.

Amendment No. 48 - Point of Order

Representative Thompson raised a point of order against further consideration of Amendment No. 48.

The point of order was withdrawn.

Amendment No. 48 was withdrawn.

Amendment No. 49

Representative Huberty offered the following amendment to **CSSB 1**:

Floor Packet Page No. 146

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered SECTIONS to ARTICLE 8 of the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 44.031, Education Code, is amended by adding Subsections (n) and (o) to read as follows:

(n) Subsection (o) only applies to a school district that receives funds from the state and uses any portion of those funds for the provision of food services to students of that district.

(o) A school district contract to which Subsection (a) applies under which the district contracts with another entity for that entity to manage or otherwise provide food services at one or more district schools must require that any other

contract the entity makes in performance of its duties under the contract with the district and to which Subsection (a) would apply if the district were making the contract be made:

(1) under the method listed by Subsection (a) that provides the best value to the entity and the district;

(2) with consideration of the factors specified under Subsection (b) and, as applicable, under Subsection (b-1), in determining to whom to award the contract; and

(3) as provided by Subsection (g).

SECTION _____. Section 44.031(n), Education Code, as added by this Act, applies only to a contract entered into on or after the effective date of this Act by a school district with another entity for that entity to manage or otherwise provide food services at one or more district schools. A contract entered into before the effective date of this Act by a school district with another entity for that entity to manage or otherwise provide food services at one or more district schools is governed by the law in effect on the date the contract was entered into, and that law is continued in effect for that purpose.

Amendment No. 49 failed of adoption. (Carter recorded voting no.)

Amendment No. 50

Representative Deshotel offered the following amendment to **CSSB 1**:
Floor Packet Page No. 147

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered SECTION to ARTICLE 56 of the bill and renumbering subsequent SECTIONS of the article accordingly:

SECTION 56. _____. Subchapter A, Chapter 45, Education Code, is amended by adding Section 45.0061 to read as follows:

Sec. 45.0061. ADDITIONAL AUTHORITY FOR MAINTENANCE TAX REQUIRED FOR JUDGMENT ORDERING AD VALOREM TAX REFUND; BONDS. (a) This section applies only to a school district that:

(1) has an average daily attendance of less than 10,000; and

(2) is located in whole or part in a municipality with a population of less than 75,000 that is located in a county with a population of 200,000 or more bordering the State of Louisiana.

(b) Notwithstanding Section 45.003, a school district may levy, assess, and collect maintenance taxes at a rate that exceeds the rate specified in Section 45.003(d) if:

(1) additional ad valorem taxes are necessary to pay a debt of the district that:

(A) resulted from the rendition of a judgment against the district before December 1, 2011;

(B) is greater than \$5 million;

(C) decreases a property owner's ad valorem tax liability; and

(D) requires the district to refund to the property owner the difference between the amount of taxes paid by the property owner and the amount of taxes for which the property owner is liable; and

(2) the additional taxes are approved by the voters of the district at an election held for that purpose.

(c) Except as provided by Subsection (e), any additional maintenance taxes that the district collects under this section may be used only to pay the district's debt under Subsection (b)(1).

(d) Except as provided by Subsection (e), the authority of a school district to levy the additional ad valorem taxes under this section expires when the judgment against the district is paid.

(e) The governing body of a school district shall pay the district's debt under Subsection (b)(1) in a lump sum. To satisfy the district's debt under Subsection (b)(1), the governing body may levy and collect additional maintenance taxes as provided by Subsection (b) and may issue bonds. If bonds are issued:

(1) the district may use any additional maintenance taxes collected by the district under this section to pay debt service on the bonds; and

(2) the authority of the district to levy the additional ad valorem taxes expires when the bonds are paid in full or the judgment is paid, whichever occurs later.

(f) The governing body of a school district that adopts a tax rate that exceeds the rate specified in Section 45.003(d) may set the amount of the exemption from taxation authorized by Section 11.13(n), Tax Code, at any time before the date the governing body adopts the district's tax rate for the tax year in which the election approving the additional taxes is held.

(g) The authority to issue bonds granted by this section expires June 1, 2013.

Amendment No. 50 was adopted. (Burkett, Nash, Phillips, V. Taylor, and White recorded voting no.)

Amendment No. 51

Representative Branch offered the following amendment to **CSSB 1**:

Floor Packet Page No. 149

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. STRATEGIC CAPITAL INVESTMENTS

SECTION _____.01. Subchapter A, Chapter 55, Education Code, is amended by adding Section 55.05 to read as follows:

Sec. 55.05. STRATEGIC CAPITAL INVESTMENT PROJECTS. (a) An institution of higher education that authorizes the issuance of bonds under this chapter for strategic capital investment projects qualifying under this section may receive state support of the debt service on those bonds.

(b) An institution of higher education that authorizes the issuance of bonds for a strategic capital investment project must apply to the commissioner of higher education to qualify for state support of the debt service on those bonds under this section. Subject to Subsection (e), the commissioner of higher education shall approve the project for that state support if the commissioner finds that:

(1) the project is of vital importance to the institution and to higher education in this state because the project will:

(A) facilitate an innovative or transformative model of education in a field designated by the commissioner as a high-priority for the education of an innovative workforce;

(B) increase the institution's ability to attract federal and industry funding for research; and

(C) support the commercialization of technology that strengthens the state's ability to attract capital and talent for startup companies and new ventures;

(2) the institution's governing board has designated the project a high priority and a strategic capital investment by; and

(3) the project has funding support from private philanthropic sources, or from funds available to the institution other than formula funding general revenue appropriations, equal to at least two-thirds of the estimated completed cost of the project on the date that the institution applies for state support.

(c) Subject to Subsection (d), the legislature shall appropriate funds for the purpose of reimbursing a university system or institution of higher education that issues bonds for a project that qualifies under this section for the debt service on those bonds. The reimbursement for debt service on an approved project may not exceed an amount equal to the lesser of:

(1) the debt service on \$100 million in aggregate value of bonds; or

(2) the debt service on an amount of bonds equal to one-third of the estimated completed cost of the project.

(d) The legislature may not appropriate funds other than formula funding general revenue to support the debt service on bonds for projects approved under this section earlier than the second state fiscal biennium after the fiscal biennium in which the institution issues bonds for the project.

(e) The commissioner of education may approve projects for state support of debt service under this section with an aggregate total bonded indebtedness of not more than \$400 million.

(f) The commissioner of higher education may not approve a project under this section after September 1, 2015.

(g) Not later than December 31, 2014, the commissioner of higher education shall submit a report to the governor, the legislature, the Legislative Budget Board, and the Texas Public Finance Authority on:

(1) the number and scope of projects approved for funding under this section; and

(2) the effectiveness of those projects in achieving the goals described in Subsection (b)(1).

Amendment No. 52

Representative Branch offered the following amendment to Amendment No. 51:

Amend the Branch floor amendment to **CSSB 1** (prefiled amendment packet, beginning on page 149) as follows:

(1) On page 3, line 5, of the amendment, insert "the Bond Review Board," between "the Legislative Budget Board," and "and the Texas Public Finance Authority".

(2) On page 3, after line 10, of the amendment, insert a new Subsection (h) to added Section 55.05, Education Code, to read as follows:

(h) Funds deposited in the state treasury under Section 51.008, and funds appropriated by Section 17, Article 7, Texas Constitution, are not considered general revenue for purposes of this section.

Amendment No. 52 was adopted.

Amendment No. 51, as amended, was adopted. (Landtroop and Perry recorded voting no.)

(Speaker in the chair)

Amendment No. 53

Representative Deshotel offered the following amendment to **CSSB 1**:

Floor Packet Page No. 155

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill appropriately:

ARTICLE ____ . ISSUANCE OF REVENUE BONDS TO FUND
CERTAIN CAPITAL PROJECTS

SECTION ____ .01. Subchapter B, Chapter 55, Education Code, is amended by adding Section 55.1784 to read as follows:

Sec. 55.1784. TEXAS STATE UNIVERSITY SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of the Texas State University System may acquire, purchase, construct, improve, renovate, enlarge, or equip facilities, including roads and related infrastructure, for projects to be financed through the issuance of bonds in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board for the following institutions not to exceed the following aggregate principal amounts for the projects specified as follows:

(1) Lamar University, \$25 million for the construction of a new science building;

(2) Lamar State College–Orange, \$6,410,000 for a workforce training center;

(3) Lamar State College–Port Arthur, \$2 million for an addition to the allied health building; and

(4) Lamar Institute of Technology, \$12 million for a student services and learning support center.

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of an institution, branch, or entity of the Texas State University System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of the Texas State University System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

SECTION _____.02. Section 61.0572(e), Education Code, is amended to read as follows:

(e) Approval of the board is not required to acquire real property that is financed by bonds issued under Section 55.17(e)(3) or (4), 55.1713-55.1718, 55.1721-55.1728, 55.1735(a)(1), 55.174, 55.1742, 55.1743, 55.1744, 55.1751-55.17592, 55.1768, 55.1771, [☞] 55.17721, or 55.1784, except that the board shall review all real property to be financed by bonds issued under those sections to determine whether the property meets the standards adopted by the board for cost, efficiency, and space use. If the property does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

SECTION _____.03. Section 61.058(b), Education Code, is amended to read as follows:

(b) This section does not apply to construction, repair, or rehabilitation financed by bonds issued under Section 55.17(e)(3) or (4), 55.1713-55.1718, 55.1721-55.1728, 55.174, 55.1742, 55.1743, 55.1744, 55.1751-55.17592, 55.1768, 55.1771, [☞] 55.17721, or 55.1784, except that the board shall review all construction, repair, or rehabilitation to be financed by bonds issued under those sections to determine whether the construction, rehabilitation, or repair meets the standards adopted by board rule for cost, efficiency, and space use. If the construction, rehabilitation, or repair does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

SECTION _____.04. This article does not affect any authority or restriction regarding the activities that a public institution of higher education may conduct in connection with a facility financed by bonds authorized by this article.

Amendment No. 53 was withdrawn.

Amendment No. 54

Representative Kolkhorst offered the following amendment to **CSSB 1**:

Floor Packet Page No. 159

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. TUITION REVENUE BONDS

SECTION _____.01. Subchapter B, Chapter 55, Education Code, is amended by adding Section 55.1784 to read as follows:

Sec. 55.1784. TEXAS STATE UNIVERSITY SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of the Texas State University System may acquire, purchase, construct, improve, renovate, enlarge, or equip facilities, including roads and related infrastructure, for projects to be financed through the issuance of bonds in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board for Sam Houston State University not to exceed the following aggregate principal amounts for the projects specified as follows:

(1) \$39,650,000 for a biology, nursing, and allied health building;

(2) \$19,575,000 for a forensic science building; and

(3) \$24,881,000 for construction of an agriculture complex and academic building.

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of an institution, branch, or entity of the Texas State University System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of the Texas State University System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

SECTION _____.02. Section 61.0572(e), Education Code, is amended to read as follows:

(e) Approval of the board is not required to acquire real property that is financed by bonds issued under Section 55.17(e)(3) or (4), 55.1713-55.1718, 55.1721-55.1728, 55.1735(a)(1), 55.174, 55.1742, 55.1743, 55.1744, 55.1751-55.17592, 55.1768, 55.1771, ~~or~~ 55.17721, or 55.1784, except that the board shall review all real property to be financed by bonds issued under those sections to determine whether the property meets the standards adopted by the board for cost, efficiency, and space use. If the property does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

SECTION _____.03. Section 61.058(b), Education Code, is amended to read as follows:

(b) This section does not apply to construction, repair, or rehabilitation financed by bonds issued under Section 55.17(e)(3) or (4), 55.1713-55.1718, 55.1721-55.1728, 55.174, 55.1742, 55.1743, 55.1744, 55.1751-55.17592, 55.1768, 55.1771, ~~or~~ 55.17721, or 55.1784, except that the board shall review all construction, repair, or rehabilitation to be financed by bonds issued under those sections to determine whether the construction, rehabilitation, or repair meets the standards adopted by board rule for cost, efficiency, and space use. If the construction, rehabilitation, or repair does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

SECTION _____.04. This article does not affect any authority or restriction regarding the activities that a public institution of higher education may conduct in connection with a facility financed by bonds authorized by this article.

Amendment No. 54 was withdrawn.

Amendment No. 55

Representative Alonzo offered the following amendment to **CSSB 1**:

Floor Packet Page No. 164

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill appropriately:

ARTICLE _____. FISCAL MATTERS CONCERNING SCHOLARSHIPS
AWARDED FROM STUDENT SUCCESS-BASED FUNDS

SECTION _____.01. Subchapter A, Chapter 56, Education Code, is amended by adding Section 56.005 to read as follows:

Sec. 56.005. STUDENT PRIORITY FOR SCHOLARSHIPS AWARDED FROM STUDENT SUCCESS-BASED FUNDS. (a) In this section:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

(2) "Critical field" means a field of study designated as a critical field under Subsection (b).

(b) Except as otherwise provided by Subdivision (2), the fields of engineering, computer science, mathematics, physical science, allied health, nursing, and teaching certification in the field of science or mathematics are critical fields. Beginning September 1, 2012, the coordinating board, based on the coordinating board's determination of those fields of study in which the support and development of postsecondary education programs at the bachelor's degree level are most critically necessary for serving the needs of this state, by rule may:

(1) designate as a critical field a field of study that is not currently designated by this subsection or by the board as a critical field; or

(2) remove a field of study from the list of fields currently designated by this subsection or by the board as critical fields.

(c) Notwithstanding any other law, in determining who should receive scholarships awarded by an institution of higher education from funds appropriated to the institution based on student success, the institution shall give priority to awarding the scholarships to eligible students enrolled in critical fields.

(d) The coordinating board may adopt rules for the administration of this section.

SECTION _____.02. Section 56.005, Education Code, as added by this article, applies beginning with scholarships awarded by a public institution of higher education for the 2011 fall semester. Scholarships awarded before the 2011 fall semester are covered by the law in effect immediately before the effective date of this article, and the former law is continued in effect for that purpose.

Amendment No. 55 was adopted. (Phillips, V. Taylor, and White recorded voting no.)

Amendment No. 56

Representative Margo offered the following amendment to **CSSB 1**:

Floor Packet Page No. 166

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. FISCAL MATTERS CONCERNING PERMANENT FUNDS FOR HEALTH-RELATED INSTITUTIONS OF HIGHER EDUCATION

SECTION _____.01. Subchapter B, Chapter 63, Education Code, is amended by adding Section 63.104 to read as follows:

Sec. 63.104. INVESTMENT AND DISTRIBUTION POLICY GOVERNING ENDOWMENT OF THE UNIVERSITY OF TEXAS AT EL PASO. The governing board of The University of Texas at El Paso shall adopt an investment and distribution policy for the institution's endowment fund provided by this subchapter. Section 63.102 does not apply to the investment, distribution, or expenditure of money from the endowment fund.

Amendment No. 56 was adopted.

Amendment No. 57

Representative Alonzo offered the following amendment to **CSSB 1**:

Floor Packet Page No. 168

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. OPTOMETRY CAREER PROGRAM AT THE UNIVERSITY OF HOUSTON

SECTION _____.01. Subchapter C, Chapter 111, Education Code, is amended by adding Section 111.43 to read as follows:

Sec. 111.43. OPTOMETRY CAREER PROGRAM. The university may operate a summer program that prepares highly qualified, economically disadvantaged junior-level, senior-level, and postbaccalaureate students from any public or private institution of higher education for advanced studies and a career in the field of optometry.

Amendment No. 57 was adopted. (Burkett, Phillips, V. Taylor, and White recorded voting no.)

Amendment No. 58

Representative V. Taylor offered the following amendment to **CSSB 1**:
Floor Packet Page No. 169

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 13 of the bill and renumbering the remaining SECTIONS of that ARTICLE accordingly:

SECTION 13.____. (a) Subchapter C, Chapter 13, Election Code, is amended by adding Section 13.0721 to read as follows:

Sec. 13.0721. DETERMINATION OF CITIZENSHIP. (a) This section does not apply to an application for registration submitted to the Department of Public Safety in person with the proof of citizenship required by Section 20.063(e).

(b) The secretary of state shall verify with the Department of Public Safety the citizenship status of each applicant for voter registration whose information is forwarded to the secretary of state as provided by Section 13.071(c). If the department verifies the applicant's citizenship status, the secretary of state shall notify the registrar. If the department does not have information regarding the citizenship status of the applicant or has information indicating that the applicant is not a citizen, the registrar and the applicant shall be notified as provided by secretary of state rule.

(c) An applicant for voter registration who receives notice under Subsection (b) must provide proof of citizenship to the registrar not later than the 60th day after the date of receipt. Except as provided by Subsection (d), this proof must be presented in person. The following is acceptable as proof of citizenship under this section:

(1) an unexpired passport issued to the person;
(2) a certified copy of a birth certificate or other document confirming the person's birth that is admissible in a court of law and establishes the person's identity, presented with a government-issued identification that contains the person's photograph; or

(3) United States citizenship papers issued to the person, presented with a government-issued identification that contains the person's photograph.

(d) An applicant may mail a certified copy of a document described by Subsection (c)(2) or (3) with a copy of the person's government-issued photo identification to the registrar.

(e) If an applicant does not provide proof of citizenship as required, the registrar shall reject the application and notify the secretary of state. The secretary of state shall keep a list of applicants of which the secretary receives notice under this section.

(f) The secretary of state shall adopt rules and prescribe procedures to implement this section.

(b) Section 13.143(a), Election Code, is amended to read as follows:

(a) Except as provided by Subsection ~~[Subsections]~~ (b) ~~[and (e)]~~, if an applicant's registration application is approved, the registration becomes effective on the 30th day after the date the application is approved ~~[submitted to the registrar]~~ or on the date the applicant becomes 18 years of age, whichever is later.

(c) Section 20.063, Election Code, is amended by adding Subsection (e) to read as follows:

(e) A person who submits a voter registration application to the department in person shall at the time of submission present as proof of citizenship:

(1) an unexpired passport issued to the person;

(2) a certified copy of a birth certificate or other document confirming the person's birth that is admissible in a court of law and establishes the person's identity; or

(3) United States citizenship papers issued to the person.

(d) Section 13.071, Election Code, is amended to read as follows:

Sec. 13.071. REVIEW OF APPLICATION. (a) The registrar shall review each submitted application for registration to determine whether it complies with Section 13.002 and indicates that the applicant is a United States citizen eligible for registration.

(b) If the application is submitted to the Department of Public Safety in person with the proof of citizenship required by Section 20.063(e), the [The] registrar shall make the determination not later than the seventh day after the date the application is submitted to the registrar.

(c) If the application is submitted in a manner other than the manner described by Subsection (b), the registrar shall forward the information relating to the applicant to the secretary of state for determining citizenship as provided by Section 13.0721.

(e) Sections 13.041 and 13.143(d) and (e), Election Code, are repealed.

(f) The changes in law made by this section apply only to an application to register to vote submitted on or after the effective date of this section.

Amendment No. 58 - Point of Order

Representative Anchia raised a point of order against further consideration of Amendment No. 58 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Amendment No. 58 was withdrawn.

Amendment No. 59

Representative Geren offered the following amendment to **CSSB 1**:

Floor Packet Page No. 172

Amend **CSSB 1** (house committee report) by adding the appropriately numbered SECTIONS to the bill:

(1) SECTION _____. Section 254.031(a), Election Code, is amended to read as follows:

(a) Except as otherwise provided by this chapter, each report filed under this chapter must include:

(1) the amount of political contributions from each person that in the aggregate exceed \$50 and that are accepted during the reporting period by the person or committee required to file a report under this chapter, the full name and address of the person making the contributions, and the dates of the contributions;

(2) the amount of loans that are made during the reporting period for campaign or officeholder purposes to the person or committee required to file the report and that in the aggregate exceed \$50, the dates the loans are made, the interest rate, the maturity date, the type of collateral for the loans, if any, the full name and address of the person or financial institution making the loans, the full name and address, principal occupation, and name of the employer of each guarantor of the loans, the amount of the loans guaranteed by each guarantor, and the aggregate principal amount of all outstanding loans as of the last day of the reporting period;

(3) the amount of political expenditures that in the aggregate exceed \$100 [~~\$50~~] and that are made during the reporting period, the full name and address of the persons to whom the expenditures are made, and the dates and purposes of the expenditures;

(4) the amount of each payment made during the reporting period from a political contribution if the payment is not a political expenditure, the full name and address of the person to whom the payment is made, and the date and purpose of the payment;

(5) the total amount or a specific listing of the political contributions of \$50 or less accepted and the total amount or a specific listing of the political expenditures of \$100 [~~\$50~~] or less made during the reporting period;

(6) the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period;

(7) the name of each candidate or officeholder who benefits from a direct campaign expenditure made during the reporting period by the person or committee required to file the report, and the office sought or held, excluding a direct campaign expenditure that is made by the principal political committee of a political party on behalf of a slate of two or more nominees of that party; [~~and~~]

(8) as of the last day of a reporting period for which the person is required to file a report, the total amount of political contributions accepted, including interest or other income on those contributions, maintained in one or more accounts in which political contributions are deposited as of the last day of the reporting period;

(9) any credit, interest, rebate, refund, reimbursement, or return of a deposit fee resulting from the use of a political contribution or an asset purchased with a political contribution received during the reporting period and the amount of which exceeds \$100;

(10) any proceeds of the sale of an asset purchased with a political contribution received during the reporting period and the amount of which exceeds \$100;

(11) any investment purchased with a political contribution received during the reporting period and the amount of which exceeds \$100;

(12) any other gain from a political contribution received during the reporting period and the amount of which exceeds \$100; and

(13) the full name and address of each person from whom an amount described by Subdivision (9), (10), (11), or (12) is received, the date the amount is received, and the purpose for which the amount is received.

SECTION _____. Subchapter B, Chapter 254, Election Code, is amended by adding Section 254.0405 to read as follows:

Sec. 254.0405. AMENDMENT OF FILED REPORT. (a) A person who files a semiannual report under this chapter may amend the report.

(b) A semiannual report that is amended before the eighth day after the date the original report was filed is considered to have been filed on the date on which the original report was filed.

(c) A semiannual report that is amended on or after the eighth day after the original report was filed is considered to have been filed on the date on which the original report was filed if:

(1) the amendment is made before any complaint is filed with regard to the subject of the amendment; and

(2) the original report was made in good faith and without an intent to mislead or to misrepresent the information contained in the report.

SECTION _____. Section 254.041, Election Code, is amended by adding Subsection (d) to read as follows:

(d) It is an exception to the application of Subsection (a)(3) that:

(1) the information was required to be included in a semiannual report;
and

(2) the person amended the report within the time prescribed by Section 254.0405(b) or under the circumstances described by Section 254.0405(c).

SECTION _____. Section 571.122, Government Code, is amended by adding Subsection (e) to read as follows:

(e) It is not a valid basis of a complaint to allege that a report required under Chapter 254, Election Code, contains the improper name or address of a person from whom a political contribution was received if the name or address in the report is the same as the name or address that appears on the check for the political contribution.

SECTION _____. Subchapter E, Chapter 571, Government Code, is amended by adding Section 571.1222 to read as follows:

Sec. 571.1222. DISMISSAL OF COMPLAINT CHALLENGING CERTAIN INFORMATION IN POLITICAL REPORT. At any stage of a proceeding under this subchapter, the commission shall dismiss a complaint to the extent the complaint alleges that a report required under Chapter 254, Election Code, contains the improper name or address of a person from whom a political contribution was received if the name or address in the report is the same as the name or address that appears on the check for the political contribution.

SECTION _____. Section 571.123(b), Government Code, is amended to read as follows:

(b) After a complaint is filed, the commission shall immediately attempt to contact and notify the respondent of the complaint by telephone or electronic mail. Not later than the fifth business day after the date a complaint is filed, the commission shall send written notice to the complainant and the respondent. The written notice to the complainant and the respondent must:

(1) state whether the complaint complies with the form requirements of Section 571.122;

(2) if the respondent is a candidate or officeholder, state the procedure by which the respondent may designate an agent with whom commission staff may discuss the complaint; ~~and~~

(3) ~~(2)~~ if applicable, include the information required by Section 571.124(e).

SECTION _____. Subchapter E, Chapter 571, Government Code, is amended by adding Section 571.1231 to read as follows:

Sec. 571.1231. DESIGNATION OF AGENT BY CERTAIN RESPONDENTS. (a) This section applies only to a respondent who is a candidate or officeholder.

(b) A respondent to a complaint filed against the respondent may by writing submitted to the commission designate an agent with whom the commission staff may communicate regarding the complaint.

(c) For purposes of this subchapter, including Section 571.140, communications with the respondent's agent designated under this section are considered communications with the respondent.

SECTION _____. Section 159.003(b), Local Government Code, is amended to read as follows:

(b) The statement must:

(1) be filed with the county clerk of the county in which the officer, justice, or candidate resides; and

(2) comply with Sections 572.022 and 572.023, Government Code, and with any order of the commissioners court of the county requiring additional disclosures.

SECTION _____. Section 254.031(a), Election Code, as amended by this Act, applies only to a report under Chapter 254, Election Code, that is required to be filed on or after the effective date of this Act. A report under Chapter 254, Election Code, that is required to be filed before the effective date of this Act is governed by the law in effect on the date the report is required to be filed, and the former law is continued in effect for that purpose.

SECTION _____. Section 254.041, Election Code, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION _____. This Act takes effect September 1, 2011.

(2) Renumber the subsequent SECTIONS of the bill accordingly.

Amendment No. 60

Representative Geren offered the following amendment to Amendment No. 59:

Amend Amendment No. 59 to **CSSB 1** by Geren (prefiled amendment packet, pages 172-177) on page 5, line 10, of the amendment by striking "[~~and~~]" and substituting "and".

Amendment No. 60 was adopted. (Phillips and V. Taylor recorded voting no.)

Amendment No. 61

On behalf of Representative Hochberg, Representative Geren offered the following amendment to Amendment No. 59:

Amend Amendment No. 59 to **CSSB 1** by Geren (prefiled amendment packet, pages 172-177) by adding the following appropriately numbered SECTION to the amendment and renumbering subsequent SECTIONS of the amendment accordingly:

SECTION _____. Section 253.0351(a), Election Code, is amended to read as follows:

(a) A candidate or officeholder who makes political expenditures from the candidate's or officeholder's personal funds may report the amount expended as all or part of a loan from the candidate or officeholder and may reimburse those personal funds from political contributions in the amount of all or part of the reported loan.

Amendment No. 61 was adopted.

Amendment No. 59, as amended, was adopted. (Phillips and V. Taylor recorded voting no.)

Amendment No. 62

Representative Chisum offered the following amendment to **CSSB 1**:

Floor Packet Page No. 178

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of ARTICLE 1 of the bill accordingly:

SECTION 1. _____. Section 2.013, Family Code, is amended by adding Subsection (g) to read as follows:

(g) The Health and Human Services Commission shall ensure that a premarital education course described by this section is made available to residents of this state, regardless of whether the legislature appropriates funds specifically for that purpose.

Amendment No. 63

Representative Chisum offered the following amendment to Amendment No. 62:

Amend Amendment No. 62 by Chisum to **CSSB 1** (page 178, prefiled amendment packet) by striking the text of the amendment and substituting the following:

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . PREMARITAL EDUCATION COURSES

SECTION ____ .01 Section 2.013, Family Code, is amended by adding Subsection (g) to read as follows:

(g) The Health and Human Services Commission shall ensure that a premarital education course described by this section is made available to residents of this state, regardless of whether the legislature appropriates funds specifically for that purpose.

Amendment No. 63 was adopted.

Amendment No. 62, as amended, was adopted.

Amendment No. 64

Representative Naishtat offered the following amendment to **CSSB 1**:
Floor Packet Page No. 179

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES accordingly:

ARTICLE ____ . SUITS AFFECTING THE PARENT-CHILD RELATIONSHIP

SECTION ____ .01. Section 263.601, Family Code, is amended by amending Subdivision (1) and adding Subdivision (3-a) to read as follows:

(1) "Foster care" means a voluntary residential living arrangement with a foster parent or other residential child-care provider that is:

(A) licensed or approved by the department or verified by a licensed child-placing agency; and

(B) paid under a contract with the department.

(3-a) "Trial independence period" means a period of not less than six months, or a longer period as a court may order not to exceed 12 months, during which a young adult exits foster care with the option to return to foster care under the continuing extended jurisdiction of the court.

SECTION ____ .02. Section 263.602, Family Code, is amended to read as follows:

Sec. 263.602. EXTENDED JURISDICTION. (a) A court that had continuing, exclusive jurisdiction over a young adult on the day before ~~[may, at]~~ the young adult's 18th birthday continues to have extended ~~[request, render an order that extends the court's]~~ jurisdiction over the young adult and shall retain the case on the court's docket while the young adult remains in extended foster care and during a trial independence period described ~~[as provided]~~ by this section ~~[subchapter]~~.

(b) A court with extended jurisdiction over a young adult who remains in extended foster care shall conduct extended foster care review hearings every six months for the purpose of reviewing and making findings regarding:

(1) whether the young adult's living arrangement is safe and appropriate and whether the department has made reasonable efforts to place the young adult in the least restrictive environment necessary to meet the young adult's needs;

(2) whether the department is making reasonable efforts to finalize the permanency plan that is in effect for the young adult, including a permanency plan for independent living;

(3) whether, for a young adult whose permanency plan is independent living:

(A) the young adult participated in the development of the plan of service;

(B) the young adult's plan of service reflects the independent living skills and appropriate services needed to achieve independence by the projected date; and

(C) the young adult continues to make reasonable progress in developing the skills needed to achieve independence by the projected date; and

(4) whether additional services that the department is authorized to provide are needed to meet the needs of the young adult ~~[The extended jurisdiction of the court terminates on the earlier of:~~

~~[(1) the young adult's 21st birthday; or~~

~~[(2) the date the young adult withdraws consent to the extension of the court's jurisdiction in writing or in court].~~

(c) Not later than the 10th day before the date set for a hearing under this section, the department shall file with the court a copy of the young adult's plan of service and a report that addresses the issues described by Subsection (b).

(d) Notice of an extended foster care review hearing shall be given as provided by Rule 21a, Texas Rules of Civil Procedure, to the following persons, each of whom has a right to present evidence and be heard at the hearing:

(1) the young adult who is the subject of the suit;

(2) the department;

(3) the foster parent with whom the young adult is placed and the administrator of a child-placing agency responsible for placing the young adult, if applicable;

(4) the director of the residential child-care facility or other approved provider with whom the young adult is placed, if applicable;

(5) each parent of the young adult whose parental rights have not been terminated and who is still actively involved in the life of the young adult;

(6) a legal guardian of the young adult, if applicable; and

(7) the young adult's attorney ad litem, guardian ad litem, and volunteer advocate, the appointment of which has not been previously dismissed by the court.

(e) If, after reviewing the young adult's plan of service and the report filed under Subsection (c), and any additional testimony and evidence presented at the review hearing, the court determines that the young adult is entitled to additional services, the court may order the department to take appropriate action to ensure that the young adult receives those services.

(f) A court with extended jurisdiction over a young adult as described in Subsection (a) shall continue to have jurisdiction over the young adult and shall retain the case on the court's docket until the earlier of:

(1) the last day of the:

(A) sixth month after the date the young adult leaves foster care; or

(B) 12th month after the date the young adult leaves foster care if specified in a court order, for the purpose of allowing the young adult to pursue a trial independence period; or

(2) the young adult's 21st birthday.

(g) A court with extended jurisdiction described by this section is not required to conduct periodic hearings for a young adult during a trial independence period and may not compel a young adult who has exited foster care to attend a court hearing.

SECTION ____ .03. Subchapter G, Chapter 263, Family Code, is amended by adding Section 263.6021 to read as follows:

Sec. 263.6021. VOLUNTARY EXTENDED JURISDICTION FOR YOUNG ADULT RECEIVING TRANSITIONAL LIVING SERVICES.

(a) Notwithstanding Section 263.602, a court that had continuing, exclusive jurisdiction over a young adult on the day before the young adult's 18th birthday may, at the young adult's request, render an order that extends the court's jurisdiction beyond the end of a trial independence period if the young adult receives transitional living services from the department.

(b) The extended jurisdiction of the court under this section terminates on the earlier of:

(1) the young adult's 21st birthday; or

(2) the date the young adult withdraws consent to the extension of the court's jurisdiction in writing or in court.

(c) At the request of a young adult who is receiving transitional living services from the department and who consents to voluntary extension of the court's jurisdiction under this section, the court may hold a hearing to review the services the young adult is receiving.

(d) Before a review hearing scheduled under this section, the department must file with the court a report summarizing the young adult's transitional living services plan, services being provided to the young adult under that plan, and the young adult's progress in achieving independence.

(e) If, after reviewing the report and any additional testimony and evidence presented at the hearing, the court determines that the young adult is entitled to additional services, the court may order the department to take appropriate action to ensure that the young adult receives those services.

SECTION _____.04. Subsections (a) and (c), Section 263.603, Family Code, are amended to read as follows:

(a) Notwithstanding Section 263.6021 [~~263.602~~], if the court believes that a young adult may be incapacitated as defined by Section 601(14)(B), Texas Probate Code, the court may extend its jurisdiction on its own motion without the young adult's consent to allow the department to refer the young adult to the Department of Aging and Disability Services for guardianship services as required by Section 48.209, Human Resources Code.

(c) If the Department of Aging and Disability Services determines a guardianship is not appropriate, or the court with probate jurisdiction denies the application to appoint a guardian, the court under Subsection (a) may continue to extend its jurisdiction over the young adult only as provided by Section 263.602 or 263.6021.

SECTION _____.05. Section 263.609, Family Code, is repealed.

SECTION _____.06. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

Amendment No. 64 was adopted. (Phillips and V. Taylor recorded voting no.)

Amendment No. 65

Representative Gallego offered the following amendment to **CSSB 1**:
Floor Packet Page No. 185

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. VIDEO COMMUNICATIONS TECHNOLOGY IN DISTRICT COURT PROCEEDINGS

SECTION _____.01. Subchapter A, Chapter 24, Government Code, is amended by adding Section 24.035 to read as follows:

Sec. 24.035. CONDUCTING HEARINGS BY VIDEO. (a) In this section, "video communications technology" means technology that provides for communication between individuals in different locations, connected by electronic means, through both audio and video.

(b) Except as provided by Subsection (c), a district judge may conduct court proceedings, including hearings, by video communications technology.

(c) A district judge may not conduct a trial by video communications technology.

Amendment No. 65 was adopted.

Amendment No. 66

Representative Perry offered the following amendment to **CSSB 1**:

Floor Packet Page No. 191

Amend **CSSB 1** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 322.007, Government Code, is amended to read as follows:

Sec. 322.007. ESTIMATES AND REPORTS. (a) Each institution, department, agency, officer, employee, or agent of the state shall submit to the board any estimate or report relating to appropriations requested by the board or under the board's direction.

(b) Each institution, department, and agency of this state that receives an appropriation shall submit to the board a zero-based budget plan that contains:

(1) a description of the discrete activities the entity is charged with conducting or performing together with a justification for each activity by reference to a statute or other legal authority;

(2) for each activity identified under Subdivision (1), a quantitative estimate of any adverse effects that reasonably may be expected to result if the activity were discontinued, together with a description of the methods by which the adverse effects were estimated;

(3) for each activity identified under Subdivision (1), an itemized account of expenditures required to maintain the activity at the minimum level of service required by the statute or other legal authority, together with a concise statement of the quantity and quality of service required at that minimum level;

(4) for each activity identified under Subdivision (1), an itemized account of expenditures required to maintain the activity at the current level of service, together with a concise statement of the quantity and quality of service provided at that level; and

(5) a ranking of activities identified under Subdivision (1) that illustrates the relative importance of each activity to the overall goals and purposes of the institution, department, or agency at current service levels.

(c) Each zero-based budget plan and each estimate or report shall be submitted at a time set by the board and in the manner and form prescribed by board rules.

(d) Each zero-based budget plan and each ~~[(e) An]~~ estimate or report required under this section is in addition to a budget plan or an estimate or report required by other law, including those estimates or reports relating to appropriations required by Chapter 401.

(b) Section 322.008(a), Government Code, is amended to read as follows:

(a) Based on information provided under Section 322.007, the ~~[The]~~ director, under the direction of the board, shall prepare the general appropriations bill for introduction at each regular legislative session.

(c) Section 401.0445(a), Government Code, is amended to read as follows:

(a) The governor shall compile the biennial appropriation budget using information:

- (1) submitted to the governor in the uniform budget estimate forms;
~~and~~
 (2) obtained at public hearings, from inspections, and from other sources; and
 (3) submitted to the Legislative Budget Board under Section 322.007.
 (d) The changes in law made by this section apply only in regard to information for developing a biennial appropriation budget for a state fiscal biennium beginning on or after the effective date of this Act.

Amendment No. 66 was adopted.

Amendment No. 67

Representatives Cain, Berman, Huberty, Farias, Jackson, Lavender, Fletcher, Lyne, Burkett, Hardcastle, Beck, Phillips, V. Taylor, Sheets, Schwertner, Lewis, Shelton, Murphy, Elkins, Carter, Larson, Flynn, Isaac, White, Orr, Garza, C. Anderson, Weber, Strama, Hughes, Guillen, Mallory Caraway, Raymond, Price, P. King, Sheffield, Callegari, D. Howard, Morrison, S. Davis, Creighton, Deshotel, Landtroop, Simpson, T. King, J. Davis, Naishtat, L. Gonzales, R. Anderson, S. Miller, and Perry offered the following amendment to **CSSB 1**:

Floor Packet Page No. 194

Amend **CSSB 1** by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS accordingly:

ARTICLE ____ . GENERAL APPROPRIATIONS ACT FORMAT

SECTION ____ .01. Section 322.008, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The general appropriations bill must, for each state agency or other entity for which an appropriation is proposed under the bill:

(1) include a line item for each specific program or activity administered by the agency or entity or an organizational unit of the agency or entity, organized according to the organizational structure of the agency, entity, or unit, except that if a specific program or activity administered by the agency, entity, or unit includes identifiable components or subprograms, the bill must include a line item for each of those components or subprograms;

(2) specify the amount of the proposed appropriation for each line item;
 and

(3) include, for each line item that represents a specific program or activity or, if applicable, each group of line items representing the components or subprograms of a specific program or activity:

(A) a citation to the authorization in law for the program or activity; and

(B) a statement regarding whether the source of the proposed appropriation is nondedicated general revenue money, dedicated general revenue money, federal money, or another source.

Amendment No. 67 was adopted.

Amendment No. 68

Representative Perry offered the following amendment to **CSSB 1**:

Floor Packet Page No. 195

Amend **CSSB 1** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Chapter 322, Government Code, is amended by adding Section 322.022 to read as follows:

Sec. 322.022. MEETING IN RESPONSE TO REPORTED DECLINES IN SALES AND USE TAX REVENUES. (a) As soon as practicable after the Legislative Budget Board is notified that the comptroller has reported a month-to-month decline in revenues from state sales and use taxes imposed under Chapter 151, Tax Code, for three consecutive months, the board shall meet to consider whether it is prudent to direct state agencies to reduce expenditures or to take other action to reduce state spending in response to declining state sales and use tax revenues.

(b) The comptroller shall send to the director of the Legislative Budget Board, by e-mail or other means as requested by the director, a monthly report showing whether total state sales and use tax revenues for the most recent month for which the information is available are less than the total state sales and use tax revenues for the preceding month.

Amendment No. 68 was adopted.

Amendment No. 69

Representative Y. Davis offered the following amendment to **CSSB 1**:

Floor Packet Page No. 196

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. PERIODIC EVALUATION AND APPLICATION OF
SUNSET

REVIEW TO CERTAIN TAX EXEMPTIONS

SECTION _____.01. Chapter 325, Government Code, is amended by adding Section 325.023 to read as follows:

Sec. 325.023. EVALUATION OF EXEMPTIONS FROM PROPERTY AND STATE TAXES. (a) In this section, "exemption" includes:

(1) an exemption that is provided by the manner in which a term is defined in Subchapter A, Chapter 151, Tax Code; and

(2) an exemption provided by Chapter 162, Tax Code, from the taxes imposed by that chapter.

(b) The commission shall periodically evaluate each exemption provided by Chapters 11, 151, 152, 162, 171, 201, and 202, Tax Code, from the taxes imposed by those chapters.

(c) The commission shall conduct the evaluation required by Subsection (b) according to a schedule that the commission adopts. The schedule must provide for the commission to evaluate each tax exemption at an interval not to exceed six years. The commission shall provide the schedule to the governor, lieutenant governor, speaker of the house of representatives, and presiding officers of the senate finance committee and the house ways and means committee.

(d) The commission's evaluation of each tax exemption must:

(1) include an evaluation of the exemption's effect on:

(A) revenue received from taxes imposed by the chapter providing the exemption;

(B) the entities that receive the exemption;

(C) sales of property, goods, and services made in this state, where applicable; and

(D) economic investment and growth in this state;

(2) take into account any other factors the commission considers relevant in evaluating the exemption;

(3) consider whether retaining the exemption is in the best interest of the public; and

(4) make recommendations for retaining or repealing the exemption, or for amending a provision related to the exemption.

(e) At each regular legislative session, the commission shall present to the legislature and the governor a report on the evaluation and recommendations it makes under Subsection (d). The report must include drafts of any legislation needed to carry out the commission's recommendations under that subsection.

(f) The evaluation described by this section does not apply to a tax exemption that is:

(1) explicitly provided by the constitution of this state; or

(2) for an item or service that this state is unable to tax under the United States Constitution or federal law.

SECTION ____ .02. Subchapter C, Chapter 11, Tax Code, is amended by adding Section 11.49 to read as follows:

Sec. 11.49. SUNSET PROVISION FOR PROPERTY TAX EXEMPTIONS. (a) The exemptions provided by this chapter from the taxes imposed by this chapter are subject to periodic evaluation by the Sunset Advisory Commission under Section 325.023, Government Code, according to a schedule that the commission adopts under that section.

(b) A tax exemption provided by this chapter that is the subject of a Sunset Advisory Commission evaluation under Section 325.023, Government Code, and a section or part of a section that provides the exemption are repealed on December 31 of the year in which the commission presents its evaluation to the legislature unless the legislature retains the exemption.

(c) This section does not prohibit the legislature from repealing an exemption from the taxes imposed by this chapter at a date earlier than the date provided by this section.

(d) The evaluation described by Subsection (a) and the repeal described by Subsection (b) do not apply to a tax exemption that is explicitly provided by the constitution of this state.

SECTION ____ .03. Chapter 101, Tax Code, is amended by adding Section 101.010 to read as follows:

Sec. 101.010. SUNSET PROVISION FOR CERTAIN EXEMPTIONS FROM STATE TAXES. (a) In this section, "exemption" includes:

(1) an exemption that is provided by the manner in which a term is defined in Subchapter A, Chapter 151; and

(2) an exemption provided by Chapter 162 from the taxes imposed by that chapter.

(b) The exemptions provided by Chapters 151, 152, 162, 171, 201, and 202 from the taxes imposed by those chapters are subject to periodic evaluation by the Sunset Advisory Commission under Section 325.023, Government Code, according to a schedule that the commission adopts under that section.

(c) A tax exemption that is the subject of a Sunset Advisory Commission evaluation under Section 325.023, Government Code, and a section or part of a section that provides the exemption are repealed on December 31 of the year in which the commission presents its evaluation to the legislature unless the legislature retains the exemption.

(d) This section does not prohibit the legislature from repealing an exemption from the taxes imposed by Chapters 151, 152, 162, 171, 201, and 202 at a date earlier than the date provided by this section.

(e) The evaluation described by Subsection (b) and the repeal described by Subsection (c) do not apply to a tax exemption for an item or service that this state is unable to tax under the United States Constitution or federal law.

SECTION ____ .04. The Sunset Advisory Commission shall adopt a schedule for evaluating exemptions from property taxes and state taxes as provided by Section 325.023, Government Code, as added by this article, on or before January 1, 2012.

Amendment No. 69 was withdrawn.

Amendment No. 70

Representative Christian offered the following amendment to **CSSB 1**:
Floor Packet Page No. 200

Amend **CSSB 1** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . (a) Chapter 402, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. PUBLIC INTEGRITY UNIT

Sec. 402.101. DEFINITIONS. In this subchapter:

(1) "Offense" means a prohibited act for which state law imposes a criminal or civil penalty.

(2) "Prosecute" means represent the state to impose a criminal or civil penalty.

(3) "Prosecuting attorney" means a district attorney, criminal district attorney, or county attorney.

Sec. 402.102. OFFENSES AGAINST PUBLIC ADMINISTRATION. For purposes of this subchapter, the following are offenses against public administration:

(1) an offense under Title 8, Penal Code, committed by a state officer or a state employee in connection with the powers and duties of the state office or state employment;

(2) an offense under Chapter 301, 302, 305, 571, 572, or 2004;

(3) an offense under Chapter 573 committed by a state officer in connection with the powers and duties of the state office;

(4) an offense under Title 15, Election Code, committed in connection with:

(A) a campaign for or the holding of state office; or

(B) an election on a proposed constitutional amendment; and

(5) an offense involving compliance with the requirements relating to the imposition of the motor fuels tax imposed under Chapter 162, Tax Code, including an offense described by Section 162.403, Tax Code.

Sec. 402.103. OFFENSES INVOLVING INSURANCE FRAUD. For purposes of this subchapter, the following are offenses involving insurance fraud:

(1) an offense under Chapter 35, Penal Code, including an offense under that chapter that involves workers' compensation insurance under Title 5, Labor Code; or

(2) a fraudulent insurance act as defined by Section 701.001, Insurance Code, including an act that involves workers' compensation insurance under Title 5, Labor Code.

Sec. 402.104. PUBLIC INTEGRITY UNIT. The public integrity unit is in the office of the attorney general.

Sec. 402.105. PROSECUTION BY PUBLIC INTEGRITY UNIT. (a) In any district or county court of appropriate jurisdiction and venue, the public integrity unit has the authority to prosecute a person for:

(1) an offense against public administration; or

(2) an offense involving insurance fraud.

(b) The public integrity unit must assert the right to prosecute under this section in writing to the appropriate prosecuting attorney. On asserting the right to prosecute under this section:

(1) the unit has all the powers of the prosecuting attorney, including the power to represent the state before a grand jury; and

(2) the prosecuting attorney may not prosecute the same person for the same act.

Sec. 402.106. COOPERATION OF STATE AGENCIES AND LOCAL LAW ENFORCEMENT AGENCIES. (a) To the extent allowed by law, a state agency or local law enforcement agency shall cooperate with the public integrity unit by providing information requested by the unit as necessary to carry out the purposes of this subchapter.

(b) Information disclosed under this section is confidential and not subject to disclosure under Chapter 552.

Sec. 402.107. VENUE. Notwithstanding Chapter 13, Code of Criminal Procedure, or other law, if the defendant is a natural person, venue for a prosecution by the public integrity unit is in the county in which the defendant resides.

(b) Sections 301.027(b) and (c), Government Code, are amended to read as follows:

(b) If the president of the senate or speaker receives a report or statement of facts as provided by Subsection (a), the president of the senate or speaker shall certify the statement of facts to the public integrity unit of the office of the attorney general [Travis County district attorney] under the seal of the senate or house of representatives, as appropriate.

(c) The public integrity unit [Travis County district attorney] shall bring the matter before the grand jury for action. If the grand jury returns an indictment, the public integrity unit [district attorney] shall prosecute the indictment.

(c) Section 402.009, Government Code, is amended to read as follows:

Sec. 402.009. AUTHORITY TO EMPLOY AND COMMISSION PEACE OFFICERS. The attorney general may employ and commission peace officers as investigators for:

(1) the limited purpose of assisting the attorney general in carrying out the duties of that office relating to prosecution assistance and crime prevention; or

(2) the purpose of investigating offenses against public administration and offenses involving insurance fraud prosecuted under Subchapter D.

(d) Section 35.04, Penal Code, is amended to read as follows:

Sec. 35.04. JURISDICTION OF ATTORNEY GENERAL. As provided by Section 402.105, Government Code, the public integrity unit of the office of the attorney general shall prosecute [(a) The attorney general may offer to an attorney representing the state in the prosecution of] an offense under Section 35.02 [the investigative, technical, and litigation assistance of the attorney general's office].

[(b) The attorney general may prosecute or assist in the prosecution of an offense under Section 35.02 on the request of the attorney representing the state described by Subsection (a).]

(e) Not later than March 1, 2012, the attorney general shall establish the public integrity unit under Subchapter D, Chapter 402, Government Code, as added by this Act.

(f) Subchapter D, Chapter 402, Government Code, as added by this Act, applies only to the prosecution of an offense against public administration or an offense involving insurance fraud committed on or after April 1, 2012. For purposes of this subsection, an offense is committed before April 1, 2012, if any element of the offense occurs before that date. The prosecution of an offense committed before April 1, 2012, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose, except that a county attorney, district attorney, or criminal district attorney may, on the

request of the attorney general, permit the public integrity unit established under Subchapter D, Chapter 402, Government Code, as added by this Act, to assume the prosecution of such an offense.

(g) Notwithstanding any other effective date provided by this Act, this section takes effect January 1, 2012, but only if the constitutional amendment proposed by the 82nd Legislature, Regular Session, 2011, giving the attorney general exclusive authority to prosecute offenses against public administration, including ethics offenses, and offenses involving insurance fraud takes effect. If that amendment is not approved by the voters, this section has no effect.

Amendment No. 70 - Point of Order

Representative Dukes raised a point of order against further consideration of Amendment No. 70.

The point of order was withdrawn.

Amendment No. 70 was withdrawn.

Amendment No. 71

Representative Brown offered the following amendment to **CSSB 1**:

Floor Packet Page No. 205

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . PROCUREMENT AND CORPORATE TRAVEL CHARGE CARD

SECTION ____ .01. Section 403.023, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) If the comptroller adopts rules authorized under Subsection (b), the rules must:

(1) require the state agency to use a credit or charge card to pay for all purchases unless the comptroller determines that another method of payment will result in greater cost savings to the state; and

(2) prohibit an employee of the state agency from using a personal credit or charge card to pay for the state agency's purchases.

SECTION ____ .02. Subchapter B, Chapter 2171, Government Code, is amended by adding Section 2171.0521 to read as follows:

Sec. 2171.0521. PAYMENT FOR TRAVEL SERVICES WITH CREDIT OR CHARGE CARD. If a state agency participates in a program administered by the comptroller that allows the agency to use a credit or charge card to purchase travel services:

(1) the agency shall use the credit or charge card to purchase travel services required for agency travel, unless the comptroller determines that another method of purchase will result in greater cost savings to the state; and

(2) an employee of the agency may not use the employee's personal credit or charge card to purchase travel services required for agency travel.

Amendment No. 71 was withdrawn.

Amendment No. 72

Representative Y. Davis offered the following amendment to **CSSB 1**:
Floor Packet Page No. 208

Amend **CSSB 1** (house committee printing) in ARTICLE 14 of the bill by adding the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of the ARTICLE appropriately:

SECTION 14. _____. Section 403.014(b), Government Code, is amended to read as follows:

(b) The report must include:

(1) an analysis of each special provision that reduces the amount of tax payable, to include an estimate of the loss of revenue for a six-year period including the current fiscal biennium and a citation of the statutory or legal authority for the provision; ~~and~~

(2) for provisions reducing revenue by more than one percent of total revenue for a tax covered by this section:

(A) the effect of each provision on the distribution of the tax burden by income class and industry or business class, as appropriate; and

(B) the effect of each provision on total income by income class;
and

(3) for each entity, including a corporation or other business entity, that receives a reduction of taxes payable as a result of a special provision, the actual dollar amount of the reduction the entity received since the most recent report under this section, regardless of whether the information is confidential under state law, including Sections 111.006 and 151.027, Tax Code.

Amendment No. 72 was withdrawn.

Amendment No. 73

Representative Kleinschmidt offered the following amendment to **CSSB 1**:
Floor Packet Page No. 209

Amend **CSSB 1** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. (a) Subchapter G, Chapter 403, Government Code, is amended by adding Section 403.110 to read as follows:

Sec. 403.110. PINK FOR EVER FUND. (a) The Pink for Ever fund is a special fund in the state treasury outside the general revenue fund.

(b) The fund is composed of:

(1) gifts and grants contributed to the fund;

(2) earnings on the principal of the fund; and

(3) other amounts deposited to the credit of the fund, including:

(A) legislative appropriations; and

(B) money deposited under Section 466.355.

(c) Except as provided by Subsection (d), money in the fund may not be appropriated for any purpose other than to fund the Pink for Ever grant program established by Subchapter D, Chapter 86, Health and Safety Code.

(d) A gift or grant to the fund may be appropriated in the same manner as money in the fund derived from other sources, subject to any limitation or requirement placed on the gift or grant by the donor or granting entity.

(e) Sections 403.095 and 404.071 do not apply to the fund.

(b) Subchapter B, Chapter 466, Government Code, is amended by adding Section 466.028 to read as follows:

Sec. 466.028. PINK FOR EVER GAME. (a) The commission shall operate an instant-ticket lottery game to benefit the Pink for Ever fund established by Section 403.110.

(b) The commission shall:

(1) determine the ticket price, payout amounts for prizes, and manner in which the game is conducted;

(2) make tickets to the game available for sale continuously to the extent practicable; and

(3) change the design or theme of the game regularly to ensure that the game remains competitive with other instant-ticket lottery games offered by the commission.

(c) The commission shall market and advertise the lottery game operated under this section in a manner intended to inform the public that the game tickets are available for purchase and that the game proceeds are used to fund breast cancer research, education, and patient treatment and support. The Department of State Health Services may make recommendations to the commission relating to the marketing and advertising of the game.

(d) The commission may use not more than two percent of the gross revenue accruing from the sale of tickets for the lottery game operated under this section for the purposes of Subsection (c).

(e) The commission shall encourage each sales agent that sells tickets to instant-ticket games or similar types of lottery games to sell tickets to the game operated under this section.

(c) Section 466.355(b), Government Code, is amended to read as follows:

(b) Money in the state lottery account may be used only for the following purposes and shall be distributed as follows:

(1) the payment of prizes to the holders of winning tickets;

(2) the payment of costs incurred in the operation and administration of the lottery, including any fees received by a lottery operator, provided that the costs incurred in a fiscal biennium may not exceed an amount equal to 12 percent of the gross revenue accruing from the sale of tickets in that biennium;

(3) the establishment of a pooled bond fund, lottery prize reserve fund, unclaimed prize fund, and prize payment account; and

(4) the balance, after creation of a reserve sufficient to pay the amounts needed or estimated to be needed under Subdivisions (1) through (3), to be transferred on or before the 15th day of each month as follows:

(A) the portion of the balance attributable to the lottery game operated under Section 466.027 to the fund for veterans' assistance established by Section 434.017; ~~and~~

(B) the portion of the balance attributable to the lottery game operated under Section 466.028 to the Pink for Ever fund established by Section 403.110; and

(C) the remainder to the foundation school fund.

(d) Chapter 86, Health and Safety Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. PINK FOR EVER GRANT PROGRAM

Sec. 86.151. DEFINITION. In this subchapter, "department" means the Department of State Health Services.

Sec. 86.152. PINK FOR EVER GRANT PROGRAM. The department shall develop and administer a program to award grants to public and nonprofit organizations that:

- (1) provide treatment and support services for breast cancer patients;
- (2) increase public awareness of breast cancer; or
- (3) conduct breast cancer research.

Sec. 86.153. RULES. The executive commissioner of the Health and Human Services Commission shall adopt rules governing the operation of the grant program and selection of grant recipients, subject to the requirements of this subchapter.

Sec. 86.154. ELIGIBILITY. The department shall establish eligibility guidelines for the grants awarded under this subchapter.

Sec. 86.155. APPLICATIONS. (a) The department shall establish application procedures for the grants awarded under this subchapter.

(b) An applicant for a grant under this subchapter shall submit to the department for approval:

- (1) a description of the objectives established by the applicant for the activities funded by the grant;
- (2) a description of the methods the applicant will use to evaluate the activities funded by the grant to determine if the objectives are met; and
- (3) any other information requested by the department.

Sec. 86.156. FUNDING. (a) The department shall award grants under this subchapter from the Pink for Ever fund established under Section 403.110, Government Code.

(b) The department may solicit and accept gifts and grants from any public or private source for the purposes of this subchapter. Money accepted by the department under this subsection must be deposited in the Pink for Ever fund.

Sec. 86.157. ADVISORY COMMITTEE. The department may appoint an advisory committee to assist in the evaluation of applications for grants under this subchapter.

(e)(1) Section 466.355, Government Code, as amended by this section, applies only to a transfer from the state lottery account made on or after the effective date of this section.

(2) The Texas Lottery Commission shall establish and begin selling tickets to the lottery game as required by Section 466.028, Government Code, as added by this section, not later than March 1, 2014.

(3) Not later than March 1, 2014, the executive commissioner of the Health and Human Services Commission shall adopt necessary rules for, and the Department of State Health Services shall establish and implement, the grant program required under Subchapter D, Chapter 86, Health and Safety Code, as added by this section.

(f) This section takes effect September 1, 2013.

Amendment No. 73 failed of adoption by (Record 35): 26 Yeas, 113 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Coleman; Craddick; Davis, S.; Deshotel; Dutton; Farias; Farrar; Gallego; Gonzales, V.; Gonzalez; Hamilton; Hernandez Luna; Hochberg; Kleinschmidt; Kuempel; Larson; Lucio; Mallory Caraway; Marquez; Martinez; Menendez; Miller, S.; Raymond; Veasey; Zerwas.

Nays — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Driver; Dukes; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Gutierrez; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Landtroop; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Martinez Fischer; McClendon; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Price; Quintanilla; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Weber; White; Workman; Zedler.

Present, not voting — Mr. Speaker(C); Giddings.

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Guillen; Howard, C.; Pitts; Smith, W.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 7:15 p.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 7:15 p.m. today, 3W.15, for a formal meeting, to set a calendar.

CSSB 1 - (consideration continued)

Amendment No. 74

Representative Callegari offered the following amendment to **CSSB 1**:

Floor Packet Page No. 214

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ . FEDERAL FUNDS DESIGNATION.

SECTION ____ .01. Subchapter H, Chapter 418, Government Code, is amended by adding Section 418.187 to read as follows:

Sec. 418.187. FEDERAL FUNDS DESIGNATION. (a) The governor shall designate an agency or agencies, under the Omnibus Budget Reconciliation Act of 1981 (Pub.L. No. 97-35) and 24 CFR, Part 570, Subpart I, to administer the state's allocation of federal funds provided under the community development block grant nonentitlement program authorized by Title I of the Housing and Community Development Act of 1974. (42 U.S.C. Section 5301 et seq.).

(b) Notwithstanding any other provision of this Act, the governor retains his authority to designate any agency or agencies to administer all non-entitlement federal community development block grant program funds and federal community development block grant disaster recovery funds and to transfer such federal funds to any agency.

SECTION ____ .02. The following sections are repealed:

- (1) Section 487.051(a)(6), Government Code; and
- (2) Subchapter I, Chapter 487, Government Code.

Amendment No. 74 was adopted.

Amendment No. 75

Representative Martinez offered the following amendment to **CSSB 1**:

Floor Packet Page No. 215

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . TEXAS COMMISSION ON FIRE PROTECTION FEES

SECTION ____ .01. Section 419.026(d), Government Code, is amended to read as follows:

(d) The commission shall send the fees authorized by Subsection (a) and Section 419.033(b) to the comptroller. The comptroller [~~-, who~~] shall deposit a portion [~~50 percent~~] of the fees collected [~~annually~~] into [~~the general revenue fund and 50 percent of the fees collected annually into~~] a special account in the general revenue fund dedicated for use by the commission. In any state fiscal biennium, the comptroller may not deposit into the account fees in an amount that exceeds the amount appropriated to the commission for that biennium, less any other amount appropriated to the commission from a source other than the fees. The account is exempt from the application of Section 403.095. The comptroller shall deposit the remainder of the fees in the general revenue fund. [~~Except as otherwise provided by this chapter, 50 percent of the special fund created under~~

~~this subsection may be used only to defray the commission's costs in performing inspections under Section 419.027 and the other 50 percent may be used only to provide training assistance under Section 419.031.]~~

SECTION _____.02. The dedication of certain fees to a special account in the general revenue fund dedicated for use by the Texas Commission on Fire Protection under Section 419.026(d), Government Code, was abolished effective August 31, 1995, under former Section 403.094(h), Government Code, as enacted by Section 11.04, Chapter 4 (**SB 3**), Acts of the 72nd Legislature, 1st Called Session, 1991. Those fees are rededicated to that fund by this article.

SECTION _____.03. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for this article to have immediate effect, this article takes effect October 1, 2011.

Amendment No. 75 - Point of Order

Representative Zedler raised a point of order against further consideration of Amendment No. 75 under Rule 11, Section 2 and Rule 11, Section 3 of the House Rules on the grounds that the amendment is not germane to the bill and the amendment would change the original purpose of the bill.

The point of order was withdrawn.

Amendment No. 75 was adopted. (Phillips, V. Taylor, and White recorded voting no.)

Amendment No. 76

Representative Callegari offered the following amendment to **CSSB 1**:

Floor Packet Page No. 222

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. TRANSFERRING TEXAS DEPARTMENT OF RURAL AFFAIRS TO OFFICE OF RURAL AFFAIRS WITHIN DEPARTMENT OF AGRICULTURE

SECTION _____.01. The heading to Chapter 487, Government Code, is amended to read as follows:

CHAPTER 487. OFFICE [~~TEXAS DEPARTMENT~~] OF RURAL AFFAIRS IN DEPARTMENT OF AGRICULTURE

SECTION _____.02. Section 487.001, Government Code, is amended to read as follows:

Sec. 487.001. DEFINITIONS. In this chapter:

(1) "Board" means the commissioner [~~board of the Texas Department of Rural Affairs~~].

(2) "Commissioner" means the commissioner of agriculture.

(3) "Department" means the office [~~Texas Department of Rural Affairs~~].

(4) "Office" means the Office of Rural Affairs established within the Department of Agriculture under Section 12.038, Agriculture Code.

SECTION ____ .03. Subchapter A, Chapter 487, Government Code, is amended by adding Section 487.003 to read as follows:

Sec. 487.003. REFERENCE IN LAW. (a) A reference in this chapter or other law to the Texas Department of Rural Affairs or the Office of Rural Community Affairs means the office and a reference in this chapter or other law to the board of the Texas Department of Rural Affairs means the commissioner.

(b) A reference in law to the executive director of the Texas Department of Rural Affairs means the director of the Office of Rural Affairs appointed under Section 12.038, Agriculture Code.

SECTION ____ .04. Section 487.026, Government Code, is amended to read as follows:

Sec. 487.026. ~~EXECUTIVE~~ DIRECTOR. (a) The ~~board may hire an executive~~ director serves ~~to serve~~ as the chief executive officer of the office ~~department~~ and performs ~~to perform~~ the administrative duties of the office ~~department~~.

(b) ~~The executive director serves at the will of the board.~~

~~(c)~~ The ~~executive~~ director may hire staff within guidelines established by the commissioner ~~board~~.

SECTION ____ .05. Section 487.051(a), Government Code, is amended to read as follows:

(a) The office ~~department~~ shall:

(1) assist rural communities in the key areas of economic development, community development, rural health, and rural housing;

(2) serve as a clearinghouse for information and resources on all state and federal programs affecting rural communities;

(3) in consultation with rural community leaders, locally elected officials, state elected and appointed officials, academic and industry experts, and the interagency work group created under this chapter, identify and prioritize policy issues and concerns affecting rural communities in the state;

(4) make recommendations to the legislature to address the concerns affecting rural communities identified under Subdivision (3);

(5) monitor developments that have a substantial effect on rural Texas communities, especially actions of state government, and compile an annual report describing and evaluating the condition of rural communities;

(6) administer the federal community development block grant nonentitlement program;

(7) administer programs supporting rural health care as provided by this chapter;

(8) perform research to determine the most beneficial and cost-effective ways to improve the welfare of rural communities;

(9) ensure that the office ~~department~~ qualifies as the state's office of rural health for the purpose of receiving grants from the Office of Rural Health Policy of the United States Department of Health and Human Services under 42 U.S.C. Section 254r;

(10) manage the state's Medicare rural hospital flexibility program under 42 U.S.C. Section 1395i-4;

(11) seek state and federal money available for economic development in rural areas for programs under this chapter;

(12) in conjunction with other offices and divisions of the Department of Agriculture, regularly cross-train office [department] employees with other employees of the Department of Agriculture regarding the programs administered and services provided [~~by each agency~~] to rural communities; and

(13) work with interested persons to assist volunteer fire departments and emergency services districts in rural areas.

SECTION _____.06. Section 487.054(c), Government Code, is amended to read as follows:

(c) The work group shall meet at the call of the [~~executive~~] director of the office [department].

SECTION _____.07. Section 487.055, Government Code, is amended to read as follows:

Sec. 487.055. ADVISORY COMMITTEES. (a) The commissioner [board] may appoint advisory committees as necessary to assist the office [board] in performing its duties. An advisory committee may be composed of private citizens and representatives from state and local governmental entities. A state or local governmental entity shall appoint a representative to an advisory committee at the request of the commissioner [board].

(b) Chapter 2110 does not apply to an advisory committee created under this section.

SECTION _____.08. Section 487.351(d), Government Code, is amended to read as follows:

(d) An applicant for a grant, loan, or award under a community development block grant program may appeal a decision of the [~~executive~~] director by filing an appeal with the commissioner [board]. The commissioner [board] shall hold a hearing on the appeal and render a decision.

SECTION _____.09. Section 2306.1092(b), Government Code, is amended to read as follows:

(b) The council is composed of 16 members consisting of:

(1) the director;

(2) one representative from each of the following agencies, appointed by the head of that agency:

(A) the Office of Rural [~~Community~~] Affairs within the Department of Agriculture;

(B) the Texas State Affordable Housing Corporation;

(C) the Health and Human Services Commission;

(D) the Department of Assistive and Rehabilitative Services;

(E) the Department of Aging and Disability Services; and

(F) the Department of State Health Services;

(3) one representative from the Department of Agriculture who is:

(A) knowledgeable about the Texans Feeding Texans and Retire in Texas programs or similar programs; and

- (B) appointed by the head of that agency;
- (4) one member who is:
 - (A) a member of the Health and Human Services Commission Promoting Independence Advisory Committee; and
 - (B) appointed by the governor; and
- (5) one representative from each of the following interest groups, appointed by the governor:
 - (A) financial institutions;
 - (B) multifamily housing developers;
 - (C) health services entities;
 - (D) nonprofit organizations that advocate for affordable housing and consumer-directed long-term services and support;
 - (E) consumers of service-enriched housing;
 - (F) advocates for minority issues; and
 - (G) rural communities.

SECTION ____ .10. Sections 487.002, 487.021, 487.022, 487.023, 487.024, 487.025, 487.028, 487.029, 487.051(b), 487.058, and 487.352, Government Code, are repealed.

SECTION ____ .11. (a) The Texas Department of Rural Affairs is abolished as an independent agency and transferred as a program to the Office of Rural Affairs in the Department of Agriculture. The board of the Texas Department of Rural Affairs is abolished.

(b) The validity of an action taken by the Texas Department of Rural Affairs or its board before either is abolished under Subsection (a) of this section is not affected by the abolishment.

(c) All rules, policies, procedures, and decisions of the Texas Department of Rural Affairs are continued in effect as rules, policies, procedures, and decisions of the Office of Rural Affairs in the Department of Agriculture until superseded by a rule, policy, procedure, or decision of the office.

(d) Any pending action or proceeding before the Texas Department of Rural Affairs becomes an action or proceeding before the Office of Rural Affairs in the Department of Agriculture.

SECTION ____ .12. (a) On October 1, 2011:

(1) the position of executive director of the Texas Department of Rural Affairs is abolished, except that the director of the Office of Rural Affairs in the Department of Agriculture may hire the executive director for a position in the office;

(2) an employee of the Texas Department of Rural Affairs becomes an employee of the Office of Rural Affairs in the Department of Agriculture;

(3) a reference in law to the Texas Department of Rural Affairs means the Office of Rural Affairs in the Department of Agriculture;

(4) all money, contracts, leases, rights, and obligations of the Texas Department of Rural Affairs are transferred to the Office of Rural Affairs in the Department of Agriculture;

(5) all property, including records, in the custody of the Texas Department of Rural Affairs becomes the property of the Office of Rural Affairs in the Department of Agriculture; and

(6) all funds appropriated by the legislature to the Texas Department of Rural Affairs are transferred to the Office of Rural Affairs in the Department of Agriculture.

(b) A function or activity performed by the Texas Department of Rural Affairs is transferred to the Office of Rural Affairs in the Department of Agriculture as provided by this article.

SECTION ____ .13. The Texas Department of Rural Affairs and the Department of Agriculture shall establish a transition plan for the transfer described in Sections ____ .11 and ____ .12 of this article.

SECTION ____ .14. Notwithstanding any other provision of this article, the governor retains the authority to designate an agency to administer federal disaster recovery funds and to transfer the federal funds to any state agency. On the date the governor designates a state agency, other than the Texas Department of Rural Affairs, to administer the federal community development block grant disaster recovery funds received for Hurricanes Rita, Dolly, and Ike:

(1) a reference in law to the Texas Department of Rural Affairs related to the disaster recovery funds means the agency designated by the governor to administer the disaster recovery funds;

(2) all money, contracts, leases, rights, and obligations of the Texas Department of Rural Affairs related to the disaster recovery funds are transferred to the designated agency; and

(3) all property, including records, in the custody of the Texas Department of Rural Affairs related to the disaster recovery funds becomes the property of the designated agency.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Calendars:

Bonnen on motion of Menendez.

Branch on motion of Menendez.

Coleman on motion of Menendez.

Cook on motion of Menendez.

Geren on motion of Menendez.

Hunter on motion of Menendez.

Keffer on motion of Menendez.

T. King on motion of Menendez.

Kolkhorst on motion of Menendez.

Lucio on motion of Menendez.

Ritter on motion of Menendez.

Rodriguez on motion of Menendez.

Solomons on motion of Menendez.

Truitt on motion of Menendez.

Zerwas on motion of Menendez.

CSSB 1 - (consideration continued)

Amendment No. 76 was withdrawn.

Amendment No. 77

Representative Gallego offered the following amendment to **CSSB 1**:
Floor Packet Page No. 230

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ . ABOLISHMENT OF THE TEXAS EMERGING
TECHNOLOGY FUND

SECTION ____ .01. (a) Subchapters A, B, C, D, E, F, and G, Chapter 490, Government Code, are repealed.

(b) The repeal by this Act of Subchapters A, B, C, D, E, F, and G, Chapter 490, Government Code, does not affect the validity of any agreement between the governor and an award recipient or a person or entity to be awarded money entered into under those subchapters before the effective date of this Act.

(c) On the effective date of this Act, the Texas emerging technology fund is abolished and the unexpended and unencumbered money from that fund is available in the general revenue fund and may be used in accordance with legislative appropriation.

(d) After the effective date of this Act, unspent but encumbered money in the Texas emerging technology fund at the time the fund was abolished is in the general revenue fund. If the money was deposited in the Texas emerging technology fund as a gift, grant, or donation under Chapter 490, Government Code, and is encumbered by the specific terms of the gift, grant, or donation, the money may be spent only in accordance with the terms of the gift, grant, or donation. If the money is encumbered because it has been awarded or otherwise obligated by agreement before the effective date of this Act but under the terms of the award or agreement will not be distributed until a future time, the money shall be distributed in accordance with the terms of the award or agreement. If the governor determines that the money will not be distributed in accordance with the terms of the award or agreement, the governor shall certify that fact to the comptroller. On that certification, the comptroller shall make that money available in the general revenue fund to be used in accordance with legislative appropriation.

(e) After the effective date of this Act, any royalties, revenues, and other financial benefits realized from a project undertaken with money from the Texas emerging technology fund, as provided by a contract entered into under Section 490.103, Government Code, shall be deposited into the general revenue fund.

(f) Subchapters A, B, C, D, E, F, and G, Chapter 490, Government Code, are continued in effect for the limited purpose of supplying the necessary authority to administer Subsections (d) and (e) of this section.

(Huberty in the chair)

(Branch, Coleman, Geren, Hunter, Keffer, T. King, Ritter, and Rodriguez now present)

Representative Berman moved to table Amendment No. 77.

The motion to table prevailed by (Record 36): 83 Yeas, 47 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Burkett; Button; Callegari; Carter; Chisum; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Howard, D.; Hunter; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landroop; Larson; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Taylor, L.; Torres; Weber; Workman.

Nays — Alonzo; Alvarado; Anchia; Cain; Castro; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gutierrez; Hernandez Luna; Hochberg; Hughes; Isaac; Johnson; King, T.; Laubenberg; Mallory Caraway; Marquez; Martinez; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Paxton; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Sheets; Simpson; Strama; Taylor, V.; Thompson; Turner; Villarreal; Vo; White.

Present, not voting — Mr. Speaker; Huberty(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent, Excused, Committee Meeting — Bonnen; Cook; Lucio; Solomons; Truitt; Zerwas.

Absent — Christian; Coleman; Guillen; Martinez Fischer; Peña; Veasey; Zedler.

STATEMENTS OF VOTE

When Record No. 36 was taken, I was excused to attend a meeting of the Committee on Calendars. I would have voted yes.

Cook

I was shown voting yes on Record No. 36. I intended to vote no.

Flynn

I was shown voting yes on Record No. 36. I intended to vote no.

Landtroop

When Record No. 36 was taken, I was excused to attend a meeting of the Committee on Calendars. I would have voted yes.

Truitt

When Record No. 36 was taken, I was in the house but away from my desk. I would have voted no.

Veasey

When Record No. 36 was taken, I was excused to attend a meeting of the Committee on Calendars. I would have voted yes.

Zerwas

(Cook and Zerwas now present)

Amendment No. 78

Representative Madden offered the following amendment to **CSSB 1**:
Floor Packet Page No. 232

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . PROVISIONS RELATING TO THE CORRECTIONAL
SYSTEM

SECTION ____ .01. Section 495.027(d), Government Code, is amended to read as follows:

(d) Subject to board approval, the department shall adopt policies governing the use of the pay telephone service by an inmate confined in a facility operated by the department, including a policy governing the eligibility of an inmate to use the service. The policies adopted under this subsection may not unduly restrict calling patterns or volume and must allow for an average monthly call usage rate of not less than 480 minutes per month [~~eight calls, with each call having an average duration of not less than 10 minutes,~~] per eligible inmate.

Amendment No. 78 was adopted. (Phillips and V. Taylor recorded voting no.)

Amendment No. 79

Representative Callegari offered the following amendment to **CSSB 1**:
Floor Packet Page No. 222

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ TRANSFERRING TEXAS DEPARTMENT OF RURAL AFFAIRS TO OFFICE OF RURAL AFFAIRS WITHIN DEPARTMENT OF AGRICULTURE

SECTION ____ .01. The heading to Chapter 487, Government Code, is amended to read as follows:

CHAPTER 487. OFFICE ~~[TEXAS DEPARTMENT]~~ OF RURAL AFFAIRS IN DEPARTMENT OF AGRICULTURE

SECTION ____ .02. Section 487.001, Government Code, is amended to read as follows:

Sec. 487.001. DEFINITIONS. In this chapter:

(1) "Board" means the commissioner ~~[board of the Texas Department of Rural Affairs]~~.

(2) "Commissioner" means the commissioner of agriculture.

(3) "Department" means the office ~~[Texas Department of Rural Affairs]~~.

(4) "Office" means the Office of Rural Affairs established within the Department of Agriculture under Section 12.038, Agriculture Code.

SECTION ____ .03. Subchapter A, Chapter 487, Government Code, is amended by adding Section 487.003 to read as follows:

Sec. 487.003. REFERENCE IN LAW. (a) A reference in this chapter or other law to the Texas Department of Rural Affairs or the Office of Rural Community Affairs means the office and a reference in this chapter or other law to the board of the Texas Department of Rural Affairs means the commissioner.

(b) A reference in law to the executive director of the Texas Department of Rural Affairs means the director of the Office of Rural Affairs appointed under Section 12.038, Agriculture Code.

SECTION ____ .04. Section 487.026, Government Code, is amended to read as follows:

Sec. 487.026. ~~[EXECUTIVE] DIRECTOR.~~ (a) The ~~[board may hire an executive] director serves [to serve]~~ as the chief executive officer of the office [department] and performs [to perform] the administrative duties of the office [department].

(b) ~~[The executive director serves at the will of the board.]~~

~~[(e)]~~ The ~~[executive]~~ director may hire staff within guidelines established by the commissioner ~~[board]~~.

SECTION ____ .05. Section 487.051(a), Government Code, is amended to read as follows:

(a) The office [department] shall:

(1) assist rural communities in the key areas of economic development, community development, rural health, and rural housing;

(2) serve as a clearinghouse for information and resources on all state and federal programs affecting rural communities;

(3) in consultation with rural community leaders, locally elected officials, state elected and appointed officials, academic and industry experts, and the interagency work group created under this chapter, identify and prioritize policy issues and concerns affecting rural communities in the state;

- (4) make recommendations to the legislature to address the concerns affecting rural communities identified under Subdivision (3);
- (5) monitor developments that have a substantial effect on rural Texas communities, especially actions of state government, and compile an annual report describing and evaluating the condition of rural communities;
- (6) administer the federal community development block grant nonentitlement program;
- (7) administer programs supporting rural health care as provided by this chapter;
- (8) perform research to determine the most beneficial and cost-effective ways to improve the welfare of rural communities;
- (9) ensure that the office [~~department~~] qualifies as the state's office of rural health for the purpose of receiving grants from the Office of Rural Health Policy of the United States Department of Health and Human Services under 42 U.S.C. Section 254r;
- (10) manage the state's Medicare rural hospital flexibility program under 42 U.S.C. Section 1395i-4;
- (11) seek state and federal money available for economic development in rural areas for programs under this chapter;
- (12) in conjunction with other offices and divisions of the Department of Agriculture, regularly cross-train office [~~department~~] employees with other employees of the Department of Agriculture regarding the programs administered and services provided [~~by each agency~~] to rural communities; and
- (13) work with interested persons to assist volunteer fire departments and emergency services districts in rural areas.

SECTION _____.06. Section 487.0541(c), Government Code, is amended to read as follows:

(c) The work group shall meet at the call of the [~~executive~~] director of the office [~~department~~].

SECTION _____.07. Section 487.055, Government Code, is amended to read as follows:

Sec. 487.055. ADVISORY COMMITTEES. (a) The commissioner [~~board~~] may appoint advisory committees as necessary to assist the office [~~board~~] in performing its duties. An advisory committee may be composed of private citizens and representatives from state and local governmental entities. A state or local governmental entity shall appoint a representative to an advisory committee at the request of the commissioner [~~board~~].

(b) Chapter 2110 does not apply to an advisory committee created under this section.

SECTION _____.08. Section 487.351(d), Government Code, is amended to read as follows:

(d) An applicant for a grant, loan, or award under a community development block grant program may appeal a decision of the [~~executive~~] director by filing an appeal with the commissioner [~~board~~]. The commissioner [~~board~~] shall hold a hearing on the appeal and render a decision.

SECTION _____.09. Section 2306.1092(b), Government Code, is amended to read as follows:

(b) The council is composed of 16 members consisting of:

(1) the director;

(2) one representative from each of the following agencies, appointed by the head of that agency:

(A) the Office of Rural [~~Community~~] Affairs within the Department of Agriculture;

(B) the Texas State Affordable Housing Corporation;

(C) the Health and Human Services Commission;

(D) the Department of Assistive and Rehabilitative Services;

(E) the Department of Aging and Disability Services; and

(F) the Department of State Health Services;

(3) one representative from the Department of Agriculture who is:

(A) knowledgeable about the Texans Feeding Texans and Retire in Texas programs or similar programs; and

(B) appointed by the head of that agency;

(4) one member who is:

(A) a member of the Health and Human Services Commission Promoting Independence Advisory Committee; and

(B) appointed by the governor; and

(5) one representative from each of the following interest groups, appointed by the governor:

(A) financial institutions;

(B) multifamily housing developers;

(C) health services entities;

(D) nonprofit organizations that advocate for affordable housing and consumer-directed long-term services and support;

(E) consumers of service-enriched housing;

(F) advocates for minority issues; and

(G) rural communities.

SECTION _____.10. Sections 487.002, 487.021, 487.022, 487.023, 487.024, 487.025, 487.028, 487.029, 487.051(b), 487.058, and 487.352, Government Code, are repealed.

SECTION _____.11. (a) The Texas Department of Rural Affairs is abolished as an independent agency and transferred as a program to the Office of Rural Affairs in the Department of Agriculture. The board of the Texas Department of Rural Affairs is abolished.

(b) The validity of an action taken by the Texas Department of Rural Affairs or its board before either is abolished under Subsection (a) of this section is not affected by the abolishment.

(c) All rules, policies, procedures, and decisions of the Texas Department of Rural Affairs are continued in effect as rules, policies, procedures, and decisions of the Office of Rural Affairs in the Department of Agriculture until superseded by a rule, policy, procedure, or decision of the office.

(d) Any pending action or proceeding before the Texas Department of Rural Affairs becomes an action or proceeding before the Office of Rural Affairs in the Department of Agriculture.

SECTION ____ .12. (a) On October 1, 2011:

(1) the position of executive director of the Texas Department of Rural Affairs is abolished, except that the director of the Office of Rural Affairs in the Department of Agriculture may hire the executive director for a position in the office;

(2) an employee of the Texas Department of Rural Affairs becomes an employee of the Office of Rural Affairs in the Department of Agriculture;

(3) a reference in law to the Texas Department of Rural Affairs means the Office of Rural Affairs in the Department of Agriculture;

(4) all money, contracts, leases, rights, and obligations of the Texas Department of Rural Affairs are transferred to the Office of Rural Affairs in the Department of Agriculture;

(5) all property, including records, in the custody of the Texas Department of Rural Affairs becomes the property of the Office of Rural Affairs in the Department of Agriculture; and

(6) all funds appropriated by the legislature to the Texas Department of Rural Affairs are transferred to the Office of Rural Affairs in the Department of Agriculture.

(b) A function or activity performed by the Texas Department of Rural Affairs is transferred to the Office of Rural Affairs in the Department of Agriculture as provided by this article.

SECTION ____ .13. The Texas Department of Rural Affairs and the Department of Agriculture shall establish a transition plan for the transfer described in Sections ____ .11 and ____ .12 of this article.

SECTION ____ .14. Notwithstanding any other provision of this article, the governor retains the authority to designate an agency to administer federal disaster recovery funds and to transfer the federal funds to any state agency. On the date the governor designates a state agency, other than the Texas Department of Rural Affairs, to administer the federal community development block grant disaster recovery funds received for Hurricanes Rita, Dolly, and Ike:

(1) a reference in law to the Texas Department of Rural Affairs related to the disaster recovery funds means the agency designated by the governor to administer the disaster recovery funds;

(2) all money, contracts, leases, rights, and obligations of the Texas Department of Rural Affairs related to the disaster recovery funds are transferred to the designated agency; and

(3) all property, including records, in the custody of the Texas Department of Rural Affairs related to the disaster recovery funds becomes the property of the designated agency.

Amendment No. 80

Representatives Hardcastle and Callegari offered the following amendment to Amendment No. 79:

Amend Amendment No. 79 by Callegari on page 222 to **CSSB 1** (house committee printing) by adding the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION ____9. Chapter 487, Government Code, is amended by adding Subchapter R to read as follows:

SUBCHAPTER R. TEXAS RURAL HEALTH AND ECONOMIC
DEVELOPMENT ADVISORY COUNCIL

Sec. 487.801. DEFINITION. In this subchapter, "advisory council" means the Texas Rural Health and Economic Development Advisory Council established under this subchapter.

Sec. 487.802. ESTABLISHMENT AND COMPOSITION OF ADVISORY COUNCIL; PRESIDING OFFICER. (a) The commissioner shall establish the Texas Rural Health and Economic Development Advisory Council, composed of the following members:

(1) one local official in this state with health care expertise, appointed by the commissioner;

(2) one county official in this state with health care expertise, appointed by the commissioner;

(3) one senator serving a predominately rural area, appointed by the lieutenant governor;

(4) one member of the house of representatives serving a predominantly rural area, appointed by the speaker of the house of representatives;

(5) a representative of an institution of higher education in this state that specializes in public health and community and economic development, appointed by the commissioner; and

(6) four public members with health care or economic development expertise, appointed by the commissioner.

(b) The members of the advisory council serve staggered three-year terms. A member of the council appointed by the commissioner serves at the pleasure of the commissioner.

(c) The commissioner shall serve as presiding officer of the advisory council and as a nonvoting member of the advisory council. The commissioner is not counted as a member of the advisory council for purposes of establishing a quorum.

Sec. 487.803. DUTIES OF ADVISORY COUNCIL. The advisory council shall:

(1) advise the commissioner, director, and office on rural policy priorities, including priorities for the use and allocation in this state of federal block grant money;

(2) review this state's existing rural policies and programs;

(3) meet with the representatives of state agencies that administer rural programs as necessary to conduct the review required under Subdivision (2);

(4) make recommendations to the office regarding the allocation in this state of federal block grant money; and

(5) establish a rural health task force composed of all or a portion of the members of the advisory council.

Sec. 487.804. RURAL POLICY PLAN. (a) Not later than December 1 of each even-numbered year, the advisory council shall develop a rural policy plan that includes:

(1) strategic initiatives for this state regarding economic development, community development, and rural health, including priorities for the use and allocation in this state of federal block grant money; and

(2) recommendations for legislation and program development or revision.

(b) Not later than January 1 of each even-numbered year, the commissioner shall submit to the legislature a report of the findings of the advisory council.

Sec. 487.805. RURAL HEALTH TASK FORCE. The rural health task force shall:

(1) assist the advisory council in its efforts to expand and improve access to health care in rural areas of this state; and

(2) develop a statewide rural health plan for this state that includes:

(A) strategic initiatives for this state regarding rural health; and

(B) recommendations for legislation and program development or

revision.

Sec. 487.806. REIMBURSEMENT OF EXPENSES. A member of the advisory council may not receive compensation for service on the advisory council or rural health task force. Subject to availability of funds, an advisory council member may receive reimbursement for actual and necessary expenses incurred while conducting advisory council or task force business, as appropriate.

(Solomons now present)

Amendment No. 80 was adopted.

Amendment No. 79, as amended, was adopted.

Amendment No. 81

Representative Madden offered the following amendment to **CSSB 1**:

Floor Packet Page No. 233

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . PROVISIONS RELATING TO CORRECTIONAL HEALTH CARE

SECTION ____ .01. Subchapter C, Chapter 499, Government Code, is amended by adding Section 499.055 to read as follows:

Sec. 499.055. POPULATION MANAGEMENT BASED ON INMATE HEALTH. The department shall adopt policies designed to manage inmate population based on similar health conditions suffered by inmates. The policies adopted under this section must maximize organizational efficiencies and reduce health care costs to the department by housing inmates with similar health

conditions in the same unit or units that are, if possible, served by or located near one or more specialty health care providers most likely to be needed for the treatment of the health condition.

SECTION ____ .02. Section 501.063, Government Code, is amended to read as follows:

Sec. 501.063. INMATE FEE [COPAYMENTS] FOR [CERTAIN] HEALTH CARE [VISITS]. (a)(1) An inmate confined in a facility operated by or under contract with the department, other than a halfway house, who initiates a visit to a health care provider shall pay a health care services fee [make a copayment] to the department in the amount of \$100 [~~\$3~~].

(2) The fee imposed under Subdivision (1) covers all visits to a health care provider that the inmate initiates until the first anniversary of the imposition of the fee.

(3) The inmate shall pay [make] the fee [copayment] out of the inmate's trust fund. If the balance in the fund is insufficient to cover the fee [copayment], 50 percent of each deposit to the fund shall be applied toward the balance owed until the total amount owed is paid.

(b) ~~[The department may not charge a copayment for health care:~~

~~[(1) provided in response to a life threatening or emergency situation affecting the inmate's health;~~

~~[(2) initiated by the department;~~

~~[(3) initiated by the health care provider or consisting of routine follow-up, prenatal, or chronic care; or~~

~~[(4) provided under a contractual obligation that is established under the Interstate Corrections Compact or under an agreement with another state that precludes assessing a copayment.~~

~~[(e)]~~ The department shall adopt policies to ensure that before any deductions are made from an inmate's trust fund under this section [an inmate initiates a visit to a health care provider], the inmate is informed that the health care services fee [a \$3 copayment] will be deducted from the inmate's trust fund as required by Subsection (a).

(c) ~~[(d)]~~ The department may not deny an inmate access to health care as a result of the inmate's failure or inability to pay a fee under this section [make a copayment].

(d) ~~[(e)]~~ The department shall deposit money received under this section in an account in the general revenue fund that may be used only to pay the cost of correctional health care [administering this section]. At the beginning of each fiscal year, the comptroller shall transfer any surplus from the preceding fiscal year to the state treasury to the credit of the general revenue fund.

SECTION ____ .03. Subchapter B, Chapter 501, Government Code, is amended by adding Section 501.067 to read as follows:

Sec. 501.067. AVAILABILITY OF CERTAIN MEDICATION. (a) In this section, "over-the-counter medication" means medication that may legally be sold and purchased without a prescription.

(b) The department shall make over-the-counter medication available for purchase by inmates in each inmate commissary operated by or under contract with the department.

(c) The department may not deny an inmate access to over-the-counter medications as a result of the inmate's inability to pay for the medication. The department shall pay for the cost of over-the-counter medication for inmates who are unable to pay for the medication out of the profits of inmate commissaries operated by or under contract with the department.

(d) The department may adopt policies concerning the sale and purchase of over-the-counter medication under this section as necessary to ensure the safety and security of inmates in the custody of, and employees of, the department, including policies concerning the quantities and types of over-the-counter medication that may be sold and purchased under this section.

SECTION _____.04. Subchapter E, Chapter 501, Government Code, is amended by adding Section 501.1485 to read as follows:

Sec. 501.1485. CORRECTIONS MEDICATION AIDES. (a) The department, in cooperation with The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center, shall develop and implement a training program for corrections medication aides that uses a curriculum specific to administering medication in a correctional setting.

(b) In developing the curriculum for the training program, the department, The University of Texas Medical Branch at Galveston, and the Texas Tech University Health Sciences Center shall:

(1) consider the content of the curriculum developed by the American Correctional Association for certified corrections nurses; and

(2) modify as appropriate the content of the curriculum developed under Chapter 242, Health and Safety Code, for medication aides administering medication in convalescent and nursing homes and related institutions to produce content suitable for administering medication in a correctional setting.

(c) The department shall submit an application for the approval of a training program developed under this section, including the curriculum, to the Department of Aging and Disability Services in the manner established by the executive commissioner of the Health and Human Services Commission under Section 161.083, Human Resources Code.

SECTION _____.05. Section 251.012, Health and Safety Code, as effective September 1, 2011, is amended to read as follows:

Sec. 251.012. EXEMPTIONS FROM LICENSING REQUIREMENT. The following facilities are not required to be licensed under this chapter:

(1) a home and community support services agency licensed under Chapter 142 with a home dialysis designation;

(2) a hospital licensed under Chapter 241 that provides dialysis only to individuals receiving:

(A) ~~[individuals receiving]~~ inpatient services from the hospital; or

(B) ~~[individuals receiving]~~ outpatient services due to a disaster declared by the governor or a federal disaster declared by the president of the United States occurring in this state or another state during the term of the disaster declaration; ~~[or]~~

(3) a hospital operated by or on behalf of the state as part of the managed health care provider network established under Chapter 501, Government Code, that provides dialysis only to individuals receiving:

(A) inpatient services from the hospital; or

(B) outpatient services while serving a term of confinement in a facility operated by or under contract with the Texas Department of Criminal Justice; or

(4) an end stage renal disease facility operated by or on behalf of the state as part of the managed health care provider network established under Chapter 501, Government Code, that provides dialysis only to individuals receiving those services while serving a term of confinement in a facility operated by or under contract with the Texas Department of Criminal Justice; or

(5) the office of a physician unless the office is used primarily as an end stage renal disease facility.

SECTION ____ .06. Subchapter D, Chapter 161, Human Resources Code, is amended by adding Section 161.083 to read as follows:

Sec. 161.083. CORRECTIONS MEDICATION AIDES. (a) The executive commissioner shall establish:

(1) minimum standards and procedures for the approval of corrections medication aide training programs, including curricula, developed under Section 501.1485, Government Code;

(2) minimum requirements for the issuance, denial, renewal, suspension, and revocation of a permit to a corrections medication aide, including the payment of an application or renewal fee in an amount necessary to cover the costs incurred by the department in administering this section; and

(3) the acts and practices that are within and outside the scope of a permit issued under this section.

(b) Not later than the 90th day after receipt of an application for approval of a corrections medication aide training program developed under Section 501.1485, Government Code, the department shall:

(1) approve the program, if the program meets the minimum standards and procedures established under Subsection (a)(1); or

(2) provide notice to the Texas Department of Criminal Justice that the program is not approved and include in the notice a description of the actions that are required for the program to be approved.

(c) The department shall issue a permit to or renew the permit of an applicant who meets the minimum requirements established under Subsection (a)(2). The department shall coordinate with the Texas Department of Criminal Justice in the performance of the department's duties and functions under this subsection.

SECTION ____07. (a) The Texas Department of Criminal Justice, in cooperation with The University of Texas Medical Branch at Galveston, the Texas Tech University Health Sciences Center, or a successor correctional managed health care provider, shall develop the training program required by Section 501.1485, Government Code, as added by this article, and the department shall submit an application for approval of that program, as required by Subsection (c) of that section, not later than January 1, 2012. If after the effective date of this Act and before the date the department develops the training program described by this subsection The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center are no longer represented on the Correctional Managed Health Care Committee, or no longer serve as correctional managed health care providers, the executive director of the department shall request and receive the cooperation of any other state agency determined by the executive director to be an appropriate resource in the development of the program.

(b) The change in law made by this article in amending Section 251.012, Health and Safety Code, applies only to dialysis services provided on or after the effective date of this Act. Dialysis services provided before the effective date of this Act are covered by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

(c) The executive commissioner of the Health and Human Services Commission shall establish the minimum standards and requirements and the acts and practices allowed or prohibited, as required by Section 161.083, Human Resources Code, as added by this article, not later than January 1, 2012.

Amendment No. 82

Representative Allen offered the following amendment to Amendment No. 81:

Amend Amendment No. 81 by Madden to **CSSB 1** (page 233 of the prefiled amendments packet) as follows:

(1) In SECTION ____02 of the article added by the amendment, immediately preceding "Section 501.063" (page 1, line 17), insert "(a)".

(2) At the end of SECTION ____02 of the article added by the amendment (page 2, between lines 29 and 30), insert the following:

(b) Effective September 1, 2015, Section 501.063, Government Code, is amended to read as follows:

Sec. 501.063. INMATE COPAYMENTS FOR CERTAIN HEALTH CARE VISITS. (a) An inmate confined in a facility operated by or under contract with the department, other than a halfway house, who initiates a visit to a health care provider shall make a copayment to the department in the amount of \$3. The inmate shall make the copayment out of the inmate's trust fund. If the balance in the fund is insufficient to cover the copayment, 50 percent of each deposit to the fund shall be applied toward the balance owed until the total amount owed is paid.

(b) The department may not charge a copayment for health care:

(1) provided in response to a life-threatening or emergency situation affecting the inmate's health;

(2) initiated by the department;

(3) initiated by the health care provider or consisting of routine follow-up, prenatal, or chronic care; or

(4) provided under a contractual obligation that is established under the Interstate Corrections Compact or under an agreement with another state that precludes assessing a copayment.

(c) The department shall adopt policies to ensure that before an inmate initiates a visit to a health care provider, the inmate is informed that a \$3 copayment will be deducted from the inmate's trust fund as required by Subsection (a).

(d) The department may not deny an inmate access to health care as a result of the inmate's failure or inability to make a copayment.

(e) The department shall deposit money received under this section in an account in the general revenue fund that may be used only to pay the cost of administering this section. At the beginning of each fiscal year, the comptroller shall transfer any surplus from the preceding fiscal year to the state treasury to the credit of the general revenue fund.

Amendment No. 82 was adopted.

(Kolkhorst now present)

Amendment No. 81, as amended, was adopted by (Record 37): 96 Yeas, 39 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzales, V.; Gooden; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Menendez; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Castro; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker; Huberty(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent, Excused, Committee Meeting — Bonnen; Lucio; Truitt.

Absent — Christian; Coleman; Gonzalez; Howard, C.; Smith, W.

STATEMENT OF VOTE

When Record No. 37 was taken, I was excused to attend a meeting of the Committee on Calendars. I would have voted yes.

Truitt

Amendment No. 83

Representative Guillen offered the following amendment to **CSSB 1**:
Floor Packet Page No. 241

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . PILOT PROJECT TO ESTABLISH COMPREHENSIVE
ACCESS POINT FOR LONG-TERM SERVICES AND SUPPORTS
SECTION ____ .01. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0525 to read as follows:

Sec. 531.0525. PILOT PROJECT TO ESTABLISH COMPREHENSIVE ACCESS POINT FOR LONG-TERM SERVICES AND SUPPORTS. (a) In this section:

(1) "Aging and disability resource center" means a center established under the Aging and Disability Resource Center initiative funded in part by the federal Administration on Aging and the Centers for Medicare and Medicaid Services.

(2) "Colocated long-term services and supports staff members" means:
(A) long-term services and supports staff members who are located in the same physical office; or

(B) long-term services and supports staff members who are not located in the same physical office but who work collaboratively through the use of the telephone or other technologies.

(3) "Department of Aging and Disability Services staff members" includes community services staff members of the Department of Aging and Disability Services.

(4) "Long-term services and supports" means long-term assistance or care provided to older persons and persons with physical disabilities through the Medicaid program or other programs. The term includes assistance or care provided through the following programs:

(A) the primary home care program;

(B) the community attendant services program;

(C) the community-based alternatives program;

(D) the day activity and health services program;

(E) the promoting independence program;

(F) a program funded through the Older Americans Act of 1965

(42 U.S.C. Section 3001 et seq.);

(G) a community care program funded through Title XX of the federal Social Security Act (42 U.S.C. Section 301 et seq.);

(H) the in-home and family support program; and

(I) a nursing facility program.

(5) "Long-term services and supports staff" means:

(A) one or more of the commission's Medicaid eligibility determination staff members;

(B) one or more Department of Aging and Disability Services staff members; and

(C) one or more area agency on aging staff members.

(6) "Pilot project site" means a location in an area served by the pilot project established under this section where colocated long-term services and supports staff members work collaboratively to provide information and tentatively assess functional and financial eligibility to initiate long-term services and supports.

(7) "Tentative assessment of functional and financial eligibility" means an expedited preliminary screening of an applicant to determine Medicaid eligibility with the goal of initiating services within seven business days. The tentative assessment does not guarantee state payment for services.

(b) Subject to availability of funds appropriated by the legislature for this purpose, the commission shall develop and implement a pilot project to establish a comprehensive access point system for long-term services and supports in which colocated long-term services and supports staff members work in collaboration to provide all necessary services in connection with long-term services and supports from the intake process to the start of service delivery. The pilot project must require that, at a minimum, the staff members work collaboratively to:

(1) inform and educate older persons, persons with physical disabilities, and their family members and other caregivers about long-term services and supports for which they may qualify;

(2) screen older persons and persons with physical disabilities requesting long-term services and supports;

(3) provide a tentative assessment of functional and financial eligibility for older persons and persons with physical disabilities requesting long-term services and supports for which there are no interest lists; and

(4) make final determinations of eligibility for long-term services and supports.

(c) In developing and implementing the pilot project, the commission shall ensure that:

(1) the pilot project site has colocated long-term services and supports staff members who are located in the same physical office;

(2) the pilot project site serves as a comprehensive access point for older persons and persons with physical disabilities to obtain information about long-term services and supports for which they may qualify and access long-term services and supports in the site's service area;

(3) the pilot project site is designed and operated in accordance with best practices adopted by the executive commissioner after the commission reviews best practices for similar initiatives in other states and professional policy-based research describing best practices for successful initiatives;

(4) the colocated long-term services and supports staff members supporting the pilot project site include:

(A) one full-time commission staff member who determines eligibility for the Medicaid program and who:

(i) has full access to the Texas Integrated Eligibility Redesign System (TIERS);

(ii) has previously made Medicaid long-term care eligibility determinations; and

(iii) is dedicated primarily to making eligibility determinations for incoming clients at the site;

(B) sufficient Department of Aging and Disability Services staff members to carry out the tentative functional and financial eligibility and screening functions at the site;

(C) sufficient area agency on aging staff members to:

(i) assist with the performance of screening functions and service coordination for services funded under the Older Americans Act of 1965 (42 U.S.C. Section 3001 et seq.), such as meals programs; and

(ii) identify other locally funded and supported services that will enable older persons and persons with physical disabilities to continue to reside in the community to the extent reasonable; and

(D) any available staff members from local service agencies; and

(5) the colocated long-term services and supports staff members of the pilot project site:

(A) process intakes for long-term services and supports in person or by telephone or through the Internet;

(B) use a standardized screening tool to tentatively assess both functional and financial eligibility with the goal of initiating services within seven business days;

(C) closely coordinate with local hospital discharge planners and staff members of extended rehabilitation units of local hospitals and nursing homes; and

(D) inform persons about community-based services available in the area served by the pilot project.

(d) The pilot project must be implemented in a single county or a multicounty area, as determined by the commission. The pilot project site must be located within an aging and disability resource center service area. If the commission finds that there is no aging and disability resource center that is willing or able to accommodate a pilot project site on the date the pilot project is to be implemented, the pilot project site may be located at another appropriate location.

(e) Not later than January 31, 2013, the commission shall submit a report concerning the pilot project to the presiding officers of the standing committees of the senate and house of representatives having primary jurisdiction over health and human services. The report must:

(1) contain an evaluation of the operation of the pilot project;

(2) contain an evaluation of the pilot project's benefits for persons who received services;

(3) contain a calculation of the costs and cost savings that can be attributed to implementation of the pilot project;

(4) include a recommendation regarding adopting improved policies and procedures concerning long-term services and supports with statewide applicability, as determined from information obtained in operating the pilot project;

(5) include a recommendation regarding the feasibility of expanding the pilot project to other areas of this state or statewide; and

(6) contain the perspectives of service providers participating in the pilot project.

(f) This section expires September 1, 2015.

SECTION _____.02. Not later than December 31, 2011, the Health and Human Services Commission shall ensure that the pilot project site is in operation under the pilot project required by Section 531.0525, Government Code, as added by this article.

SECTION _____.03. If before implementing any provision of this article a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION _____.04. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect on the 91st day after the last day of the legislative session.

(Lucio now present)

(Speaker in the chair)

Amendment No. 83 failed of adoption by (Record 38): 45 Yeas, 92 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farrar; Gallego; Giddings; Gonzales, V.; Guillen; Hernandez Luna; Hochberg; Howard, D.; Jackson; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Zerwas.

Nays — Aliseda; Allen; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Hamilton; Hardcastle; Harless; Harper-Brown; Hilderbran; Hopson; Howard, C.; Hughes; Hunter; Isaac; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Weber; White; Workman; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent, Excused, Committee Meeting — Bonnen; Truitt.

Absent — Christian; Farias; Gutierrez; Hartnett; Huberty.

STATEMENTS OF VOTE

When Record No. 38 was taken, I was in the house but away from my desk. I would have voted no.

Huberty

When Record No. 38 was taken, I was excused to attend a meeting of the Committee on Calendars. I would have voted no.

Truitt

Amendment No. 84

Representative Coleman offered the following amendment to **CSSB 1**:
Floor Packet Page No. 247

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. COUNTY HIV AND AIDS SERVICES MEDICAID WAIVER PROGRAM

SECTION _____.01. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.09721 to read as follows:

Sec. 531.09721. COUNTY HIV AND AIDS SERVICES MEDICAID WAIVER PROGRAM. (a) If feasible and cost-effective, the commission may apply for a waiver from the federal Centers for Medicare and Medicaid Services or another appropriate federal agency to more efficiently leverage the use of state and local funds in order to maximize the receipt of federal Medicaid matching funds by providing counties in the state with the flexibility to provide benefits under the Medicaid program to individuals who:

(1) have a net family income that is at or below 150 percent of the federal poverty level; and

(2) are eligible to receive medical treatment for HIV or AIDS through the county.

(b) In establishing the waiver program required under this section, the commission shall:

(1) ensure that the state is a prudent purchaser of the health care services that are needed for the individuals described by Subsection (a);

(2) solicit broad-based input from interested persons;

(3) ensure that the benefits received by an individual through the county are not reduced once the individual is enrolled in the waiver program; and

(4) employ the use of intergovernmental transfers and other procedures to maximize the receipt of federal Medicaid matching funds.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Callegari requested permission for the Committee on Government Efficiency and Reform to meet while the house is in session, at 8:45 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Government Efficiency and Reform, 8:45 p.m. today, 3W.9, for a formal meeting, to consider pending business.

CSSB 1 - (consideration continued)

Amendment No. 84 was adopted.

Amendment No. 85

Representative Coleman offered the following amendment to **CSSB 1**:

Floor Packet Page No. 249

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE of the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . COUNTY MENTAL HEALTH SERVICES MEDICAID
WAIVER PROGRAM

SECTION ____.01. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0226 to read as follows:

Sec. 531.0226. COUNTY MENTAL HEALTH SERVICES MEDICAID WAIVER PROGRAM. (a) If feasible and cost-effective, the commission may apply for a waiver from the federal Centers for Medicare and Medicaid Services or another appropriate federal agency to more efficiently leverage the use of state and local funds in order to maximize the receipt of federal Medicaid matching funds by providing counties in the state with the flexibility to provide benefits under the Medicaid program to individuals who:

(1) have a net family income that is at or below 200 percent of the federal poverty level; and

(2) are eligible to receive mental health services through the county.

(b) In establishing the waiver program under this section, the commission shall:

- (1) ensure that the state is a prudent purchaser of the health care services that are needed for the individuals described by Subsection (a);
- (2) solicit broad-based input from interested persons;
- (3) ensure that the benefits received by an individual through the county are not reduced once the individual is enrolled in the waiver program; and
- (4) employ the use of intergovernmental transfers and other procedures to maximize the receipt of federal Medicaid matching funds.

Amendment No. 85 was adopted.

Amendment No. 86

Representative Zerwas offered the following amendment to **CSSB 1**:

Floor Packet Page No. 251

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . TEXAS HEALTH OPPORTUNITY POOL TRUST FUND.

(a) Sections 531.502(b) and (d), Government Code, are amended to read as follows:

(b) The executive commissioner may include the following federal money in the waiver:

- (1) [all] money provided under the disproportionate share hospitals or [and] upper payment limit supplemental payment program, or both [programs];
- (2) money provided by the federal government in lieu of some or all of the payments under one or both of the those programs;
- (3) any combination of funds authorized to be pooled by Subdivisions (1) and (2); and
- (4) any other money available for that purpose, including:
 - (A) federal money and money identified under Subsection (c);
 - (B) gifts, grants, or donations for that purpose;
 - (C) local funds received by this state through intergovernmental transfers; and
 - (D) if approved in the waiver, federal money obtained through the use of certified public expenditures.

(d) The terms of a waiver approved under this section must:

- (1) include safeguards to ensure that the total amount of federal money provided under the disproportionate share hospitals or [and] upper payment limit supplemental payment program [programs] that is deposited as provided by Section 531.504 is, for a particular state fiscal year, at least equal to the greater of the annualized amount provided to this state under those supplemental payment programs during state fiscal year 2007, excluding amounts provided during that state fiscal year that are retroactive payments, or the state fiscal years during which the waiver is in effect; and

(2) allow for the development by this state of a methodology for allocating money in the fund to:

(A) offset, in part, the uncompensated health care costs incurred by hospitals;

(B) reduce the number of persons in this state who do not have health benefits coverage; and

(C) maintain and enhance the community public health infrastructure provided by hospitals.

(b) Section 531.504, Government Code, is amended to read as follows:

Sec. 531.504. DEPOSITS TO FUND. (a) The comptroller shall deposit in the fund:

(1) [all] federal money provided to this state under the disproportionate share hospitals supplemental payment program or [and] the hospital upper payment limit supplemental payment program, or both, other than money provided under those programs to state-owned and operated hospitals, and all other non-supplemental payment program federal money provided to this state that is included in the waiver authorized by Section 531.502; and

(2) state money appropriated to the fund.

(b) The commission and comptroller may accept gifts, grants, and donations from any source, and receive intergovernmental transfers, for purposes consistent with this subchapter and the terms of the waiver. The comptroller shall deposit a gift, grant, or donation made for those purposes in the fund.

(c) Section 531.508, Government Code, is amended by adding Subsection (d) to read as follows:

(d) Money from the fund may not be used to finance the construction, improvement, or renovation of a building or land unless the construction, improvement, or renovation is approved by the commission, according to rules adopted by the executive commissioner for that purpose.

(d) Section 531.502(g), Government Code, is repealed.

Amendment No. 87

Representative Zerwas offered the following amendment to Amendment No. 86:

Amend Amendment No. 86 by Zerwas to **CSSB 1** (pages 251-252, prefiled amendment packet) by striking the text of the amendment and substituting the following:

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . TEXAS HEALTH OPPORTUNITY POOL TRUST FUND

SECTION ____ .01. (a) Subsections (b), (c), and (d), Section 531.502, Government Code, are amended to read as follows:

(b) The executive commissioner may include the following federal money in the waiver:

(1) [all] money provided under the disproportionate share hospitals or [and] upper payment limit supplemental payment program, or both [programs];

(2) money provided by the federal government in lieu of some or all of the payments under one or both of those programs;

(3) any combination of funds authorized to be pooled by Subdivisions (1) and (2); and

(4) any other money available for that purpose, including:

(A) federal money and money identified under Subsection (c);

(B) gifts, grants, or donations for that purpose;

(C) local funds received by this state through intergovernmental transfers; and

(D) if approved in the waiver, federal money obtained through the use of certified public expenditures.

(c) The commission shall seek to optimize federal funding by:

(1) identifying health care related state and local funds and program expenditures that, before September 1, 2011 [2007], are not being matched with federal money; and

(2) exploring the feasibility of:

(A) certifying or otherwise using those funds and expenditures as state expenditures for which this state may receive federal matching money; and

(B) depositing federal matching money received as provided by Paragraph (A) with other federal money deposited as provided by Section 531.504, or substituting that federal matching money for federal money that otherwise would be received under the disproportionate share hospitals and upper payment limit supplemental payment programs as a match for local funds received by this state through intergovernmental transfers.

(d) The terms of a waiver approved under this section must:

(1) include safeguards to ensure that the total amount of federal money provided under the disproportionate share hospitals or ~~and~~ upper payment limit supplemental payment program [~~programs~~] that is deposited as provided by Section 531.504 is, for a particular state fiscal year, at least equal to the greater of the annualized amount provided to this state under those supplemental payment programs during state fiscal year 2011 [2007], excluding amounts provided during that state fiscal year that are retroactive payments, or the state fiscal years during which the waiver is in effect; and

(2) allow for the development by this state of a methodology for allocating money in the fund to:

(A) be used to supplement Medicaid hospital reimbursements under a waiver that includes terms that are consistent with, or that produce revenues consistent with, disproportionate share hospital and upper payment limit principles [~~offset, in part, the uncompensated health care costs incurred by hospitals~~];

(B) reduce the number of persons in this state who do not have health benefits coverage; and

(C) maintain and enhance the community public health infrastructure provided by hospitals.

SECTION ____ .02. Section 531.504, Government Code, is amended to read as follows:

Sec. 531.504. DEPOSITS TO FUND. (a) The comptroller shall deposit in the fund:

(1) ~~the~~ federal money provided to this state under the disproportionate share hospitals supplemental payment program or ~~and~~ the hospital upper payment limit supplemental payment program, or both, other than money provided under those programs to state-owned and operated hospitals, and all other non-supplemental payment program federal money provided to this state that is included in the waiver authorized by Section 531.502; and

(2) state money appropriated to the fund.

(b) The commission and comptroller may accept gifts, grants, and donations from any source, and receive intergovernmental transfers, for purposes consistent with this subchapter and the terms of the waiver. The comptroller shall deposit a gift, grant, or donation made for those purposes in the fund. Any intergovernmental transfer received, including associated federal matching funds, shall be used, if feasible, for the purposes intended by the transferring entity and in accordance with the terms of the waiver.

SECTION _____.03. Section 531.508, Government Code, is amended by adding Subsection (d) to read as follows:

(d) Money from the fund may not be used to finance the construction, improvement, or renovation of a building or land unless the construction, improvement, or renovation is approved by the commission, according to rules adopted by the executive commissioner for that purpose.

SECTION _____.04. Subsection (g), Section 531.502, Government Code, is repealed.

Amendment No. 87 was adopted.

Amendment No. 86, as amended, was adopted.

Amendment No. 88

Representative Zerwas offered the following amendment to **CSSB 1**:

Floor Packet Page No. 253

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. DELIVERY OF MEDICAID MANAGED CARE SERVICES

SECTION _____.01. Section 533.0025(e), Government Code, is repealed.

Amendment No. 89

Representatives V. Gonzales, Muñoz, Oliveira, Lucio, Lozano, and Martinez offered the following amendment to Amendment No. 88:

Amend Amendment No. 88 by Zerwas to **CSSB 1** (page 253, prefiled amendment packet) by striking lines 6 through 7 and substituting the following:

SECTION _____.01. (a) Subsection (e), Section 533.0025, Government Code, is amended to read as follows:

(e) The commission shall determine the most cost-effective alignment of managed care service delivery areas. The commissioner may consider the number of lives impacted, the usual source of health care services for residents in an area, and other factors that impact the delivery of health care services in the area. [Notwithstanding Subsection (b)(1), the commission may not provide medical assistance using a health maintenance organization in Cameron County, Hidalgo County, or Maverick County.]

(b) Subchapter A, Chapter 533, Government Code, is amended by adding Sections 533.0027, 533.0028, and 533.0029 to read as follows:

Sec. 533.0027. PROCEDURES TO ENSURE CERTAIN RECIPIENTS ARE ENROLLED IN SAME MANAGED CARE PLAN. The commission shall ensure that all recipients who are children and who reside in the same household may, at the family's election, be enrolled in the same managed care plan.

Sec. 533.0028. EVALUATION OF CERTAIN STAR + PLUS MEDICAID MANAGED CARE PROGRAM SERVICES. The external quality review organization shall periodically conduct studies and surveys to assess the quality of care and satisfaction with health care services provided to enrollees in the STAR + PLUS Medicaid managed care program who are eligible to receive health care benefits under both the Medicaid and Medicare programs.

Sec. 533.0029. PROMOTION AND PRINCIPLES OF PATIENT-CENTERED MEDICAL HOMES FOR RECIPIENTS. (a) For purposes of this section, a "patient-centered medical home" means a medical relationship:

(1) between a primary care physician and a child or adult patient in which the physician:

(A) provides comprehensive primary care to the patient; and

(B) facilitates partnerships between the physician, the patient, acute care and other care providers, and, when appropriate, the patient's family; and

(2) that encompasses the following primary principles:

(A) the patient has an ongoing relationship with the physician, who is trained to be the first contact for the patient and to provide continuous and comprehensive care to the patient;

(B) the physician leads a team of individuals at the practice level who are collectively responsible for the ongoing care of the patient;

(C) the physician is responsible for providing all of the care the patient needs or for coordinating with other qualified providers to provide care to the patient throughout the patient's life, including preventive care, acute care, chronic care, and end-of-life care;

(D) the patient's care is coordinated across health care facilities and the patient's community and is facilitated by registries, information technology, and health information exchange systems to ensure that the patient receives care when and where the patient wants and needs the care and in a culturally and linguistically appropriate manner; and

(E) quality and safe care is provided.

(b) The commission shall, to the extent possible, work to ensure that managed care organizations:

(1) promote the development of patient-centered medical homes for recipients; and

(2) provide payment incentives for providers that meet the requirements of a patient-centered medical home.

(c) Section 533.003, Government Code, is amended to read as follows:

Sec. 533.003. CONSIDERATIONS IN AWARDING CONTRACTS. In awarding contracts to managed care organizations, the commission shall:

(1) give preference to organizations that have significant participation in the organization's provider network from each health care provider in the region who has traditionally provided care to Medicaid and charity care patients;

(2) give extra consideration to organizations that agree to assure continuity of care for at least three months beyond the period of Medicaid eligibility for recipients;

(3) consider the need to use different managed care plans to meet the needs of different populations; ~~and~~

(4) consider the ability of organizations to process Medicaid claims electronically; and

(5) in the initial implementation of managed care in the South Texas service region, give extra consideration to an organization that either:

(A) is locally owned, managed, and operated, if one exists; or

(B) is in compliance with the requirements of Section 533.004.

(d) Section 533.005, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A contract between a managed care organization and the commission for the organization to provide health care services to recipients must contain:

(1) procedures to ensure accountability to the state for the provision of health care services, including procedures for financial reporting, quality assurance, utilization review, and assurance of contract and subcontract compliance;

(2) capitation rates that ensure the cost-effective provision of quality health care;

(3) a requirement that the managed care organization provide ready access to a person who assists recipients in resolving issues relating to enrollment, plan administration, education and training, access to services, and grievance procedures;

(4) a requirement that the managed care organization provide ready access to a person who assists providers in resolving issues relating to payment, plan administration, education and training, and grievance procedures;

(5) a requirement that the managed care organization provide information and referral about the availability of educational, social, and other community services that could benefit a recipient;

(6) procedures for recipient outreach and education;

(7) a requirement that the managed care organization make payment to a physician or provider for health care services rendered to a recipient under a managed care plan not later than the 45th day after the date a claim for payment is received with documentation reasonably necessary for the managed care

organization to process the claim, or within a period, not to exceed 60 days, specified by a written agreement between the physician or provider and the managed care organization;

(8) a requirement that the commission, on the date of a recipient's enrollment in a managed care plan issued by the managed care organization, inform the organization of the recipient's Medicaid certification date;

(9) a requirement that the managed care organization comply with Section 533.006 as a condition of contract retention and renewal;

(10) a requirement that the managed care organization provide the information required by Section 533.012 and otherwise comply and cooperate with the commission's office of inspector general;

(11) a requirement that the managed care organization's usages of out-of-network providers or groups of out-of-network providers may not exceed limits for those usages relating to total inpatient admissions, total outpatient services, and emergency room admissions determined by the commission;

(12) if the commission finds that a managed care organization has violated Subdivision (11), a requirement that the managed care organization reimburse an out-of-network provider for health care services at a rate that is equal to the allowable rate for those services, as determined under Sections 32.028 and 32.0281, Human Resources Code;

(13) a requirement that the organization use advanced practice nurses in addition to physicians as primary care providers to increase the availability of primary care providers in the organization's provider network;

(14) a requirement that the managed care organization reimburse a federally qualified health center or rural health clinic for health care services provided to a recipient outside of regular business hours, including on a weekend day or holiday, at a rate that is equal to the allowable rate for those services as determined under Section 32.028, Human Resources Code, if the recipient does not have a referral from the recipient's primary care physician; ~~and~~

(15) a requirement that the managed care organization develop, implement, and maintain a system for tracking and resolving all provider appeals related to claims payment, including a process that will require:

(A) a tracking mechanism to document the status and final disposition of each provider's claims payment appeal;

(B) the contracting with physicians who are not network providers and who are of the same or related specialty as the appealing physician to resolve claims disputes related to denial on the basis of medical necessity that remain unresolved subsequent to a provider appeal; and

(C) the determination of the physician resolving the dispute to be binding on the managed care organization and provider;

(16) a requirement that a medical director who is authorized to make medical necessity determinations is available to the region where the managed care organization provides health care services;

(17) a requirement that the managed care organization ensure that a medical director and patient care coordinators and provider and recipient support services personnel are located in the South Texas service region, if the managed care organization provides a managed care plan in that region;

(18) a requirement that the managed care organization provide special programs and materials for recipients with limited English proficiency or low literacy skills;

(19) a requirement that the managed care organization develop and establish a process for responding to provider appeals in the region where the organization provides health care services;

(20) a requirement that the managed care organization develop and submit to the commission, before the organization begins to provide health care services to recipients, a comprehensive plan that describes how the organization's provider network will provide recipients sufficient access to:

(A) preventive care;

(B) primary care;

(C) specialty care;

(D) after-hours urgent care; and

(E) chronic care;

(21) a requirement that the managed care organization demonstrate to the commission, before the organization begins to provide health care services to recipients, that:

(A) the organization's provider network has the capacity to serve the number of recipients expected to enroll in a managed care plan offered by the organization;

(B) the organization's provider network includes:

(i) a sufficient number of primary care providers;

(ii) a sufficient variety of provider types; and

(iii) providers located throughout the region where the organization will provide health care services; and

(C) health care services will be accessible to recipients through the organization's provider network to a comparable extent that health care services would be available to recipients under a fee-for-service or primary care case management model of Medicaid managed care; and

(22) a requirement that the managed care organization develop a monitoring program for measuring the quality of the health care services provided by the organization's provider network that:

(A) incorporates the National Committee for Quality Assurance's Healthcare Effectiveness Data and Information Set (HEDIS) measures;

(B) focuses on measuring outcomes; and

(C) includes the collection and analysis of clinical data relating to prenatal care, preventive care, mental health care, and the treatment of acute and chronic health conditions and substance abuse.

(e) Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.0066 to read as follows:

Sec. 533.0066. PROVIDER INCENTIVES. The commission shall, to the extent possible, work to ensure that managed care organizations provide payment incentives to health care providers in the organizations' networks whose performance in promoting recipients' use of preventive services exceeds minimum established standards.

(f) Section 533.0071, Government Code, is amended to read as follows:

Sec. 533.0071. ADMINISTRATION OF CONTRACTS. The commission shall make every effort to improve the administration of contracts with managed care organizations. To improve the administration of these contracts, the commission shall:

(1) ensure that the commission has appropriate expertise and qualified staff to effectively manage contracts with managed care organizations under the Medicaid managed care program;

(2) evaluate options for Medicaid payment recovery from managed care organizations if the enrollee dies or is incarcerated or if an enrollee is enrolled in more than one state program or is covered by another liable third party insurer;

(3) maximize Medicaid payment recovery options by contracting with private vendors to assist in the recovery of capitation payments, payments from other liable third parties, and other payments made to managed care organizations with respect to enrollees who leave the managed care program;

(4) decrease the administrative burdens of managed care for the state, the managed care organizations, and the providers under managed care networks to the extent that those changes are compatible with state law and existing Medicaid managed care contracts, including decreasing those burdens by:

(A) where possible, decreasing the duplication of administrative reporting requirements for the managed care organizations, such as requirements for the submission of encounter data, quality reports, historically underutilized business reports, and claims payment summary reports;

(B) allowing managed care organizations to provide updated address information directly to the commission for correction in the state system;

(C) promoting consistency and uniformity among managed care organization policies, including policies relating to the preauthorization process, lengths of hospital stays, filing deadlines, levels of care, and case management services; ~~and~~

(D) reviewing the appropriateness of primary care case management requirements in the admission and clinical criteria process, such as requirements relating to including a separate cover sheet for all communications, submitting handwritten communications instead of electronic or typed review processes, and admitting patients listed on separate notifications; and

(E) providing a single portal through which providers in any managed care organization's provider network may submit claims; and

(5) reserve the right to amend the managed care organization's process for resolving provider appeals of denials based on medical necessity to include an independent review process established by the commission for final determination of these disputes.

(g) Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.0073 to read as follows:

Sec. 533.0073. MEDICAL DIRECTOR QUALIFICATIONS. A person who serves as a medical director for a managed care plan must be a physician licensed to practice medicine in this state under Subtitle B, Title 3, Occupations Code.

SECTION _____.02. If before implementing any provision of this article a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

Amendment No. 89 was adopted.

Amendment No. 90

Representative Brown offered the following amendment to Amendment No. 88:

Amend Amendment No. 88 to **CSSB 1** by Zerwas (prefiled amendment packet, page 255) by adding the following to the amendment:

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. CONSIDERATIONS IN AWARDING MEDICAID
MANAGED CARE CONTRACTS

SECTION _____.01. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0696 to read as follows:

Sec. 531.0696. CONSIDERATIONS IN AWARDING CERTAIN CONTRACTS. The commission may not contract with a managed care organization, including a health maintenance organization, or a pharmacy benefit manager if, in the preceding three years, the organization or pharmacy benefit manager, in connection with a bid, proposal, or contract with a governmental entity:

(1) made a material misrepresentation or committed fraud;
(2) was convicted of violating a state or federal law; or
(3) was assessed a penalty or fine in the amount of \$500,000 or more in a state or federal administrative proceeding.

SECTION _____.02. If before implementing any provision of this article a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

Amendment No. 90 was adopted.

Amendment No. 88, as amended, was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Guillen requested permission for the Committee on Culture, Recreation, and Tourism to meet while the house is in session, at 8:15 p.m. today, in 3W.9, to consider **HB 56**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Culture, Recreation, and Tourism, 8:15 p.m. today, 3W.9, for a formal meeting, to consider **HB 56**.

CSSB 1 - (consideration continued)

Amendment No. 91

Representative Geren offered the following amendment to **CSSB 1**:

Floor Packet Page No. 285

Amend **CSSB 1** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) If **HB 1616**, Acts of the 82nd Legislature, Regular Session, 2011, becomes law and is effective before the effective date of this Act, Section 571.123(b), Government Code, as effective September 1, 2011, is amended to read as follows:

(b) After a complaint is filed, the commission shall immediately attempt to contact and notify the respondent of the complaint by telephone or electronic mail. Not later than the fifth business day after the date a complaint is filed, the commission shall send written notice to the complainant and the respondent. The written notice to the complainant and the respondent must:

(1) state whether the complaint complies with the form requirements of Section 571.122;

(2) if the respondent is a candidate or officeholder, state the procedure by which the respondent may designate an agent with whom commission staff may discuss the complaint; and

(3) if applicable, include the information required by Section 571.124(e); and

~~(4) if applicable, state that the respondent has 14 business days to correct the report that is the basis of the complaint, as provided by Section 254.0406, Election Code].~~

(b) If **HB 1616**, Acts of the 82nd Legislature, Regular Session, 2011, becomes law and is effective before the effective date of this Act, Section 571.124(a), Government Code, as effective September 1, 2011, is amended to read as follows:

(a) The ~~[Except as provided by Subsection (g), the]~~ commission staff shall promptly conduct a preliminary review on receipt of a written complaint that is in compliance with the form requirements of Section 571.122.

(c) If **HB 1616**, Acts of the 82nd Legislature, Regular Session, 2011, becomes law and is effective before the effective date of this Act, the following provisions, as effective September 1, 2011, are repealed:

- (1) Section 254.0406, Election Code;
- (2) Section 571.1223, Government Code; and
- (3) Section 571.124(g), Government Code.

(d) If **HB 1616**, Acts of the 82nd Legislature, Regular Session, 2011, becomes law but is not effective before the effective date of this Act, Section 571.123(b), Government Code, is amended to read as follows:

(b) After a complaint is filed, the commission shall immediately attempt to contact and notify the respondent of the complaint by telephone or electronic mail. Not later than the fifth business day after the date a complaint is filed, the commission shall send written notice to the complainant and the respondent. The written notice to the complainant and the respondent must:

(1) state whether the complaint complies with the form requirements of Section 571.122;

(2) if the respondent is a candidate or officeholder, state the procedure by which the respondent may designate an agent with whom commission staff may discuss the complaint; and

(3) [2] if applicable, include the information required by Section 571.124(e).

(e) If **HB 1616**, Acts of the 82nd Legislature, Regular Session, 2011, becomes law but is not effective before the effective date of this Act, Sections 3, 7, and 10 of that Act have no effect.

(f) If **HB 1616**, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, this section has no effect.

Amendment No. 91 was withdrawn.

Amendment No. 92

Representative Guillen offered the following amendment to **CSSB 1**:

Floor Packet Page No. 294

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . QUALIFIED TRANSPORTATION BENEFITS

SECTION ____ .01. Section 659.102, Government Code, is amended by adding Subsection (b-1) and amending Subsection (c) to read as follows:

(b-1) The supplemental optional benefits program must include a qualified transportation benefit.

(c) The supplemental optional benefits program may include permanent life insurance, catastrophic illness insurance, disability insurance, or prepaid legal services ~~[, or a qualified transportation benefit].~~

SECTION ____ .02. This article takes effect January 1, 2013.

Amendment No. 92 was adopted. (Burkett, Cain, Crownover, Harper-Brown, Isaac, Phillips, L. Taylor, V. Taylor, and White recorded voting no.)

Amendment No. 93

Representative C. Anderson offered the following amendment to **CSSB 1**:
Floor Packet Page No. 297

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . INTERLOCAL COOPERATION CONTRACTS

SECTION ____ .01. Section 791.011, Government Code, is amended by adding Subsections (h-1) and (h-2) to read as follows:

(h-1) In this subsection, "roofing materials or services" includes materials or services for repair or replacement of a roof. An interlocal contract between a governmental entity and a purchasing cooperative may not be used to purchase roofing materials or services from a person who provided consulting services to the cooperative on the contract, including providing specifications for bids on the contract. This prohibition also applies to:

(1) a person that is an agent, subsidiary, or parent company of the person who consulted with the cooperative; or

(2) a person related in the second degree of consanguinity or affinity to a person who consulted with the cooperative.

(h-2) The prohibition under Subsection (h-1) does not apply to a renewal of a contract based on a request for proposal submitted, or substantially similar to a request for proposal submitted, before October 1, 2011, if the contract is renewed before October 1, 2012. This subsection expires October 1, 2012.

SECTION ____ .02. The change in law made by this article to Section 791.011, Government Code, applies only to an interlocal contract or an amendment to, supplement to, or waiver of a provision of a contract made on or after the effective date of this article. An interlocal contract or an amendment to, supplement to, or waiver of a provision of a contract made before the effective date of this article is governed by the law in effect when the contract or amendment, supplement, or waiver was made, and the former law is continued for that purpose.

SECTION ____ .03. This article takes effect October 1, 2011.

Amendment No. 93 was adopted. (Perry recorded voting no.)

Amendment No. 94

Representative L. Gonzales offered the following amendment to **CSSB 1**:
Floor Packet Page No. 299

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered article to the bill and renumbering subsequent articles and sections of those articles accordingly:

ARTICLE ____ . TEACHER RETIREMENT SYSTEM OF TEXAS:
SUPPLEMENTAL PAYMENT

SECTION ____ .01. This article is not intended to supplant the power or discretion of the legislature to provide supplemental payments to annuitants of the Teacher Retirement System of Texas. This article provides an additional tool by which the legislature, in enacting this law, may provide those annuitants with a much-needed one-time supplemental payment without requesting additional funds from general revenue.

SECTION ____ .02. Section 821.006, Government Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) Notwithstanding Subsections (a) and (b), the retirement system may provide a one-time supplemental payment to an annuitant eligible to receive:

(1) a standard retirement annuity payment;

(2) an optional retirement annuity payment as either a retiree or beneficiary;

(3) a life annuity payment under Section 824.402(a)(4);

(4) an annuity for a guaranteed period of 60 months under Section 824.402(a)(3); or

(5) an alternate payee annuity payment under Section 804.005.

(d) A one-time supplemental payment under Subsection (c) is authorized, even if the amortization period for the unfunded actuarial liabilities of the retirement system exceeds 30 years by one or more years, only if the board of trustees determines that at the time of the supplemental payment the payment can be made while preserving the ability of the retirement system to meet at least 80 percent of the system's pension obligations.

(e) The funding for a one-time supplemental payment under Subsection (c) must come from the earnings the retirement system makes on its investments as provided by this subsection. The supplemental payment may be made at any time during the period beginning October 1, 2011, and ending December 31, 2013, only if, during the preceding fiscal year, the return on investments, as provided by the actuarial valuation on August 31 of that year, exceeds eight percent by an amount sufficient to pay for the supplemental payment. Subsections (c) and (d) and this subsection expire January 1, 2014.

SECTION ____ .03. Section 825.402, Government Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) Subsection (c) does not apply to a supplemental payment authorized by Sections 821.006(c), (d), and (e). This subsection expires January 1, 2014.

SECTION ____ .04. (a) The Teacher Retirement System of Texas shall make a one-time supplemental payment of a retirement or death benefit, as provided by Section 821.006, Government Code, as amended by this article, and this section.

(b) The supplemental payment is payable not later than December 31, 2013, and, to the extent practicable, on a date or dates that coincide with the regular annuity payment payable to each eligible annuitant.

(c) The amount of the supplemental payment is equal to the lesser of:

(1) the gross amount of the regular annuity payment to which the eligible annuitant is otherwise entitled for the month of August 2011; or

(2) \$2,400.

(d) The supplemental payment is payable without regard to any forfeiture of benefits under Section 824.601, Government Code. The Teacher Retirement System of Texas shall make applicable tax withholding and other legally required deductions before disbursing the supplemental payment. A supplemental payment under this section is in addition to and not in lieu of the regular monthly annuity payment to which the eligible annuitant is otherwise entitled.

(e) Subject to Subsection (f) of this section, to be eligible for the supplemental payment, a person must be, for the month of August 2011, and disregarding any forfeiture of benefits under Section 824.601, Government Code, an annuitant eligible to receive:

(1) a standard retirement annuity payment;

(2) an optional retirement annuity payment as either a retiree or beneficiary;

(3) a life annuity payment under Section 824.402(a)(4), Government Code;

(4) an annuity for a guaranteed period of 60 months under Section 824.402(a)(3), Government Code; or

(5) an alternate payee annuity payment under Section 804.005, Government Code.

(f) If the annuitant is a retiree or a beneficiary under an optional retirement payment plan, to be eligible for the supplemental payment, the effective date of the retirement of the member of the Teacher Retirement System of Texas must have been on or before December 31, 2008. If the annuitant is a beneficiary under Section 824.402(a)(3) or (4), Government Code, to be eligible for the supplemental payment, the date of death of the member of the retirement system must have been on or before December 31, 2008. The supplemental payment shall be made to an alternate payee who is an annuitant under Section 804.005, Government Code, only if the annuity payment to the alternate payee commenced on or before December 31, 2008. The supplemental payment is in addition to the guaranteed number of payments under Section 824.402(a)(3), 824.204(c)(3) or (4), or 824.308(c)(3) or (4), Government Code, and may not be counted as one of the guaranteed monthly payments.

(g) The supplemental payment does not apply to payments under:

(1) Section 824.304(a), Government Code, relating to disability retirees with less than 10 years of service credit;

(2) Section 824.804(b), Government Code, relating to participants in the deferred retirement option plan with regard to payments from their deferred retirement option plan accounts;

(3) Section 824.501(a), Government Code, relating to retiree survivor beneficiaries who receive a survivor annuity in an amount fixed by statute; or

(4) Section 824.404(a), Government Code, relating to active member survivor beneficiaries who receive a survivor annuity in an amount fixed by statute.

(h) Except as provided by this section, the board of trustees of the Teacher Retirement System of Texas shall determine the eligibility for and the amount and timing of a supplemental payment and the manner in which the payment is made.

SECTION _____.05. This article takes effect October 1, 2011.

Amendment No. 94 was adopted by (Record 39): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Turner; Villarreal; Vo; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent, Excused, Committee Meeting — Bonnen; Truitt.

Absent — Allen; King, P.; Morrison; Veasey.

STATEMENTS OF VOTE

When Record No. 39 was taken, I was excused to attend a meeting of the Committee on Calendars. I would have voted yes.

Bonnen

When Record No. 39 was taken, I was excused to attend a meeting of the Committee on Calendars. I would have voted yes.

Truitt

When Record No. 39 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

Amendment No. 95

Representative Brown offered the following amendment to **CSSB 1**:

Floor Packet Page No. 303

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . ADVERTISING ON STATE ELECTRONIC INTERNET PORTALS

SECTION ____ .01. Subchapter C, Chapter 2054, Government Code, is amended by adding Section 2054.064 to read as follows:

Sec. 2054.064. ADVERTISING ON STATE ELECTRONIC INTERNET PORTALS. (a) In this section:

(1) "Department" means the Department of Information Resources or a successor agency.

(2) "State agency" means any department, board, commission, or other agency in the executive branch of state government, including the office of the governor. The term does not include an institution of higher education, as defined by Section 61.003, Education Code.

(b) In accordance with rules adopted by the department and to the extent allowed under federal law:

(1) a state agency shall contract with a private entity to lease advertising space on the agency's official electronic Internet portal; and

(2) the department shall contract with a private entity by awarding a 10-year license to the entity to lease advertising space on the official electronic Internet portal for the State of Texas.

(c) The department shall develop a standard contract for the lease of advertising space on an electronic Internet portal under this section. The standard contract developed by the department must include terms that:

(1) provide for the payment of a fee by the person leasing the advertising space in an amount set by department rule; and

(2) require the advertisements to comply with the rules adopted by the department relating to content and composition.

(d) The department shall adopt rules to implement this section. The rules must establish:

(1) guidelines relating to the content and composition of advertisements that may be placed on an electronic Internet portal;

(2) procedures for procuring advertisements that relate, to the greatest extent practicable, to the stated purpose of the state agency;

(3) policies that require:

(A) each advertisement to be clearly labeled on the electronic Internet portal as an advertisement; and

(B) a disclaimer on each electronic Internet portal that clearly states that the State of Texas does not endorse the products or services advertised on the state agency electronic Internet portal;

(4) a schedule of fees to be charged for the lease of advertising space under this section; and

(5) the amount of the lease payment that a private entity may retain for administering the lease contract.

(e) A private entity administering a lease under this section shall collect the fees due from the leasing entity. After deduction of the private entity's fees, the remainder of the fees collected under this section shall be forwarded to the comptroller to be deposited to the credit of the foundation school fund.

(f) Before entering into a contract under this section, a state agency or the department must evaluate:

(1) the effect of the contract on the bandwidth that the agency or the department requires to perform its official duties; and

(2) whether the contract increases vulnerability to malware or other potential threats to the security of the electronic Internet portal or computer network.

(g) Except as provided by Subsection (h), using the results of the evaluation required under Subsection (f), a state agency or the department shall develop and implement a plan to ensure that state electronic Internet portals and computer networks are secure and that sufficient bandwidth is available to host the advertising required under the contract and to allow for performance of official duties. The plan must include provisions to:

(1) prevent inappropriate content on electronic Internet portals and computer networks associated with this state;

(2) efficiently route data used by the agency or the department to perform its official duties;

(3) manage and reduce the quantity of bandwidth used by the agency or the department; and

(4) ensure the continued security and integrity of electronic Internet portals, computer networks, and confidential and sensitive data associated with this state.

(h) A state agency or the department may accept free or discounted services to assist in performing the evaluation and planning requirements under Subsections (f) and (g) from a provider designated as qualified by the department. The department shall maintain a list of qualified providers on the department's electronic Internet portal.

(i) A state agency or the department is not required to implement a plan developed under Subsection (g) if:

(1) money appropriated to the agency or the department may not be lawfully spent for the purposes of this section; or

(2) the agency or the department determines that the cost of implementing the plan will exceed the income received from a contract under this section.

Amendment No. 96

Representative Brown offered the following amendment to Amendment No. 95:

Amend Amendment No. 95 by Brown to **CSSB 1** (page 303 of the prefiled amendment packet - barcode no. 825224) as follows:

(1) On page 1 of the amendment, line 2, strike "ARTICLE" and substitute "ARTICLES".

(2) On page 1 of the amendment, between lines 4 and 5, insert the following:

ARTICLE ____ SECURITY TECHNOLOGY

SECTION ____ .01. Subchapter C, Chapter 2054, Government Code, is amended by adding Section 2054.061 to read as follows:

Sec. 2054.061. SECURITY TECHNOLOGY. (a) In this section, "cyber assets" includes privileged interfaces.

(b) The department shall provide to a state agency technology that secures the consoles of cyber assets under all conditions regardless of the operating state or operating mode of the cyber asset.

(c) The technology provided under Subsection (b) must:

(1) automatically capture and retain records of all actions taken by users, including privileged users, over the consoles of cyber assets; and

(2) provide reporting and audit management for security, regulatory, and compliance purposes.

(d) In addition to any other use authorized by law, revenue collected from the fees authorized under Section 2054.2591(a), as added by Chapter 1260 (HB 2048), Acts of the 79th Legislature, Regular Session, 2005, may be used to implement this section.

SECTION ____ .02. Not later than October 31, 2011, the Department of Information Technologies shall provide the technology required by Section 2054.061, Government Code, as added by this article.

Amendment No. 96 was adopted.

Amendment No. 95, as amended, was adopted.

(L. Taylor in the chair)

Amendment No. 97

Representative Gallego offered the following amendment to **CSSB 1**:

Floor Packet Page No. 307

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ COST-EFFICIENCY SUGGESTIONS AND IDEAS FOR STATE AGENCIES

SECTION ____ .01. Subchapter F, Chapter 2054, Government Code, is amended by adding Section 2054.1266 to read as follows:

Sec. 2054.1266. POSTING OF COST-EFFICIENCY SUGGESTIONS AND IDEAS ON STATE AGENCY WEBSITE. (a) In this section, "state agency" does not include an institution of higher education, as defined by Section 61.003, Education Code.

(b) Except as provided by Subsection (d), each state agency that has 1,500 or more employees shall post on the agency's intranet website or generally accessible Internet website an electronic form or link allowing an employee of the agency to submit suggestions and ideas on how to make the agency more cost-efficient.

(c) Except as provided by Subsection (d), each state agency shall post on the agency's generally accessible Internet website a link allowing members of the public to:

(1) monitor, in real time or on a weekly or monthly basis, submissions made under Subsection (b); and

(2) vote for the public's favorite submission.

(d) The department may exclude from the requirements of this section a state agency if the agency has a preexisting program or link that the department determines substantially meets the requirements of this section.

(e) The department shall adopt rules establishing procedures and required formats for implementing this section.

Amendment No. 98

Representative Gallego offered the following amendment to Amendment No. 97:

Amend Floor Amendment No. 97 by Gallego (page 307, prefiled amendments packet) as follows:

(1) In the recital to Section _____.01 of the added article (page 1, line 8) strike "Section 2054.1266" and substitute "Sections 2054.1266 and 2054.1267".

(2) At the end of Section _____.01 of the added article, immediately following added Section 2054.1266, Government Code, add the following:

Sec. 2054.1267. POSTING HIGH-VALUE DATA SETS ON INTERNET.

(a) In this section:

(1) "High-value data set" means information that can be used to increase state agency accountability and responsiveness, improve public knowledge of the agency and its operations, further the core mission of the agency, create economic opportunity, or respond to need and demand as identified through public consultation. The term does not include information that is confidential or protected from disclosure under state or federal law.

(2) "State agency" means a board, commission, office, department, or other agency in the executive, judicial, or legislative branch of state government. The term includes an institution of higher education as defined by Section 61.003, Education Code.

(b) Each state agency shall post on a generally accessible Internet website maintained by or for the agency each high-value data set created or maintained by the agency, if the agency:

(1) determines that, using existing resources, the agency can post the data set on the Internet website at no additional cost to the state;

(2) enters into a contract advantageous to the state under which the contractor posts the data set on the Internet website at no additional cost to the state; or

(3) receives a gift or grant specifically for the purpose of posting one or more of the agency's high-value data sets on the Internet website.

(c) A high-value data set posted by a state agency under this section must be raw data in open standard format that allows the public to search, extract, organize, and analyze the information.

(d) The web page on which a state agency's high-value data set is posted must:

(1) use the agency's Internet website home page address and include the uniform resource locator suffix "data"; and

(2) have a conspicuously displayed link on either the agency's Internet website home page or another intuitive location accessible from the agency's Internet website home page.

(e) A state agency may accept a gift or grant for the purpose of posting one or more of the agency's high-value data sets on an Internet website.

SECTION ____ .02. Chapter 322, Government Code, is amended by adding Section 322.0081 to read as follows:

Sec. 322.0081. BUDGET DOCUMENTS ONLINE. (a) The board shall post on the board's Internet website documents prepared by the board that are provided to a committee, subcommittee, or conference committee of either house of the legislature in connection with an appropriations bill.

(b) The board shall post a document to which this section applies as soon as practicable after the document is provided to a committee, subcommittee, or conference committee.

(c) The document must be downloadable and provide data in a format that allows the public to search, extract, organize, and analyze the information in the document.

(d) The requirement under Subsection (a) does not supersede any exceptions provided under Chapter 552.

(e) The board shall promulgate rules to implement the provisions of this section.

(Truitt now present)

Amendment No. 98 was adopted.

Amendment No. 97, as amended, was adopted.

Amendment No. 99

Representative Zerwas offered the following amendment to **CSSB 1**:
Floor Packet Page No. 308

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . ABOLISHING STATE KIDS INSURANCE PROGRAM.

(a) Section 62.101, Health and Safety Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A child who is the dependent of an employee of an agency of this state and who meets the requirements of Subsection (a) may be eligible for health benefits coverage in accordance with 42 U.S.C. Section 1397jj(b)(6) and any other applicable law or regulations.

(b) Sections 1551.159 and 1551.312, Insurance Code, are repealed.

(c) The State Kids Insurance Program operated by the Employees Retirement System of Texas is abolished on the effective date of this Act. The Health and Human Services Commission shall:

(1) establish a process in cooperation with the Employees Retirement System of Texas to facilitate the enrollment of eligible children in the child health plan program established under Chapter 62, Health and Safety Code, on or before the date those children are scheduled to stop receiving dependent child coverage under the State Kids Insurance Program; and

(2) modify any applicable administrative procedures to ensure that children described by this subsection maintain continuous health benefits coverage while transitioning from enrollment in the State Kids Insurance Program to enrollment in the child health plan program.

Amendment No. 99 was adopted.

Amendment No. 100

Representative Christian offered the following amendment to **CSSB 1**:

Floor Packet Page No. 314

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . STATE FUNDING FOR CERTAIN MEDICAL PROCEDURES

SECTION ____ .01. The heading to Subchapter M, Chapter 285, Health and Safety Code, is amended to read as follows:

SUBCHAPTER M. REGULATION [~~PROVISION~~] OF SERVICES

SECTION ____ .02. Subchapter M, Chapter 285, Health and Safety Code, is amended by adding Section 285.202 to read as follows:

Sec. 285.202. USE OF TAX REVENUE FOR ABORTIONS; EXCEPTION FOR MEDICAL EMERGENCY. (a) In this section, "medical emergency" means a condition exists that, in a physician's good faith clinical judgment, complicates the medical condition of the pregnant woman and necessitates the immediate abortion of her pregnancy to avert her death or to avoid a serious risk of substantial impairment of a major bodily function.

(b) Except in the case of a medical emergency, a hospital district created under general or special law that uses tax revenue of the district to finance the performance of an abortion may not receive state funding.

(c) A physician who performs an abortion in a medical emergency at a hospital or other health care facility owned or operated by a hospital district that receives state funds shall:

(1) include in the patient's medical records a statement signed by the physician certifying the nature of the medical emergency; and

(2) not later than the 30th day after the date the abortion is performed, certify to the Department of State Health Services the specific medical condition that constituted the emergency.

(d) The statement required under Subsection (c)(1) shall be placed in the patient's medical records and shall be kept by the hospital or other health care facility where the abortion is performed until:

(1) the seventh anniversary of the date the abortion is performed; or

(2) if the pregnant woman is a minor, the later of:

(A) the seventh anniversary of the date the abortion is performed;

or

(B) the woman's 21st birthday.

(e) A hospital district created by general or special law that receives state funding may not:

(1) make a charitable donation or financial contribution from tax revenue of the district to an organization, agency, or entity that provides or refers for abortion or abortion-related services; or

(2) contract or affiliate with other organizations, agencies, or entities that provide or refer for abortion or abortion related services.

Amendment No. 100 - Point of Order

Representative D. Howard raised a point of order against further consideration of Amendment No. 100 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair overruled the point of order.

Amendment No. 101

Representatives Hughes, Eissler, Gooden, Paxton, Parker, Bonnen, Zedler, Burkett, Scott, L. Taylor, T. Smith, Harper-Brown, Cain, Laubenberg, Legler, S. Miller, Murphy, P. King, Christian, C. Anderson, Sheffield, Isaac, Sheets, Cook, Weber, Huberty, Orr, Brown, C. Howard, Hardcastle, Beck, Callegari, Darby, Jackson, Larson, Hopson, Lewis, Button, Creighton, W. Smith, Harless, Driver, Hamilton, Workman, Otto, Hancock, Chisum, Carter, R. Anderson, Patrick, Flynn, J. Davis, Hilderbran, Nash, Ritter, Berman, Madden, Lavender, Perry, Garza, Landtroop, Smithee, Phillips, Kleinschmidt, Peña, Shelton, Quintanilla, and Lozano offered the following amendment to Amendment No. 100:

Amend Amendment No. 100 by Christian to **CSSB 1** (page 314 of the prefiled amendment packet) as follows:

(1) Strike added Section 285.202(a), Health and Safety Code (page 1, lines 13-18 of the amendment), and substitute:

(a) In this section, "medical emergency" means a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed.

(2) In added Section 285.202(e)(1), Health and Safety Code (page 2, line 18 of the amendment), strike "or abortion-related services".

(3) In added Section 285.202(e)(2), Health and Safety Code (page 2, lines 20-21 of the amendment), strike "or abortion related services".

Amendment No. 101 was adopted.

Amendment No. 100 - Point of Order

Representative Rodriguez raised a point of order against further consideration of Amendment No. 100, as amended.

The chair overruled the point of order.

Amendment No. 100 - Point of Order

Representative Naishtat raised a point of order against further consideration of Amendment No. 100, as amended, under Rule 8, Section 3 of the House Rules on the grounds that the amendment violates the one subject rule.

The chair overruled the point of order.

Amendment No. 100, as amended, was adopted by (Record 40): 102 Yeas, 38 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lozano; Lyne; Madden; Margo; Martinez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Mallory Caraway; Marquez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Oliveira; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker; Taylor, L.(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent, Excused, Committee Meeting — Bonnen.

Absent — Gallego; Lewis.

STATEMENT OF VOTE

When Record No. 40 was taken, I was temporarily out of the house chamber. I would have voted yes.

Lewis

Amendment No. 102

Representative Hardcastle offered the following amendment to **CSSB 1**:
Floor Packet Page No. 316

Amend Section 771, Health and Safety Code, as follows:

SECTION 1. Section 771.001, Health and Safety Code, is amended by deleting Subsection (4), and by renumbering Subsections (5) through (13) as Subsections (4) through (12), respectively.

SECTION 2. Section 771.001, Health and Safety Code, is further amended by amending Subsection (12) and adding a new Subsection (13), to read as follows:

(12) "Wireless telecommunications connection" means any voice-capable wireless communication mobile station [assigned a number containing an area code assigned to Texas by the North American Numbering Plan Administrator that connects a wireless service provider to the local exchange] that is provided to a customer by a wireless service provider.

(13) "Service provider" means a local exchange service provider, a wireless service provider, and any other provider of local exchange access lines or equivalent local exchange access lines.

SECTION 3. Subsection (e) of Section 771.071, Health and Safety Code, is amended to read as follows:

(e) A ~~[local exchange]~~ service provider shall collect the fees imposed on its customers under this section. Not later than the 30th day after the last day of the month in which the fees are collected, the ~~[local exchange]~~ service provider shall deliver the fees to the comptroller. The comptroller shall deposit money from the fees to the credit of the 9-1-1 services fee account in the general revenue fund. The comptroller may establish alternative dates for payment of fees under this section, provided that the required payment date be no earlier than the 30th day after the last day of the reporting period in which the fees are collected.

SECTION 4. Subsections (a) through (e) of Section 771.072, Health and Safety Code, are amended to read as follows:

(a) ~~[In]~~ On and after September 1, 2011, in addition to the ~~[fee]~~ fees imposed under ~~[Section]~~ Sections 771.071 and 771.0711, the commission shall impose a 9-1-1 equalization surcharge on each ~~[customer receiving intrastate long distance service, including customers in an area served by an emergency communication district, even if the district is not participating in the regional plan]~~ local exchange access line or equivalent local exchange access line, and each wireless telecommunications connection. The surcharge may not be imposed on a line to coin-operated public telephone equipment or to public telephone equipment operated by coin or by card reader. The surcharge may also not be imposed on any line that the commission excluded from the definition of a local exchange

access line or an equivalent local exchange access line pursuant to Section 771.063. The surcharge may also not be imposed on any wireless telecommunications connection that constitutes prepaid wireless telecommunications service subject to Section 771.0712.

(b) ~~The [amount of the surcharge may not exceed one and three tenths of one percent of the charges for intrastate long distance service, as defined by the commission] surcharge shall be a fixed amount, not to exceed 10 cents per month for each local exchange access line or equivalent local exchange access line, or wireless telecommunications connection.~~

(c) Except as provided by Section 771.073(f), ~~[an intrastate long distance]~~ each service provider shall collect the surcharge imposed on its customers under this section and shall deliver the surcharges to the comptroller not later than the date specified by the comptroller, provided that the required payment date be no earlier than the 30th day after the last day of the reporting period in which the surcharge is collected. If the comptroller does not specify a date, the provider shall deliver the surcharges to the comptroller not later than the 30th day after the last day of the month in which the surcharges are collected.

(d) From the revenue received from the surcharge imposed under this section, not more than 40 percent of the amount derived from the application of the surcharge ~~[at a rate of not more than .5 percent]~~ shall be allocated to regional planning commissions or other public agencies designated by the regional planning commissions for use in carrying out the regional plans provided for by this chapter. The allocations to the regional planning commissions are not required to be equal, but should be made to carry out the policy of this chapter to implement 9-1-1 service statewide. Money collected under this section may be allocated to an emergency communication district regardless of whether the district is participating in the applicable regional plan.

(e) From the revenue received from the surcharge imposed by this section, not more than 60 percent of the amount derived from the application of the surcharge ~~[at a rate of not more than .8 percent]~~ shall be periodically allocated to fund grants awarded under Section 777.009 and other activities related to the poison control centers as required by Chapter 777.

SECTION 5. A new subsection (e) is added to Section 771.0725, Health and Safety Code, to read as follows:

(e) With respect to the equalization surcharge imposed under Section 771.072, the commission shall establish the rate as of September 1, 2011, and not more than once every state fiscal biennium thereafter, so that the aggregate of the surcharges collected from all customers for the next 12 months is not expected to exceed the aggregate of the surcharges collected from all customers during the preceding 12 months. Any change in the equalization surcharge rate shall be made effective not earlier than 90 days after notice of such change is provided by the commission to service providers.

SECTION 6. Subsection (a) of Section 771.073, Health and Safety Code, is amended to read as follows:

(a) A customer on which a fee or surcharge is imposed under this subchapter is liable for the fee or surcharge in the same manner as the customer is liable for the charges for services provided by the service provider. The service provider shall collect the fees and surcharges in the same manner it collects those charges for service, except that the service provider is not required to take legal action to enforce the collection of the fees or surcharges. [A] Other than the fee imposed under section 771.0712, a fee or surcharge imposed under this subchapter must either be stated separately on the customer's bill, or combined into an appropriately labeled single line item on the customer's bill with all other fees and surcharges that are imposed under this subchapter or that are imposed for 9-1-1 emergency service by a political subdivision. A service provider that combines such fees and surcharges into a single line for billing purposes shall maintain books and records reflecting the collection of each fee and surcharge.

SECTION 7. Subsection (3) of Section 771.0735, Health and Safety Code, is amended to read as follows:

(3) the fee and the surcharge imposed on wireless telecommunications bills shall be administered in accordance with Section 151.061, Tax Code.

SECTION 8. This Act takes effect September 1, 2011.

Amendment No. 102 was adopted.

Amendment No. 103

Representative Guillen offered the following amendment to **CSSB 1**:

Floor Packet Page No. 322

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS accordingly:

ARTICLE ____ . REGULATION OF SUBDIVISIONS IN COUNTIES

SECTION ____ .01. If the Texas Water Development Board determines that a county is not complying with the changes in law made by this article, the board may withhold funds authorized under Section 15.407, Water Code, or Subchapter P, Chapter 15, Water Code, or Subchapter K, Chapter 17, Water Code, on or after the effective date of this Act until the county demonstrates compliance.

SECTION ____ .02. Section 232.0031, Local Government Code, is amended to read as follows:

Sec. 232.0031. STANDARD FOR ROADS IN SUBDIVISION. A county may not impose under Section 232.003 a higher standard for streets or roads in a subdivision than the county imposes on itself for the construction of new streets or roads with a similar type and amount of traffic.

SECTION ____ .03. Section 232.022(d), Local Government Code, is amended to read as follows:

(d) This subchapter does not apply if all [~~each~~] of the lots of the subdivision are more than [~~is~~] 10 [~~or more~~] acres.

SECTION ____ .04. Section 232.023, Local Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A subdivider of land must have a plat of the subdivision prepared if at least one of the lots of the subdivision is five acres or less. A commissioners court by order may require each subdivider of land to prepare a plat if at least one of the lots of a subdivision is more than five acres but not more than 10 acres.

(a-1) A subdivision of a tract under this section ~~[subsection]~~ includes a subdivision of real property by any method of conveyance, including a contract for deed, oral contract, contract of sale, or other type of executory contract, regardless of whether the subdivision is made by using a metes and bounds description.

SECTION ____ .05. Section 232.033, Local Government Code, is amended by amending Subsections (a) and (h) and adding Subsections (a-1), (a-2), (a-3), (a-4), and (a-5) to read as follows:

(a) Brochures, publications, ~~[and]~~ advertising of any form, and earnest money contracts relating to ~~[subdivided]~~ land required to be platted under this subchapter:

(1) may not contain any misrepresentation; ~~[and]~~

(2) except for a for-sale sign posted on the property that is no larger than three feet by three feet, must accurately describe the availability of water and sewer service facilities and electric and gas utilities; and

(3) if a plat for the land has not been finally approved and recorded, must include a notice that:

(A) subject to Subsection (a-1), a contract for the sale of any portion of the land may not be entered into until the land receives final plat approval under Section 232.024; and

(B) the land may not be possessed or occupied until:

(i) the land receives final plat approval under Section 232.024;

and

(ii) all water and sewer service facilities for the lot are connected or installed in compliance with the model rules adopted under Section 16.343, Water Code.

(a-1) This subsection applies in addition to other applicable law and prevails to the extent of a conflict with that other law. This subsection applies only to a person who is a seller or subdivider and who is a licensed, registered, or otherwise credentialed residential mortgage loan originator under applicable state law, federal law, and the Nationwide Mortgage Licensing System and Registry. A person may, before a plat has been finally approved and recorded for the land:

(1) enter into an earnest money contract with a potential purchaser and accept payment under the contract in an amount of \$250 or less; and

(2) advertise in accordance with this section.

(a-2) An earnest money contract entered into under Subsection (a-1) is void if the plat for the land has not been finally approved and recorded before the 91st day after the date the earnest money contract is signed by the potential purchaser, unless the potential purchaser agrees in writing to extend the period for plat approval and recording for an additional 90-day period. Only one extension may be granted under this subsection.

(a-3) If an earnest money contract is void under Subsection (a-2), the seller shall refund all earnest money paid to the potential purchaser not later than the 30th day after the date the earnest money contract becomes void under Subsection (a-2). If the seller fails to refund the earnest money to the potential purchaser in violation of this subsection, the potential purchaser, in a suit to recover the earnest money, may recover an amount equal to three times the amount of the earnest money required to be refunded, plus reasonable attorney's fees.

(a-4) Before entering into an earnest money contract with a potential purchaser and before a plat has been finally approved and recorded for the land as permitted under Subsection (a-1), a person must provide written notice to the attorney general and to the local government responsible for approving the plat. The notice must include:

(1) a statement of intent to enter into an earnest money contract under Subsection (a-1);

(2) a legal description of the land to be included in the subdivision;

(3) each county in which all or part of the subdivision is located; and

(4) the number of proposed individual lots to be included in the subdivision.

(a-5) The attorney general may adopt rules regarding the notice to be provided under Subsection (a-4).

(h) A person who is a seller of lots for which a plat is required under this subchapter [in a subdivision], or a subdivider or an agent of a seller or subdivider, commits an offense if the person knowingly authorizes or assists in the publication, advertising, distribution, or circulation of any statement or representation that the person knows is false concerning any [subdivided] land offered for sale or lease. An offense under this section is a Class A misdemeanor.

SECTION ____ .06. Subchapter B, Chapter 232, Local Government Code, is amended by adding Section 232.0375 to read as follows:

Sec. 232.0375. NOTICE AND OPPORTUNITY TO CURE REQUIRED BEFORE FILING ENFORCEMENT ACTION. (a) Before a civil enforcement action may be filed against a subdivider under this subchapter, the subdivider must be notified in writing about the general nature of the alleged violation and given 90 days from the notification date to cure the violation. After the 90th day after the date of the notification, the enforcement action may proceed.

(b) This section does not apply to a civil enforcement action if the attorney general, district attorney, or county attorney asserts that:

(1) an alleged violation or threatened violation poses a threat to a consumer or to the health and safety of any person; or

(2) a delay in bringing an enforcement action may result in financial loss or increased costs to any person, including the county.

(c) This section does not apply if an enforcement action has previously been filed against the subdivider for the same or another alleged violation.

(d) This section does not apply to an action filed by a private individual.

SECTION ____ .07. Subchapter B, Chapter 232, Local Government Code, is amended by adding Section 232.045 to read as follows:

Sec. 232.045. EARNEST MONEY CONTRACTS. (a) An earnest money contract entered into under Section 232.033(a-1) must contain the following statement:

"NOTICE: THIS IS AN EARNEST MONEY CONTRACT ONLY. THE MAXIMUM AMOUNT THAT THE SELLER MAY COLLECT UNDER THIS CONTRACT IS \$250. THE SELLER MAY NOT DEMAND ANY ADDITIONAL PAYMENT UNTIL A PLAT OF THE SUBDIVISION HAS BEEN APPROVED."

(b) An earnest money contract entered into under Section 232.033(a-1) must contain the notice required by Section 232.033.

SECTION _____.08. Section 232.072, Local Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The owner of a tract of land that divides the tract in any manner that creates lots of five acres or less intended for residential purposes must have a plat of the subdivision prepared. A commissioners court by order may require each subdivider of land to prepare a plat if at least one of the lots of a subdivision is more than five acres but not more than 10 acres.

(a-1) A subdivision of a tract under this section includes a subdivision of real property by any method of conveyance, including a contract for deed, oral contract, contract of sale, or other type of executory contract, regardless of whether the subdivision is made by using a metes and bounds description.

SECTION _____.09. Subchapter C, Chapter 232, Local Government Code, is amended by adding Sections 232.0805 and 232.0806 to read as follows:

Sec. 232.0805. NOTICE AND OPPORTUNITY TO CURE REQUIRED BEFORE FILING ENFORCEMENT ACTION. (a) In this section, "subdivider" has the meaning assigned by Section 232.021.

(b) Before a civil enforcement action may be filed against a subdivider under this subchapter, the subdivider must be notified in writing about the general nature of the alleged violation and given 90 days from the notification date to cure the violation. After the 90th day after the date of the notification, the enforcement action may proceed.

(c) This section does not apply to a civil enforcement action if the attorney general, district attorney, or county attorney asserts that:

(1) an alleged violation or threatened violation poses a threat to a consumer or to the health and safety of any person; or

(2) a delay in bringing an enforcement action may result in financial loss or increased costs to any person, including the county.

(d) This section does not apply if an enforcement action has previously been filed against the subdivider for the same or another alleged violation.

(e) This section does not apply to an action filed by a private individual.

Sec. 232.0806. SUIT BY PRIVATE PERSON IN ECONOMICALLY DISTRESSED AREA. A person who has purchased or is purchasing a lot in a subdivision for residential purposes that does not have water and sewer services as required by this subchapter and is located in an economically distressed area,

as defined by Section 17.921, Water Code, from a subdivider may bring suit in the district court in which the property is located or in a district court in Travis County to:

(1) declare the sale of the property void, require the subdivider to return the purchase price of the property, and recover from the subdivider:

(A) the market value of any permanent improvements the person placed on the property;

(B) actual expenses incurred as a direct result of the failure to provide adequate water and sewer facilities;

(C) court costs; and

(D) reasonable attorney's fees; or

(2) enjoin a violation or threatened violation of Section 232.072, require the subdivider to plat or amend an existing plat under Sections 232.011 and 232.081, and recover from the subdivider:

(A) actual expenses incurred as a direct result of the failure to provide adequate water and sewer facilities;

(B) court costs; and

(C) reasonable attorney's fees.

SECTION ____ .10. Section 16.343(g), Water Code, is amended to read as follows:

(g) Before an application for funds under Section 15.407 or Subchapter P, Chapter 15, or Subchapter K, Chapter 17, may be considered by the board, if the area for which the funds are proposed to be used is located:

(1) in a municipality, the municipality must adopt the model rules pursuant to this section;

(2) in the extraterritorial jurisdiction of a municipality, the applicant must demonstrate that the model rules have been adopted and are enforced in the extraterritorial jurisdiction by either the municipality or the county; or

(3) outside the extraterritorial jurisdiction of a municipality, the county must adopt the model rules pursuant to this section ~~[a political subdivision must adopt the model rules pursuant to this section. If the applicant is a district, nonprofit water supply corporation, or colonia, the applicant must be located in a city or county that has adopted such rules. Applicants for funds under Section 15.407 or Subchapter P, Chapter 15, or Subchapter K, Chapter 17, may not receive funds under those provisions unless the applicable political subdivision adopts and enforces the model rules].~~

SECTION ____ .11. Subchapter J, Chapter 16, Water Code, is amended by adding Section 16.3541 to read as follows:

Sec. 16.3541. NOTICE AND OPPORTUNITY TO CURE REQUIRED BEFORE FILING ENFORCEMENT ACTION. (a) In this section, "subdivider" has the meaning assigned by Section 232.021, Local Government Code.

(b) Before a civil enforcement action may be filed against a subdivider under this subchapter, the subdivider must be notified in writing about the general nature of the alleged violation and given 90 days from the notification date to cure the violation. After the 90th day after the date of the notification, the enforcement action may proceed.

(c) This section does not apply to a civil enforcement action if the attorney general, district attorney, or county attorney asserts that:

(1) an alleged violation or threatened violation poses a threat to a consumer or to the health and safety of any person; or

(2) a delay in bringing an enforcement action may result in financial loss or increased costs to any person, including the county.

(d) This section does not apply if an enforcement action has previously been filed against the subdivider for the same or another alleged violation.

SECTION ____ .12. Section 232.021(9), Local Government Code, is repealed.

SECTION ____ .13. The changes in law made by this article to Sections 232.022, 232.023, 232.033, and 232.072, Local Government Code, apply only to a subdivision plat application submitted for approval on or after the effective date of this Act. A subdivision plat application submitted for approval before the effective date of this Act is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

SECTION ____ .14. This article applies only to an enforcement action filed on or after the effective date of this Act. An enforcement action filed before the effective date of this Act is governed by the law as it existed when the action was filed, and the former law is continued in effect for that purpose.

Amendment No. 103 - Point of Order

Representative Anchia raised a point of order against further consideration of Amendment No. 103.

The point of order was withdrawn.

Amendment No. 103 was withdrawn.

Amendment No. 104

Representative Guillen offered the following amendment to **CSSB 1**:
Floor Packet Page No. 332

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . DEVELOPMENT CORPORATION PROJECTS

SECTION ____ .01. Subchapter C, Chapter 501, Local Government Code, is amended by adding Section 501.108 to read as follows:

Sec. 501.108. PROJECTS RELATED TO COMMUNITY LIBRARIES. In this subtitle, "project" includes the land, buildings, equipment, facilities, improvements, and expenditures that are found by the board of directors to be required or suitable for the development, operation, or expansion of community libraries.

Amendment No. 104 - Point of Order

Representative Otto raised a point of order against further consideration of Amendment No. 104.

The chair sustained the point of order.

The ruling precluded further consideration of Amendment No. 104.

Amendment No. 105

Representative Castro offered the following amendment to **CSSB 1**:

Floor Packet Page No. 333

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering existing ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . EMPLOYMENT SERVICES PROGRAM FOR CERTAIN
CHILD SUPPORT OBLIGORS

SECTION ____ .01. Subtitle B, Title 4, Labor Code, is amended by adding Chapter 314 to read as follows:

CHAPTER 314. EMPLOYMENT SERVICES PROGRAM FOR CERTAIN
CHILD SUPPORT OBLIGORS

Sec. 314.001. DEFINITIONS. In this chapter:

(1) "Nonrecipient parent" has the meaning assigned by Section 31.0021, Human Resources Code.

(2) "Obligor" has the meaning assigned by Section 101.022, Family Code.

(3) "Title IV-D agency" has the meaning assigned by Section 101.033, Family Code.

(4) "Title IV-D case" has the meaning assigned by Section 101.034, Family Code.

Sec. 314.002. PROGRAM. (a) The commission and the Title IV-D agency jointly shall develop and administer an employment services program to provide eligible child support obligors with assistance in obtaining employment so that the obligors may satisfy their child support obligations. The program shall:

(1) provide an eligible obligor employment services similar to those services provided to a recipient or nonrecipient parent under Chapter 31, Human Resources Code; and

(2) direct eligible obligors, in appropriate cases, to local workforce development boards for skills assessment, job training, job placement, and job monitoring.

(b) A referral of an eligible obligor to employment services under this chapter may be made in conjunction with a referral by the Title IV-D agency under Section 231.117, Family Code.

Sec. 314.003. ELIGIBILITY. The commission, in collaboration with the Title IV-D agency, by rule shall prescribe criteria for determining a child support obligor's eligibility to participate in the program. The criteria must include the requirement that a child support obligor be unemployed or underemployed.

Sec. 314.004. REQUIRED PARTICIPATION BY CERTAIN OBLIGORS. (a) On a determination by the Title IV-D agency that an obligor in a Title IV-D case who is eligible to participate in the program is delinquent in paying a child support obligation, the agency may request a court of competent jurisdiction to

render an order requiring the obligor to participate in the program. In making requests under this subsection, the Title IV-D agency shall give priority to making requests in regard to obligors who are the parent of a current or former recipient of financial assistance under Chapter 31, Human Resources Code, or medical assistance under Chapter 32, Human Resources Code.

(b) If the court orders an obligor to participate in the program, the commission shall:

(1) direct the obligor to an appropriate workforce development board for skills assessment, job training, job placement, and job monitoring; and

(2) monitor the obligor's participation in any required program activities.

(c) An obligor who fails to participate in the program as required by a court order shall be reported to the Title IV-D agency for the imposition of any penalty authorized by law.

Sec. 314.005. FUNDING. The commission may allocate for the development, implementation, and administration of the program any money available to the commission through the grant provided under Section 403, Social Security Act (42 U.S.C. Section 603), and may use any other federal or state funds available for that purpose.

Sec. 314.006. RULES. The commission, in collaboration with the Title IV-D agency, shall adopt rules as necessary for the administration of this chapter, including rules:

(1) for directing eligible child support obligors to the employment services provided by the program; and

(2) prescribing the job monitoring and reporting requirements under the program.

SECTION ____ .02. As soon as practicable after the effective date of this article, the Texas Workforce Commission, in collaboration with the Title IV-D agency, shall adopt rules for the administration of Chapter 314, Labor Code, as added by this article.

Amendment No. 105 was adopted by (Record 41): 78 Yeas, 61 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Button; Castro; Chisum; Coleman; Cook; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Garza; Geren; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Jackson; Johnson; Keffer; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Naishtat; Oliveira; Otto; Peña; Pitts; Quintanilla; Raymond; Reynolds; Rodriguez; Scott; Shelton; Smith, W.; Solomons; Strama; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Weber; Workman.

Nays — Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Burkett; Cain; Callegari; Carter; Christian; Craddick; Creighton; Crownover; Darby; Eissler; Elkins; Fletcher; Flynn; Frullo; Gonzales, L.;

Gooden; Hamilton; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; King, P.; King, S.; Landtroop; Laubenberg; Lavender; Legler; Madden; Miller, S.; Morrison; Murphy; Nash; Orr; Parker; Paxton; Perry; Phillips; Price; Riddle; Ritter; Schwertner; Sheets; Sheffield; Simpson; Smith, T.; Smithee; Taylor, V.; Truitt; White; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Patrick; Taylor, L.(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent, Excused, Committee Meeting — Bonnen.

Absent — Hardcastle; Pickett.

STATEMENT OF VOTE

I was shown voting yes on Record No. 41. I intended to vote no.

Garza

(Bonnen now present)

Amendment No. 106

Representative Naishtat offered the following amendment to **CSSB 1**:

Floor Packet Page No. 336

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered article to the bill and renumbering subsequent articles and sections accordingly:

ARTICLE ____ . GUARDIANSHIP MATTERS AND PROCEEDINGS

SECTION ____ .01. Section 612, Texas Probate Code, is amended to read as follows:

Sec. 612. APPLICATION FOR TRANSFER OF GUARDIANSHIP TO ANOTHER COUNTY. When a guardian or any other person desires to transfer ~~[remove]~~ the transaction of the business of the guardianship from one county to another, the person shall file a written application in the court in which the guardianship is pending stating the reason for the transfer ~~[moving the transaction of business]~~.

SECTION ____ .02. Section 613(a), Texas Probate Code, is amended to read as follows:

(a) On filing an application to transfer ~~[remove]~~ a guardianship to another county, the sureties on the bond of the guardian shall be cited by personal service to appear and show cause why the application should not be granted.

SECTION ____ .03. Sections 614, 615, 616, 617, and 618, Texas Probate Code, are amended to read as follows:

Sec. 614. COURT ACTION. (a) On hearing an application under Section 612 of this code, if good cause is not shown to deny the application and it appears that transfer ~~[removal]~~ of the guardianship is in the best interests of the ward, the court shall enter an order authorizing the transfer ~~[removal]~~ on payment on behalf of the estate of all accrued costs.

(b) In an order entered under Subsection (a) of this section, the court shall require the guardian, not later than the 20th day after the date the order is entered, to:

(1) give a new bond payable to the judge of the court to which the guardianship is transferred; or

(2) file a rider to an existing bond noting the court to which the guardianship is transferred.

Sec. 615. TRANSFER OF RECORD. When an order of transfer ~~[removal]~~ is made under Section 614 of this code, the clerk shall record any unrecorded papers of the guardianship required to be recorded. On payment of the clerk's fee, the clerk shall transmit to the county clerk of the county to which the guardianship was ordered transferred ~~[removed]~~:

(1) the case file of the guardianship proceedings; and

(2) a certified copy of the index of the guardianship records.

Sec. 616. TRANSFER ~~[REMOVAL]~~ EFFECTIVE. The order transferring ~~[removing]~~ a guardianship does not take effect until:

(1) the case file and a certified copy of the index required by Section 615 of this code are filed in the office of the county clerk of the county to which the guardianship was ordered transferred ~~[removed]~~; and

(2) a certificate under the clerk's official seal and reporting the filing of the case file and a certified copy of the index is filed in the court ordering the transfer ~~[removal]~~ by the county clerk of the county to which the guardianship was ordered transferred ~~[removed]~~.

Sec. 617. CONTINUATION OF GUARDIANSHIP. When a guardianship is transferred ~~[removed]~~ from one county to another in accordance with this subpart, the guardianship proceeds in the court to which it was transferred ~~[removed]~~ as if it had been originally commenced in that court. It is not necessary to record in the receiving court any of the papers in the case that were recorded in the court from which the case was transferred ~~[removed]~~.

Sec. 618. NEW GUARDIAN APPOINTED ON TRANSFER ~~[REMOVAL]~~. If it appears to the court that transfer ~~[removal]~~ of the guardianship is in the best interests of the ward, but that because of the transfer ~~[removal]~~ it is not in the best interests of the ward ~~[will be unduly expensive or unduly inconvenient to the estate]~~ for the guardian of the estate to continue to serve in that capacity, the court may in its order of transfer ~~[removal]~~ revoke the letters of guardianship and appoint a new guardian, and the former guardian shall account for and deliver the estate as provided by this chapter in a case in which a guardian resigns.

SECTION ____ .04. Subpart B, Part 2, Chapter XIII, Texas Probate Code, is amended by adding Section 619 to read as follows:

Sec. 619. REVIEW OF TRANSFERRED GUARDIANSHIP. Not later than the 90th day after the date the transfer of the guardianship takes effect under Section 616 of this code, the court to which the guardianship was transferred shall hold a hearing to consider modifying the rights, duties, and powers of the guardian or any other provisions of the transferred guardianship.

SECTION _____.05. Section 892, Texas Probate Code, is amended by amending Subsections (a) and (e) and adding Subsection (f-1) to read as follows:

(a) A guardian appointed by a foreign court to represent an incapacitated person who is residing in this state or intends to move to this state may file an application with a court in which the ward resides or intends to reside to have the guardianship transferred to the court. The application must have attached a certified copy of all papers of the guardianship filed and recorded in the foreign court.

~~(e) The [On the court's own motion or on the motion of the ward or any interested person, the] court shall hold a hearing to:~~

~~(1) consider the application for receipt and acceptance of a foreign guardianship; and~~

~~(2) consider modifying the administrative procedures or requirements of the proposed transferred guardianship in accordance with local and state law.~~

(f-1) At the time of granting an application for receipt and acceptance of a foreign guardianship, the court may also modify the administrative procedures or requirements of the transferred guardianship in accordance with local and state law.

SECTION _____.06. Section 894(b), Texas Probate Code, is amended to read as follows:

(b) A court that delays further action in a guardianship proceeding under Subsection (a) of this section shall determine whether venue of the proceeding is more suitable in that court or in the foreign court. In making that determination, the court may consider:

(1) the interests of justice;

(2) the best interests of the ward or proposed ward; ~~and]~~

(3) the convenience of the parties; and

(4) the preference of the ward or proposed ward, if the ward or proposed ward is 12 years of age or older.

SECTION _____.07. Subpart G, Part 5, Chapter XIII, Texas Probate Code, is amended by adding Section 895 to read as follows:

Sec. 895. DETERMINATION OF MOST APPROPRIATE FORUM FOR CERTAIN GUARDIANSHIP PROCEEDINGS. (a) If at any time a court of this state determines that it acquired jurisdiction of a proceeding for the appointment of a guardian of the person or estate, or both, of a ward or proposed ward because of unjustifiable conduct, the court may:

(1) decline to exercise jurisdiction;

(2) exercise jurisdiction for the limited purpose of fashioning an appropriate remedy to ensure the health, safety, and welfare of the ward or proposed ward or the protection of the ward's or proposed ward's property or prevent a repetition of the unjustifiable conduct, including staying the proceeding until a petition for the appointment of a guardian or issuance of a protective order is filed in a court of another state having jurisdiction; or

(3) continue to exercise jurisdiction after considering:

(A) the extent to which the ward or proposed ward and all persons required to be notified of the proceedings have acquiesced in the exercise of the court's jurisdiction;

(B) whether the court of this state is a more appropriate forum than the court of any other state after considering the factors described by Section 894(b) of this code; and

(C) whether the court of any other state would have jurisdiction under the factual circumstances of the matter.

(b) If a court of this state determines that it acquired jurisdiction of a proceeding for the appointment of a guardian of the person or estate, or both, of a ward or proposed ward because a party seeking to invoke the court's jurisdiction engaged in unjustifiable conduct, the court may assess against that party necessary and reasonable expenses, including attorney's fees, investigative fees, court costs, communication expenses, witness fees and expenses, and travel expenses. The court may not assess fees, costs, or expenses of any kind against this state or a governmental subdivision, agency, or instrumentality of this state unless authorized by other law.

SECTION _____.08. Section 893, Texas Probate Code, is repealed.

SECTION _____.09. Sections 612, 613, 614, 615, 616, 617, and 618, Texas Probate Code, as amended by this article, and Section 619, Texas Probate Code, as added by this article, apply only to an application for the transfer of a guardianship to another county filed on or after the effective date of this Act. An application for the transfer of a guardianship to another county filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION _____.10. The changes in law made by this article to Sections 892 and 893, Texas Probate Code, apply only to an application for receipt and acceptance of a foreign guardianship filed on or after the effective date of this Act. An application for receipt and acceptance of a foreign guardianship filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION _____.11. Section 894, Texas Probate Code, as amended by this article, and Section 895, Texas Probate Code, as added by this article, apply only to a guardianship proceeding filed on or after the effective date of this Act. A guardianship proceeding filed before the effective date of this Act is governed by the law in effect on the date the proceeding was filed, and the former law is continued in effect for that purpose.

Amendment No. 106 - Point of Order

Representative Otto raised a point of order against further consideration of Amendment No. 106 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Amendment No. 106 was withdrawn.

Amendment No. 107

Representative Guillen offered the following amendment to **CSSB 1**:
 Floor Packet Page No. 342

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 4 of the bill and renumbering subsequent SECTIONS of ARTICLE 4 accordingly:

SECTION 4. _____. Section 74.501(d), Property Code, is amended to read as follows:

(d) On receipt of a claim form and all necessary documentation and as may be appropriate under the circumstances, the comptroller may approve the claim of:

- (1) the reported owner of the property;
- (2) if the reported owner died testate:
 - (A) the appropriate legal beneficiaries of the owner as provided by the last will and testament of the owner that has been accepted into probate or filed as a muniment of title; or
 - (B) the executor of the owner's last will and testament who holds current letters testamentary;
- (3) if the reported owner died intestate:
 - (A) the legal heirs of the owner as provided by Section 38, Texas Probate Code; or
 - (B) the court-appointed administrator of the owner's estate;
- (4) the legal heirs of the reported owner as established by an affidavit of heirship order signed by a judge of the county probate court or by a county judge;
- (5) if the reported owner is a minor child or an adult who has been adjudged incompetent by a court of law, the parent or legal guardian of the child or adult;
- (6) if the reported owner is a corporation:
 - (A) the president or chair of the board of directors of the corporation, on behalf of the corporation; or
 - (B) any person who has legal authority to act on behalf of the corporation;
- (7) if the reported owner is a corporation that has been dissolved or liquidated:
 - (A) the sole surviving shareholder of the corporation, if there is only one surviving shareholder;
 - (B) the surviving shareholders of the corporation in proportion to their ownership of the corporation, if there is more than one surviving shareholder;
 - (C) the corporation's bankruptcy trustee; or
 - (D) the court-ordered receiver for the corporation; or
- (8) any other person that is entitled to receive the unclaimed property under other law or comptroller policy or rule.

Amendment No. 108

Representative Guillen offered the following amendment to Amendment No. 107:

Amend the Guillen amendment to **CSSB 1** (pages 342-343 of the prefiled amendment packet) on page 2, lines 16 and 17 of the amendment, in amended Section 74.501(d)(8), Property Code by striking "or rule" and substituting "including a person who submits a claim based on a declaratory judgment establishing that the person is an heir to an un conveyed mineral right in a land grant evidenced from a certificate, title, or patent from the Crown of Spain or from Mexico for which there has been mineral production and for which proceeds have been delivered to the comptroller under this chapter".

Amendment No. 108 was withdrawn.

Amendment No. 107 was adopted.

Amendment No. 109

Representative Naishtat offered the following amendment to **CSSB 1**:

Floor Packet Page No. 336

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered article to the bill and renumbering subsequent articles and sections accordingly:

ARTICLE ____ . GUARDIANSHIP MATTERS AND PROCEEDINGS

SECTION ____ .01. Section 612, Texas Probate Code, is amended to read as follows:

Sec. 612. APPLICATION FOR TRANSFER OF GUARDIANSHIP TO ANOTHER COUNTY. When a guardian or any other person desires to transfer [~~remove~~] the transaction of the business of the guardianship from one county to another, the person shall file a written application in the court in which the guardianship is pending stating the reason for the transfer [~~moving the transaction of business~~].

SECTION ____ .02. Section 613(a), Texas Probate Code, is amended to read as follows:

(a) On filing an application to transfer [~~remove~~] a guardianship to another county, the sureties on the bond of the guardian shall be cited by personal service to appear and show cause why the application should not be granted.

SECTION ____ .03. Sections 614, 615, 616, 617, and 618, Texas Probate Code, are amended to read as follows:

Sec. 614. COURT ACTION. (a) On hearing an application under Section 612 of this code, if good cause is not shown to deny the application and it appears that transfer [~~removal~~] of the guardianship is in the best interests of the ward, the court shall enter an order authorizing the transfer [~~removal~~] on payment on behalf of the estate of all accrued costs.

(b) In an order entered under Subsection (a) of this section, the court shall require the guardian, not later than the 20th day after the date the order is entered, to:

(1) give a new bond payable to the judge of the court to which the guardianship is transferred; or

(2) file a rider to an existing bond noting the court to which the guardianship is transferred.

Sec. 615. TRANSFER OF RECORD. When an order of transfer [removal] is made under Section 614 of this code, the clerk shall record any unrecorded papers of the guardianship required to be recorded. On payment of the clerk's fee, the clerk shall transmit to the county clerk of the county to which the guardianship was ordered transferred [removed]:

(1) the case file of the guardianship proceedings; and

(2) a certified copy of the index of the guardianship records.

Sec. 616. TRANSFER [REMOVAL] EFFECTIVE. The order transferring [removing] a guardianship does not take effect until:

(1) the case file and a certified copy of the index required by Section 615 of this code are filed in the office of the county clerk of the county to which the guardianship was ordered transferred [removed]; and

(2) a certificate under the clerk's official seal and reporting the filing of the case file and a certified copy of the index is filed in the court ordering the transfer [removal] by the county clerk of the county to which the guardianship was ordered transferred [removed].

Sec. 617. CONTINUATION OF GUARDIANSHIP. When a guardianship is transferred [removed] from one county to another in accordance with this subpart, the guardianship proceeds in the court to which it was transferred [removed] as if it had been originally commenced in that court. It is not necessary to record in the receiving court any of the papers in the case that were recorded in the court from which the case was transferred [removed].

Sec. 618. NEW GUARDIAN APPOINTED ON TRANSFER [REMOVAL]. If it appears to the court that transfer [removal] of the guardianship is in the best interests of the ward, but that because of the transfer [removal] it is not in the best interests of the ward [~~will be unduly expensive or unduly inconvenient to the estate~~] for the guardian of the estate to continue to serve in that capacity, the court may in its order of transfer [removal] revoke the letters of guardianship and appoint a new guardian, and the former guardian shall account for and deliver the estate as provided by this chapter in a case in which a guardian resigns.

SECTION ____ .04. Subpart B, Part 2, Chapter XIII, Texas Probate Code, is amended by adding Section 619 to read as follows:

Sec. 619. REVIEW OF TRANSFERRED GUARDIANSHIP. Not later than the 90th day after the date the transfer of the guardianship takes effect under Section 616 of this code, the court to which the guardianship was transferred shall hold a hearing to consider modifying the rights, duties, and powers of the guardian or any other provisions of the transferred guardianship.

SECTION ____ .05. Section 892, Texas Probate Code, is amended by amending Subsections (a) and (e) and adding Subsection (f-1) to read as follows:

(a) A guardian appointed by a foreign court to represent an incapacitated person who is residing in this state or intends to move to this state may file an application with a court in which the ward resides or intends to reside to have the guardianship transferred to the court. The application must have attached a certified copy of all papers of the guardianship filed and recorded in the foreign court.

(e) ~~The [On the court's own motion or on the motion of the ward or any interested person, the]~~ court shall hold a hearing to:

(1) consider the application for receipt and acceptance of a foreign guardianship; and

(2) consider modifying the administrative procedures or requirements of the proposed transferred guardianship in accordance with local and state law.

(f-1) At the time of granting an application for receipt and acceptance of a foreign guardianship, the court may also modify the administrative procedures or requirements of the transferred guardianship in accordance with local and state law.

SECTION _____.06. Section 894(b), Texas Probate Code, is amended to read as follows:

(b) A court that delays further action in a guardianship proceeding under Subsection (a) of this section shall determine whether venue of the proceeding is more suitable in that court or in the foreign court. In making that determination, the court may consider:

(1) the interests of justice;

(2) the best interests of the ward or proposed ward; ~~and~~

(3) the convenience of the parties; and

(4) the preference of the ward or proposed ward, if the ward or proposed ward is 12 years of age or older.

SECTION _____.07. Subpart G, Part 5, Chapter XIII, Texas Probate Code, is amended by adding Section 895 to read as follows:

Sec. 895. DETERMINATION OF MOST APPROPRIATE FORUM FOR CERTAIN GUARDIANSHIP PROCEEDINGS. (a) If at any time a court of this state determines that it acquired jurisdiction of a proceeding for the appointment of a guardian of the person or estate, or both, of a ward or proposed ward because of unjustifiable conduct, the court may:

(1) decline to exercise jurisdiction;

(2) exercise jurisdiction for the limited purpose of fashioning an appropriate remedy to ensure the health, safety, and welfare of the ward or proposed ward or the protection of the ward's or proposed ward's property or prevent a repetition of the unjustifiable conduct, including staying the proceeding until a petition for the appointment of a guardian or issuance of a protective order is filed in a court of another state having jurisdiction; or

(3) continue to exercise jurisdiction after considering:

(A) the extent to which the ward or proposed ward and all persons required to be notified of the proceedings have acquiesced in the exercise of the court's jurisdiction;

(B) whether the court of this state is a more appropriate forum than the court of any other state after considering the factors described by Section 894(b) of this code; and

(C) whether the court of any other state would have jurisdiction under the factual circumstances of the matter.

(b) If a court of this state determines that it acquired jurisdiction of a proceeding for the appointment of a guardian of the person or estate, or both, of a ward or proposed ward because a party seeking to invoke the court's jurisdiction engaged in unjustifiable conduct, the court may assess against that party necessary and reasonable expenses, including attorney's fees, investigative fees, court costs, communication expenses, witness fees and expenses, and travel expenses. The court may not assess fees, costs, or expenses of any kind against this state or a governmental subdivision, agency, or instrumentality of this state unless authorized by other law.

SECTION ____ .08. Section 893, Texas Probate Code, is repealed.

SECTION ____ .09. Sections 612, 613, 614, 615, 616, 617, and 618, Texas Probate Code, as amended by this article, and Section 619, Texas Probate Code, as added by this article, apply only to an application for the transfer of a guardianship to another county filed on or after the effective date of this Act. An application for the transfer of a guardianship to another county filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION ____ .10. The changes in law made by this article to Sections 892 and 893, Texas Probate Code, apply only to an application for receipt and acceptance of a foreign guardianship filed on or after the effective date of this Act. An application for receipt and acceptance of a foreign guardianship filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION ____ .11. Section 894, Texas Probate Code, as amended by this article, and Section 895, Texas Probate Code, as added by this article, apply only to a guardianship proceeding filed on or after the effective date of this Act. A guardianship proceeding filed before the effective date of this Act is governed by the law in effect on the date the proceeding was filed, and the former law is continued in effect for that purpose.

Amendment No. 109 was adopted. (Phillips and V. Taylor recorded voting no.)

Amendment No. 110

Representative Giddings offered the following amendment to **CSSB 1**:
Floor Packet Page No. 349

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . REGISTRATION OF OUT-OF-STATE PROFESSIONAL ATHLETES

SECTION ____ .01. Subtitle B, Title 13, Occupations Code, is amended by adding Chapter 2053 to read as follows:

CHAPTER 2053. REGISTRATION OF OUT-OF-STATE PROFESSIONAL ATHLETES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2053.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(2) "Department" means the Texas Department of Licensing and Regulation.

(3) "Out-of-state professional sports team" means a major national sports team that plays its home games in another state. The term includes the major sports teams affiliated with the National Football League, the National Basketball Association, the National Hockey League, Major League Baseball, Major League Soccer, and the teams of any other sports association specified by commission rule. The term does not include a farm team that provides players to a major national sports team.

(4) "Professional athlete" means a person who receives compensation for participation as a member of a sports team.

Sec. 2053.002. RULES. The commission shall adopt the rules necessary to administer this chapter.

[Sections 2053.003-2053.050 reserved for expansion]

SUBCHAPTER B. REGISTRATION OF PROFESSIONAL ATHLETES

Sec. 2053.051. REGISTRATION REQUIRED. A professional athlete employed by or under contract with an out-of-state professional sports team must hold a certificate of registration issued under this chapter to engage in a professional sports competition in this state.

Sec. 2053.052. REGISTRATION APPLICATION; FEE. (a) An applicant for registration must file an application with the department on the form prescribed by the department.

(b) The application must be accompanied by:

(1) a nonrefundable application fee in the amount set by the commission to cover the costs of processing an application under this section; and

(2) a registration fee of \$15,000.

Sec. 2053.053. ISSUANCE OF CERTIFICATE OF REGISTRATION. The department shall issue to an applicant who is eligible for registration the appropriate certificate of registration.

Sec. 2053.054. TERM OF CERTIFICATE OF REGISTRATION. A certificate of registration issued under Section 2053.053 expires on the first anniversary of the date of issuance.

Sec. 2053.055. RENEWAL OF CERTIFICATE OF REGISTRATION. (a) The department shall issue to an eligible registrant a certificate of renewal of registration on the timely receipt of a renewal fee in the amount specified by Section 2053.052 for an initial registration.

(b) The certificate expires on the first anniversary of the date of issuance.

Amendment No. 111

Representative Giddings offered the following amendment to Amendment No. 110:

Amend Amendment No. 110 by Giddings (pages 349 and 350 of the prefiled amendment packet) as follows:

(1) On page 2, line 13, of the amendment, strike "\$15,000" and substitute "in an amount not to exceed \$15,000, determined by the commission as an appropriate amount for the applicant based on the average compensation received by a professional athlete who participates in the sport the applicant plays".

(2) On page 2, following line 26, insert the following:

Sec. 2053.056. USE OF REGISTRATION FEES. Fees received under Section 2053.052 may only be used as follows:

(1) the first \$500,000 in each state fiscal year is transferred to The University of Texas at Dallas to fund a summer scholarship program offered to entering freshmen; and

(2) the balance of fees received under Section 2053.052 after the use provided by Subdivision (1) is transferred to the foundation school fund.

Amendment No. 111 was adopted.

Amendment No. 110, as amended, failed of adoption by (Record 42): 32 Yeas, 102 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Callegari; Castro; Coleman; Davis, Y.; Dukes; Dutton; Farias; Giddings; Guillen; Gutierrez; Hernandez Luna; Johnson; Marquez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Villarreal; Vo.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Taylor, L.(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Farrar; Gallego; Gonzales, V.; Hochberg; Howard, D.; Lucio; Mallory Caraway; Martinez; Veasey.

STATEMENT OF VOTE

When Record No. 42 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

Amendment No. 112

Representative Menendez offered the following amendment to **CSSB 1**:

Floor Packet Page No. 356

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . AD VALOREM TAXATION OF LOW-INCOME OR MODERATE-INCOME HOUSING

SECTION ____ .01. Section 11.182(a), Tax Code, is amended by adding Subdivision (3) to read as follows:

(3) "Control" means having the power to manage, direct, superintend, restrict, regulate, govern, or oversee.

SECTION ____ .02. Section 11.182, Tax Code, is amended by adding Subsections (a-1), (b-1), and (b-2) to read as follows:

(a-1) An organization is considered to own property for purposes of this section and the provisions of Section 2, Article VIII, Texas Constitution, authorizing the legislature by general law to exempt from taxation property owned by an institution engaged primarily in performing public charitable functions, if the organization has legal or equitable title to the property.

(b-1) Notwithstanding Subsection (b) or (e), an owner of real property that is not an organization described by that subsection is entitled to an exemption from taxation of property under this section if the property otherwise qualifies for the exemption and the owner is:

(1) a limited partnership of which an organization that meets the requirements of Subsection (b) controls 100 percent of the general partner interest; or

(2) an entity the parent of which is an organization that meets the requirements of Subsection (b).

(b-2) A reference in this section to an organization includes an entity described by Subsection (b) or (b-1). For purposes of this section, an organization that is entitled to an exemption under Subsection (b-1) shall be treated as an organization that is entitled to an exemption under Subsection (b).

SECTION ____ .03. Section 11.1825, Tax Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) In this section, "control" means having the power to manage, direct, superintend, restrict, regulate, govern, or oversee.

(a-1) An organization is considered to own property for purposes of this section and the provisions of Section 2, Article VIII, Texas Constitution, authorizing the legislature by general law to exempt from taxation property owned by an institution engaged primarily in performing public charitable functions, if the organization has legal or equitable title to the property.

(a-2) An organization is entitled to an exemption from taxation of real property owned by the organization that the organization constructs or rehabilitates and uses to provide housing to individuals or families meeting the income eligibility requirements of this section.

SECTION ____ .04. This article may not be construed to permit a refund of ad valorem taxes paid before the effective date of this article on property determined to be eligible for an exemption under Section 11.182 or 11.1825, Tax Code, as amended by this article.

SECTION ____ .05. This article applies only to ad valorem taxes imposed for a tax year beginning on or after the effective date of this article.

SECTION ____ .06. This article takes effect January 1, 2013.

Amendment No. 112 was withdrawn.

Amendment No. 113

Representative Kleinschmidt offered the following amendment to **CSSB 1**:
Floor Packet Page No. 363

Amend **CSSB 1** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . (a) Section 23.51(7), Tax Code, is amended to read as follows:

(7) "Wildlife management" means:

(A) actively using land that at the time the wildlife-management use began was appraised as qualified open-space land under this subchapter or as qualified timber land under Subchapter E in at least three of the following ways to propagate a sustaining breeding, migrating, or wintering population of indigenous wild animals for human use, including food, medicine, or recreation:

- (i) habitat control;
- (ii) erosion control;
- (iii) predator control;
- (iv) providing supplemental supplies of water;
- (v) providing supplemental supplies of food;
- (vi) providing shelters; ~~and~~
- (vii) making of census counts to determine population; and
- (viii) supporting outdoor education;

(B) actively using land to protect federally listed endangered species under a federal permit if the land is:

(i) included in a habitat preserve and is subject to a conservation easement created under Chapter 183, Natural Resources Code; or

(ii) part of a conservation development under a federally approved habitat conservation plan that restricts the use of the land to protect federally listed endangered species; or

(C) actively using land for a conservation or restoration project to provide compensation for natural resource damages pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Section 9601 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. Section 2701 et seq.), the Federal Water Pollution Control Act (33 U.S.C. Section 1251 et seq.), or Chapter 40, Natural Resources Code.

(b) This section applies only to the appraisal of land for ad valorem tax purposes for a tax year that begins on or after the effective date of this section.

(c) This section takes effect January 1, 2012.

Amendment No. 114

Representative Chisum offered the following amendment to Amendment No. 113:

Amend Amendment No. 113 by Kleinschmidt on page 363 to **CSSB 1** (house committee printing) by adding the following appropriately numbered item to the amendment and renumbering the subsequent items of the amendment accordingly:

() Add the following appropriately numbered ARTICLE to the bill and renumber the subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. SUPPORT FOR HABITAT PROTECTION MEASURES

SECTION _____.01. Chapter 403, Government Code, is amended by adding Subchapter Q to read as follows:

SUBCHAPTER Q. SUPPORT FOR HABITAT PROTECTION MEASURES

Sec. 403.451. DEFINITIONS. In this subchapter,

(1) "Candidate species" means a species identified by the U.S. Department of Interior as appropriate for listing as threatened or endangered;

(2) "Candidate conservation plan" means a plan to implement such actions as necessary for the conservation of one or more candidate species or species likely to become a candidate species in the near future; and

(3) "Endangered species," "federal permit," "habitat conservation plan," and "mitigation fee" have the meanings assigned by Section 83.011, Parks and Wildlife Code.

Sec. 403.452. COMPTROLLER POWERS AND DUTIES. (a) To promote compliance with federal law protecting endangered species and candidate species in a manner consistent with this state's economic development and fiscal stability, the comptroller may:

(1) develop or coordinate the development of a habitat conservation plan or candidate conservation plan;

(2) apply for and hold a federal permit issued in connection with a habitat conservation plan or candidate conservation plan developed by the comptroller or the development of which is coordinated by the comptroller;

(3) enter into an agreement for the implementation of a candidate conservation plan with the United States Department of the Interior or assist another entity in entering into such an agreement;

(4) establish the Habitat Protection Fund, to be held by the comptroller outside the treasury, to be used to support the development or coordination of the development of a habitat conservation plan, a candidate conservation plan, or to pay the costs of monitoring or administering the implementation of such a plan;

(5) impose or provide for the imposition of a mitigation fee in connection with a habitat conservation plan or such fees as is necessary or advisable for a candidate conservation plan developed by the comptroller or the development of which is coordinated by the comptroller; and

(6) implement, monitor, or support the implementation of a habitat conservation plan or candidate conservation plan developed by the comptroller or the development of which is coordinated by the comptroller.

(b) The comptroller may solicit and accept appropriations, fees under this subchapter, gifts, or grants from any public or private source, including the federal government, this state, a public agency, or a political subdivision of this state, for deposit to the credit of the fund established under this section.

(c) The legislature finds that expenditures described by Subsection (a)(4) serve public purposes, including economic development in this state.

(d) The comptroller may establish a nonprofit corporation or contract with a third party to perform one or more of the comptroller's functions under this section.

Sec. 403.453. STATE AGENCY POWERS AND DUTIES. (a) Upon consideration of the factors identified in Subsection (b), the comptroller may designate one of the following agencies to undertake the functions identified in Subsections 403.452(a)(1), (2), (3), (5) or (6):

(1) the Agriculture Department;

(2) the Parks and Wildlife Department;

(3) the Department of Transportation;

(4) the State Soil and Water Conservation Board; or

(5) any agency receiving funds through Article VI (Natural Resources)

of the 2012-2013 appropriations bill.

(b) In designating an agency pursuant to Subsection (a), the comptroller shall consider the following factors:

(1) the economic sectors impacted by the species of interest that will be included in the habitat conservation plan or candidate conservation plan;

(2) the identified threats to the species of interest; and

(3) the location of the species of interest.

(c) The comptroller may enter into a memorandum of understanding or interagency contract with any of the agencies listed in this section to implement this subchapter and to provide for the use of the habitat protection fund.

Sec. 403.454. CONFIDENTIAL INFORMATION. Information collected under this subchapter by an agency, or an entity acting on the agency's behalf, from a private landowner or other participant or potential participant in a habitat conservation plan, proposed habitat conservation plan, candidate conservation

plan, or proposed candidate conservation plan is not subject to Chapter 552 and may not be disclosed to any person, including a state or federal agency, if the information relates to the specific location, species identification, or quantity of any animal or plant life for which a plan is under consideration or development or has been established under this section. The agency may disclose information described by this section only to the person who provided the information unless the person consents in writing to full or specified partial disclosure of the information.

Sec. 403.455. RULES. The comptroller or agencies identified in Sec. 403.453 may adopt rules as necessary for the administration of this subchapter.

Amendment No. 114 - Point of Order

Representative Villarreal raised a point of order against further consideration of Amendment No. 114.

The point of order was withdrawn.

Amendment No. 114 was withdrawn.

Amendment No. 113 was withdrawn.

Amendment No. 115

Representative Thompson offered the following amendment to **CSSB 1**:

Floor Packet Page No. 369

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . PURCHASES BY EXEMPT ORGANIZATIONS DESCRIBED IN SECTION 151.310(a)(1) AND (a)(2), TAX CODE.

SECTION 1. Section 151.006, Tax Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) Notwithstanding Section 151.310(c-2), an organization that qualifies for exemption under Section 151.310(a)(1) or (a)(2) may issue a resale certificate to a seller when acquiring a taxable item to be sold by the organization as part of a fundraising drive if the organization:

(1) acquires the taxable item for the purpose of reselling it at a tax-free sale or auction authorized by Section 151.310(c) or at a sale that is not tax-free;

(2) is identified on an invoice or receipt as the purchaser of the taxable item;

(3) pays a wholesale price stated on an invoice or receipt for the taxable item;

(4) bears the risk of loss with respect to the taxable item after the purchase; and

(5) is not contractually obligated to resell the taxable item at a price established by the person from whom the organization obtains the taxable item.

(d) An organization does not fail to meet the requirements of Subsection (c) solely because the organization:

(1) returns a taxable item to the person from whom the item was purchased in exchange for a refund of the purchase price; or

(2) resells a taxable item at a price suggested or recommended by the person from whom the item was purchased.

SECTION 2. Section 151.310, Tax Code, is amended by adding Subsections (c-2) and (c-3) to read as follows:

(c-2) For purposes of Subsection (c) of this section, an organization that qualifies for an exemption under Subsection (a)(1) or (a)(2) of this section may issue an exemption certificate to a seller when obtaining taxable items to be sold by the organization during a tax-free sale authorized under Subsection (c).

(c-3) The exemption in Subsection (c) of this section does not apply to the sale of a taxable item promoted by an organization described in Subsection (a)(1) or (a)(2) if the organization is acting as the agent of the person for whom the organization promotes the taxable item as provided under Section 151.024. Notwithstanding 151.024, an organization is not acting as an agent for purposes of this subsection if the organization purchases the taxable item in a transaction that qualifies as a sale for resale under Section 151.006(c).

SECTION 3. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

(2) Renumber ARTICLES of the bill appropriately.

Amendment No. 115 was adopted.

Amendment No. 116

Representatives Simpson, Farias, Berman, Eiland, Riddle, T. King, Flynn, Elkins, Quintanilla, Brown, Guillen, Harper-Brown, Jackson, Isaac, Sheets, R. Anderson, Murphy, Cain, Peña, Paxton, Lozano, Strama, Burkett, L. Taylor, Driver, Zedler, Fletcher, Hardcastle, C. Howard, Dutton, C. Anderson, W. Smith, Menendez, Torres, Workman, S. Davis, Aliseda, Reynolds, Hancock, Parker, Schwertner, Eissler, Chisum, Gooden, L. Gonzales, Raymond, T. Smith, and Johnson offered the following amendment to **CSSB 1**:

Floor Packet Page No. 372

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . SALES AND USE TAX EXEMPTION FOR CERTAIN
COINS AND PRECIOUS METALS

SECTION ____ .01. Section 151.336, Tax Code, is amended to read as follows:

Sec. 151.336. CERTAIN COINS AND PRECIOUS METALS. ~~[(a)]~~ The sale of gold, silver, or numismatic coins or of platinum, gold, or silver bullion is exempted from the taxes ~~[sales tax]~~ imposed by this chapter ~~[Subchapter C at any sale to a purchaser in which the total sales price of all of the items sold equals \$1,000 or more].~~

~~[(b) An item exempt under Subsection (a) is exempt from the use tax imposed by Subchapter D to the purchaser until the item is subsequently transferred.]~~

SECTION ____ .02. The change in law made by this article does not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this article does not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this article had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

(Speaker in the chair)

Amendment No. 116 was adopted.

Amendment No. 117

Representative Christian offered the following amendment to **CSSB 1**:

Floor Packet Page No. 377

Amend **CSSB 1** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION 1. Subchapter I, Chapter 151, Tax Code, is amended by adding Section 151.4292 to read as follows:

Sec. 151.4292. TAX REFUNDS FOR QUALIFIED DATA CENTERS. (a)

In this section:

(1) "County average weekly wage" means the average weekly wage in a county for all jobs during the most recent four quarterly periods for which data is available, as computed by the Texas Workforce Commission, at the time a data center creates a job used to qualify under this section.

(2) "Data center" means a facility:

(A) located in this state on or after September 1, 2011;

(B) composed of one or more buildings specifically constructed or refurbished and actually used primarily to house servers and related equipment and support staff;

(C) used or to be used primarily by a business engaged in:

(i) data processing, hosting, and related services described by industry code 518210 of the North American Industry Classification System; or

(ii) an Internet activity described by industry code 519130 of the North American Industry Classification System; and

(D) that as an uninterruptible power source, a generator backup power, a sophisticated fire suppression and prevention system, and enhanced physical security that includes restricted access, permanent security guards, video surveillance, and electronic systems.

(3) "Permanent job" means an employment position that will exist for at least five years after the date the job is created.

(4) "Qualifying data center" means a data center that meets the qualifications prescribed by Subsection (d).

(5) "Qualifying job" means a full-time, permanent job that pays at least 150 percent of the county average weekly wage in the county in which the job is based.

(b) Except as provided by Subsection (c), a qualifying data center is entitled to receive a refund in the amount provided by this section of the taxes imposed by this chapter on tangible personal property purchased by the data center that is necessary to manage or operate the data center, including:

- (1) electricity;
- (2) an electrical system;
- (3) a cooling system;
- (4) an emergency generator;
- (5) hardware or a distributed mainframe computer or server;
- (6) a data storage device;
- (7) network connectivity equipment;
- (8) a peripheral component or system; and
- (9) a component part of tangible personal property described by

Subdivisions (2) - (8).

(c) This section does not apply to:

(1) office equipment or supplies; or

(2) equipment or supplies used in sales or distribution activities or in transportation activities.

(d) A data center is a qualifying data center for purposes of this section if the data center has:

(1) created, on or after September 1, 2011, at least 25 qualifying jobs in the county in which the data center is located; and

(2) invested, on or after September 1, 2011, at least \$100 million in the data center facility over a five-year period after initial construction of the data center facility.

(e) Beginning on the date a data center becomes a qualifying data center, the data center is entitled to receive a refund as provided by this section for the purchase of tangible personal property occurring on or after the date the center made the initial investment described by Subsection (d)(2) and before the 10th anniversary of that date.

(f) The amount of the refund authorized by this section with respect to the taxes imposed on the purchase of an item of tangible personal property to which this section applies is equal to the greater of:

(1) an amount equal to the amount by which the taxes paid under this chapter exceed the amount of taxes that would have been imposed under this chapter on the purchase of the item if the rate of the tax imposed under this chapter were one percent; or

(2) the amount by which the taxes paid under this chapter exceed \$80.

(g) To receive a refund as provided by this section, a data center must apply to the comptroller.

(h) The comptroller shall adopt rules necessary to implement this section, including rules relating to the:

(1) qualification of a data center under this section;

(2) determination of the date a data center initially qualifies for a refund as provided by this section; and

(3) reporting and other procedures necessary to ensure that the qualifying data center complies with this section and remains entitled to receive a refund as provided by this section.

SECTION 2. The change in law made by this Act does not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this Act had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

SECTION 3. This Act takes effect September 1, 2011.

Amendment No. 117 was adopted by (Record 43): 92 Yeas, 52 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Geren; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Hopson; Howard, D.; Johnson; King, S.; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Amendment No. 118

Representative Kleinschmidt offered the following amendment to **CSSB 1**:
Floor Packet Page No. 363

Amend **CSSB 1** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 23.51(7), Tax Code, is amended to read as follows:

(7) "Wildlife management" means:

(A) actively using land that at the time the wildlife-management use began was appraised as qualified open-space land under this subchapter or as qualified timber land under Subchapter E in at least three of the following ways to propagate a sustaining breeding, migrating, or wintering population of indigenous wild animals for human use, including food, medicine, or recreation:

- (i) habitat control;
- (ii) erosion control;
- (iii) predator control;
- (iv) providing supplemental supplies of water;
- (v) providing supplemental supplies of food;
- (vi) providing shelters; ~~and~~
- (vii) making of census counts to determine population; and
- (viii) supporting outdoor education;

(B) actively using land to protect federally listed endangered species under a federal permit if the land is:

- (i) included in a habitat preserve and is subject to a conservation easement created under Chapter 183, Natural Resources Code; or
- (ii) part of a conservation development under a federally approved habitat conservation plan that restricts the use of the land to protect federally listed endangered species; or

(C) actively using land for a conservation or restoration project to provide compensation for natural resource damages pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Section 9601 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. Section 2701 et seq.), the Federal Water Pollution Control Act (33 U.S.C. Section 1251 et seq.), or Chapter 40, Natural Resources Code.

(b) This section applies only to the appraisal of land for ad valorem tax purposes for a tax year that begins on or after the effective date of this section.

(c) This section takes effect January 1, 2012.

Amendment No. 119

Representative Chisum offered the following amendment to Amendment No. 118:

Amend Amendment No. 118 by Kleinschmidt to **CSSB 1** (house committee printing) by adding the following appropriately numbered item to the amendment and renumbering the subsequent items of the amendment accordingly:

() Add the following appropriately numbered ARTICLE to the bill and renumber the subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . SUPPORT FOR HABITAT PROTECTION MEASURES

SECTION ____ .01. Chapter 403, Government Code, is amended by adding Subchapter Q to read as follows:

SUBCHAPTER Q. SUPPORT FOR HABITAT PROTECTION MEASURES

Sec. 403.451. DEFINITIONS. In this subchapter,

(1) "Candidate species" means a species identified by the U.S. Department of Interior as appropriate for listing as threatened or endangered;

(2) "Candidate conservation plan" means a plan to implement such actions as necessary for the conservation of one or more candidate species or species likely to become a candidate species in the near future; and

(3) "Endangered species," "federal permit," "habitat conservation plan," and "mitigation fee" have the meanings assigned by Section 83.011, Parks and Wildlife Code.

Sec. 403.452. COMPTROLLER POWERS AND DUTIES. (a) To promote compliance with federal law protecting endangered species and candidate species in a manner consistent with this state's economic development and fiscal stability, the comptroller may:

(1) develop or coordinate the development of a habitat conservation plan or candidate conservation plan;

(2) apply for and hold a federal permit issued in connection with a habitat conservation plan or candidate conservation plan developed by the comptroller or the development of which is coordinated by the comptroller;

(3) enter into an agreement for the implementation of a candidate conservation plan with the United States Department of the Interior or assist another entity in entering into such an agreement;

(4) establish the habitat protection fund, to be held by the comptroller outside the treasury, to be used to support the development or coordination of the development of a habitat conservation plan, a candidate conservation plan, or to pay the costs of monitoring or administering in implementation of such a plan;

(5) impose or provide for the imposition of a mitigation fee in connection with a habitat conservation plan or such fees as is necessary or advisable for a candidate conservation plan developed by the comptroller or the development of which is coordinated by the comptroller; and

(6) implement, monitor, or support the implementation of a habitat conservation plan or candidate conservation plan developed by the comptroller or the development of which is coordinated by the comptroller.

(b) The comptroller may solicit and accept appropriations, fees under this subchapter, gifts, or grants from any public or private source, including the federal government, this state, a public agency, or a political subdivision of this state, for deposit to the credit of the fund established under this section.

(c) The legislature finds that expenditures described by Subsection (a)(4) serve public purposes, including economic development in this state.

(d) The comptroller may establish a nonprofit corporation or contract with a third party to perform one or more of the comptroller's functions under this section.

Sec. 403.453. STATE AGENCY POWERS AND DUTIES. (a) Upon consideration of the factors identified in Subsection (b), the comptroller may designate one of the following agencies to undertake the functions identified in Subsections 403.452(a)(1), (2), (3), (5) or (6):

(1) the Agriculture Department;

(2) the Parks and Wildlife Department;

(3) the Department of Transportation;

(4) the State Soil and Water Conservation Board; or

(5) any agency receiving funds through Article VI (Natural Resources) of the 2012-2013 appropriations bill.

(b) In designating an agency pursuant to Subsection (a), the comptroller shall consider the following factors:

(1) the economic sectors impacted by the species of interest that will be included in the habitat conservation plan or candidate conservation plan;

(2) the identified threats to the species of interest; and

(3) the location of the species of interest.

(c) The comptroller may enter into a memorandum of understanding or interagency contract with any of the agencies listed in this section to implement this subchapter and to provide for the use of the habitat protection fund.

Sec. 403.454. CONFIDENTIAL INFORMATION. Information collected under this subchapter by an agency, or an entity acting on the agency's behalf, from a private landowner or other participant or potential participant in a habitat conservation plan, proposed habitat conservation plan, candidate conservation plan, or proposed candidate conservation plan is not subject to Chapter 552 and may not be disclosed to any person, including a state or federal agency, if the information relates to the specific location, species identification, or quantity of any animal or plant life for which a plan is under consideration or development or has been established under this section. The agency may disclose information described by this section only to the person who provided the information unless the person consents in writing to full or specified partial disclosure of the information.

Sec. 403.455. RULES. The comptroller or agencies identified in Sec. 403.453 may adopt rules as necessary for the administration of this subchapter.

Amendment No. 119 was adopted.

Amendment No. 120

Representative S. Davis offered the following amendment to Amendment No. 118:

Amend the Kleinschmidt amendment to **CSSB 1** as follows by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 75.0021, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 75.0021. LIMITED LIABILITY OF CERTAIN PUBLIC UTILITIES.

(a) In this section:

(1) "Person" includes an individual as defined by Section 71.001.

(2) "Public utility" means:

(A) an electric utility as defined by Section 31.002, Utilities Code;

(B) a telecommunications provider as defined by Section 51.002,

Utilities Code;

(C) an electric cooperative as defined by Section 11.003, Utilities

Code;

(D) a gas utility as defined by Section 101.003 or 121.001, Utilities

Code; or

(E) a water and sewer utility as defined by Section 13.002, Water Code.

(b) A public utility that, as the owner, easement holder, occupant, or lessee of land, gives permission to a person to enter [~~signs an agreement with a municipality, county, or political subdivision to allow public access to or use of~~ the premises for recreation, exercise, education, relaxation, travel, or pleasure [~~by allowing the public access or use~~] does not by giving that permission:

(1) ensure that the premises are safe for recreation, exercise, education, relaxation, travel, or pleasure; or

(2) assume responsibility or incur any liability for:

(A) damages arising from or related to any bodily or other personal injury to or death of any person [~~beyond that provided by Chapter 75 of the Civil Practice and Remedies Code to a third party~~] who enters the premises for recreation, exercise, education, relaxation, travel, or pleasure or accompanies another person entering the premises for recreation, exercise, education, relaxation, travel, or pleasure;

(B) property damage sustained by any person who enters the premises for recreation, exercise, education, relaxation, travel, or pleasure or accompanies another person entering the premises for recreation, exercise, education, relaxation, travel, or pleasure; or

(C) an act of a third party that occurs on the premises, regardless of whether the act is intentional.

(c) Subsection (b) applies to any claim for damages, including a claim:

(1) alleging gross negligence;

(2) asserting the doctrine of attractive nuisance; or

(3) arising from contact of a person or property with power lines or exposure of a person or property to electric and magnetic fields [~~to the extent the municipality, county, or political subdivision purchases a general liability insurance policy in amounts required by Chapter 75 of the Civil Practice and Remedies Code insuring the public utility for liability arising from the condition of the premises for such recreational use~~].

(d) A public utility that, as the owner, easement holder, occupant, or lessee of land, allows the use of the premises for recreation, exercise, education, relaxation, travel, or pleasure shall post and maintain a clearly readable sign in a clearly visible location on or near the premises. The sign must contain the following warning language:

WARNING

TEXAS LAW (CHAPTER 75, CIVIL PRACTICE AND REMEDIES CODE) LIMITS THE LIABILITY OF A PUBLIC UTILITY FOR DAMAGES ARISING FROM THE USE OF THIS PROPERTY FOR RECREATION, EXERCISE, EDUCATION, RELAXATION, TRAVEL, OR PLEASURE.

(e) [~~☒~~] This section applies only to a public utility located in[~~±~~

[~~(+)~~] a county:

(1) with a population of 600,000 or more and located on the international border; [~~☒~~]

(2) with a population of four million or more; or

~~(3) adjacent to a county with a population of four million or more [a municipal management district located in a municipality with a population of more than 1.9 million].~~

SECTION _____. Section 75.003(b), Civil Practice and Remedies Code, is amended to read as follows:

(b) Except as provided by Sections 75.0021(b) and (c), this [This] chapter does not affect the doctrine of attractive nuisance, except that the doctrine may not be the basis for liability of an owner, lessee, or occupant of agricultural land for any injury to a trespasser over the age of 16 years.

SECTION _____. Sections 75.0021 and 75.003(b), Civil Practice and Remedies Code, as amended by this Act, apply only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

Amendment No. 120 - Point of Order

Representative Y. Davis raised a point of order against further consideration of Amendment No. 120.

The point of order was withdrawn.

Amendment No. 120 was withdrawn.

Amendment No. 118, as amended, was adopted.

Amendment No. 121

Representative Thompson offered the following amendment to **CSSB 1**:
Floor Packet Page No. 381

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. FRANCHISE TAX APPLICABILITY AND EXCLUSIONS

SECTION _____.01. Section 171.0001, Tax Code, is amended by adding Subdivisions (1-a), (10-a), (10-b), and (11-b) to read as follows:

(1-a) "Artist" means a natural person or an entity that contracts to perform or entertain at a live entertainment event.

(10-a) "Live entertainment event" means an event that occurs on a specific date to which tickets are sold in advance by a third-party vendor and at which:

(A) a natural person or a group of natural persons, physically present at the venue, performs for the purpose of entertaining a ticket holder who is present at the event;

(B) a traveling circus or animal show performs for the purpose of entertaining a ticket holder who is present at the event; or

(C) a historical, museum-quality artifact is on display in an exhibition.

(10-b) "Live event promotion services" means services related to the promotion, coordination, operation, or management of a live entertainment event. The term includes services related to:

(A) the provision of staff for the live entertainment event; or
(B) the scheduling and promotion of an artist performing or entertaining at the live entertainment event.

(11-b) "Qualified live event promotion company" means a taxable entity that:

(A) receives at least 50 percent of the entity's annual total revenue from the provision or arrangement for the provision of three or more live event promotion services;

(B) maintains a permanent nonresidential office from which the live event promotion services are provided or arranged;

(C) employs 10 or more full-time employees during all or part of the period for which taxable margin is calculated;

(D) does not provide services for a wedding or carnival; and
(E) is not a movie theater.

SECTION ____ .02. Section 171.1011, Tax Code, is amended by adding Subsections (g-5) and (g-7) to read as follows:

(g-5) A taxable entity that is a qualified live event promotion company shall exclude from its total revenue, to the extent included under Subsection (c)(1)(A), (c)(2)(A), or (c)(3), a payment made to an artist in connection with the provision of a live entertainment event or live event promotion services.

(g-7) A taxable entity that is a qualified courier and logistics company shall exclude from its total revenue, to the extent included under Subsection (c)(1)(A), (c)(2)(A), or (c)(3), subcontracting payments made by the taxable entity to nonemployee agents for the performance of delivery services on behalf of the taxable entity. For purposes of this subsection, "qualified courier and logistics company" means a taxable entity that:

(1) receives at least 80 percent of the taxable entity's annual total revenue from its entire business from a combination of at least two of the following courier and logistics services:

(A) expedited same-day delivery of an envelope, package, parcel, roll of architectural drawings, box, or pallet;

(B) temporary storage and delivery of the property of another entity, including an envelope, package, parcel, roll of architectural drawings, box, or pallet; and

(C) brokerage of same-day or expedited courier and logistics services to be completed by a person or entity under a contract that includes a contractual obligation by the taxable entity to make payments to the person or entity for those services;

(2) during the period on which margin is based, is registered as a motor carrier under Chapter 643, Transportation Code, and if the taxable entity operates on an interstate basis, is registered as a motor carrier or broker under the unified carrier registration system, as defined by Section 643.001, Transportation Code, during that period;

(3) maintains an automobile liability insurance policy covering individuals operating vehicles owned, hired, or otherwise used in the taxable entity's business, with a combined single limit for each occurrence of at least \$1 million;

(4) maintains at least \$25,000 of cargo insurance;

(5) maintains a permanent nonresidential office from which the courier and logistics services are provided or arranged;

(6) has at least five full-time employees during the period on which margin is based;

(7) is not doing business as a livery service, floral delivery service, motor coach service, taxicab service, building supply delivery service, water supply service, fuel or energy supply service, restaurant supply service, commercial moving and storage company, or overnight delivery service; and

(8) is not delivering items that the taxable entity or an affiliated entity sold.

SECTION ____ .03. This article applies only to a report originally due on or after January 1, 2012.

SECTION ____ .04. This article takes effect January 1, 2012.

Amendment No. 121 was adopted.

Amendment No. 122

Representative Gallego offered the following amendment to **CSSB 1**:

Floor Packet Page No. 383

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . FRANCHISE TAX LIABILITY OF CERTAIN TAXABLE ENTITIES

SECTION ____ .01. Subchapter A, Chapter 171, Tax Code, is amended by adding Section 171.0024 to read as follows:

Sec. 171.0024. TAX LIABILITY OF CERTAIN TAXABLE ENTITIES.

(a) In this section, "taxable income" means:

(1) for a taxable entity treated for federal income tax purposes as a corporation, the amount reportable as taxable income on line 30, Internal Revenue Service Form 1120;

(2) for a taxable entity treated for federal income tax purposes as a partnership, the amount reportable as ordinary business income or loss on line 22, Internal Revenue Service Form 1065; or

(3) for a taxable entity other than a taxable entity treated for federal income tax purposes as a corporation or partnership, an amount determined in a manner substantially equivalent to the amount for Subdivision (1) or (2) determined by rules the comptroller shall adopt.

(b) Except as provided by Subsection (c), a taxable entity is not required to pay any tax and is not considered to owe any tax for a period on which margin is based if the taxable entity's taxable income for the period is zero or less.

(c) Subsection (b) does not apply to a taxable entity that is a member of a combined group.

(d) Section 171.1011(a) applies to a reference in this section to an Internal Revenue Service form, and Section 171.1011(b) applies to a reference in this section to an amount reportable on a line number on an Internal Revenue Service form.

(e) The comptroller shall adopt rules as necessary to accomplish the legislative intent prescribed by this section.

SECTION _____.02. Section 171.204(b), Tax Code, is amended to read as follows:

(b) The comptroller may require a taxable entity that does not owe any tax because of the application of Section 171.002(d)(2) to file an abbreviated information report with the comptroller stating the amount of the taxable entity's total revenue from its entire business. The comptroller may require a taxable entity that does not owe any tax because of the application of Section 171.0024 to file an abbreviated information report with the comptroller stating the amount of the taxable entity's taxable income as defined by that section. The comptroller may not require a taxable entity described by this subsection to file an information report that requires the taxable entity to report or compute its margin.

SECTION _____.03. This article applies only to a report originally due on or after the effective date of this article.

SECTION _____.04. This article takes effect January 1, 2012.

Amendment No. 122 was adopted by (Record 44): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Driver; Martinez.

STATEMENT OF VOTE

I was shown voting yes on Record No. 44. I intended to vote no.

Carter

Amendment No. 123

Representative V. Taylor offered the following amendment to **CSSB 1**:
Floor Packet Page No. 385

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . FRANCHISE TAX EXCLUSION FOR CERTAIN CONTRACTUAL FLOW-THROUGH FUNDS

SECTION ____ .01. Section 171.1011(g), Tax Code, is amended to read as follows:

(g) A taxable entity shall exclude from its total revenue, to the extent included under Subsection (c)(1)(A), (c)(2)(A), or (c)(3), only the following flow-through funds that are mandated by contract to be distributed to other entities:

(1) sales commissions to nonemployees, including split-fee real estate commissions;

(2) the tax basis as determined under the Internal Revenue Code of securities underwritten; ~~and~~

(3) subcontracting payments handled by the taxable entity to provide services, labor, or materials in connection with the actual or proposed design, construction, remodeling, or repair of improvements on real property or the location of the boundaries of real property; and

(4) payments, excluding expenses for interest and depreciation, received by a landlord of commercial real property from a tenant of the property for ad valorem taxes, any tax or excise imposed on rents, general or special assessments or other taxes, building or property operating expenses, property or other insurance expenses, utility expenses, and maintenance expenses.

SECTION ____ .02. This article applies only to a report originally due on or after the effective date of this article.

SECTION ____ .03. This article takes effect January 1, 2012.

Amendment No. 123 was withdrawn.

Amendment No. 124

Representative V. Taylor offered the following amendment to **CSSB 1**:
Floor Packet Page No. 387

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____, FRANCHISE TAX EXCLUSION FOR CERTAIN
CONTRACTUAL FLOW-THROUGH FUNDS

SECTION ____.01. Section 171.1011(g), Tax Code, is amended to read as follows:

(g) A taxable entity shall exclude from its total revenue, to the extent included under Subsection (c)(1)(A), (c)(2)(A), or (c)(3), only the following flow-through funds that are mandated by contract to be distributed to other entities:

(1) sales commissions to nonemployees, including split-fee real estate commissions;

(2) the tax basis as determined under the Internal Revenue Code of securities underwritten; ~~and~~

(3) subcontracting payments handled by the taxable entity to provide services, labor, or materials in connection with the actual or proposed design, construction, remodeling, or repair of improvements on real property or the location of the boundaries of real property; and

(4) payments, excluding expenses for interest and depreciation, received by a landlord of commercial real property from a tenant of the property for ad valorem taxes, any tax or excise imposed on rents, general or special assessments or other taxes, building or property operating expenses, property or other insurance expenses, utility expenses, and maintenance expenses.

SECTION ____.02. This article applies only to a report originally due on or after the effective date of this article.

SECTION ____.03. This article takes effect January 1, 2012.

Representative Pitts moved to table Amendment No. 124.

The motion to table prevailed by (Record 45): 102 Yeas, 40 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Aycock; Beck; Berman; Brown; Burkett; Button; Castro; Coleman; Cook; Craddick; Crownover; Darby; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Huberty; Hunter; Jackson; Johnson; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Morrison; Muñoz; Naishtat; Nash; Oliveira; Otto; Parker; Patrick; Pickett; Pitts; Price; Quintanilla; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smithee; Strama; Taylor, L.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; Zerwas.

Nays — Anderson, C.; Anderson, R.; Bonnen; Branch; Cain; Callegari; Carter; Chisum; Christian; Creighton; Davis, J.; Elkins; Geren; Guillen; Harper-Brown; Howard, C.; Hughes; Isaac; Keffer; King, P.; King, T.; Landtroop;

Laubenberg; Lavender; Madden; Miller, S.; Murphy; Orr; Paxton; Peña; Perry; Phillips; Raymond; Simpson; Smith, W.; Solomons; Taylor, V.; White; Workman; Zedler.

Present, not voting — Mr. Speaker(C); Legler.

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Menendez.

STATEMENT OF VOTE

I was shown voting yes on Record No. 45. I intended to vote no.

Parker

Amendment No. 125

Representative Torres offered the following amendment to **CSSB 1**:

Floor Packet Page No. 389

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. MIXED BEVERAGE TAX REIMBURSEMENTS

SECTION _____.01. Effective September 1, 2013, Section 183.051(b), Tax Code, is amended to read as follows:

(b) The comptroller shall issue to each county described in Subsection (a) a warrant drawn on the general revenue fund in an amount appropriated by the legislature that may not be less ~~[greater]~~ than 10.7143 percent of receipts from permittees within the county during the quarter and shall issue to each incorporated municipality described in Subsection (a) a warrant drawn on that fund in an amount appropriated by the legislature that may not be less ~~[greater]~~ than 10.7143 percent of receipts from permittees within the incorporated municipality during the quarter.

Amendment No. 125 was adopted.

Amendment No. 126

Representative Eiland offered the following amendment to **CSSB 1**:

Floor Packet Page No. 390

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill appropriately:

SECTION _____. Section 313.007, Tax Code, is amended to read as follows:

Sec. 313.007. EXPIRATION. Subchapters B, C, and D expire December 31, 2016 ~~[2014]~~.

Amendment No. 126 was adopted. (White recorded voting no.)

Amendment No. 127

Representative Villarreal offered the following amendment to **CSSB 1**:

Floor Packet Page No. 396

Amend **CSSB 1** by adding the following appropriately numbered ARTICLE to read as follows and renumbering subsequent ARTICLES accordingly:

ARTICLE _____. High-Cost Natural Gas Tax Exemption.

(a) Section 201.057, Tax Code, is amended by adding Subsection (e-1) to read as follows:

(e-1) Each month, the commission shall certify the average closing price of gas during the previous three months based on various price indices available to producers. The commission shall publish certifications under this subsection in the Texas Register. Notwithstanding any other provision of this section, the commission may not certify that gas is high-cost gas for purposes of this section during any month that the average closing price of gas certified by the commission for the previous three-month period is more than \$6 per MMBtu.

(b) The Railroad Commission of Texas shall publish the initial certification required by Section 201.057(e-1), Tax Code, as added by this section, not later than September 30, 2011.

(c) Section 201.057(e-1), Tax Code, as added by this section, applies to an application for certification that a well produces or will produce high-cost gas that is pending on or after October 1, 2011.

Amendment No. 128

Representative Villarreal offered the following amendment to Amendment No. 127:

Amend Amendment No. 127 to **CSSB 1** by Villarreal (barcode no. 825178) as follows:

(1) Immediately following the heading to the ARTICLE added by the amendment, in the recital to Subsection (a) of the article, strike "amended by adding Subsection (e-1)" and substitute "amended by adding Subsections (e-1) and (e-2)".

(2) In the ARTICLE added by the amendment, between Subsections (a) and (b) of the article, insert the following:

(e-2) If the commission does not certify the gas as high-cost gas under Subsection (e-1), the comptroller shall determine the additional revenue from the tax imposed under this chapter that is attributable to the gas not being certified. After deducting the amount required by Section 201.403, the comptroller shall deposit that revenue to the credit of the foundation school fund. Section 201.404 does not apply to revenue deposited under this subsection.

Representative Otto moved to table Amendment No. 128.

The motion to table prevailed by (Record 46): 107 Yeas, 33 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Guillen; Hamilton; Hardcastle; Harless; Harper-Brown;

Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Mallory Caraway; Margo; Martinez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Raymond; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Lucio; Marquez; Martinez Fischer; McClendon; Miles; Naishtat; Quintanilla; Reynolds; Rodriguez; Strama; Thompson; Turner; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Menendez; Orr; Shelton; Veasey.

STATEMENT OF VOTE

I was shown voting no on Record No. 46. I intended to vote yes.

Deshotel

Representative Otto moved to table Amendment No. 127.

The motion to table prevailed by (Record 47): 102 Yeas, 38 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycocck; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Hamilton; Hardcastle; Harless; Harper-Brown; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Martinez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lucio; Mallory Caraway; Marquez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Hartnett; Pickett; Veasey; Weber.

STATEMENT OF VOTE

I was shown voting no on Record No. 47. I intended to vote yes.

T. King

Amendment No. 129

Representative Guillen offered the following amendment to **CSSB 1**:

Floor Packet Page No. 397

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . MAXIMIZING FEDERAL FUNDING FOR CERTAIN
TRANSPORTATION PROJECTS AND ACTIVITIES

SECTION ____ .01. Section 201.601, Transportation Code, is amended by adding Subsection (g) to read as follows:

(g) The plan must include a component that evaluates future federal funding opportunities for all modes of transportation and identifies actions necessary to maximize the total amount of federal funds received in the future for transportation improvements in this state.

SECTION ____ .02. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.623 to read as follows:

Sec. 201.623. COOPERATION WITH LOCAL PLANNING ENTITIES TO MAXIMIZE FEDERAL FUNDING FOR PROJECTS. The department shall work and plan with local transportation planning entities to maximize the amount of federal funding awarded for projects in this state by identifying and pursuing projects that are eligible for federal grant programs, including the scenic byways program.

SECTION ____ .03. The heading to Chapter 645, Transportation Code, is amended to read as follows:

CHAPTER 645. [~~SINGLE STATE~~] REGISTRATION FOR OPERATION IN MULTIPLE STATES

SECTION ____ .04. Chapter 645, Transportation Code, is amended by adding Section 645.005 to read as follows:

Sec. 645.005. UNIFORM HAZARDOUS MATERIALS TRANSPORTATION. The Texas Department of Motor Vehicles by rule shall establish, implement, and administer the terms of the uniform program for hazardous materials transportation registration and permitting developed by the Alliance for Uniform Hazmat Transportation Procedures under 49 U.S.C. Section 5119.

Amendment No. 129 failed of adoption by (Record 48): 50 Yeas, 89 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Castro; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Larson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Orr; Otto; Peña; Pitts; Quintanilla; Raymond; Reynolds; Rodriguez; Smith, W.; Strama; Taylor, L.; Thompson; Turner; Villarreal; Vo; Workman.

Nays — Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Martinez Fischer; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Parker; Patrick; Paxton; Perry; Phillips; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smithee; Solomons; Taylor, V.; Torres; Truitt; Weber; White; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Coleman; Crownover; King, T.; Pickett; Veasey.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 48. I intended to vote no.

Aliseda

I was shown voting yes on Record No. 48. I intended to vote no.

Orr

I was shown voting yes on Record No. 48. I intended to vote no.

Peña

I was shown voting yes on Record No. 48. I intended to vote no.

W. Smith

Amendment No. 130

Representatives Guillen, Eissler, Paxton, Creighton, L. Taylor, and Raymond offered the following amendment to **CSSB 1**:

Floor Packet Page No. 399

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . STATE FINANCING OF PUBLIC TRANSPORTATION

SECTION ____ .01. Section 456.003, Transportation Code, is amended to read as follows:

Sec. 456.003. PARTICIPATION INELIGIBILITY. A transit authority is ineligible to participate in the formula or discretionary program provided by this chapter unless the authority was created under Chapter 453 or former Article 1118z, Revised Statutes, by a municipality having a population of less than 200,000 at the time the authority is created.

SECTION ____ .02. Section 456.006, Transportation Code, is amended by adding Subsections (b-1) and (b-2) to read as follows:

(b-1) Notwithstanding Subsection (b), an urban transit district that was not included in an urbanized area containing a transit authority according to the 2000 federal decennial census but, as a result of the 2010 federal decennial census urban and rural classification, is included in an urbanized area that contains one or more transit authorities may receive money from the formula or discretionary program in an amount that does not exceed the amount of funds allocated to the district during the fiscal biennium ending August 31, 2011. This subsection expires August 31, 2018.

(b-2) The population of a municipality that was considered part of an urban transit district for purposes of the state transit funding formula for the fiscal biennium ending August 31, 2011, but that is included in a large urbanized area as a result of the 2010 federal decennial census, continues to be considered part of the urban transit district for purposes of the state transit funding formula. This subsection expires August 31, 2018.

SECTION ____ .03. Subchapter B, Chapter 456, Transportation Code, is amended by adding Section 456.0221 to read as follows:

Sec. 456.0221. ALLOCATION TO CERTAIN RECIPIENTS AFFECTED BY NATURAL DISASTER. (a) The commission shall consider as an urban transit district for the purposes of the allocation of funds under this chapter a designated recipient:

(1) that received money under the formula as an urban transit district for the fiscal biennium ending August 31, 2011;

(2) whose population according to the most recent decennial census is less than 50,000; and

(3) whose population loss over the preceding 10-year period is primarily the result of a natural disaster.

(b) This section expires August 31, 2018.

Amendment No. 130 was adopted by (Record 49): 96 Yeas, 40 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Berman; Burkett; Button; Callegari; Carter; Castro; Chisum; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Gallego; Garza; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hardcastle; Hernandez Luna; Hilderbran; Hochberg; Howard, C.; Howard, D.; Huberty; Hunter; Johnson; Keffer; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Muñoz; Naishtat; Nash; Oliveira; Otto; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond;

Reynolds; Ritter; Rodriguez; Scott; Sheets; Sheffield; Shelton; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Turner; Veasey; Villarreal; Vo; Workman; Zedler; Zerwas.

Nays — Allen; Anderson, R.; Bonnen; Branch; Brown; Cain; Christian; Craddick; Davis, S.; Dutton; Frullo; Geren; Gonzales, L.; Gooden; Harless; Hartnett; Hopson; Hughes; Isaac; King, P.; King, S.; Landtroop; Legler; Lewis; Mallory Caraway; Miller, S.; Morrison; Murphy; Orr; Parker; Perry; Riddle; Schwertner; Simpson; Smith, T.; Solomons; Torres; Truitt; Weber; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Aliseda; Coleman; Cook; Driver; Farias; Harper-Brown; Jackson; Miles.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 49. I intended to vote no.

Button

I was shown voting yes on Record No. 49. I intended to vote no.

Callegari

I was shown voting yes on Record No. 49. I intended to vote no.

Carter

I was shown voting yes on Record No. 49. I intended to vote no.

Laubenberg

I was shown voting yes on Record No. 49. I intended to vote no.

Paxton

I was shown voting yes on Record No. 49. I intended to vote no.

Sheets

Amendment No. 131

Representatives Phillips and Lavender offered the following amendment to **CSSB 1**:

Floor Packet Page No. 401

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . LICENSE PLATES ISSUED FOR CERTAIN GOLF CARTS.

SECTION ____ .01. If **HB 2702**, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, Section 504.510(d), Transportation Code, is amended to read as follows:

(d) This section applies only to an owner of a golf cart who resides[=]

~~[(4)]~~ on real property that is owned or under the control of the United States Corps of Engineers and is required by that agency to register the owner's golf cart under this chapter~~;~~ ~~and~~

~~[(2)] in a county that borders another state and has a population of more than 110,000 but less than 111,000].~~

SECTION ____ .02. If **HB 2702**, Acts of the 82nd Legislature, Regular Session, 2011, becomes law, Section 504.510(d), Transportation Code, is amended to read as follows:

(d) This section applies only to an owner of a golf cart who resides~~[-]~~

~~[(4)]~~ on real property that is owned or under the control of the United States Corps of Engineers and is required by that agency to register the owner's golf cart under this chapter~~;~~ ~~and~~

~~[(2)] in a county that borders another state and has a population of more than 120,750 but less than 121,000].~~

Amendment No. 131 was adopted.

Amendment No. 132

Representatives Pitts and Geren offered the following amendment to **CSSB 1**:

Floor Packet Page No. 402

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . DRIVER'S LICENSES AND PERSONAL IDENTIFICATION CERTIFICATES

SECTION ____ .01. Subchapter A, Chapter 521, Transportation Code, is amended by adding Section 521.007 to read as follows:

Sec. 521.007. TEMPORARY VISITOR STATIONS. (a) The department shall designate as temporary visitor stations certain driver's license offices.

(b) A driver's license office designated as a temporary visitor station under this section must have at least two staff members who have completed specialized training on the temporary visitor issuance guide published by the department.

(c) A driver's license office designated as a temporary visitor station shall provide information and assistance to other driver's license offices in the state.

SECTION ____ .02. Subsection (b), Section 521.041, Transportation Code, is amended to read as follows:

(b) The department shall maintain suitable indexes, in alphabetical or numerical order, that contain:

(1) each denied application and the reasons for the denial;

(2) each application that is granted; ~~and~~

(3) the name of each license holder whose license has been suspended, canceled, or revoked and the reasons for that action; ~~and~~

(4) the citizenship status of each holder of a license or personal identification certificate.

SECTION ____ .03. Section 521.101, Transportation Code, is amended by adding Subsections (d-1), (f-2), (f-3), and (k) and amending Subsection (f) to read as follows:

(d-1) Unless the information has been previously provided to the department, the department shall require each applicant for an original, renewal, or duplicate personal identification certificate to furnish to the department:

- (1) proof of the applicant's United States citizenship; or
- (2) documentation described by Subsection (f-2).

(f) A personal identification certificate:

(1) for an applicant who is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States:

(A) expires on a date specified by the department if the applicant is younger than 60 years of age; or

(B) does not expire if the applicant is 60 years of age or older; or

(2) for an applicant not described by Subdivision (1), expires on:

(A) the earlier of:

(i) a date specified by the department; or

(ii) the expiration date of the applicant's authorized stay in the

United States; or

(B) the first anniversary of the date of issuance, if there is no definite expiration date for the applicant's authorized stay in the United States[; except that a certificate issued to a person 60 years of age or older does not expire].

(f-2) An applicant who is not a citizen of the United States must present to the department documentation issued by the appropriate United States agency that authorizes the applicant to be in the United States.

(f-3) The department may not issue a personal identification certificate to an applicant who fails or refuses to comply with Subsection (f-2).

(k) Except as provided by this section, each personal identification certificate issued by the department:

(1) must:

(A) be in the same format;

(B) have the same appearance and orientation; and

(C) contain the same type of information; and

(2) may not include any information that this chapter does not reference or require.

SECTION ____ .04. Section 521.103, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) Sections 521.101(f-2) and (f-3) apply to a personal identification certificate for which application is made under this section.

SECTION ____ .05. Section 521.121, Transportation Code, is amended by adding subsection (e) to read as follows:

(e) Except as provided by this section, each driver's license issued under this chapter:

(1) must:

- (A) be in the same format;
- (B) have the same appearance and orientation; and
- (C) contain the same type of information; and

(2) may not include any information that this chapter does not reference or require.

SECTION _____.06. Subsections (a) and (e), Section 521.142, Transportation Code, are amended to read as follows:

(a) An application for an original license must state the applicant's full name and place and date of birth. This information must be verified by presentation of proof of identity satisfactory to the department. An applicant who is not a citizen of the United States must present to the department documentation issued by the appropriate United States agency that authorizes the applicant to be in the United States before the applicant may be issued a driver's license. The department must accept as satisfactory proof of identity under this subsection an offender identification card or similar form of identification issued to an inmate by the Texas Department of Criminal Justice if the applicant also provides supplemental verifiable records or documents that aid in establishing identity.

(e) The application must include any other information the department requires to determine the applicant's identity, residency, competency, and eligibility as required by the department or state law.

SECTION _____.07. Section 521.1425, Transportation Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsections [Subsection] (b) and (c), the department may require each applicant for an original, renewal, or duplicate driver's license to furnish to the department the information required by Section 521.142.

(c) Unless the information has been previously provided to the department, the department shall require each applicant for an original, renewal, or duplicate driver's license to furnish to the department:

- (1) proof of the applicant's United States citizenship; or
- (2) documentation described by Section 521.142(a).

SECTION _____.08. Section 521.271, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-2), (a-3), and (a-4) to read as follows:

(a) Each original driver's license, ~~and~~ provisional license, instruction permit, or occupational driver's license issued to an applicant who is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires as follows:

(1) except as provided by Section 521.2711, a driver's license expires on the first birthday of the license holder occurring after the sixth anniversary of the date of the application;

(2) a provisional license expires on the 18th birthday of the license holder;

(3) an instruction permit expires on the 18th birthday of the license holder;

(4) an occupational driver's license expires on the first anniversary of the court order granting the license; and

(5) unless an earlier date is otherwise provided, a driver's license issued to a person whose residence or domicile is a correctional facility or a parole facility expires on the first birthday of the license holder occurring after the first anniversary of the date of issuance.

(a-2) Each original driver's license issued to an applicant who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on:

(1) the earlier of:

(A) the first birthday of the license holder occurring after the sixth anniversary of the date of the application; or

(B) the expiration date of the license holder's lawful presence in the United States as determined by the appropriate United States agency in compliance with federal law; or

(2) the first anniversary of the date of issuance, if there is no definite expiration date for the applicant's authorized stay in the United States.

(a-3) Each original provisional license or instruction permit issued to an applicant who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on the earliest of:

(1) the 18th birthday of the license holder;

(2) the first birthday of the license holder occurring after the date of the application; or

(3) the expiration of the license holder's lawful presence in the United States as determined by the United States agency responsible for citizenship and immigration in compliance with federal law.

(a-4) Each original occupational driver's license issued to an applicant who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on the earlier of:

(1) the first anniversary of the date of issuance; or

(2) the expiration of the license holder's lawful presence in the United States as determined by the appropriate United States agency in compliance with federal law.

(b) Except as provided by Section 521.2711, a driver's license that is renewed expires on the earlier of:

(1) the sixth anniversary of the expiration date before renewal if the applicant is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States;

(1-a) for an applicant not described by Subdivision (1):

(A) the earlier of:

(i) the sixth anniversary of the expiration date before renewal;

or

(ii) the expiration date of the applicant's authorized stay in the United States; or

(B) the first anniversary of the date of issuance, if there is no definite expiration date for the applicant's authorized stay in the United States; or

(2) for a renewal driver's license issued to a person whose residence or domicile is a correctional facility or a parole facility, the first birthday of the license holder occurring after the first anniversary of the date of issuance unless an earlier date is otherwise provided.

SECTION ____ .09. Section 521.2711, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsections (a) and (b), an original or renewal driver's license issued to an applicant who is 85 years of age or older and not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on:

(1) the earlier of:

(A) the second anniversary of the expiration date before renewal;

or

(B) the expiration date of the applicant's authorized stay in the United States; or

(2) the first anniversary of the date of issuance if there is no definite expiration date for the applicant's authorized stay in the United States.

SECTION ____ .10. Section 521.272, Transportation Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) Notwithstanding Sections [Section] 521.271 and 521.2711, a driver's license issued under this section, including a renewal, duplicate, or corrected license, expires:

(1) if the license holder is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States, on the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application; or

(2) if the applicant is not described by Subdivision (1), on the earlier of:

(A) the expiration date of the applicant's authorized stay in the United States; or

(B) the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application.

(d) Subsection (c) [This subsection] does not apply to:

(1) a provisional license;

(2) an instruction permit issued under Section 521.222; or

(3) a hardship license issued under Section 521.223.

SECTION ____ .11. Section 521.421, Transportation Code, is amended by adding Subsection (a-3) to read as follows:

(a-3) Except as provided by Subsections (a-1) and (a-2), the fee for a driver's license or personal identification certificate that is issued to a person who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States and that is valid for not more than one year is \$24.

SECTION ____ .12. Section 522.005, Transportation Code, is amended to read as follows:

Sec. 522.005. RULEMAKING AUTHORITY. The department may adopt rules necessary to carry out this chapter and the federal act and to maintain compliance with 49 C.F.R. Parts 383 and 384.

SECTION ____ .13. Section 522.030, Transportation Code, is amended to read as follows:

Sec. 522.030. CONTENT OF LICENSE. (a) A commercial driver's license must:

- (1) be marked "Commercial Driver License" or "CDL";
- (2) be, to the extent practicable, tamper-proof; and
- (3) include:
 - (A) the name and mailing address of the person to whom it is issued;
 - (B) the person's color photograph;
 - (C) a physical description of the person, including sex, height, and eye color;
 - (D) the person's date of birth;
 - (E) a number or identifier the department considers appropriate;
 - (F) the person's signature;
 - (G) each class of commercial motor vehicle that the person is authorized to drive, with any endorsements or restrictions;
 - (H) the name of this state; and
 - (I) the dates between which the license is valid.

(b) Except as provided by this section, each personal commercial driver's license issued under this chapter:

- (1) must:
 - (A) be in the same format;
 - (B) have the same appearance and orientation; and
 - (C) contain the same type of information; and
- (2) may not include any information that this chapter does not reference or require.

(c) To the extent of a conflict or inconsistency between this section and Section 522.013 or 522.051, Section 522.013 or 522.051 controls.

SECTION ____ .14. Subsection (b), Section 522.033, Transportation Code, is amended to read as follows:

(b) Notwithstanding Section 522.051, a commercial driver's license or commercial driver learner's permit issued under this section, including a renewal, duplicate, or corrected license, expires:

- (1) if the license or permit holder is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States, on the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application; or
- (2) if the applicant is not described by Subdivision (1), on the earlier of:

(A) the expiration date of the applicant's authorized stay in the United States; or

(B) the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application.

SECTION ____ .15. Section 522.052, Transportation Code, is amended by adding Subsection (i) to read as follows:

(i) Unless the information has been previously provided to the department, the department shall require each applicant for a renewal or duplicate commercial driver's license to furnish to the department:

(1) proof of the applicant's United States citizenship; or

(2) documentation described by Section 521.142(a).

SECTION ____ .16. Not later than January 1, 2013, the Department of Public Safety of the State of Texas shall submit to the legislature a report evaluating the effectiveness of the temporary visitor stations established under Section 521.007, Transportation Code, as added by this Act.

SECTION ____ .17. The changes in law made by this Act to Chapters 521 and 522, Transportation Code, apply only to a driver's license, personal identification certificate, commercial driver's license, or commercial driver learner's permit issued, reissued, reinstated, or renewed on or after the effective date of this Act. A driver's license, personal identification certificate, commercial driver's license, or commercial driver learner's permit issued, reissued, reinstated, or renewed before the effective date of this Act is governed by the law in effect when the license, certificate, or permit was issued, reissued, reinstated, or renewed, and the former law is continued in effect for that purpose.

Amendment No. 132 - Point of Order

Representative Gallego raised a point of order against further consideration of Amendment No. 132.

The point of order was withdrawn.

Amendment No. 133

Representative Alonzo offered the following amendment to Amendment No. 132:

Amend Amendment No. 132 to **CSSB 1** by Pitts (page 402 of the prefiled amendments packet) by adding the following appropriately numbered SECTION to the ARTICLE of the amendment:

SECTION ____ . Subchapter G, Chapter 521, Transportation Code, is amended by adding Section 521.1471 to read as follows:

Sec. 521.1471. REGISTRATION WITH SELECTIVE SERVICE. A person who provides proof of compliance with registration requirements of the United States Selective Service System under the Military Selective Service Act (50 U.S.C. App. Section 451 et seq.) is eligible to apply for a driver's license under this chapter.

Amendment No. 133 was withdrawn.

Amendment No. 132 was adopted. (Alvarado, Guillen, Martinez Fischer, Menendez, Muñoz, Naishtat, Quintanilla, and Rodriguez recorded voting no.)

Amendment No. 134

Representative Phillips offered the following amendment to **CSSB 1**:
Floor Packet Page No. 413

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . FISCAL MATTERS CONCERNING DRIVER'S LICENSES

SECTION ____ .01. Subchapter N, Chapter 521, Transportation Code, is amended by adding Section 521.2965 to read as follows:

Sec. 521.2965. REVOCATION; PERSON UNDER 18 YEARS OF AGE.

(a) Unless the person complies with the requirements of Subsection (b), the department shall revoke the license of a person under 18 years of age who is enrolled at a public school, home school, or private school if:

(1) the person's parent or guardian notifies the department that the person has been absent from school for at least 10 consecutive instructional days;
or

(2) a school administrator or law enforcement officer notifies the department that the person has been absent from school for at least 20 consecutive instructional days.

(b) The department shall notify the person in writing of a truancy report made against the person under Subsection (a). The revocation of a license by the department under this section becomes effective on the 30th day after the date of the notice, unless before that date the person provides to the department information required by the department to demonstrate the person's school attendance.

(c) The notice provided to a person under Subsection (b) must:

(1) state that the revocation becomes effective on the 30th day after the date of the notice; and

(2) contain information regarding the procedures and documentation that the person may provide to the department in order to avoid the revocation of the person's license.

SECTION ____ .02. Section 521.271(a-1), Transportation Code, is repealed.

Amendment No. 135

Representative Deshotel offered the following amendment to Amendment No. 134:

Amend Floor Amendment No. 134 (page 413, prefiled amendment packet) by Phillips to **CSSB 1** (house committee report) by adding a new Section ____ 02 and renumbering additional sections accordingly as follows:

SECTION ____ .02. Section 521.126, Transportation Code, is amended by amending Subsection (e) and adding Subsection (f) to read as follows:

(e) The prohibition provided by Subsection (b) ~~[(b)(1)]~~ does not apply to a financial institution or a business that accesses or uses electronically readable information or compiles or maintains a database of that information if:

(1) the information is accessed and used ~~[only]~~ for purposes of identification verification of an individual or check verification at the point of sale for a purchase of a good or service by check;

(2) the information is accessed and used as part of a transaction initiated by the license or certificate holder to provide information to a check verification entity as defined by Section 523.052, Business and Commerce Code, and governed by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.), for the purpose of screening transactions for fraudulent activity and identity theft and effecting, administering, or enforcing the transaction, provided that the electronically readable information is limited to the licensee's name, drivers license number, address, and date of birth; or

~~(3) in the case of [—The prohibition provided by Subsection (b)(2) does not apply to] a financial institution, [if] each license or certificate holder whose information is included in the compilation or database consents to the inclusion of the person's information in the compilation or database[—Consent under this subsection must be] on a separate document, signed by the license or certificate holder, that explains in at least 14-point bold type the information that will be included in the compilation or database. [For the purposes of this subsection, "financial institution" has the meaning assigned by 31 U.S.C. Section 5312(a)(2), as amended.]~~

(f) For the purposes of this section, "financial institution" has the meaning assigned by 31 U.S.C. Section 5312(a)(2).

Amendment No. 135 was adopted. (White recorded voting no.)

Amendment No. 134 - Point of Order

Representative Y. Davis raised a point of order against further consideration of Amendment No. 134, as amended, under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 134, as amended.

Amendment No. 136

Representative Orr offered the following amendment to **CSSB 1**:

Floor Packet Page No. 415

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . CERTAIN COURT COSTS ASSOCIATED WITH THE
OFFENSE OF FAILING TO SECURE A CHILD PASSENGER IN A MOTOR
VEHICLE

SECTION ____ .01. The following laws are repealed:

- (1) Section 545.412(b-1), Transportation Code;
- (2) Section 102.104, Government Code; and
- (3) Section 102.122, Government Code.

SECTION ____.02. The change in law made by this article applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

Amendment No. 136 was adopted.

Amendment No. 137

Representative Hilderbran offered the following amendment to **CSSB 1**:
Floor Packet Page No. 416

Amend **CSSB 1** by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES of the bill appropriately:

ARTICLE _____. CERTAIN POWERS AND DUTIES OF THE LEGISLATIVE BUDGET BOARD AND THE PUBLIC UTILITY COMMISSION OF TEXAS

SECTION ____.01. Subchapter Z, Chapter 39, Utilities Code, is amended by adding Section 39.9041 to read as follows:

Sec. 39.9041. UNDERGROUND PLACEMENT OF CERTAIN COMPETITIVE RENEWABLE ENERGY ZONE TRANSMISSION LINES.

(a) The commission and the Legislative Budget Board jointly may study critical segments of a transmission line intended to serve a competitive renewable energy zone that pose the most risk of damage for municipalities and municipal residents.

SECTION ____.02. Section 39.9041, Utilities Code, as added by this article, applies only to a certificate of convenience and necessity approved on or after January 1, 2011. A certificate of convenience and necessity approved before January 1, 2011, is governed by the law in effect at the time the certificate was approved, and the former law is continued in effect for that purpose.

SECTION ____.03. Section 39.9041, Utilities Code, as added by this article, takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, Section 39.9041, as added by this article, takes effect September 1, 2011.

Amendment No. 138

Representative Hilderbran offered the following amendment to Amendment No. 137:

Amend Amendment No. 137 to **CSSB 1** by adding the following:

ARTICLE ____ . CERTAIN POWERS AND DUTIES OF THE LEGISLATIVE BUDGET BOARD AND THE PUBLIC UTILITY COMMISSION OF TEXAS

SECTION ____ .01 Subchapter Z, Chapter 39, Utilities Code, is amended by adding Section 39.9041 to read as follows:

Sec. 39.9041. UNDERGROUND PLACEMENT OF CERTAIN COMPETITIVE RENEWABLE ENERGY ZONE TRANSMISSION LINES.

(a) This section applies to a county that has a population of 25,000 or less and contains a portion of the Llano River or Guadalupe River.

(b) The commission and the Legislative Budget Board jointly shall determine critical segments of a transmission line intended to serve a competitive renewable energy zone that pose the most risk of damage for municipalities and municipal residents. A critical segment of a transmission line must be placed underground unless the Legislative Budget Board determines underground placement is cost prohibitive based on cost projections submitted to the board by the entity designated by the commission to construct the critical segment.

SECTION ____ . 02. Section 39.9041, Utilities Code, as added by this article, applies only to a certificate of convenience and necessity approved on or after January 1, 2011. A certificate of convenience and necessity approved before January 1, 2011, is governed by the law in effect at the time the certificate was approved, and the former law is continued in effect for that purpose.

SECTION ____ .03. Section 39.9041, Utilities Code, as added by this article, takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, Section 39.9041, as added by this article, takes effect September 1, 2011.

Amendment No. 138 was adopted.

Amendment No. 137, as amended, was withdrawn.

Amendment No. 139

Representative R. Anderson offered the following amendment to **CSSB 1**:

Floor Packet Page No. 417

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES accordingly:

ARTICLE ____ . FISCAL MATTERS RELATING TO CERTAIN GROUNDWATER CONSERVATION DISTRICTS

SECTION ____ .01. Section 36.0151, Water Code, is amended by adding Subsections (f), (g), and (h) to read as follows:

(f) Before September 1, 2015, the commission may not create a groundwater conservation district under this section in a county:

(1) in which the annual amount of surface water used is more than 50 times the annual amount of groundwater produced;

(2) that is located in a priority groundwater management area; and

(3) that has a population greater than 2.3 million.

(g) To the extent of a conflict between Subsection (f) and Section 35.012, Subsection (f) prevails.

(h) The commission may charge an annual fee not to exceed \$500 to a county described by Subsection (f) for the purpose of studying compliance with that subsection in that county and the overall groundwater consumption in that county.

Amendment No. 139 was adopted. (White recorded voting no.)

Amendment No. 140

Representative Perry offered the following amendment to **CSSB 1**:
Floor Packet Page No. 418

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES of the bill accordingly:

ARTICLE ____ . MAJOR EVENTS TRUST FUND

SECTION ____ .01. Sections 5A(a)(4) and (5), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), as amended by **SB 309**, Acts of the 82nd Legislature, Regular Session, 2011, are amended to read as follows:

(4) "Event" means a Super Bowl, a National Collegiate Athletic Association Final Four tournament game, the National Basketball Association All-Star Game, the National Hockey League All-Star Game, the Major League Baseball All-Star Game, a National Collegiate Athletic Association Bowl Championship Series game, a World Cup Soccer game, the World Games, a national collegiate championship of an amateur sport sanctioned by the national governing body of the sport that is recognized by the United States Olympic Committee, an Olympic activity, including a Junior or Senior activity, training program, or feeder program sanctioned by the United States Olympic Committee's Community Olympic Development Program, the Breeders' Cup World Championships, [~~a Formula One automobile race,~~] the Academy of Country Music Awards, the National Cutting Horse Association Triple Crown, or a national political convention of the Republican National Committee or the Democratic National Committee. The term includes any activities related to or associated with an event.

(5) "Site selection organization" means:

(A) the National Football League, the National Collegiate Athletic Association, the National Basketball Association, the National Hockey League, Major League Baseball, the Federation Internationale de Football Association (FIFA), the International World Games Association, or the United States Olympic Committee;

(B) the national governing body of a sport that is recognized by the United States Olympic Committee or[;] the National Thoroughbred Racing Association[~~, Formula One Management Limited, or the Federation Internationale de l'Automobile~~];

(C) the Academy of Country Music;

(D) the National Cutting Horse Association; or

(E) the Republican National Committee or the Democratic National Committee.

SECTION __.02. Notwithstanding any other provision of law, including **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for the period beginning on the effective date of this article and ending on August 31, 2013, the comptroller may not disburse money from Major Events Trust Fund 0869 to pay a state, municipal, or county obligation under a game support contract or event support contract related to a Formula One automobile race.

SECTION __.03. (a) Notwithstanding Section 5A, Chapter 1507 (**SB 456**), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), the unexpended and unobligated balances of the money appropriated by Section 17.58, page IX-81, Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), and reappropriated as unexpended and unobligated balances in the appropriations to the comptroller of public accounts, in Item 15, page I-26, **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), are appropriated to the Texas Education Agency for the Foundation School Program.

(b) Money appropriated under this section shall be used to increase the basic allotment under Section 42.101, Education Code, and the dollar amount guaranteed level "GL" under Section 42.302, Education Code, by corresponding amounts, as determined by the commissioner of education.

SECTION __.04. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect on the 91st day after the last day of the legislative session.

AMENDMENT NO. 140 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE PERRY: In the name of consistency, working on the premise of asking what role the state has in private enterprise and investment in the name of economic development, I filed the amendment to remove \$25 million for Formula One. I'm told that there's probably going to be a point of order on this, and I'm comfortable with doing that. In the expedience of people's time tonight, I'm willing to withdraw it based on the point of order. However, I would say this—it is important for this body to know that as a state, we are committing to a minimum of \$25 million on the front end, and every year after that we will commit again to a different amount as certified by the comptroller. That is money which we spend out of our pockets with no regard to whether we recoup it or not. So I just want to make that part of the public record, that we need to be aware of that. I will pull it on a point of order tonight. We are investing money, which is different than the other events that we have, that we may not get back as a taxpayer group. It's different in that we're pre-funding this amount up front. I just want to be on record for that.

Amendment No. 140 was withdrawn.

REMARKS ORDERED PRINTED

Representative Perry moved to print his remarks on Amendment No. 140.

The motion prevailed.

Amendment No. 141

Representative P. King offered the following amendment to **CSSB 1**:

Floor Packet Page No. 421

Amend **CSSB 1** by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ . STATE COSTS FOR ATTORNEYS AD LITEM AND
GUARDIANS AD LITEM APPOINTED TO REPRESENT MINORS IN
JUDICIAL BYPASS ABORTION PROCEEDINGS

SECTION ____ .01. (a) Not later than December 1, 2011, the supreme court by rule shall establish procedures for the supreme court and each county court at law, court having probate jurisdiction, district court, and court of appeals in this state to conduct a financial audit to determine for the state fiscal year beginning September 1, 2011, the amount of state funds used to pay the costs of attorneys ad litem and guardians ad litem appointed to represent minors under Section 33.003 or 33.004, Family Code.

(b) In the procedures adopted under Subsection (a) of this section, the supreme court must require each court to submit to the supreme court a report on the results of the financial audit conducted by each court not later than November 1, 2012.

(c) Not later than January 1, 2013, the supreme court shall submit to the lieutenant governor and the speaker of the house of representatives a report that summarizes the results of financial audits conducted pursuant to Subsections (a) and (b) of this section.

Amendment No. 141 was adopted by (Record 50): 128 Yeas, 11 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Button; Cain; Callegari; Carter; Castro; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eiland; Eissler; Elkins; Farias; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner;

Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Veasey; Vo; Weber; White; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Christian; Davis, Y.; Dukes; Dutton; Howard, D.; Johnson; Miles; Naishtat; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Burkett; Coleman; Farrar; Giddings; Torres.

STATEMENT OF VOTE

I was shown voting no on Record No. 50. I intended to vote yes.

Christian

Amendment No. 142

Representative Morrison offered the following amendment to **CSSB 1**:

Floor Packet Page No. 422

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . SPECIALTY LICENSE PLATE FEES

SECTION ____ .01. If Section 13.07, Article IX, **HB 1**, 82nd Legislature, Regular Session, 2011, becomes law, Section 13.07(a) of that Article is amended to read as follows:

(a) Except as provided by Subsection (c) of this Section, for the fiscal biennium beginning September 1, 2011, the amounts appropriated to an agency under Articles I-VIII of this Act include, regardless of whether or not the amounts may be shown under or limited by the bill pattern or riders of the agency or the special provisions applicable to the Article of this Act under which the agency's appropriation might be located, ~~[fifty percent of]~~ all revenue collected by an agency on or after September 1, 2011, that are associated with the sale of a Texas specialty license plate, as authorized by Subchapter G, Chapter 504, Transportation Code, or other applicable statute, during the 2012-13 biennium, including any new license plates that may be authorized or issued after September 1, 2011.

Amendment No. 142 was withdrawn.

Amendment No. 143

Representative McClendon offered the following amendment to **CSSB 1**:

Floor Packet Page No. 423

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered SECTION to ARTICLE 56 of the bill and renumbering subsequent SECTIONS of the ARTICLE accordingly:

SECTION 56.____. (a) This section applies only to a juvenile justice alternative education program that, for the 2005-2006 school year, received funding as a result of an agreement between school districts under Subchapter E, Chapter 41, Education Code.

(b) A juvenile justice alternative education program is entitled to state aid under this section in an amount equal to:

(1) for the 2011-2012 school year, the difference between:

(A) the funding the program received as a result of all agreements between school districts under Subchapter E, Chapter 41, Education Code, for the 2005-2006 school year; and

(B) the funding the program receives as a result of all agreements between school districts under Subchapter E, Chapter 41, Education Code, for the 2011-2012 school year; and

(2) for the 2012-2013 school year, the difference between:

(A) the funding the program received as a result of all agreements between school districts under Subchapter E, Chapter 41, Education Code, for the 2005-2006 school year; and

(B) the funding the program receives as a result of all agreements between school districts under Subchapter E, Chapter 41, Education Code, for the 2012-2013 school year.

(c) The commissioner of education shall:

(1) determine the amount of state aid to which a juvenile justice alternative education program is entitled under this section; and

(2) distribute the aid in 10 equal monthly installments:

(A) for the 2011-2012 school year, beginning with September 2011 and ending with June 2012; and

(B) for the 2012-2013 school year, beginning with September 2012 and ending with June 2013.

(d) To fund a distribution authorized under Subsection (c)(2), the commissioner of education may reallocate money in the Texas Education Agency's budget, to the extent otherwise authorized by law, or use other available funds.

(e) The commissioner of education shall adopt rules to implement this section.

(f) A determination of the commissioner of education under this section is final and may not be appealed.

Amendment No. 144

Representative McClendon offered the following amendment to Amendment No. 143:

Amend Amendment No. 143 by McClendon to **CSSB 1** (barcode no. 825122):

(1) On page 2 of the amendment, strike lines 12-13.

(2) On page 2 of the amendment, line 14, strike "(f)" and substitute "(e)".

Amendment No. 144 was adopted.

Amendment No. 145

Representative Berman offered the following amendment to Amendment No. 143:

Amend Amendment No. 143 by McClendon to **CSSB 1** (page 423 of the pre-filed amendment packet) as follows:

(1) On page 1, line 1, before "Amend **CSSB 1**" insert "(1)".

(2) Add the following at the end of the amendment:

(2) Amend **CSSB 1** by adding the following appropriately numbered ARTICLE and renumbering the remaining ARTICLES and SECTIONS accordingly:

ARTICLE ____ . JUVENILE JUSTICE ALTERNATIVE
EDUCATION PROGRAMS

SECTION ____ .01. Section 37.011, Education Code, is amended by adding Subsection (a-3) to read as follows:

(a-3) For purposes of this section and Section 37.010(a), a county with a population greater than 125,000 is considered to be a county with a population of 125,000 or less if the county:

(1) has a population of more than 200,000 and less than 220,000;

(2) has five or more school districts located wholly within the county's boundaries; and

(3) has located in the county a juvenile justice alternative education program that, on May 1, 2011, served fewer than 15 students.

Amendment No. 145 was adopted.

Amendment No. 143, as amended, was adopted by (Record 51): 75 Yeas, 66 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Berman; Bonnen; Branch; Brown; Castro; Chisum; Christian; Coleman; Creighton; Crownover; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Farrar; Gallego; Garza; Geren; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, C.; Howard, D.; Huberty; Johnson; Keffer; Kleinschmidt; Kolkhorst; Larson; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Naishtat; Oliveira; Otto; Patrick; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Sheffield; Shelton; Simpson; Smith, W.; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

Nays — Aliseda; Anderson, R.; Aycock; Beck; Burkett; Button; Cain; Callegari; Carter; Cook; Craddick; Darby; Davis, J.; Driver; Elkins; Fletcher; Flynn; Frullo; Gonzales, L.; Gooden; Guillen; Hamilton; Hardcastle; Harless; Hartnett; Hilderbran; Hopson; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; King, T.; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Marquez; Miller, S.; Morrison; Murphy; Nash; Orr; Parker; Paxton; Peña; Perry; Phillips; Price; Ritter; Schwertner; Scott; Sheets; Smith, T.; Smithee; Solomons; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Farias; Harper-Brown; Taylor, L.

STATEMENT OF VOTE

I was shown voting no on Record No. 51. I intended to vote yes.

Marquez

Amendment No. 146

Representative Madden offered the following amendment to **CSSB 1**:
Floor Packet Page No. 425

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered article to the bill:

ARTICLE ____ . TEXAS JUVENILE PROBATION COMMISSION

SECTION ____ .01. (a) The Texas Education Agency and the Department of Family and Protective Services each may enter into an interagency agreement with the Texas Juvenile Probation Commission to perform prevention and intervention services described by **SB 653**, Acts of the 82nd Legislature, Regular Session, 2011, as effective September 1, 2011, during the state fiscal biennium beginning September 1, 2011.

(b) Each fiscal year of the state fiscal biennium beginning September 1, 2011, the Texas Education Agency may transfer to the Texas Juvenile Probation Commission or its successor agency not more than \$10 million from money appropriated to the Texas Education Agency that is available for that purpose. The unexpended balance of the money transferred during the state fiscal year ending August 31, 2012, may be spent for the same purpose during the state fiscal year beginning September 1, 2012.

(c) Each fiscal year of the state fiscal biennium beginning September 1, 2011, the Department of Family and Protective Services may transfer to the Texas Juvenile Probation Commission or its successor agency not more than \$28 million from money appropriated to the Department of Family and Protective Services that is available for that purpose. The unexpended balance of the money transferred during the state fiscal year ending August 31, 2012, may be spent for the same purpose during the state fiscal year beginning September 1, 2012.

(d) Of money transferred under Subsection (b) or (c), the Texas Juvenile Probation Commission or its successor agency may use not more than \$250,000 for an external evaluation of the current methods of delivering at-risk youth services in Texas. The evaluation must include recommendations for a model system of at-risk youth service delivery with clear accountability measures. The recommendations may include recommendations to state agencies regarding program functions of those agencies that the Texas Juvenile Probation Commission or its successor agency may perform. Notwithstanding any other law, a state agency identified by a recommendation made under this subsection may enter into an interagency agreement with the Texas Juvenile Probation Commission or its successor agency for the Texas Juvenile Probation Commission or its successor agency to perform the identified program functions.

Amendment No. 146 was adopted.

Amendment No. 147

Representative Oliveira offered the following amendment to **CSSB 1**:

Floor Packet Page No. 428

Amend **CSSB 1**, by adding the following appropriately numbered ARTICLE and renumbering existing ARTICLES of the bill accordingly:

ARTICLE _____. SALE OF CERTAIN REAL PROPERTY HELD
BY CERTAIN STATE AGENCIES

SECTION _____.01. AUTHORIZATION FOR SALE. (a) Except as provided by Section 2 of this Act, the General Land Office shall, not later than August 31, 2013, offer for sale on behalf of each holder of real property the tracts of real property described by Section 3 of this Act.

(b) Except as otherwise provided by this Act, the sale shall be conducted as provided by Section 31.158, Natural Resources Code.

SECTION _____.02. SPECIFIC TERMS. (a) The General Land Office may not offer for sale the property described by Section 3(b) of this Act held by the Texas Department of Transportation until after the date the agency completes the relocation of the agency operations to another location.

(b) The General Land Office is required to implement this Act with respect to the property held by the Texas Department of Criminal Justice described in Section 3(a)(2) of this Act only if the legislature prohibits the use of appropriated money to operate the Central Unit, Sugar Land, Fort Bend County. If the legislature does not prohibit the use of appropriated money specifically for the operation of the Central Unit, Sugar Land, Fort Bend County, the General Land Office may not implement this Act with respect to the property described in Section 3(a)(2) of this Act.

(c) Before the sale of a parcel of real property described by SECTION 3 of this Act may be made, a survey of the parcel must be conducted by or under the direction of the General Land Office.

SECTION _____.03. PROPERTY DESCRIPTIONS. (a) Property held by the Texas Department of Criminal Justice is described as follows:

(1) Estelle Unit (part), Parcel B, 895.99 acres out of a 5,458.73 acre tract, GLO ID #702, located at FM 980 and FM 3478, Huntsville, Walker County, Texas, more particularly described as follows:

Being all that certain tract or parcel of land situated in the Stephen Manning Survey, Abstract Number 31 and being a part of a 2507.09 acre tract of land called Second Tract conveyed by the W. L. Smither Estate to the State of Texas Department of Corrections and described in deed of record in Volume 392, Pages 124 - 130 of the Walker County Deed Records (W.C.D.R.) and more particularly described as follows:

BEGINNING at a found 1 1/4" galvanized iron pipe in the Right of Way of F.M. 980 having Texas State Plane Coordinate Value of X = 3,522,562.7595 ft. (3,522,562.78'), Y = 468,762.5719 ft. (468,762.63') for the lower southwest corner of a 4928.35 acre tract described in a deed from the Trinity River Authority to the State of Texas Department of Corrections of record in Volume 223, Page 745 W.C.D.R. and the southeast corner of said 2507.09 acre tract and of this tract, from which U.S. Coast and Geodetic Triangulation Station

"PRAIRIE 1943" bears S 58° 13' 35" W 11,117.22 ft. THE SOURCE OF BEARINGS FOR THIS SURVEY IS THE GRID BEARING BETWEEN THE SAID STATION AND ITS AZIMUTH MARK;

THENCE, S 59° 56' 38" W (N 59° 57' 20" E 275.57') with a southerly line of said 2507.09 acre tract and within the said Right of Way of F.M. 980 a distance of 275.58 ft. to another found 1 1/4" galvanized iron pipe for an angle corner of said tract and this tract;

THENCE, S 64° 54' 28" W (N 64° 54' 20" E 6629.24') continuing with another southerly line of said 2507.09 acre tract and generally with fence a distance of 5431.97 ft. to a found concrete monument for an angle corner of this tract and the northerly Right of Way of F.M. 980;

THENCE, S 75° 40' 07" W (N 75° 59' 50" E 101.98') leaving the southerly line of said 2507.09 acre tract, with a northerly Right of Way line of said F.M. 980 and generally with fence a distance of 102.04 ft. to another found concrete monument for an angle corner of said right of way and of this tract;

THENCE, S 64° 52' 22" W (N 64° 41' 15" E 600.00') with another northerly Right of Way line of F.M. 980 and generally with fence a distance of 599.80 ft. to another found concrete monument at the intersection of said right of way line and the easterly Right of Way line of F.M. 3478 for a corner of this tract, from which a found 5/8" iron rod on the northerly Right of Way line of F.M. 980 and on the west line of said 2507.09 acre tract bears S 63° 46' 57" W 499.19;

THENCE, N 35° 21' 01" W (S 35° 22' 19" E 113.76') with an easterly Right of Way line of said F.M. 3478 and generally with fence a distance of 113.49 ft. to another found concrete monument for a corner of this tract;

THENCE, N 7° 24' 35" W (S 7° 28' 45" E 5335.18') with another easterly Right of Way line of said F.M. 3478 and generally with fence a distance of 5331.22 ft. to a found concrete monument at the Point of Curve to the left, for a corner of this tract;

THENCE, with said curve to the left, and generally with fence, having the following data: Delta - 5° 14' 08" Lt. (5° 14' Lt.), Radius - 2924.79 ft. (2924.79'), Length - 267.26 ft. (267.14'), Long Chord - N 10° 06' 46" W 267.17 ft. (S 10° 05' 45" E 267.05') and a Radial Bearing In - S 82° 30' 11" W, to another found concrete monument at the Point of Tangent for a corner of this tract;

THENCE, N 12° 39' 43" W (S 12° 42' 45" E 2703.16') continuing with the easterly Right of Way of said F.M. 3478 and generally with fence a distance of 2699.86 ft. to another found concrete monument for the north corner of this tract and an angle corner of said right of way line, from which another found concrete monument bears N 29° 12' 28" E 127.67 ft. (S 29° 32' 39" W 129.31');

THENCE, N 84° 36' 29" E, leaving said right of way line, a distance of 4368.03 ft. to a set 5/8" iron rod with cap "TEXAS GLO" on an easterly line of said 2507.09 acre tract and a westerly line of said 4928.35 acre tract, 4.12 ft. northeast of fence, for the northeast corner of this tract, from which a set 5/8" iron rod with cap "TEXAS GLO" for an angle corner of said tracts bears N 24° 30' 10" W 681.98 ft.;

THENCE, S 24° 30' 10" E (N 24° 30' 10" W 1028.50') with said line a distance of 346.66 ft. to a found old car axle 0.90' northeast of fence for an angle corner of said tracts and of this tract;

THENCE, S 25° 21' 25" E (N 25° 21' 25" W 2803.75') with another line of said tracts a distance of 2804.12 ft. to another found old car axle 0.90' southwest of fence for an angle corner of said tracts and this tract;

THENCE, S 25° 57' 35" E (N 25° 57' 35" W 975.68') with another line of said tracts a distance of 975.81 ft. to a set 5/8" iron rod with cap "TEXAS GLO" 7.10' northeast of fence for an angle corner of said tracts and of this tract;

THENCE, S 25° 34' 15" E (N 25° 34' 15" W 2481.39') with another line of said tracts, at 2475.7 ft. pass fence, in all a distance of 2481.72 ft. to the Place of Beginning and containing 895.99 acres of land.

This description was prepared from an actual survey performed on the ground on June 3, 2003 and is accompanied by a survey plat with the same date and is made a part hereof. The Coordinates and Bearings shown are Grid based on the Texas State Plane Coordinate System - NAD 1927, South Zone. Distances shown are Horizontal Surface Measurements in feet. Record information is shown in parenthesis. Record information was obtained from the Walker County Clerk's Office, the State of Texas Department of Criminal Justice, and the State of Texas General Land Office.

; and

(2) Central Unit, Sugar Land, Fort Bend County, Texas, generally described as:

M.M. Battle League, Abstract No. 9, Alexander Hodge League, Abstract No. 32, Fort Bend County 325.74 acres Parcel A (229.58 acres) is located on the north side of US Highway 90A west of the Sugar Land Municipal Airport. Parcel B (96.16 acres) is located at the northwest corner of State Highway 6 and US Highway 90A in Sugar Land.

(b) Property held by the Texas Department of Transportation is described as follows:

Bull Creek Camp Hubbard Annex State Headquarters, 28.912 acres, GLO ID #747, located at 4305 Bull Creek Road, Austin, Travis County, Texas, more particularly described as follows:

BEING A 28.912 ACRE TRACT OF LAND SITUATED IN THE GEORGE W. SPEAR SURVEY, LEAGUE NO. 7, ABSTRACT NO. 697 IN TRAVIS COUNTY, TEXAS, BEING PART OF THAT CERTAIN 75.79 ACRE TRACT OF LAND, AS DESCRIBED IN A DEED TO THE STATE OF TEXAS, STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION OF RECORD IN VOLUME 1086, PAGE 452, REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS, DATED OCTOBER 28, 1988, SAID 28.912 ACRE TRACT BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a brass disk in concrete found for the most southerly corner of said 75.79 acre tract, being also the northwest corner of Lot 1, Ridgelea a subdivision of record in Book 4, Page 258 of the Plat Records of Travis County,

Texas and being in the east line of Bull Creek Road, a 60 foot wide right-of-way, said monument having a Texas State Plane Coordinate, Central Zone coordinate of N=10,087,759.67 and E=3,111,175.08;

(1) THENCE N 23°52'30" W, with the west line of said 75.79 acre tract and the east line of said Bull Creek Road, for a distance of 2033.82 feet to a brass disk in concrete found at the beginning of a curve to the right;

(2) THENCE in a northerly direction with the west line of said 75.79 acre tract and the east line of said Bull Creek Road, along said curve to the right, same having a central angle 50°33'42", and a radius of 199.11 feet, an arc distance of 175.71 feet to a brass disk in concrete found at the end of said curve

(3) THENCE N 26°42'45" E, with the west line of said 75.79 acre tract and the east line of said Bull Creek Road, for a distance of 261.64 feet to a 1/2 inch iron rod with cap found for an angle point;

(4) THENCE S 62°31'59" E, departing the east line of said Bull Creek Road and over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 89.17 feet to a 1/2 inch iron rod with cap found for an angle point;

(5) THENCE S 81°57'55" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 278.39 feet to a 1/2 inch iron rod with cap found for an angle point;

(6) THENCE N 25°54'29" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 209.60 feet to a 1/2 inch iron rod with aluminum cap stamped "TxDOT" set for an angle point;

(7) THENCE S 63°17'24" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 128.50 feet to a brass disk in concrete found for an angle point;

(8) THENCE S 14°01'54" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 894.06 feet to a brass disk in concrete found for an angle point;

(9) THENCE S 06°28'23" W, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 308.12 feet to a brass disk in concrete found for an angle point;

(10) THENCE S 23°53'13" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, at a distance of 649.77 feet pass a brass disk in concrete found, for a total distance of 654.91 feet to a 1/2 inch iron rod with aluminum cap stamped "TxDOT" found for the southeast corner of the herein described tract, being also in the southeast line of said 75.79 acre tract and being in the northwest line of Lot 11 of said Ridgelea subdivision;

(11) THENCE S 31°33'51" W, with the southeast line of said 75.79 acre tract and the northwest line of said Ridgelea subdivision, for a distance of 257.58 feet to a 1/2 inch iron pipe found for an angle point;

(12) THENCE S 28°06'08" W, with the southeast line of said 75.79 acre tract and the northwest line of said Ridgelea subdivision, for a distance of 365.51 feet to the POINT OF BEGINNING and containing 28.912 acres of land.

NOTE: Bearings are based on NAD 83, Datum, Texas State Plane Coordinate System, North Central Zone, with all distances and coordinates adjusted to the surface by a combined scale factor of 1.0001.

(c) Property held by the Texas Facilities Commission is described as follows:

(1) Bull Creek New State Cemetery, 46.19 acres, GLO ID #2402, located at 4203 Bull Creek Road, Austin, Travis County, Texas, more particularly described as follows:

BEING 44.07 ACRES OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED BY DEED TO THE STATE OF TEXAS AS RECORDED IN VOLUME 776, PAGE 225, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 44.07 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a set brass cap in concrete for the northwest corner of said State of Texas tract, same being the west corner of Lot 34 of Shoal Village, Section Two, a subdivision in the City of Austin, Texas, as recorded in Book 5, Page 150, of the Plat Records of Travis County, Texas, and being on the east right-of-way line of Bull Creek Road (an existing 60' R/W) and being the northwest corner of this tract;

(1) THENCE S 62° 05' 02" E, along the north line of said State of Texas tract of land, same being the south line of said subdivision, a distance of 919.08 feet to a set brass cap in concrete for an angle point in the north line of said State of Texas, tract of land same being an angle point in the south line of Lot 45 of Shoal Village, Section Three, a subdivision of record in the City of Austin, Texas, as recorded in Book 6, Page 71, of the Plat Records of Travis County, Texas;

(2) THENCE along the north line of said State of Texas, tract of land, same being the south line of the following subdivisions in the City of Austin, Texas, said Shoal Village, Section Three, Shoal Village, Sec. 5, as recorded in Plat Book 6, Page 72, of the Plat Records of Travis County, Texas, Shoal Village, Sec. 6, as recorded in Plat Book 7, Page 7, of the Plat Records of Travis County, Texas, Shoal Village, Section Seven, as recorded in Plat Book 14, Page 80, of the Plat Records of Travis County, Texas, Oak Haven, Section Three, as recorded in Book 11, Page 40, of the Plat Records of Travis County, Texas, the following two (2) courses and distances:

1. S 63° 02' 45" E, a distance of 306.61 feet, a 1/2" iron rod found, and

2. S 63° 11' 57" E, a distance of 327.57 feet to the point of intersection with the centerline of Shoal Creek for the northeast corner of this tract;

(3) THENCE along the centerline of Shoal Creek with it's meanders, same being the east line of this tract, the following seven (7) courses and distances:

1. S 03° 49' 32" E, a distance of 146.37 feet, a 1/2" I. R. set,

2. S 11° 51' 40" W, a distance of 68.56 feet, a 1/2" I. R. set,
3. S 17° 44' 58" E, a distance of 255.55 feet, a 1/2" I. R. set,
4. S 11° 22' 50" W, a distance of 433.59 feet, a 1/2" I. R. set,
5. S 01° 30' 40" E, a distance of 208.10 feet, a 1/2" I. R. set,
6. S 03° 34' 39" E, a distance of 163.82 feet, a 1/2" I. R. set, and
7. S 12° 53' 44" E, a distance of 44.69 feet, to a P. K. nail set in

concrete for the southeast corner of this tract;

(4) THENCE N 62° 12' 25" W, departing from said Shoal Creek, passing the northeast corner of Lot 24 of Ridgelea, a subdivision in the City of Austin, Texas, as recorded in Book 4, Page 258, of the Plat Records of Travis County, Texas, at 59.90 feet, a total distance of 414.19 feet to a found 1/2" iron rod under concrete for the most northerly corner of Lot 21 of said Ridgelea subdivision, said point also being a re-entrant corner of this tract;

(5) THENCE S 31° 29' 35" W, along the most southerly east line of said State of Texas tract of land, same being the west line of said Ridgelea subdivision, a distance of 715.50 feet to a 1/2" iron rod set for a southwest corner of this tract, from this point the northwest corner of Lot 11, same being the southwest corner of Lot 12, of said Ridgelea subdivision bears N 31° 29' 35" E, a distance of 10.64 feet;

(6) THENCE through said State of Texas tract of land the following four (4) courses and distances:

1. N 23° 52' 33" W, passing a brass cap in concrete set at 5.00 feet, a total distance of 654.65 feet to a brass cap in concrete set for a corner,
2. N 06° 26' 42" E, a distance of 308.11 feet, a brass cap in concrete set for a corner,
3. N 14° 01' 31" W, a distance of 894.05 feet, a brass cap in concrete set for a corner, and
4. N 63° 17' 00" W, a distance of 478.50 feet to a brass cap set in concrete at the point of intersection with the east right-of-way line of Bull Creek Road, same being the west line of said State of Texas tract of land, and being the most northerly southwest corner of this tract;

(7) THENCE N 26° 43' 00" E, along said right-of-way line, a distance of 496.30 feet to the Point of Beginning, and containing 44.07 acres of land, more or less; and

BEING A 2.120 ACRE (92,350 SQUARE FEET) TRACT OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE IN TRAVIS COUNTY, TEXAS. SAID 2.120 ACRE TRACT OF LAND ALSO BEING OUT OF A 31.12 ACRE TRACT HAVING BEEN CONVEYED TO THE STATE OF TEXAS BY INSTRUMENT OF RECORD IN VOLUME 776, PAGE 225, DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 2.120 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a brass disk in concrete found on the southeasterly right of way line of Bull Creek Road. Said disk also being at the northernmost corner of said 31.12 acre tract and the westernmost corner of a 44.07 acre tract also out of the tract described in volume 776, page 225 for the northernmost corner of the herein described tract;

Thence, S63° 17' 00"E, 350.00 feet with the northeasterly line of said 31.12 acre tract and a southwesterly line of said 44.07 acre tract to a 1/2" iron rod set for the easternmost corner of the herein described tract;

Thence, S26° 42' 58"W, 205.49 feet with the southeast line of this 2.120 acre tract to a 1/2" iron rod set for the herein described tract, nearby a concrete driveway;

Thence, N82° 57' 38"W, 276.95 feet following a concrete driveway to a 1/2" iron rod set for an angle point of the herein described tract;

Thence, N62° 30' 47"W, 89.24 feet continuing along a concrete driveway to a 1/2" iron rod set on the southeasterly right of way line of Bull Creek Road and the westernmost corner of the herein described tract;

THENCE, N26° 43' 00"E, 297.55 feet with the southeasterly line of Bull Creek Road and the northwesterly line of this 2.120 acre tract to the POINT OF BEGINNING and containing 2.120 acre (92,350 square feet) of land.

(2) Parking Lot 19, 0.7887 acres, GLO ID #1905, located at 203 Martin Luther King Boulevard, Austin, Travis County, Texas, more particularly described as follows:

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 34,354 SQUARE FEET OF LAND OR 0.7887 OF ONE ACRE OF LAND, BEING THE NORTHEAST ONE-QUARTER (1/4), THE NORTH ONE-HALF (1/2) OF THE SOUTHEAST ONE-QUARTER (1/4), THE EAST FIVE (5) FEET OF THE NORTHWEST ONE-QUARTER (1/4) AND THE EAST FIVE (5) FEET OF THE NORTH ONE-HALF (1/2) OF THE SOUTHWEST ONE-QUARTER (1/4) OF OUTLOT 42, DIVISION "E" OF THE GOVERNMENT TRACT ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, SAID TRACT OF LAND BEING DESCRIBED IN A DEED FROM TEXAS KAPPA SIGMA EDUCATIONAL FOUNDATION, INC. TO THE STATE OF TEXAS IN VOLUME 4794, PAGE 2010, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AS SURVEYED FOR THE GENERAL LAND OFFICE OF THE STATE OF TEXAS BY METCALFE & SANDERS, INC., LAND SURVEYORS, 4800 SOUTH CONGRESS AVENUE, AUSTIN, TEXAS, SAID 34,354 SQUARE FEET OF LAND OR 0.7887 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Commencing for reference at City of Austin 1/4" brass pin in concrete found at the intersection of the monumented base line of West 18th Street with the monumented base line of Colorado Street, and from which 1/4" brass pin in concrete found a City of Austin 1/4" brass pin in concrete found at the intersection of the monumented base line of West 18th Street with the monumented base line of Congress Avenue bears, S 70°44'00" E 440.19 feet;

Thence with the monumented base line of West 18th Street, N 70°43'55" W 40.00 feet to a calculated point;

Thence with a line forty (40) feet west of and parallel with the reconstructed base line of Colorado Street and with the east line of Outlot 42, Division "E" of the Government Tract Adjoining the Original City of Austin, Travis County,

Texas, according to the plat on file in the General Land Office of the State of Texas, being also with the west line of Colorado Street and with the most southerly east line of that 1.242 acre tract of land, described as being a portion of the west one-half (1/2) and the south one-half (1/2) of the southeast one-quarter (1/4) of said Outlot 42, Division "E", in a Correction Deed from James H. Coker to Cambridge Tower Corporation in Volume 6769, Page 11, Deed Records of Travis County, Texas, N 18°58'55" E at 29.99 feet passing a 3/4" iron pipe found 0.02 of one foot west of line, at 30.00 feet passing a calculated point at the southeast corner of said Outlot 42, Division "E" and the intersection of the west line of Colorado Street with the north line of West 18th Street, said calculated point being also the southeast corner of the said Cambridge Tower Corporation 1.242 acre tract, in all 110.03 feet to a 1/2" iron pipe found at the most southerly northeast corner of the said Cambridge Tower Corporation 1.242 acre tract and the southeast corner of that tract of land, described as being the northeast one-quarter (1/4), the north one-half (1/2) of the southeast one-quarter (1/4), the east five (5) feet of the northwest one-quarter (1/4) and the east five (5) feet of the north one-half (1/2) of the southwest one-quarter (1/4) of said Outlot 42, Division "E" in a deed from Kappa Sigma Educational Foundation, Inc. to The State of Texas in Volume 4794, Page 2010, Deed Records of Travis County, Texas, for the POINT OF BEGINNING and southeast corner of the herein described tract;

(1) THENCE with the north line of the south one-half (1/2) of the southeast one-quarter (1/4) of said Outlot 42, Division "E", the south line of the north one-half (1/2) of the southeast one-quarter (1/4) of said Outlot 42, Division "E" and the south line of the east five (5) feet of the north one-half (1/2) of the southwest one-quarter (1/4) of said Outlot 42, Division "E, and being also with the south line of the said The State of Texas tract and the most southerly north line of the said Cambridge Tower Corporation 1.242 acre tract, N 70°43'50" W at 138.10 feet passing a 1/2" steel pin previously set and found this date at the intersection of the west line of the east one-half (1/2) of said Outlot 42, Division "E" and the east line of the west one-half (1/2) of said Outlot 42, Division "E" with the north line of the south one-half (1/2) of the south one-half (1/2) of said Outlot 42, Division "E" and the south line of the north one-half (1/2) of the south one-half (1/2) of said Outlot 42, Division "E", in all 143.10 feet to a calculated point for the southwest corner of the said The State of Texas tract and an interior corner of the said Cambridge Tower Corporation 1.242 acre tract, for the southwest corner of the herein described tract;

(2) THENCE with the west line of the said The State of Texas tract and the most northerly east line of the said Cambridge Tower Corporation 1.242 acre tract, being also with the west line of the east five (5) feet of the north one-half (1/2) of the southwest one-quarter (1/4) of said Outlot 42, Division "E" and with the west line of the east five (5) feet of the northwest one-quarter (1/4) of said Outlot 42, Division "E", N 18°59'15" E 240.10 feet to a 1/2" steel pin found in the north line of said Outlot 42, Division "E" and the south line of West Martin Luther King, Jr. Boulevard (West 19th Street) at the northwest corner of the said The State of Texas tract and the most northerly northeast corner of the said Cambridge Tower Corporation 1.242 acre tract, said 1/2" steel pin found being

also the northwest corner of the east five (5) feet of the northwest one-quarter (1/4) of said Outlot 42, Division "E", for the northwest corner of the herein described tract;

(3) THENCE with the south line of West Martin Luther King, Jr. Boulevard and the north line of said Outlot 42, Division "E", being also with the north line of the said The State of Texas tract, S 70°43'35" E a 5.00 feet passing a 1/2" steel pin previously set and found this date for the northeast corner of the northwest one-quarter (1/4) of said Outlot 42, Division "E" and the northwest corner of the northeast one-quarter (1/4) of said Outlot 42, Division "E", in all 143.07 feet to a PK nail previously set and found this date in the north face of a brick step at the intersection of the south line of West Martin Luther King, Jr. Boulevard with the west line of Colorado Street for the northeast corner of said Outlot 42, Division "E" and the northeast corner of the said The State of Texas tract, for the northeast corner of the herein described tract;

(4) THENCE with the west line of Colorado Street and the east line of said Outlot 42, Division "E", being also with the east line of the said The State of Texas tract, S 18°58'55" W 240.09 feet to the POINT OF BEGINNING of the herein described tract, containing 34,354 square feet of land or 0.7887 of one acre of land.

(3) Service Station, GLO ID #1913, located at 1500 San Jacinto Street, Austin, Travis County, Texas, more particularly described as follows:
LOTS 6 & 7 BLK. 54, DIV E ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TX.

(4) Parking Garage B/G/Lot 22, more particularly described as follows:
76,032 square feet of land, being Outlot 55, Division "E", of the Government Outlots adjoining the Original City of Austin, Texas, according to the map or plat of record in the General Land Office.

BEGINNING at an iron pin set at the most Southerly corner of the tract herein described, said iron pin set bears N 71° 08' W, 40.00' and N 19° 01' E, 50.00' from a monument found at the intersection of the centerlines of East 15th Street and Trinity Street;

THENCE; N 71° 08' W, 275.82' along the Northerly R.O.W. line of East 15th Street, 50' North of and parallel to the monumented centerline of East 15th Street to a concrete nail at the intersection of the Northerly R.O.W. line of East 15th Street and the Easterly R.O.W. line of San Jacinto Street;

THENCE; N 19° 01' E, 275.54' along the Easterly R.O.W. line of San Jacinto Street to an "X" in concrete at the intersection of the Easterly R.O.W. line of San Jacinto Street and the Southerly R.O.W. line of East 16th Street;

THENCE; S 71° 11' E, 275.80' along the Southerly R.O.W. line of East 16th Street to an iron pin set at the intersection of the Southerly R.O.W. line of East 16th Street and the Westerly R.O.W. line of Trinity Street;

THENCE; S 19° 01' W, 275.82' along the Westerly R.O.W. line of Trinity Street to the PLACE OF BEGINNING, containing 76,032 square feet of land as surveyed November, 1973, by Otis B. Autry, Registered Public Surveyor.

; and

(5) Austin Bolm Road Warehouse, more particularly described as follows:

Lot 25-A, Capitol Business Park, 1-A, a Subdivision of Travis County according to the plat recorded Volume 81 page 110 Plat records. The property was purchased by the State of Texas on June 19, 1989 from STRAFCO INC recorded Volume 10963 page 1000, Travis County Deed Records

(d) Property held by the Health and Human Services Commission is described as follows:

(1) Abilene State Supported Living Center (part), Parcel A, 33.039 acres, GLO ID #752, located at 2501 Maple Street, Abilene, Taylor County, Texas, more particularly described as follows:

BEING 33.039 ACRES OF LAND SITUATED IN THE EAST HALF OF SECTION 51, CITY OF ABILENE, TAYLOR COUNTY, TEXAS AND THAT CERTAIN 637.337 ACRE TRACT DESCRIBED IN INSTRUMENT TO THE TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION AS RECORDED IN VOLUME 14, PAGE 127 OF THE COUNTY RECORDS OF TAYLOR COUNTY, TEXAS AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A STANDARD TYPE II TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) MARKER FOUND ON THE APPARENT NORTHERLY RIGHT-OF-WAY LINE OF SOUTH 27TH STREET (A CALLED 100-FOOT WIDE RIGHT-OF-WAY) AND ON THE WESTERLY RIGHT-OF-WAY LINE OF OLDHAM ROAD [~~FARM TO MARKET ROAD No. 1759~~] (A CALLED 100-FOOT WIDE RIGHT-OF-WAY) AND BEING 5,096.4 FEET EAST AND 2,631.0 FEET SOUTH OF A CONCRETE MONUMENT WITH BRASS CAP STAMPED ABILENE STATE HOSPITAL No. 1 FOUND BEING A CALLED 70-FOOT OFFSET FROM THE NORTHWEST CORNER OF THE SOUTH HALF OF SECTION 51;

THENCE SOUTH 89°56'02" WEST ALONG SAID NORTHERLY LINE OF SOUTH 27TH STREET, 326.03 FEET TO A CONCRETE MARKER WITH BRASS DISK FOUND FOR THE BEGINNING OF A CURVE TO THE LEFT; THENCE WESTERLY CONTINUING ALONG SAID NORTHERLY LINE AND THE ARC OF SAID CURVE TO THE LEFT PASSING A 1-1/2-INCH IRON PIPE FOUND AT 379.04 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 390.10 FEET, HAVING A CENTRAL ANGLE OF 16°16'29", A RADIUS OF 1,373.35 AND WHOSE LONG CHORD BEARS SOUTH 81°47'47" WEST, 388.79 FEET TO A 5/8-INCH IRON ROD WITH PLASTIC CAP STAMPED "SURVCON INC" SET;

THENCE NORTH 00°00'00" EAST PARALLEL TO SAID WESTERLY LINE OF OLDHAM ROAD, 2,063.60 FEET TO A 5/8-INCH IRON ROD WITH PLASTIC CAP STAMPED "SURVCON INC" SET;

THENCE NORTH 88°56'07" EAST, 710.96 FEET TO A 5/8-INCH IRON ROD WITH PLASTIC CAP STAMPED "SURVCON INC" SET ON SAID WESTERLY LINE OF OLDHAM ROAD;

THENCE SOUTH 00°00'00" WEST ALONG SAID WESTERLY LINE OF OLDHAM ROAD, PASSING A STANDARD TYPE II TXDOT MARKER AT 867.79 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 2,020.96 FEET TO THE POINT OF BEGINNING AND CONTAINING A COMPUTED AREA OF 33.039 ACRES OF LAND.

(2) Rio Grande State Center (part), Parcel B, 14.18 acres, GLO ID #736, located at 1401 South Rangerville Road, Harlingen, Cameron County, Texas, more particularly described as follows:

Lying and situated in the City of Harlingen, Cameron County, Texas, said land being described by metes and bounds as follows:

Beginning at the Southwest corner of Block 93 of the Harlingen Land and Water Company Subdivision, Cameron County, Texas, as the map of said subdivision is recorded in Vol. 1, Page 12, of the Map Records of Cameron County, Texas;

Thence, North 00 deg. 12 min. West a distance of 10 feet to a point of beginning for the tract herewith described, and being the Southwest corner of the tract herewith described; said point being on the West boundary line of said Block 93, such boundary line being also the East boundary line of the right-of-way of Canal No. 3 of the Cameron County Water Control and Improvement District No. 1, Cameron County, Texas, said point also being on the North right-of-way line of Rio Hondo Road, a public road of Cameron County, Texas;

Thence, North 89 deg. 48 min. East a distance of 859.0 feet to a point, this boundary line being parallel to and 10 feet North of the South boundary line of said Block 93, and also being the North right-of-way line of said Rio Hondo Road;

Thence, North 00 deg. 12 min. West a distance of 719 feet to a point;

Thence, South 89 deg. 48 min. West a distance of 859 feet to a point, said point being on the line being the West boundary line of said Block 93 and the East boundary line of said right-of-way for said Canal No. 3;

Thence, South 00 deg. 12 min. East along said West boundary line of said Block 93 (being also the East boundary line of said right-of-way for Canal No. 3) a distance of 719 feet to the point of beginning of the tract herewith described and herein being conveyed, and containing 14.18 acres of land, more or less.

(3) San Angelo State Supported Living Center (part), Parcel B, 0.3214 acres GLO ID #767, located on US HWY 87 North, Carlsbad, Tom Green County, Texas, generally described as follows:

The 0.3214 acre tract consists of 2 (50' X 140') town lots legally described as Lots 10 and 11, Block 137, unincorporated Town of Carlsbad, Tom Green County, Texas.

(4) Marlin Robert E. Lee Group Home, 0.247 acres, GLO ID #2139, located at 1606 Robert E. Lee Drive, Marlin, Falls County, Texas, more particularly described as follows:

All that certain lot or parcel of land, situated in the Northeast portion of the City of Marlin, Falls County, Texas, out of the T J Chambers and A De La Serda conflicting grants, and being part of that certain Cullen Rogers 9.553 acre tract, more particularly described as Lot 11, Block 2, Plantation Acres Subdivision as shown per final plat of record in Vol. 2, Page 47, Fall County Plat Records;

Beginning at an iron rod for the Northeast corner of Rogers 9.553 acres and Northeast corner of Lot 11, Block 2 mentioned above;
 Thence S 29°46'29" E 95.91 ft. with center line 15 ft. utility easement to an iron rod for the Southeast corner of Lot 11;
 Thence S 61°52'30" W 115.5 ft. to an iron rod for the Southwest corner of said Lot 11, in the East line of Robert E. Lee Drive;
 Thence N 28°07'30" W 92.63 ft. along the East line of Robert E. Lee Drive to an iron rod for the Northwest corner of Lot 11, a point in the North line of Rogers 9.553 acres;
 Thence N 60°13'33" E 112.79 ft. to the place of beginning containing 0.247 acres of land.
 ; and

(5) Wortham Twin Circle Group Home, 0.344 acres, GLO ID #2144, located at 115 Twin Circle Drive, Wortham, Freestone County, Texas, more particularly described as follows:
 Being a 15,000 square foot or 0.344 acre tract of land identified as Lot 8, Block 2, Twin Circle Estates Addition, City of Wortham, Freestone County, Texas.

(e) Property held by the Parks and Wildlife Department is described as follows:

McKinney Falls Park/State Headquarters (part), Parcel B, 13 acres GLO ID #72, located at 4200 Smith School Road, Austin, Travis County, Texas, generally described as follows:

A 13 acre tract, more or less, out of the Santiago Del Valle Grant, Austin, Travis County, Texas, being that part of the McKinney Falls State Park/Headquarters lying west of East Stassney Lane.

SECTION ____ .04. DISPOSITION OF PROCEEDS. The proceeds from the sales authorized by Section 1 of this Act shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION ____ .05. STATE CEMETERY. Section 2165.256(b), Government Code, is amended to read as follows:

(b) [~~In addition to the property described as~~] Lot No. 5, Division B, City of Austin, Travis County, Texas, [~~the following property~~] is dedicated for cemetery purposes as part of the State Cemetery. [~~BEING 44.07 ACRES OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED BY DEED TO THE STATE OF TEXAS AS RECORDED IN VOLUME 776, PAGE 225, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 44.07 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

[~~BEGINNING at a set brass cap in concrete for the northwest corner of said State of Texas tract, same being the west corner of Lot 34 of Shoal Village, Section Two, a subdivision in the City of Austin, Texas, as recorded in Book 5, Page 150, of the Plat Records of Travis County, Texas, and being on the east right of way line of Bull Creek Road (an existing 60' R/W) and being the northwest corner of this tract;~~

~~[(1) THENCE S 62° 05' 02" E, along the north line of said State of Texas tract of land, same being the south line of said subdivision, a distance of 919.08 feet to a set brass cap in concrete for an angle point in the north line of said State of Texas, tract of land same being an angle point in the south line of Lot 45 of Shoal Village, Section Three, a subdivision of record in the City of Austin, Texas, as recorded in Book 6, Page 71, of the Plat Records of Travis County, Texas;~~

~~[(2) THENCE along the north line of said State of Texas, tract of land, same being the south line of the following subdivisions in the City of Austin, Texas, said Shoal Village, Section Three, Shoal Village, Sec. 5, as recorded in Plat Book 6, Page 72, of the Plat Records of Travis County, Texas, Shoal Village, Sec. 6, as recorded in Plat Book 7, Page 7, of the Plat Records of Travis County, Texas, Shoal Village, Section Seven, as recorded in Plat Book 14, Page 80, of the Plat Records of Travis County, Texas, Oak Haven, Section Three, as recorded in Book 11, Page 40, of the Plat Records of Travis County, Texas, the following two (2) courses and distances:~~

~~[1. S 63° 02' 45" E, a distance of 306.61 feet, a 1/2" iron rod found, and~~

~~[2. S 63° 11' 57" E, a distance of 327.57 feet to the point of intersection with the centerline of Shoal Creek for the northeast corner of this tract;~~

~~[(3) THENCE along the centerline of Shoal Creek with it's meanders, same being the east line of this tract, the following seven (7) courses and distances:~~

~~[1. S 03° 49' 32" E, a distance of 146.37 feet, a 1/2" I. R. set,~~

~~[2. S 11° 51' 40" W, a distance of 68.56 feet, a 1/2" I. R. set,~~

~~[3. S 17° 44' 58" E, a distance of 255.55 feet, a 1/2" I. R. set,~~

~~[4. S 11° 22' 50" W, a distance of 433.59 feet, a 1/2" I. R. set,~~

~~[5. S 01° 30' 40" E, a distance of 208.10 feet, a 1/2" I. R. set,~~

~~[6. S 03° 34' 39" E, a distance of 163.82 feet, a 1/2" I. R. set, and~~

~~[7. S 12° 53' 44" E, a distance of 44.69 feet, to a P. K. nail set in concrete for the southeast corner of this tract;~~

~~[(4) THENCE N 62° 12' 25" W, departing from said Shoal Creek, passing the northeast corner of Lot 24 of Ridgela, a subdivision in the City of Austin, Texas, as recorded in Book 4, Page 258, of the Plat Records of Travis County, Texas, at 59.90 feet, a total distance of 414.19 feet to a found 1/2" iron rod under concrete for the most northerly corner of Lot 21 of said Ridgela subdivision, said point also being a re-entrant corner of this tract;~~

~~[(5) THENCE S 31° 29' 35" W, along the most southerly east line of said State of Texas tract of land, same being the west line of said Ridgela subdivision, a distance of 715.50 feet to a 1/2" iron rod set for a southwest corner of this tract, from this point the northwest corner of Lot 11, same being the southwest corner of Lot 12, of said Ridgela subdivision bears N 31° 29' 35" E, a distance of 10.64 feet;~~

~~[(6) THENCE through said State of Texas tract of land the following four (4) courses and distances:~~

[1. N 23° 52' 33" W, passing a brass cap in concrete set at 5.00 feet, a total distance of 654.65 feet to a brass cap in concrete set for a corner,

[2. N 06° 26' 42" E, a distance of 308.11 feet, a brass cap in concrete set for a corner,

[3. N 14° 01' 31" W, a distance of 894.05 feet, a brass cap in concrete set for a corner, and

[4. N 63° 17' 00" W, a distance of 478.50 feet to a brass cap set in concrete at the point of intersection with the east right of way line of Bull Creek Road, same being the west line of said State of Texas tract of land, and being the most northerly southwest corner of this tract;

[(7) THENCE N 26° 43' 00" E, along said right of way line, a distance of 496.30 feet to the Point of Beginning, and containing 44.07 acres of land, more or less; and

~~[BEING A 2.120 ACRE (92,350 SQUARE FEET) TRACT OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE IN TRAVIS COUNTY, TEXAS. SAID 2.120 ACRE TRACT OF LAND ALSO BEING OUT OF A 31.12 ACRE TRACT HAVING BEEN CONVEYED TO THE STATE OF TEXAS BY INSTRUMENT OF RECORD IN VOLUME 776, PAGE 225, DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 2.120 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:~~

~~[BEGINNING, at a brass disk in concrete found on the southeasterly right of way line of Bull Creek Road. Said disk also being at the northernmost corner of said 31.12 acre tract and the westernmost corner of a 44.07 acre tract also out of the tract described in volume 776, page 225 for the northernmost corner of the herein described tract;~~

~~[Thence, S63° 17' 00"E, 350.00 feet with the northeasterly line of said 31.12 acre tract and a southwesterly line of said 44.07 acre tract to a 1/2" iron rod set for the easternmost corner of the herein described tract;~~

~~[Thence, S26° 42' 58"W, 205.49 feet with the southeast line of this 2.120 acre tract to a 1/2" iron rod set for the herein described tract, nearby a concrete driveway;~~

~~[Thence, N82° 57' 38"W, 276.95 feet following a concrete driveway to a 1/2" iron rod set for an angle point of the herein described tract;~~

~~[Thence, N62° 30' 47"W, 89.24 feet continuing along a concrete driveway to a 1/2" iron rod set on the southeasterly right of way line of Bull Creek Road and the westernmost corner of the herein described tract;~~

~~[THENCE, N26° 43' 00"E, 297.55 feet with the southeasterly line of Bull Creek Road and the northwesterly line of this 2.120 acre tract to the POINT OF BEGINNING and containing 2.120 acre (92,350 square feet) of land.]~~

SECTION _____.06. EFFECTIVE DATE. This Act takes effect September 1, 2011.

Amendment No. 147 failed of adoption by (Record 52): 67 Yeas, 72 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Beck; Branch; Castro; Chisum; Davis, S.; Deshotel; Driver; Eiland; Eissler; Farrar; Gallego; Garza; Geren; Gonzales, V.; Gonzalez; Gutierrez; Hardcastle; Hernandez Luna;

Hochberg; Howard, C.; Howard, D.; Isaac; Jackson; Keffer; King, T.; Kleinschmidt; Kuempel; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; Menendez; Muñoz; Murphy; Oliveira; Orr; Otto; Parker; Pitts; Quintanilla; Reynolds; Ritter; Rodriguez; Sheets; Simpson; Smith, W.; Solomons; Strama; Taylor, V.; Veasey; Villarreal; Vo; Workman; Zerwas.

Nays — Aliseda; Anderson, C.; Aycok; Berman; Bonnen; Brown; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Dukes; Dutton; Elkins; Fletcher; Flynn; Frullo; Gonzales, L.; Gooden; Guillen; Hamilton; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Huberty; Hughes; Hunter; Johnson; King, P.; King, S.; Kolkhorst; Landtroop; Laubenberg; McClendon; Miles; Miller, D.; Miller, S.; Morrison; Naishtat; Nash; Patrick; Paxton; Perry; Phillips; Pickett; Price; Raymond; Riddle; Schwertner; Scott; Sheffield; Shelton; Smith, T.; Smithee; Taylor, L.; Thompson; Torres; Truitt; Turner; Weber; White; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Coleman; Farias; Giddings; Lyne; Peña.

STATEMENT OF VOTE

I was shown voting yes on Record No. 52. I intended to vote no.

Orr

Amendment No. 148

Representative Christian offered the following amendment to **CSSB 1**:

Floor Packet Page No. 453

Amend **CSSB 1** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

Sec. _____. Funding of Student Centers for Family and Traditional Values. It is the intent of the Legislature that an institution of higher education shall not use any amount of appropriated funds and/or state property, facility and or building to support a gender and sexuality center or other center for students focused on gay, lesbian, homosexual, bisexual, pansexual, transexual, transgender, gender questioning, or other gender identity issues.

Amendment No. 149

Representative Veasey offered the following amendment to Amendment No. 148:

Amend Floor Amendment No. 148 by Christian (page 453, prefiled amendments packet) by striking the text of the amendment and substituting the following:

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered article to the bill, to read as follows:

ARTICLE ____ . SUPPORT OF STUDENT CENTERS

SECTION ____ .01. FUNDING OF STUDENT CENTERS. An institution of higher education, when making determinations regarding the institution's support, using money, staffing, or property, of a student center or similar facility for students of the institution, may not consider creed, race, color, sex, gender, ethnicity, or national origin of the students served or proposed to be served by the center or facility.

Amendment No. 149 was withdrawn.

Amendment No. 150

Representative Veasey offered the following amendment to Amendment No. 148:

Amend Floor Amendment No. 148 by Christian (page 453, prefiled amendments packet) by striking the text of the amendment and substituting the following:

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered article to the bill, to read as follows:

ARTICLE ____ . SUPPORT OF STUDENT CENTERS

SECTION ____ .01. FUNDING OF STUDENT CENTERS. An institution of higher education, when making determinations regarding the institution's support, using money, staffing, or property, of a student center or similar facility for students of the institution, may not consider creed, race, color, sex, gender, sexual orientation, ethnicity, or national origin of the students served or proposed to be served by the center or facility.

Amendment No. 150 failed of adoption by (Record 53): 44 Yeas, 92 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Castro; Coleman; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lozano; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Darby; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Guillen; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Mallory Caraway; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C); Button; Quintanilla.

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Crownover; Geren; King, S.; King, T.; Sheffield; Taylor, L.

STATEMENTS OF VOTE

I was shown voting no on Record No. 53. I intended to vote present, not voting.

Guillen

I was shown voting no on Record No. 53. I intended to vote yes.

Mallory Caraway

When Record No. 53 was taken, I was in the house but away from my desk. I would have voted no.

L. Taylor

Amendment No. 151

Representative Dukes offered the following amendment to Amendment No. 148:

Amend Floor Amendment No. 148 by Christian (page 453, prefiled amendments packet) as follows:

(1) On page 1, line 4, strike "Sec. ____." and substitute "SECTION ____." (a)".

(2) At the end of the section proposed by the amendment, add:

(b) An institution of higher education may not use any revenue derived by fees or other charges paid by a student who is gay, lesbian, homosexual, bisexual, pansexual, transsexual, transgender, or gender questioning, for the support of a student center or other center for students focused on the issues of other student groups.

Amendment No. 151 failed of adoption by (Record 54): 44 Yeas, 95 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison;

Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C); Quintanilla.

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Crownover; King, S.; Sheffield; Taylor, L.

STATEMENT OF VOTE

When Record No. 54 was taken, I was in the house but away from my desk. I would have voted no.

L. Taylor

Amendment No. 152

Representative Hughes offered the following amendment to Amendment No. 148:

Amend the Christian amendment to **CSSB 1** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

Sec. _____. Funding of Student Centers for Family and Traditional Values. It is the intent of the legislature that an institution of higher education shall not use any amount of appropriated funds and/or state property, facility and or building to support a gender and sexuality center or other center for students focused on gay, lesbian, homosexual, bisexual, pansexual, transsexual, transgender, or gender questioning.

Amendment No. 152 was adopted.

CSSB 1 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSSB 1** under Rule 6, Section 16 of the House Rules on the grounds that the calendar was improperly posted.

The point of order was withdrawn.

Amendment No. 148, as amended, was withdrawn.

Amendment No. 153

Representative Larson offered the following amendment to **CSSB 1**:
Floor Packet Page No. 459

Amend **CSSB 1** (house committee report printing) as follows:

Restore \$5,750,000 of funding to Department of State Health Services

SECTION _____. There is hereby appropriated to the Department of State Health Services for the two-year period beginning on the effective date of this Act the amount of \$5,750,000 to restore ten percent of funding to the Designated Trauma Facility and EMS Account - Account 5111.

Amendment No. 153 - Point of Order

Representative Bonnen raised a point of order against further consideration of Amendment No. 153.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 153.

Amendment No. 154

Representative Guillen offered the following amendment to **CSSB 1**:
Floor Packet Page No. 460

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. FUNDING FOR INTEROPERABLE STATEWIDE
EMERGENCY
RADIO INFRASTRUCTURE

SECTION _____.01. (a) If **HB 442**, Acts of the 82nd Legislature, Regular Session, 2011, becomes law, the Department of Public Safety is appropriated \$10,000,000 for each year of the state fiscal biennium ending August 31, 2013, for the planning, development, provision, enhancement, and ongoing maintenance of an interoperable statewide emergency radio infrastructure authorized by Subchapter N, Chapter 411, Government Code.

(b) If **HB 442**, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, this section has no effect.

Amendment No. 154 - Point of Order

Representative Pitts raised a point of order against further consideration of Amendment No. 154.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 154.

Amendment No. 155

Representatives Isaac, R. Anderson, Carter, P. King, Flynn, Eissler, Hughes, Weber, Harper-Brown, Cain, S. Miller, C. Anderson, Zedler, Garza, Simpson, L. Taylor, Fletcher, and Christian offered the following amendment to **CSSB 1**:

Floor Packet Page No. 8

Amend **CSSB 1** (house committee report) as follows:

(1) In the recital to SECTION 1.01 of the bill (page 1, lines 5 and 6), strike "Subsections (c), (d), and (f), Section 42.259, Education Code, are amended" and substitute "Section 42.259, Education Code, is amended by amending Subsections (c), (d), and (f) and adding Subsection (f-1)".

(2) In SECTION 1.01 of the bill, following amended Section 42.259(f), Education Code (page 2, immediately following line 27), add the following:

(f-1) Notwithstanding Subsection (c)(8) or (d)(3), if the comptroller finds that sufficient money is available for the purposes after making necessary Medicaid payments due on or before the 25th day of August, the payments described by Subsections (c)(8) and (d)(3) shall be made on or before the 25th day of August.

Amendment No. 156

Representative Isaac offered the following amendment to Amendment No. 155:

Amend Floor Amendment No. 155 by Isaac to **CSSB 1** (page 8, prefiled amendment packet), by striking page 1 of the amendment, lines 2-14, and substituting the following:

(1) Strike SECTION 1.01 of the bill, amending Section 42.259, Education Code (page 1, line 5, through page 2, line 27), and substitute the following:

SECTION 1.01. Section 42.259, Education Code, is amended by adding Subsections (d-1), (d-2), and (d-3) to read as follows:

(d-1) Notwithstanding Subsection (c)(8) or (d)(3), all or a portion of the payments described by those subsections may be deferred and made after the 5th day of September and not later than the 10th day of September of the subsequent fiscal year in accordance with this subsection and Subsections (d-2) and (d-3). Beginning with the payments otherwise required to be made under Subsections (c)(8) and (d)(3) in August 2013 and continuing for each odd-numbered year thereafter, the Legislative Budget Board shall determine, based on the comptroller's biennial revenue estimate and any revisions to that estimate, the percentage of the payments that can be made in August with available state revenue remaining after providing for any necessary Medicaid payments due on or before the 25th day of August. The percentage determined by the Legislative Budget Board shall be paid as provided by Subsections (c)(8) and (d)(3), and the remaining portion shall be deferred and paid as provided by this subsection. Beginning with the percentage determined by the Legislative Budget Board for August 2015 payments, the percentage paid as provided by Subsections (c)(8) and (d)(3) may not be less than the corresponding percentage determined for August of the preceding odd-numbered year.

(d-2) Beginning with the payments otherwise required to be made under Subsections (c)(8) and (d)(3) in August 2014, payments in August of each even-numbered year shall be made in the manner in which payments were made in August of the preceding year.

(d-3) When the percentage determined by the Legislative Budget Board in accordance with Subsection (d-1) equals 100 percent, Subsections (d-1) and (d-2) and this subsection cease to apply, and the authority to defer payments described by Subsections (c)(8) and (d)(3) expires.

Amendment No. 156 was adopted.

Amendment No. 155, as amended, was adopted.

Amendment No. 157

Representative Y. Davis offered the following amendment to **CSSB 1**:

Floor Packet Page No. 20

Amend **CSSB 1** (house committee printing) by striking ARTICLE 12 of the bill (page 30, line 19, through page 35, line 21) and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly.

Amendment No. 158

Representative Y. Davis offered the following amendment to Amendment No. 157:

Amend Amendment No. 157 to **CSSB 1** by Y. Davis by striking the text of the amendment and substituting the following:

Amend **CSSB 1** (house committee printing) in ARTICLE 12 of the bill by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the article accordingly:

SECTION 12.____. Section 111.061, Tax Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) Notwithstanding Subsection (a), the penalty described by that subsection does not apply to a failure to pay a tax prepayment in August 2013 as required by:

(1) Section 151.401(c), 162.113(a-1), 162.214(a-1), or 183.023(c) of this code; or

(2) Section 34.04(c), 48.04(c), 201.07(b), 201.43(c), or 203.03(c), Alcoholic Beverage Code.

(d) Subsection (c) and this subsection expire September 1, 2015.

Amendment No. 158 was adopted.

Amendment No. 157, as amended, was withdrawn.

**ADDRESS BY REPRESENTATIVE CHRISTIAN
ON A MATTER OF PERSONAL PRIVILEGE**

The chair recognized Representative Christian who addressed the house on a matter of personal privilege.

CSSB 1 - (consideration continued)

Amendment No. 159

Representative Madden offered the following amendment to **CSSB 1**:

Floor Packet Page No. 119

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. VIRTUAL SCHOOL NETWORK

SECTION _____.01. Subchapter A, Chapter 30A, Education Code, is amended by adding Section 30A.0021 to read as follows:

Sec. 30A.0021. ADULT ELIGIBILITY. (a) A person who resides in this state and is at least 21 years of age on September 1 of the school year is eligible to enroll in one or more courses provided through the state virtual school network.

(b) The commissioner may not limit the number of courses a person eligible under this section may take through the state virtual school network.

(c) A person who enrolls in a course under this section must pay to the administering authority a fee in an amount established by the commissioner. The fee under this subsection must include the cost of the course established by the administering authority under Section 30A.105(b). Section 30A.155 does not apply to enrollment under this section.

SECTION ____ .02. Section 30A.107(a), Education Code, is amended to read as follows:

(a) A provider school district or school may offer electronic courses to:

(1) students and adults who reside in this state; and

(2) students who reside outside this state and who meet the eligibility requirements under Section 30A.002(c).

Amendment No. 160

Representative Madden offered the following amendment to Amendment No. 159:

Amend Amendment No. 159 by Madden to **CSSB 1** (page 119 of the prefiled amendment packet) on page 1 of the amendment, by striking lines 6-20 and substituting the following:

SECTION ____ .01. Section 30A.002(a), Education Code, is amended to read as follows:

(a) A student is eligible to enroll in a course provided through the state virtual school network only if the student:

(1)~~[is younger than 21 years of age]~~ on September 1 of the school year:

(A) is younger than 21 years of age; or

(B) is younger than 26 years of age and entitled to the benefits of the Foundation School Program under Section 42.003;

(2) has not graduated from high school; and

(3) is otherwise eligible to enroll in a public school in this state.

Amendment No. 160 was adopted.

Amendment No. 159, as amended, was adopted.

Amendment No. 161

Representative Garza offered the following amendment to **CSSB 1**:
Floor Packet Page No. 128

Amend **CSSB 1** as follows:

SECTION ____ . Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.0832 to read as follows:

Sec. 33.0832. EQUAL OPPORTUNITY FOR ACCESS TO UNIVERSITY INTERSCHOLASTIC LEAGUE ACTIVITIES. (a) In this section, "private school" has the meaning assigned by Section 39.033(d).

(b) The University Interscholastic League shall provide private and parochial schools with equal opportunity to become members of the league for the purpose of providing their students with access to league activities.

(c) This section does not exempt a private or parochial school or its students from satisfying each rule or eligibility requirement imposed by this subchapter or the league for participating in an activity or league district sponsored by the league.

(d) A private or parochial school seeking to participate in a league activity or to become a member of a league district shall apply to the league on a signed form prescribed by the league. The school must certify its eligibility under this subchapter and league rules in the application and must attach proof of accreditation. The league may not impose eligibility requirements for private or parochial schools that exceed the requirements of this subchapter or league rules for public schools or require proof of eligibility that exceeds the proof required of public schools. On approval of an application, the league shall issue a certificate of approval to the applicant school. The application and certificate of approval are governmental records for purposes of Section 37.10, Penal Code.

(e) The league shall determine the appropriate league district in which an eligible private or parochial school will participate using the same standard the league applies to public schools, provided that the private or parochial school may not be placed in a league district lower than the 1A level.

(f) The league may adopt rules designed to discourage an eligible private or parochial school from recruiting any student to attend the school for the purpose of participating in a league activity. A rule adopted under this subsection may not be designed to discriminate against an eligible private or parochial school.

(g) To be eligible under this section, a private or parochial school must:

(1) be accredited by an accrediting organization recognized by the agency;

(2) not have had its ability or eligibility to participate in an association similar to the league compromised, revoked, or suspended for violating the rules or codes of that association within the five-year period preceding the date of application to participate in the league;

(3) offer a four-year high school curriculum;

(4) offer interscholastic competition; and

(5) require daily student attendance at a specific location.

(h) Notwithstanding any other provision of this section, the league shall implement this section by providing private and parochial schools with equal opportunity to participate in:

(1) league academic activities beginning with the 2011-2012 school year;

(2) league athletic activities at the 1A and 2A league district levels beginning with the spring semester of the 2011-2012 school year;

(3) league athletic activities at the 3A league district level beginning with the 2012-2013 school year;

(4) league athletic activities at the 4A league district level beginning with the 2013-2014 school year; and

(5) league athletic activities at the 5A league district level beginning with the 2014-2015 school year.

(i) Subsection (h) and this subsection expire September 1, 2015.

Amendment No. 161 - Point of Order

Representative Thompson raised a point of order against further consideration of Amendment No. 161 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 161.

Amendment No. 162

Representative Isaac offered the following amendment to **CSSB 1**:
Floor Packet Page No. 152

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . TUITION REVENUE BONDS

SECTION ____ .01. Subchapter B, Chapter 55, Education Code, is amended by adding Section 55.1784 to read as follows:

Sec. 55.1784. TEXAS STATE UNIVERSITY SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of the Texas State University System may acquire, purchase, construct, improve, renovate, enlarge, or equip facilities, including roads and related infrastructure, for projects to be financed through the issuance of bonds in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board for Texas State University–San Marcos not to exceed the following aggregate principal amounts for the projects specified as follows:

(1) \$48,820,000 for the construction of the RRHEC-Health Professions Building #1;

(2) \$31,900,000 for the construction of the RRHEC-Health Professions Building #2;

(3) \$56,705,000 for the construction of a music building; and

(4) \$70 million for the construction of a new engineering and science building.

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of an institution, branch, or entity of the Texas State University System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of the Texas State University System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

SECTION ____ .02. Section 61.0572(e), Education Code, is amended to read as follows:

(e) Approval of the board is not required to acquire real property that is financed by bonds issued under Section 55.17(e)(3) or (4), 55.1713-55.1718, 55.1721-55.1728, 55.1735(a)(1), 55.174, 55.1742, 55.1743, 55.1744, 55.1751-55.17592, 55.1768, 55.1771, ~~or~~ 55.17721, or 55.1784, except that the board shall review all real property to be financed by bonds issued under those sections to determine whether the property meets the standards adopted by the board for cost, efficiency, and space use. If the property does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

SECTION _____.03. Section 61.058(b), Education Code, is amended to read as follows:

(b) This section does not apply to construction, repair, or rehabilitation financed by bonds issued under Section 55.17(e)(3) or (4), 55.1713-55.1718, 55.1721-55.1728, 55.174, 55.1742, 55.1743, 55.1744, 55.1751-55.17592, 55.1768, 55.1771, ~~or~~ 55.17721, or 55.1784, except that the board shall review all construction, repair, or rehabilitation to be financed by bonds issued under those sections to determine whether the construction, rehabilitation, or repair meets the standards adopted by board rule for cost, efficiency, and space use. If the construction, rehabilitation, or repair does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

SECTION _____.04. This article does not affect any authority or restriction regarding the activities that a public institution of higher education may conduct in connection with a facility financed by bonds authorized by this article.

Amendment No. 162 was withdrawn.

Amendment No. 163

Representative Aycock offered the following amendment to **CSSB 1**:

Floor Packet Page No. 163

Amend **CSSB 1** (house committee report) in ARTICLE 56 of the bill as follows:

(1) In SECTION 56.05 of the bill, strike the recital (page 143, lines 2 and 3) and substitute "Section 41.002, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:".

(2) In SECTION 56.05 of the bill, immediately following amended Section 41.002(a), Education Code (page 144, between lines 3 and 4), insert the following:

(a-1) Notwithstanding Subsection (a), a school district that imposed a maintenance and operations tax for the 2010 tax year at the maximum rate permitted under Section 45.003 may not have a wealth per student that exceeds \$339,500 for the district's maintenance and operations tax effort described by Subsection (a)(3). This subsection expires September 1, 2012.

(3) Add the following appropriately numbered SECTION and renumber subsequent SECTIONS in ARTICLE 56 accordingly:

SECTION 56.____. Section 42.302, Education Code, is amended by adding Subsection (a-3) to read as follows:

(a-3) Notwithstanding Subsections (a) and (a-1), for a school district that imposed a maintenance and operations tax for the 2010 tax year at the maximum rate permitted under Section 45.003, the dollar amount guaranteed level of state and local funds per weighted student per cent of tax effort ("GL") for the district's maintenance and operations tax effort described by Subsection (a-1)(2) is \$33.95. This subsection expires September 1, 2012.

Amendment No. 163 was adopted.

Amendment No. 164

Representative Guillen offered the following amendment to **CSSB 1**:

Floor Packet Page No. 254

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . REIMBURSEMENT FOR CERTAIN SERVICES UNDER
THE MEDICAID MANAGED CARE PROGRAM

SECTION ____ .01. Section 533.01315, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Subject to Subsection (b-1), the [The] commission shall ensure that a federally qualified health center, physician office, urgent care facility, rural health clinic, or municipal health department's public clinic is reimbursed for health care services provided to a recipient outside of regular business hours, including on a weekend or holiday, at a rate that is equal to the allowable rate for those services as determined under Section 32.028, Human Resources Code, regardless of whether the recipient has a referral from the recipient's primary care provider.

(b-1) A physician who is a specialist may not be reimbursed under this section for the provision of specialty services.

SECTION ____ .02. If before implementing any provision of this article a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

Amendment No. 165

Representatives Alonzo, D. Miller, Cain, Jackson, Riddle, Christian, Gooden, Morrison, J. Davis, Sheffield, Keffer, Orr, R. Anderson, V. Taylor, Carter, Harper-Brown, L. Gonzales, Larson, Burkett, Hughes, Torres, Simpson, Zedler, and Geren offered the following amendment to Amendment No. 164:

Amend Amendment No. 164 by Guillen to **CSSB 1** (page 254 of the prefiled amendment packet) by striking the text of the amendment and substituting the following:

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . MEDICAID SERVICES

SECTION ____ .01_. (a) Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.0065 to read as follows:

Sec. 533.0065. EYE HEALTH CARE SERVICE PROVIDERS. Subject to Section 32.047, Human Resources Code, but notwithstanding any other law, if the commission determines that access to optometrists, therapeutic optometrists, or ophthalmologists under the Medicaid managed care model or arrangement in a particular region of the state is not adequate, the commission shall require that each managed care organization that contracts with the commission under any Medicaid managed care model or arrangement to provide health care services to recipients in the region include in the organization's provider network each optometrist, therapeutic optometrist, and ophthalmologist who:

(1) agrees to comply with the terms and conditions of the organization;

(2) agrees to accept the prevailing provider contract rate of the organization;

(3) agrees to abide by the standards of care required by the organization; and

(4) has the credentials required by the organization.

(b) If before implementing any provision of this section a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

Amendment No. 165 was adopted.

Amendment No. 164, as amended, was adopted. (White recorded voting no.)

Amendment No. 166

Representative Zedler offered the following amendment to **CSSB 1**:

Floor Packet Page No. 144

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . INTERNET ACCESS TO CERTAIN SCHOOL DISTRICT FINANCIAL INFORMATION

SECTION ____ .01. Subchapter A, Chapter 44, Education Code, is amended by adding Section 44.0031 to read as follows:

Sec. 44.0031. INTERNET ACCESS TO FINANCIAL DATA. (a) Except as otherwise provided by this section, a school district shall post on the district's Internet website or on an Internet website hosted by the district's business or financial services department for viewing by interested persons a copy of the district's:

(1) annual budget;

- (2) end-of-year financial report; and
- (3) checking account transaction register.

(b) A school district may not include in the district's checking account transaction register under Subsection (a)(3) a check issued to a district employee in payment of salary, wages, or an employment stipend.

(c) A school district may not post any information protected by state or federal law regarding confidentiality of health or education records.

(d) The superintendent and chief financial officer of a school district shall jointly notify the commissioner when the financial data required under Subsection (a) is available to interested persons. The notification must include information regarding the current and expected costs associated with implementing and maintaining the requirements of this section.

(e) If a school district is unable to post all or part of the financial data required under Subsection (a), the superintendent and chief financial officer of the school district shall jointly submit a letter to the commissioner explaining why the district is unable to post the financial data, including the results of any applicable cost analysis performed by or for the district.

SECTION ____ .02. This article takes effect January 1, 2012.

Amendment No. 166 was adopted.

Amendment No. 167

Representative Christian offered the following amendment to **CSSB 1**:

Floor Packet Page No. 200

Amend **CSSB 1** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . (a) Chapter 402, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. PUBLIC INTEGRITY UNIT

Sec. 402.101. DEFINITIONS. In this subchapter:

- (1) "Offense" means a prohibited act for which state law imposes a criminal or civil penalty.
- (2) "Prosecute" means represent the state to impose a criminal or civil penalty.
- (3) "Prosecuting attorney" means a district attorney, criminal district attorney, or county attorney.

Sec. 402.102. OFFENSES AGAINST PUBLIC ADMINISTRATION. For purposes of this subchapter, the following are offenses against public administration:

- (1) an offense under Title 8, Penal Code, committed by a state officer or a state employee in connection with the powers and duties of the state office or state employment;
- (2) an offense under Chapter 301, 302, 305, 571, 572, or 2004;
- (3) an offense under Chapter 573 committed by a state officer in connection with the powers and duties of the state office;

(4) an offense under Title 15, Election Code, committed in connection with:

(A) a campaign for or the holding of state office; or

(B) an election on a proposed constitutional amendment; and

(5) an offense involving compliance with the requirements relating to the imposition of the motor fuels tax imposed under Chapter 162, Tax Code, including an offense described by Section 162.403, Tax Code.

Sec. 402.103. OFFENSES INVOLVING INSURANCE FRAUD. For purposes of this subchapter, the following are offenses involving insurance fraud:

(1) an offense under Chapter 35, Penal Code, including an offense under that chapter that involves workers' compensation insurance under Title 5, Labor Code; or

(2) a fraudulent insurance act as defined by Section 701.001, Insurance Code, including an act that involves workers' compensation insurance under Title 5, Labor Code.

Sec. 402.104. PUBLIC INTEGRITY UNIT. The public integrity unit is in the office of the attorney general.

Sec. 402.105. PROSECUTION BY PUBLIC INTEGRITY UNIT. (a) In any district or county court of appropriate jurisdiction and venue, the public integrity unit has the authority to prosecute a person for:

(1) an offense against public administration; or

(2) an offense involving insurance fraud.

(b) The public integrity unit must assert the right to prosecute under this section in writing to the appropriate prosecuting attorney. On asserting the right to prosecute under this section:

(1) the unit has all the powers of the prosecuting attorney, including the power to represent the state before a grand jury; and

(2) the prosecuting attorney may not prosecute the same person for the same act.

Sec. 402.106. COOPERATION OF STATE AGENCIES AND LOCAL LAW ENFORCEMENT AGENCIES. (a) To the extent allowed by law, a state agency or local law enforcement agency shall cooperate with the public integrity unit by providing information requested by the unit as necessary to carry out the purposes of this subchapter.

(b) Information disclosed under this section is confidential and not subject to disclosure under Chapter 552.

Sec. 402.107. VENUE. Notwithstanding Chapter 13, Code of Criminal Procedure, or other law, if the defendant is a natural person, venue for a prosecution by the public integrity unit is in the county in which the defendant resides.

(b) Sections 301.027(b) and (c), Government Code, are amended to read as follows:

(b) If the president of the senate or speaker receives a report or statement of facts as provided by Subsection (a), the president of the senate or speaker shall certify the statement of facts to the public integrity unit of the office of the attorney general [~~Travis County district attorney~~] under the seal of the senate or house of representatives, as appropriate.

(c) The public integrity unit [~~Travis County district attorney~~] shall bring the matter before the grand jury for action. If the grand jury returns an indictment, the public integrity unit [~~district attorney~~] shall prosecute the indictment.

(c) Section 402.009, Government Code, is amended to read as follows:

Sec. 402.009. **AUTHORITY TO EMPLOY AND COMMISSION PEACE OFFICERS.** The attorney general may employ and commission peace officers as investigators for:

(1) the limited purpose of assisting the attorney general in carrying out the duties of that office relating to prosecution assistance and crime prevention; or

(2) the purpose of investigating offenses against public administration and offenses involving insurance fraud prosecuted under Subchapter D.

(d) Section 35.04, Penal Code, is amended to read as follows:

Sec. 35.04. **JURISDICTION OF ATTORNEY GENERAL.** As provided by Section 402.105, Government Code, the public integrity unit of the office of the attorney general shall prosecute [(a) ~~The attorney general may offer to an attorney representing the state in the prosecution of~~] an offense under Section 35.02 [~~the investigative, technical, and litigation assistance of the attorney general's office~~].

[(b) ~~The attorney general may prosecute or assist in the prosecution of an offense under Section 35.02 on the request of the attorney representing the state described by Subsection (a).~~]

(e) Not later than March 1, 2012, the attorney general shall establish the public integrity unit under Subchapter D, Chapter 402, Government Code, as added by this Act.

(f) Subchapter D, Chapter 402, Government Code, as added by this Act, applies only to the prosecution of an offense against public administration or an offense involving insurance fraud committed on or after April 1, 2012. For purposes of this subsection, an offense is committed before April 1, 2012, if any element of the offense occurs before that date. The prosecution of an offense committed before April 1, 2012, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose, except that a county attorney, district attorney, or criminal district attorney may, on the request of the attorney general, permit the public integrity unit established under Subchapter D, Chapter 402, Government Code, as added by this Act, to assume the prosecution of such an offense.

(g) Notwithstanding any other effective date provided by this Act, this section takes effect January 1, 2012, but only if the constitutional amendment proposed by the 82nd Legislature, Regular Session, 2011, giving the attorney general exclusive authority to prosecute offenses against public administration, including ethics offenses, and offenses involving insurance fraud takes effect. If that amendment is not approved by the voters, this section has no effect.

Amendment No. 167 - Point of Order

Representative D. Howard raised a point of order against further consideration of Amendment No. 167.

The speaker overruled the point of order.

Amendment No. 168

Representative Workman offered the following amendment to Amendment No. 167:

Amend Amendment No. 167 by Christian to **CSSB 1** (page 200 of the prefiled amendment packet) in added Section 402.107, Government Code (page 3, line 11 of the amendment) by striking "the county in which the defendant resides" and substituting "Travis County".

Amendment No. 168 was withdrawn.

Amendment No. 167 was withdrawn.

Amendment No. 169

Representative Menendez offered the following amendment to **CSSB 1**:
Floor Packet Page No. 356

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . AD VALOREM TAXATION OF LOW-INCOME OR
MODERATE-INCOME HOUSING

SECTION ____ .01. Section 11.182(a), Tax Code, is amended by adding Subdivision (3) to read as follows:

(3) "Control" means having the power to manage, direct, superintend, restrict, regulate, govern, or oversee.

SECTION ____ .02. Section 11.182, Tax Code, is amended by adding Subsections (a-1), (b-1), and (b-2) to read as follows:

(a-1) An organization is considered to own property for purposes of this section and the provisions of Section 2, Article VIII, Texas Constitution, authorizing the legislature by general law to exempt from taxation property owned by an institution engaged primarily in performing public charitable functions, if the organization has legal or equitable title to the property.

(b-1) Notwithstanding Subsection (b) or (e), an owner of real property that is not an organization described by that subsection is entitled to an exemption from taxation of property under this section if the property otherwise qualifies for the exemption and the owner is:

(1) a limited partnership of which an organization that meets the requirements of Subsection (b) controls 100 percent of the general partner interest; or

(2) an entity the parent of which is an organization that meets the requirements of Subsection (b).

(b-2) A reference in this section to an organization includes an entity described by Subsection (b) or (b-1). For purposes of this section, an organization that is entitled to an exemption under Subsection (b-1) shall be treated as an organization that is entitled to an exemption under Subsection (b).

SECTION ____ .03. Section 11.1825, Tax Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) In this section, "control" means having the power to manage, direct, superintend, restrict, regulate, govern, or oversee.

(a-1) An organization is considered to own property for purposes of this section and the provisions of Section 2, Article VIII, Texas Constitution, authorizing the legislature by general law to exempt from taxation property owned by an institution engaged primarily in performing public charitable functions, if the organization has legal or equitable title to the property.

(a-2) An organization is entitled to an exemption from taxation of real property owned by the organization that the organization constructs or rehabilitates and uses to provide housing to individuals or families meeting the income eligibility requirements of this section.

SECTION ____ .04. This article may not be construed to permit a refund of ad valorem taxes paid before the effective date of this article on property determined to be eligible for an exemption under Section 11.182 or 11.1825, Tax Code, as amended by this article.

SECTION ____ .05. This article applies only to ad valorem taxes imposed for a tax year beginning on or after the effective date of this article.

SECTION ____ .06. This article takes effect January 1, 2013.

Amendment No. 170

Representative Elkins offered the following amendment to Amendment No. 169:

Amend Amendment No. 169 by Menendez to **CSSB 1** (page 356, prefiled amendment packet) as follows:

(1) On page 1, line 12, between "(a-1)," and "(b-1)", insert "(a-2),".

(2) On page 1, between lines 12 and 13, insert the following:

(a-1) Subsections (a-2), (b-1), and (b-2) do not apply to property located in a county with a population of 3.3 million or more.

(3) On page 1, line 13, strike "(a-1)" and substitute "(a-2)".

(4) On page 2, line 13, between "(a-1)" and "An", insert the following:

This subsection does not apply to property located in a county with a population of 3.3 million or more.

Amendment No. 170 was adopted.

Amendment No. 169, as amended, was adopted.

Amendment No. 171

Representative Guillen offered the following amendment to **CSSB 1**:

Floor Packet Page No. 322

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS accordingly:

ARTICLE ____ . REGULATION OF SUBDIVISIONS IN COUNTIES

SECTION ____ .01. If the Texas Water Development Board determines that a county is not complying with the changes in law made by this article, the board may withhold funds authorized under Section 15.407, Water Code, or Subchapter P, Chapter 15, Water Code, or Subchapter K, Chapter 17, Water Code, on or after the effective date of this Act until the county demonstrates compliance.

SECTION ____ .02. Section 232.0031, Local Government Code, is amended to read as follows:

Sec. 232.0031. STANDARD FOR ROADS IN SUBDIVISION. A county may not impose under Section 232.003 a higher standard for streets or roads in a subdivision than the county imposes on itself for the construction of new streets or roads with a similar type and amount of traffic.

SECTION ____ .03. Section 232.022(d), Local Government Code, is amended to read as follows:

(d) This subchapter does not apply if all [~~each~~] of the lots of the subdivision are more than [is] 10 [or more] acres.

SECTION ____ .04. Section 232.023, Local Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A subdivider of land must have a plat of the subdivision prepared if at least one of the lots of the subdivision is five acres or less. A commissioners court by order may require each subdivider of land to prepare a plat if at least one of the lots of a subdivision is more than five acres but not more than 10 acres.

(a-1) A subdivision of a tract under this section [~~subsection~~] includes a subdivision of real property by any method of conveyance, including a contract for deed, oral contract, contract of sale, or other type of executory contract, regardless of whether the subdivision is made by using a metes and bounds description.

SECTION ____ .05. Section 232.033, Local Government Code, is amended by amending Subsections (a) and (h) and adding Subsections (a-1), (a-2), (a-3), (a-4), and (a-5) to read as follows:

(a) Brochures, publications, [~~and~~] advertising of any form, and earnest money contracts relating to [~~subdivided~~] land required to be platted under this subchapter:

- (1) may not contain any misrepresentation; [~~and~~]
- (2) except for a for-sale sign posted on the property that is no larger than three feet by three feet, must accurately describe the availability of water and sewer service facilities and electric and gas utilities; and
- (3) if a plat for the land has not been finally approved and recorded, must include a notice that:

(A) subject to Subsection (a-1), a contract for the sale of any portion of the land may not be entered into until the land receives final plat approval under Section 232.024; and

(B) the land may not be possessed or occupied until:

(i) the land receives final plat approval under Section 232.024;

and

(ii) all water and sewer service facilities for the lot are connected or installed in compliance with the model rules adopted under Section 16.343, Water Code.

(a-1) This subsection applies in addition to other applicable law and prevails to the extent of a conflict with that other law. This subsection applies only to a person who is a seller or subdivider and who is a licensed, registered, or otherwise credentialed residential mortgage loan originator under applicable state law, federal law, and the Nationwide Mortgage Licensing System and Registry. A person may, before a plat has been finally approved and recorded for the land:

(1) enter into an earnest money contract with a potential purchaser and accept payment under the contract in an amount of \$250 or less; and

(2) advertise in accordance with this section.

(a-2) An earnest money contract entered into under Subsection (a-1) is void if the plat for the land has not been finally approved and recorded before the 91st day after the date the earnest money contract is signed by the potential purchaser, unless the potential purchaser agrees in writing to extend the period for plat approval and recording for an additional 90-day period. Only one extension may be granted under this subsection.

(a-3) If an earnest money contract is void under Subsection (a-2), the seller shall refund all earnest money paid to the potential purchaser not later than the 30th day after the date the earnest money contract becomes void under Subsection (a-2). If the seller fails to refund the earnest money to the potential purchaser in violation of this subsection, the potential purchaser, in a suit to recover the earnest money, may recover an amount equal to three times the amount of the earnest money required to be refunded, plus reasonable attorney's fees.

(a-4) Before entering into an earnest money contract with a potential purchaser and before a plat has been finally approved and recorded for the land as permitted under Subsection (a-1), a person must provide written notice to the attorney general and to the local government responsible for approving the plat. The notice must include:

(1) a statement of intent to enter into an earnest money contract under Subsection (a-1);

(2) a legal description of the land to be included in the subdivision;

(3) each county in which all or part of the subdivision is located; and

(4) the number of proposed individual lots to be included in the subdivision.

(a-5) The attorney general may adopt rules regarding the notice to be provided under Subsection (a-4).

(h) A person who is a seller of lots for which a plat is required under this subchapter [in a subdivision], or a subdivider or an agent of a seller or subdivider, commits an offense if the person knowingly authorizes or assists in the

publication, advertising, distribution, or circulation of any statement or representation that the person knows is false concerning any [subdivided] land offered for sale or lease. An offense under this section is a Class A misdemeanor.

SECTION ____ .06. Subchapter B, Chapter 232, Local Government Code, is amended by adding Section 232.0375 to read as follows:

Sec. 232.0375. NOTICE AND OPPORTUNITY TO CURE REQUIRED BEFORE FILING ENFORCEMENT ACTION. (a) Before a civil enforcement action may be filed against a subdivider under this subchapter, the subdivider must be notified in writing about the general nature of the alleged violation and given 90 days from the notification date to cure the violation. After the 90th day after the date of the notification, the enforcement action may proceed.

(b) This section does not apply to a civil enforcement action if the attorney general, district attorney, or county attorney asserts that:

(1) an alleged violation or threatened violation poses a threat to a consumer or to the health and safety of any person; or

(2) a delay in bringing an enforcement action may result in financial loss or increased costs to any person, including the county.

(c) This section does not apply if an enforcement action has previously been filed against the subdivider for the same or another alleged violation.

(d) This section does not apply to an action filed by a private individual.

SECTION ____ .07. Subchapter B, Chapter 232, Local Government Code, is amended by adding Section 232.045 to read as follows:

Sec. 232.045. EARNEST MONEY CONTRACTS. (a) An earnest money contract entered into under Section 232.033(a-1) must contain the following statement:

"NOTICE: THIS IS AN EARNEST MONEY CONTRACT ONLY. THE MAXIMUM AMOUNT THAT THE SELLER MAY COLLECT UNDER THIS CONTRACT IS \$250. THE SELLER MAY NOT DEMAND ANY ADDITIONAL PAYMENT UNTIL A PLAT OF THE SUBDIVISION HAS BEEN APPROVED."

(b) An earnest money contract entered into under Section 232.033(a-1) must contain the notice required by Section 232.033.

SECTION ____ .08. Section 232.072, Local Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The owner of a tract of land that divides the tract in any manner that creates lots of five acres or less intended for residential purposes must have a plat of the subdivision prepared. A commissioners court by order may require each subdivider of land to prepare a plat if at least one of the lots of a subdivision is more than five acres but not more than 10 acres.

(a-1) A subdivision of a tract under this section includes a subdivision of real property by any method of conveyance, including a contract for deed, oral contract, contract of sale, or other type of executory contract, regardless of whether the subdivision is made by using a metes and bounds description.

SECTION ____ .09. Subchapter C, Chapter 232, Local Government Code, is amended by adding Sections 232.0805 and 232.0806 to read as follows:

Sec. 232.0805. NOTICE AND OPPORTUNITY TO CURE REQUIRED BEFORE FILING ENFORCEMENT ACTION. (a) In this section, "subdivider" has the meaning assigned by Section 232.021.

(b) Before a civil enforcement action may be filed against a subdivider under this subchapter, the subdivider must be notified in writing about the general nature of the alleged violation and given 90 days from the notification date to cure the violation. After the 90th day after the date of the notification, the enforcement action may proceed.

(c) This section does not apply to a civil enforcement action if the attorney general, district attorney, or county attorney asserts that:

(1) an alleged violation or threatened violation poses a threat to a consumer or to the health and safety of any person; or

(2) a delay in bringing an enforcement action may result in financial loss or increased costs to any person, including the county.

(d) This section does not apply if an enforcement action has previously been filed against the subdivider for the same or another alleged violation.

(e) This section does not apply to an action filed by a private individual.

Sec. 232.0806. SUIT BY PRIVATE PERSON IN ECONOMICALLY DISTRESSED AREA. A person who has purchased or is purchasing a lot in a subdivision for residential purposes that does not have water and sewer services as required by this subchapter and is located in an economically distressed area, as defined by Section 17.921, Water Code, from a subdivider may bring suit in the district court in which the property is located or in a district court in Travis County to:

(1) declare the sale of the property void, require the subdivider to return the purchase price of the property, and recover from the subdivider:

(A) the market value of any permanent improvements the person placed on the property;

(B) actual expenses incurred as a direct result of the failure to provide adequate water and sewer facilities;

(C) court costs; and

(D) reasonable attorney's fees; or

(2) enjoin a violation or threatened violation of Section 232.072, require the subdivider to plat or amend an existing plat under Sections 232.011 and 232.081, and recover from the subdivider:

(A) actual expenses incurred as a direct result of the failure to provide adequate water and sewer facilities;

(B) court costs; and

(C) reasonable attorney's fees.

SECTION ____ .10. Section 16.343(g), Water Code, is amended to read as follows:

(g) Before an application for funds under Section 15.407 or Subchapter P, Chapter 15, or Subchapter K, Chapter 17, may be considered by the board, if the area for which the funds are proposed to be used is located:

(1) in a municipality, the municipality must adopt the model rules pursuant to this section;

(2) in the extraterritorial jurisdiction of a municipality, the applicant must demonstrate that the model rules have been adopted and are enforced in the extraterritorial jurisdiction by either the municipality or the county; or

(3) outside the extraterritorial jurisdiction of a municipality, the county must adopt the model rules pursuant to this section [a political subdivision must adopt the model rules pursuant to this section. If the applicant is a district, nonprofit water supply corporation, or colonia, the applicant must be located in a city or county that has adopted such rules. Applicants for funds under Section 15.407 or Subchapter P, Chapter 15, or Subchapter K, Chapter 17, may not receive funds under those provisions unless the applicable political subdivision adopts and enforces the model rules].

SECTION ____.11. Subchapter J, Chapter 16, Water Code, is amended by adding Section 16.3541 to read as follows:

Sec. 16.3541. NOTICE AND OPPORTUNITY TO CURE REQUIRED BEFORE FILING ENFORCEMENT ACTION. (a) In this section, "subdivider" has the meaning assigned by Section 232.021, Local Government Code.

(b) Before a civil enforcement action may be filed against a subdivider under this subchapter, the subdivider must be notified in writing about the general nature of the alleged violation and given 90 days from the notification date to cure the violation. After the 90th day after the date of the notification, the enforcement action may proceed.

(c) This section does not apply to a civil enforcement action if the attorney general, district attorney, or county attorney asserts that:

(1) an alleged violation or threatened violation poses a threat to a consumer or to the health and safety of any person; or

(2) a delay in bringing an enforcement action may result in financial loss or increased costs to any person, including the county.

(d) This section does not apply if an enforcement action has previously been filed against the subdivider for the same or another alleged violation.

SECTION ____.12. Section 232.021(9), Local Government Code, is repealed.

SECTION ____.13. The changes in law made by this article to Sections 232.022, 232.023, 232.033, and 232.072, Local Government Code, apply only to a subdivision plat application submitted for approval on or after the effective date of this Act. A subdivision plat application submitted for approval before the effective date of this Act is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

SECTION ____.14. This article applies only to an enforcement action filed on or after the effective date of this Act. An enforcement action filed before the effective date of this Act is governed by the law as it existed when the action was filed, and the former law is continued in effect for that purpose.

Amendment No. 171 - Point of Order

Representative Anchia raised a point of order against further consideration of Amendment No. 171.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 171.

Amendment No. 172

Representative Y. Davis offered the following amendment to **CSSB 1**:

Floor Packet Page No. 20

Amend **CSSB 1** (house committee printing) by striking ARTICLE 12 of the bill (page 30, line 19, through page 35, line 21) and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly.

Amendment No. 172 was adopted.

CSSB 1, as amended, was passed to third reading by (Record 55): 81 Yeas, 62 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Burkett; Button; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Huberty; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Weber; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bonnen; Carter; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Harless; Hernandez Luna; Hochberg; Hopson; Howard, D.; Hughes; Johnson; King, T.; Landtroop; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, S.; Morrison; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Strama; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Kolkhorst.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 55. I intended to vote no.

S. King

When Record No. 55 was taken, my vote failed to register. I would have voted yes.

Kolkhorst

I was shown voting no on Record No. 55. I intended to vote yes.

Torres

HR 30 - ADOPTED
(by Y. Davis)

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 30**.

The motion prevailed.

The following resolution was laid before the house:

HR 30, Recognizing the Best Southwest Partnership on the occasion of the 25th anniversary of its incorporation.

HR 30 was adopted.

PROVIDING FOR ADJOURNMENT

Representative Keffer moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 11 a.m. today, Friday, June 10, in memory of Alma Ann Berry Burnam of Fort Worth, mother of Representative Burnam.

The motion prevailed.

BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES
CORRECTIONS IN REFERRAL

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

In accordance with a previous motion, the house, at 2:08 a.m. Friday, June 10, adjourned until 11 a.m. today.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 66 (By Zedler), Relating to the availability of certain school district financial information on districts' Internet websites.

To Public Education.

HB 67 (By Gallego), Relating to the entitlement of school districts and open-enrollment charter schools to a certain funding level and to the appropriation of money from the economic stabilization fund to be used for public education.

To Public Education.

HB 68 (By Laubenberg), Relating to drug testing of certain persons seeking financial assistance benefits.

To Human Services.

HB 69 (By Laubenberg), Relating to the dispensing of certain drugs by physicians.

To Public Health.

HB 70 (By Dutton), Relating to a financial exigency of a school district.

To Public Education.

HB 71 (By Larson), Relating to the establishment of certain water and sewer utility rates and the transfer of certain functions from the Texas Commission on Environmental Quality to the Public Utility Commission of Texas.

To Natural Resources.

HB 72 (By Eissler), Relating to certain responsibilities of education research centers and to a joint advisory board for education research centers.

To Public Education.

HB 73 (By Hilderbran), Relating to the use of forfeited property proceeds by the district attorney for the 198th Judicial District.

To Judiciary and Civil Jurisprudence.

HB 74 (By Hilderbran), Relating to the use of forfeited property proceeds by the district attorney for the 198th Judicial District.

To Judiciary and Civil Jurisprudence.

HB 75 (By Harper-Brown), Relating to the punishment for the offense of indecent exposure.

To Criminal Jurisprudence.

HB 76 (By Harper-Brown), Relating to the bilingual education and special language programs offered in public schools.

To Public Education.

HB 77 (By Guillen), Relating to claims for and distribution of unclaimed land grant mineral proceeds.

To Business and Industry.

HB 78 (By Coleman), Relating to a county HIV and AIDS services Medicaid waiver program.

To Public Health.

HB 79 (By Lewis), Relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government.

To Judiciary and Civil Jurisprudence.

HCR 13 (By Garza), Urging Congress to enact an overhaul of the immigration system.

To State Affairs.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

HB 40 (By C. Anderson), Relating to an interlocal contract between a governmental entity and a purchasing cooperative to purchase roofing materials or services.

To Government Efficiency and Reform.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

June 8

Corrections - **HB 26**

Government Efficiency and Reform - **HB 17**

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

SEVENTH DAY — FRIDAY, JUNE 10, 2011

The house met at 11 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 56).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Absent, Excused — Woolley.

Absent — Thompson.

STATEMENT OF VOTE

After roll call was taken, I had requested to be excused because of important business in the district, but the excuse failed to be read out.

Harless

The invocation was offered by Representative White.

The speaker recognized Representative Deshotel who led the house in the pledges of allegiance to the United States and Texas flags.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Deshotel and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

HR 49 - ADOPTED
(by Schwertner, Murphy, and Brown)

Representative Schwertner moved to suspend all necessary rules to take up and consider at this time **HR 49**.

The motion prevailed.

The following resolution was laid before the house:

HR 49, In memory of Graham Charles Holloway of Cedar Park.

HR 49 was read and was unanimously adopted by a rising vote.

On motion of Representatives Murphy and Brown, the names of all the members of the house were added to **HR 49** as signers thereof.

(Thompson now present)

SB 4 - COMMITTEE ON CALENDARS RULE ADOPTED

Pursuant to Rule 3, Section 5(2) and Rule 6, Section 16(f) of the House Rules, Representative Hunter moved to adopt the following rule governing floor consideration for **SB 4**:

SECTION 1. During second reading and third reading consideration of the bill:

(a) No proposed amendment, amendment to the amendment, or substitute amendment changing any district is eligible for consideration unless five copies of an amendment packet prepared by the Texas Legislative Council (TLC) has been submitted to the chief clerk. The amendment packet is not required to contain a textual description of the amendment but must include:

(1) maps as prepared by TLC indicating the changes made by the amendment; and

(2) standard reports for the amendment prepared by TLC that indicate population, voter data, and incumbent locations for the districts affected by the amendment.

(b) No proposed amendment, amendment to the amendment, or substitute amendment is eligible for consideration if:

(1) any district in the amendment contains parts that are not contiguous;
or

(2) adoption of the amendment would result in any unassigned or overlapping geography in the overall redistricting plan under consideration.

SECTION 2. An amendment packet for each original amendment that will be offered during second reading consideration of the bill must be filed with the chief clerk by 5 p.m. on Monday, June 13.

The Committee on Calendars rule was adopted by (Record 57): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver;

Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Woolley.

Absent — Anderson, C.; Menendez.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of family illness:

Bohac on motion of C. Howard.

The following member was granted leave of absence for the remainder of today because of a death in the family:

Burnam on motion of Gooden.

MAJOR STATE CALENDAR SENATE BILLS THIRD READING

The following bills were laid before the house and read third time:

SB 2 ON THIRD READING (Pitts - House Sponsor)

SB 2, A bill to be entitled An Act appropriating money for the support of state government for the period beginning September 1, 2011 and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds; and declaring an emergency.

Amendment No. 1

Representative Isaac offered the following amendment to **SB 2**:

Amend **SB 2** on third reading at the end of the subsection entitled "Contingency for **SB 1**: Foundation School Program Deferral" (house committee printing, page 5, line 15) by adding the following new paragraph:

Contingent on enactment of **SB 1**, Acts of the 82nd Legislature, 1st Called Session, 2011, or similar legislation providing for a partial deferral of the August 2013 Foundation School Program payment to school districts, and notwithstanding any other provision of this Act, the reduction in Foundation School Program appropriations referenced by this subsection shall be adjusted by an amount identified by the Legislative Budget Board in determining the percentage of the deferred August payment that can be paid in August 2013, in accordance with the provisions of the legislation. The sum-certain appropriation for the Foundation School Program as identified in Subsection (b) above shall be adjusted commensurately.

Amendment No. 1 was adopted. (Berman and Flynn recorded voting no.)

Amendment No. 2

Representative Morrison offered the following amendment to **SB 2**:

Amend **SB 2** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. If Section 13.07, Article IX, **HB 1**, 82nd Legislature, Regular Session, 2011, becomes law, Section 13.07(a) of that Article is amended to read as follows:

(a) Except as provided by Subsection (c) of this Section, for the fiscal biennium beginning September 1, 2011, the amounts appropriated to an agency under Articles I-VIII of this Act include, regardless of whether or not the amounts may be shown under or limited by the bill pattern or riders of the agency or the special provisions applicable to the Article of this Act under which the agency's appropriation might be located, ~~[fifty percent of]~~ all revenue collected by an agency on or after September 1, 2011, that are associated with the sale of a Texas specialty license plate, as authorized by Subchapter G, Chapter 504, Transportation Code, or other applicable statute, during the 2012-13 biennium, including any new license plates that may be authorized or issued after September 1, 2011.

Amendment No. 2 was adopted. (Crownover and L. Taylor recorded voting no.)

Amendment No. 3

Representatives P. King, Hancock, Sheets, Landtroop, Aliseda, Chisum, Jackson, Isaac, Sheffield, Cain, Cook, Laubenberg, Callegari, Zedler, Geren, Fletcher, Berman, Orr, Schwertner, W. Smith, Carter, Legler, and White offered the following amendment to **SB 2**:

Amend **SB 2** on third reading by striking the SECTION of the bill that appropriates the increased money in the economic stabilization fund to the Texas Education Agency for the Foundation School Program, as added by Amendment No. 24 on second reading.

Amendment No. 3 failed of adoption by (Record 58): 79 Yeas, 65 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Driver; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hancock; Harper-Brown; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Laubenberg; Legler; Lewis; Madden; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Paxton; Perry; Phillips; Pitts; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Brown; Castro; Coleman; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hardcastle; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, D.; Johnson; King, S.; King, T.; Kuempel; Lavender; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Patrick; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Smith, T.; Solomons; Strama; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Woolley.

Absent — Harless; Peña.

STATEMENTS OF VOTE

I was shown voting no on Record No. 58. I intended to vote yes.

Eissler

I was shown voting yes on Record No. 58. I intended to vote no.

L. Gonzales

When Record No. 58 was taken, I was absent because of important business in the district. I had requested to be excused, but the excuse failed to be read out. Had I been present I would have voted no.

Harless

I was shown voting no on Record No. 58. I intended to vote yes.

Lavender

I was shown voting yes on Record No. 58. I intended to vote no.

Truitt

Amendment No. 4

Representatives Truitt, Otto, Patrick, Price, Deshotel, Zedler, Brown, Scott, Chisum, Workman, Frullo, Burkett, Shelton, Schwertner, Fletcher, Button, Harper-Brown, Allen, Gonzalez, Margo, Callegari, Mallory Caraway, Ritter, Hilderbran, Alvarado, Riddle, Solomons, Hamilton, Quintanilla, Larson,

Kuempel, Marquez, Aycock, Morrison, Kolkhorst, J. Davis, S. Miller, and Smithee offered the following amendment to **SB 2**:

Amend **SB 2** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Contingent on legislation of the 82nd Legislature, 1st Called Session, 2011, becoming law that is substantively similar to provisions of **HB 2403**, Acts of the 82nd Legislature, Regular Session, 2011, relating to retailers engaged in business in this state for purposes of sales and use taxes, in addition to the amounts appropriated by **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), there is appropriated to the Higher Education Coordinating Board, the amount of \$2,685,000 in general revenue funds for each year of the state fiscal biennium ending August 31, 2013, for the purpose of providing additional funding for the biennium in the amount of \$5,370,000 for Strategy B.1.13, TX Armed Services Scholarship Pgm, as designated by **HB 1** in the appropriations to the coordination board.

Amendment No. 4 was adopted. (Carter recorded voting no.)

Amendment No. 5

Representative Larson offered the following amendment to **SB 2**:

Amend **SB 2** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Appropriation for the Designated Trauma Facility and EMS Account 5111. Contingent on **HB 4**, Acts of the 82nd Legislature, Regular Session, 2011, as enrolled, not taking effect, in addition to amounts appropriated to the Department of State Health Services by **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), the amount of \$25,499,190 (\$12,749,595 in fiscal year 2012 and \$12,749,595 in fiscal year 2013) is appropriated out of Account 5111-the Designated Trauma Facility and EMS Account for the state fiscal biennium ending August 31, 2013.

Amendment No. 5 was withdrawn.

SB 2, as amended, was passed by (Record 59): 101 Yeas, 42 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anderson, C.; Aycock; Beck; Berman; Branch; Brown; Burkett; Button; Callegari; Castro; Chisum; Christian; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dutton; Eissler; Farrar; Fletcher; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gooden; Hamilton; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Lewis; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Miles; Miller, D.; Morrison; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Perry; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner;

Scott; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Turner; Vo; Weber; White; Workman; Zedler; Zerwas.

Nays — Alonzo; Anchia; Anderson, R.; Bonnen; Cain; Carter; Creighton; Davis, Y.; Deshotel; Dukes; Eiland; Elkins; Farias; Flynn; Gonzalez; Gutierrez; Hancock; Hernandez Luna; Hughes; Landtroop; Laubenberg; Legler; Lozano; Lucio; Martinez Fischer; McClendon; Menendez; Miller, S.; Muñoz; Paxton; Peña; Phillips; Pickett; Raymond; Reynolds; Rodriguez; Sheets; Simpson; Taylor, V.; Veasey; Villarreal; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Woolley.

Absent — Guillen; Harless; Oliveira.

The speaker stated that **SB 2** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 59. I intended to vote no.

Christian

I was shown voting no on Record No. 59. I intended to vote yes.

Gonzalez

When Record No. 59 was taken, I was absent because of important business in the district. I had requested to be excused, but the excuse failed to be read out. Had I been present I would have voted no.

Harless

I was shown voting yes on Record No. 59. I intended to vote no.

T. King

I was shown voting no on Record No. 59. I intended to vote yes.

Legler

When Record No. 59 was taken, I was in the house but away from my desk. I would have voted no.

Oliveira

REASONS FOR VOTE

I voted against **SB 2** on third reading because it included Representative D. Howard's amendment, which sought to spend additional money from the economic stabilization fund. The conference committee struck the amendment so I was able to vote in support of the final version of **SB 2**.

Carter

I voted for **SB 2** on third reading because it included Representative D. Howard's amendment to include funding to our public schools for enrollment growth. I do not support other measures in the bill, including the deferral of payments to the Foundation School Program.

Castro

SB 2, although good in intention, includes provisions to spend additional money from the rainy day fund, and, therefore, I can no longer support **SB 2** and will be casting a no vote.

Landtroop

The reason I voted no was due to the fact that this legislation created a misconception of the issues. Although I supported the D. Howard/Farrar amendment regarding the rainy day fund, **SB 2** still drastically reduces funding to education and health and human services. Also, there were many amendments added on **SB 2** which deepened the cuts and were detrimental to the district I represent.

Muñoz

SB 1 ON THIRD READING (Pitts - House Sponsor)

SB 1, A bill to be entitled An Act relating to certain state fiscal matters; providing penalties.

Amendment No. 1

Representative Chisum offered the following amendment to **SB 1**:

Amend **SB 1** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 2171, Government Code, is amended by adding Section 2171.1011 to read as follows:

Sec. 2171.1011. FLEET PLANNING AND OPTIMIZATION PROGRAM.

(a) This section does not apply to a state agency that utilizes fleet vehicles for law enforcement, safety, or emergency response purposes.

(b) The comptroller may enter into a contract with a vendor to provide fleet planning, routing, scheduling, and dispatch services for a state agency that utilizes fleet vehicles that average more than three stops per day.

(c) A contract entered into under this section must:

(1) specify the state agency for which the vendor is to provide the services described by Subsection (b);

(2) require the vendor to have:

(A) at least five years of experience providing the services described by Subsection (b); and

(B) the ability to utilize a model-based artificial intelligence program to provide fleet planning services; and

(3) provide that:

(A) the comptroller may not make a payment to the vendor under the contract until the vendor has achieved a five percent reduction in the total cost of that state agency's vehicle fleet services described by Subsection (b); and

(B) the total compensation payable to the vendor under the contract may not exceed the amount of total cost savings attributable to the vendor's vehicle fleet services described by Subsection (b).

(d) In accordance with an agreement between the comptroller and a state agency, the comptroller may use funds appropriated to the state agency for the purposes of fleet management for the purpose of contracting with a vendor to provide vehicle fleet services described by Subsection (b).

Amendment No. 1 was adopted.

Amendment No. 2

Representative S. Davis offered the following amendment to **SB 1**:

Amend **SB 1** on third reading by adding a new article to the bill to read as follows:

ARTICLE ____ . AD VALOREM TAXATION OF CERTAIN LAND
OF CERTAIN PUBLIC UTILITIES

SECTION ____ .01. Chapter 31, Tax Code, is amended by adding Section 31.039 to read as follows:

Sec. 31.039. PROVISION OF RECREATIONAL OR EDUCATIONAL AREA BY CERTAIN PUBLIC UTILITIES IN LIEU OF PAYMENT OF TAXES ON PUBLIC UTILITY PROPERTY. (a) The governing body of a taxing unit may authorize any of the following public utilities to provide for public use of public utility property for recreation, education, exercise, relaxation, travel, or pleasure.

(b) The governing body shall require that each public utility providing an area described by Subsection (a) execute a contract with the taxing unit. The contract must be approved by the Public Utility Commission of Texas as a matter that does not negatively affect the rates of the utility. The contract must be executed before any tax delinquency date and must specify:

(1) the area to be provided for public use;

(2) the intended public uses of the area;

(3) the amount of the tax credit that the public utility will receive while the public is given access to the area; and

(4) set out or describe the provisions of Subsections (c) and (d).

(c) For each area provided for public use by a public utility, a taxing unit may provide to the utility a credit not to exceed one-half of one percent of the property taxes owed to the taxing unit.

(d) The taxing unit shall terminate the contract if the public utility violates the terms of the contract, including by restricting public access to or use of the area that is the subject of the contract.

(e) A public utility is eligible for a tax credit under this section only if the utility is a public utility to which Section 75.0021, Civil Practice and Remedies Code, applies.

SECTION ____ .02. Section 75.0021, Civil Practice and Remedies Code, as effective September 1, 2011, is amended to read as follows:

Sec. 75.0021. LIMITED LIABILITY OF CERTAIN PUBLIC UTILITIES.

(a) In this section:

(1) "Person" includes an individual as defined by Section 71.001.

(2) "Public utility" means:

(A) an electric utility as defined by Section 31.002, Utilities Code;

(B) a telecommunications provider as defined by Section 51.002,

Utilities Code;

(C) an electric cooperative as defined by Section 11.003, Utilities

Code;

(D) a gas utility as defined by Section 101.003 or 121.001, Utilities

Code; or

(E) a water and sewer utility as defined by Section 13.002, Water

Code.

(b) A public utility that, as the owner, easement holder, occupant, or lessee of land, gives permission to a person to enter [signs an agreement with a municipality, county, or political subdivision to allow public access to or use of] the premises for recreation, exercise, education, relaxation, travel, or pleasure [by allowing the public access or use] does not by giving that permission:

(1) ensure that the premises are safe for recreation, exercise, education, relaxation, travel, or pleasure; or

(2) assume responsibility or incur any liability for:

(A) damages arising from or related to any bodily or other personal injury to or death of any person [beyond that provided by Chapter 75 of the Civil Practice and Remedies Code to a third party] who enters the premises for recreation, exercise, education, relaxation, travel, or pleasure or accompanies another person entering the premises for recreation, exercise, education, relaxation, travel, or pleasure;

(B) property damage sustained by any person who enters the premises for recreation, exercise, education, relaxation, travel, or pleasure or accompanies another person entering the premises for recreation, exercise, education, relaxation, travel, or pleasure; or

(C) an act of a third party that occurs on the premises, regardless of whether the act is intentional.

(c) Subsection (b) applies to any claim for damages, including a claim:

(1) alleging gross negligence;

(2) asserting the doctrine of attractive nuisance; or

(3) arising from contact of a person or property with power lines or exposure of a person or property to electric and magnetic fields [to the extent the municipality, county, or political subdivision purchases a general liability insurance policy in amounts required by Chapter 75 of the Civil Practice and Remedies Code insuring the public utility for liability arising from the condition of the premises for such recreational use].

(d) A public utility that, as the owner, easement holder, occupant, or lessee of land, allows the use of the premises for recreation, exercise, education, relaxation, travel, or pleasure shall post and maintain a clearly readable sign in a clearly visible location on or near the premises. The sign must contain the following warning language:

WARNING

TEXAS LAW (CHAPTER 75, CIVIL PRACTICE AND REMEDIES CODE)

LIMITS THE LIABILITY OF A PUBLIC UTILITY FOR DAMAGES ARISING FROM THE USE OF THIS PROPERTY FOR RECREATION, EXERCISE, EDUCATION, RELAXATION, TRAVEL, OR PLEASURE.

(e) [(e)] This section applies only to a public utility located in[:

[(+) a county:

(1) with a population of 800,000 or more and located on the international border; [oe]

(2) with a population of four million or more; or

(3) adjacent to a county with a population of four million or more [a municipal management district located in a municipality with a population of more than 1.9 million].

SECTION ____ .03. Section 75.003(b), Civil Practice and Remedies Code, is amended to read as follows:

(b) Except as provided by Sections 75.0021(b) and (c), this [This] chapter does not affect the doctrine of attractive nuisance, except that the doctrine may not be the basis for liability of an owner, lessee, or occupant of agricultural land for any injury to a trespasser over the age of 16 years.

SECTION ____ .04. Sections 75.0021 and 75.003(b), Civil Practice and Remedies Code, as amended by this article, apply only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

Amendment No. 2 failed of adoption by (Record 60): 89 Yeas, 51 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycok; Beck; Bonnen; Branch; Brown; Burkett; Button; Callegari; Chisum; Coleman; Cook; Craddick; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Eissler; Elkins; Farrar; Frullo; Gallego; Garza; Geren; Giddings; Gooden; Hamilton; Hardcastle; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Hunter; Isaac; Jackson; Johnson; Keffer; King, T.; Kleinschmidt; Kuempel; Larson; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Margo; McClendon; Miles; Miller, D.; Miller, S.; Murphy; Nash; Orr; Otto; Parker; Patrick; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Ritter; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Strama; Torres; Turner; Veasey; Vo; Weber; White; Workman; Zerwas.

Nays — Berman; Carter; Castro; Christian; Creighton; Davis, Y.; Dutton; Eiland; Farias; Fletcher; Flynn; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hancock; Howard, D.; Huberty; Hughes; King, P.; King, S.;

Kolkhorst; Landtroop; Laubenberg; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; Menendez; Morrison; Muñoz; Naishtat; Oliveira; Paxton; Phillips; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Smith, T.; Smithee; Solomons; Taylor, V.; Thompson; Truitt; Villarreal; Walle; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Woolley.

Absent — Allen; Cain; Crownover; Harless; Harper-Brown; Taylor, L.

STATEMENT OF VOTE

When Record No. 60 was taken, I was absent because of important business in the district. I had requested to be excused, but the excuse failed to be read out. Had I been present I would have voted no.

Harless

Amendment No. 3

Representative V. Taylor offered the following amendment to **SB 1**:

Amend Amendment No. 25 by V. Taylor to **SB 1** on page 2, line 3 of the amendment, by striking "requirements of Subsection (b) are otherwise met" and substituting "person does not provide a form of identification described by Subsection (b)".

Amendment No. 3 failed of adoption by (Record 61): 95 Yeas, 48 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Madden; Margo; Miller, D.; Morrison; Murphy; Nash; Orr; Otto; Parker; Paxton; Perry; Phillips; Pitts; Price; Raymond; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Vo; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Brown; Coleman; Davis, Y.; Deshotel; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Lyne; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Patrick; Peña; Pickett; Quintanilla; Reynolds; Riddle; Rodriguez; Simpson; Strama; Thompson; Turner; Veasey; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Woolley.

Absent — Harless; Miller, S.; Villarreal.

STATEMENT OF VOTE

When Record No. 61 was taken, I was absent because of important business in the district. I had requested to be excused, but the excuse failed to be read out. Had I been present I would have voted yes.

Harless

Amendment No. 4

Representative Alonzo offered the following amendment to **SB 1**:

Amend **SB 1** on third reading by adding the following appropriately numbered SECTION to ARTICLE ___ of the bill, as added on second reading by Amendment No. 132 by Pitts, and renumbering subsequent SECTIONS of the ARTICLE accordingly:

SECTION _____. Subchapter G, Chapter 521, Transportation Code, is amended by adding Section 521.1471 to read as follows:

Sec. 521.1471. REGISTRATION WITH SELECTIVE SERVICE. A person who provides proof of compliance with registration requirements of the United States Selective Service System under the Military Selective Service Act (50 U.S.C. App. Section 451 et seq.) is eligible to apply for a driver's license under this chapter.

Amendment No. 4 failed of adoption by (Record 62): 46 Yeas, 90 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Castro; Coleman; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Vo; Walle.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Margo; Miller, D.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Woolley.

Absent — Cain; Callegari; Driver; Eiland; Harless; Madden; Menendez; Miller, S.; Raymond; Villarreal.

STATEMENTS OF VOTE

When Record No. 62 was taken, I was in the house but away from my desk. I would have voted no.

Callegari

When Record No. 62 was taken, I was absent because of important business in the district. I had requested to be excused, but the excuse failed to be read out. Had I been present I would have voted no.

Harless

Amendment No. 5

Representative Hilderbran offered the following amendment to **SB 1**:

Amend **SB 1** on third reading by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . CERTAIN FORFEITED PROPERTY PROCEEDS

SECTION ____ .01. (a) If **SB 316**, Acts of the 82nd Legislature, Regular Session, 2011, becomes law, Section 24.377(c), Government Code, as effective September 1, 2011, is repealed.

(b) If **SB 316**, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, this article has no effect.

SECTION ____ .02. This article 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 article does not receive the vote necessary for immediate effect, this article takes effect on the 91st day after the last day of the legislative session.

Amendment No. 5 - Point of Order

Representative Marquez raised a point of order against further consideration of Amendment No. 5 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 5.

Amendment No. 6

Representative Madden offered the following amendment to **SB 1**:

Amend **SB 1** on third reading by striking SECTIONS 40.01, 40.03, and 40.06 as amended on second reading by Amendment No. 1 by Pitts and substitute the following SECTIONS:

SECTION 40.01. Subsection (a), Section 501.133, Government Code, is amended to read as follows:

(a) The committee consists of five voting [~~nine~~] members and one nonvoting member [~~appointed~~] as follows:

(1) one member [~~two members~~] employed full-time by the department, [~~at least one of whom is a physician,~~] appointed by the executive director;

(2) one member who is a physician and [~~two members~~] employed full-time by The University of Texas Medical Branch at Galveston, [~~at least one of whom is a physician,~~] appointed by the president of the medical branch;

(3) one member who is a physician and [~~two members~~] employed full-time by the Texas Tech University Health Sciences Center, [~~at least one of whom is a physician,~~] appointed by the president of the university; [~~and~~]

(4) two [~~three~~] public members appointed by the governor who are not affiliated with the department or with any entity with which the committee has contracted to provide health care services under this chapter, at least one [~~two~~] of whom is [~~are~~] licensed to practice medicine in this state; and

(5) the state Medicaid director, to serve ex officio as a nonvoting member.

SECTION 40.03. Section 501.136, Government Code, is amended to read as follows:

Sec. 501.136. TERMS OF OFFICE FOR PUBLIC MEMBERS. Committee members appointed by the governor serve staggered four-year [~~six-year~~] terms, with the term of one of those members expiring on February 1 of each odd-numbered year. Other committee members serve at the will of the appointing official or until termination of the member's employment with the entity the member represents.

SECTION 40.06. (a) The Correctional Managed Health Care Committee established under Section 501.133, Government Code, as that section existed before amendment by this article, is abolished effective November 30, 2011.

(b) An appointing official under Section 501.133, Government Code, shall appoint the members of the Correctional Managed Health Care Committee under Section 501.133, Government Code, as amended by this Act, not later than November 30, 2011. The governor shall appoint one public member to serve a term that expires February 1, 2013, and one public member to serve a term that expires February 1, 2015.

(c) The term of a person who is serving as a member of the Correctional Managed Health Care Committee immediately before the abolition of that committee under Subsection (a) of this section expires on November 30, 2011. Such a person is eligible for appointment by an appointing official to the new committee under Section 501.133, Government Code, as amended by this article.

Amendment No. 6 was adopted.

Amendment No. 7

Representative Garza offered the following amendment to **SB 1**:

Amend **SB 1** (third reading) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.0833 to read as follows:

Sec. 33.0833. LIMITATION ON RECEIPTS FROM PLAYOFF GAMES. For the 2011-2012 and 2012-2013 school year, the University Interscholastic League may not collect more than:

(a) 12% of the gross gate receipts for football playoff games, bi-district through regional, or;

(b) 12% of the gross gate receipts for basketball playoff games, bi-district through regional, or;

(c) 13% of the gross income from the state volleyball, basketball, soccer, softball and baseball tournaments.

SECTION ____. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.0832 to read as follows:

Sec. 33.0832. EQUAL OPPORTUNITY FOR ACCESS TO UNIVERSITY INTERSCHOLASTIC LEAGUE ACTIVITIES. (a) In this section, "private school" has the meaning assigned by Section 39.033(d).

(b) The University Interscholastic League shall provide private and parochial schools with equal opportunity to become members of the league for the purpose of providing their students with access to league activities.

(c) This section does not exempt a private or parochial school or its students from satisfying each rule or eligibility requirement imposed by this subchapter or the league for participating in an activity or league district sponsored by the league.

(d) A private or parochial school seeking to participate in a league activity or to become a member of a league district shall apply to the league on a signed form prescribed by the league. The school must certify its eligibility under this subchapter and league rules in the application and must attach proof of accreditation. The league may not impose eligibility requirements for private or parochial schools that exceed the requirements of this subchapter or league rules for public schools or require proof of eligibility that exceeds the proof required of public schools. On approval of an application, the league shall issue a certificate of approval to the applicant school. The application and certificate of approval are governmental records for purposes of Section 37.10, Penal Code.

(e) The league shall determine the appropriate league district in which an eligible private or parochial school will participate using the same standard the league applies to public schools, provided that the private or parochial school may not be placed in a league district lower than the 1A level.

(f) The league may adopt rules designed to discourage an eligible private or parochial school from recruiting any student to attend the school for the purpose of participating in a league activity. A rule adopted under this subsection may not be designed to discriminate against an eligible private or parochial school.

(g) To be eligible under this section, a private or parochial school must:
(1) be accredited by an accrediting organization recognized by the agency;

(2) not have had its ability or eligibility to participate in an association similar to the league compromised, revoked, or suspended for violating the rules or codes of that association within the five-year period preceding the date of application to participate in the league;

(3) offer a four-year high school curriculum;

(4) offer interscholastic competition; and

(5) require daily student attendance at a specific location.

(h) Notwithstanding any other provision of this section, the league shall implement this section by providing private and parochial schools with equal opportunity to participate in:

(1) league academic activities beginning with the 2011-2012 school year;

(2) league athletic activities at the 1A and 2A league district levels beginning with the spring semester of the 2011-2012 school year;

(3) league athletic activities at the 3A league district level beginning with the 2012-2013 school year;

(4) league athletic activities at the 4A league district level beginning with the 2013-2014 school year; and

(5) league athletic activities at the 5A league district level beginning with the 2014-2015 school year.

(i) Subsection (h) and this subsection expire September 1, 2015.

(j) Notwithstanding any other law, a child who resides within the attendance area of a public school and who is instructed at home shall be allowed to try out for interscholastic activities on behalf of the public school in the same manner as a pupil who is enrolled in that public school. Registration, age eligibility requirements, fees, insurance, transportation, physical condition, qualifications, responsibilities, event schedules, standards of behavior and performance policies for home schooled students shall be consistent with those policies established for students enrolled in that public school. The individual providing the primary instruction of a child who is instructed at home shall submit written verification that provides:

(1) Whether the student is receiving a passing grade in each course or subject being taught.

(2) Whether the student is maintaining satisfactory progress towards advancement or promotion.

(k) A child who is instructed at home and who was previously enrolled in a school shall be ineligible to participate in interscholastic activities for the remainder of the school year during which the child was enrolled in a school.

Amendment No. 7 - Point of Order

Representative Thompson raised a point of order against further consideration of Amendment No. 7.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 7.

SB 1, as amended, was passed by (Record 63): 83 Yeas, 62 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Aycock; Beck; Berman; Branch; Brown; Burkett; Button; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn;

Frullo; Garza; Geren; Gonzales, L.; Gooden; Hancock; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Torres; Weber; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Bonnen; Carter; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hernandez Luna; Hochberg; Hopson; Howard, D.; Johnson; King, S.; King, T.; Landtroop; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, S.; Morrison; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Strama; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Woolley.

Absent — Harless.

The speaker stated that **SB 1** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

STATEMENT OF VOTE

When Record No. 63 was taken, I was absent because of important business in the district. I had requested to be excused, but the excuse failed to be read out. Had I been present I would have voted no.

Harless

REASON FOR VOTE

I believe that **SB 1**, although good in intention, does not properly prioritize the states spending needs. Due to the bill containing earmarks and funding for non-priority items (such as arts and film industry) while not properly funding mental health, care for the elderly, etc., I cannot support this bill and will cast a no vote.

Landtroop

HB 19 - RECOMMITTED

Representative Eissler moved to recommit **HB 19** to the Committee on Public Education.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Education, upon adjournment today, Desk 56, for a formal meeting, to consider **HB 19**.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

The following bills were laid before the house and read second time:

**HB 13 ON SECOND READING
(by Kolkhorst)**

HB 13, A bill to be entitled An Act relating to the Medicaid program and alternate methods of providing health services to low-income persons in this state.

HB 13 was passed to engrossment by (Record 64): 97 Yeas, 45 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Woolley.

Absent — Farias; Murphy; Veasey; Walle.

**HB 18 ON SECOND READING
(by Eissler)**

HB 18, A bill to be entitled An Act relating to elementary class size limits in public schools.

Amendment No. 1

Representative Eissler offered the following amendment to **HB 18**:

Amend **HB 18** (house committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 25.112, Education Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) On application of a school district, the commissioner may except the district from the limit in Subsection (a) if the commissioner:

(1) finds the limit works an undue hardship on the district; or

(2) determines that as a result of a reduction in state funding levels, the amount of state and local funds per weighted student available to the district is less than the amount of state and local funds per weighted student available to the district in the preceding school year.

(d-1) An exception under Subsection (d) expires at the end of the school year for which it is granted.

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 on the 91st day after the last day of the legislative session.

Amendment No. 1 was adopted.

HB 18, as amended, was passed to engrossment by (Record 65): 94 Yeas, 48 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Burkett; Button; Cain; Callegari; Castro; Chisum; Christian; Cook; Creighton; Crownover; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gooden; Hancock; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hochberg; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Pitts; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Truitt; Turner; Vo; Weber; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Bonnen; Carter; Craddick; Darby; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Gonzalez; Guillen; Gutierrez; Hamilton; Hernandez Luna; Hopson; Johnson; King, T.; Landtroop; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Phillips; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Thompson; Torres; Villarreal; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Woolley.

Absent — Coleman; Harless; Veasey; Walle.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 65. I intended to vote no.

Brown

When Record No. 65 was taken, I was absent because of important business in the district. I had requested to be excused, but the excuse failed to be read out. Had I been present I would have voted yes.

Harless

I was shown voting yes on Record No. 65. I intended to vote no.

S. King

I was shown voting yes on Record No. 65. I intended to vote no.

Kolkhorst

ADJOURNMENT

Representative Hamilton moved that the house adjourn until 10 a.m. Tuesday, June 14.

The motion prevailed.

The house accordingly, at 2:28 p.m., adjourned until 10 a.m. Tuesday, June 14.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

June 9

Insurance - **HB 3**

Public Education - **SB 6**

Redistricting - **SB 4**

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

EIGHTH DAY — TUESDAY, JUNE 14, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 66).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; 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; 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, Excused — Anchia; Lucio; Ritter.

Absent — Alvarado.

The invocation was offered by Representative Chisum, as follows:

Heavenly Father, I give thanks for our government. I pray for all men and women in this chamber. Pour out your spirit upon us and make your word known to us. Cause us to be men and women of integrity, obedient concerning our people, that our people may lead a quiet and peaceable life in all godliness and honesty. Let wisdom enter our hearts. Let discretion preserve us and understanding keep us, to deliver us from the way of evil. Make our hearts and ears attentive to godly counsel, doing what is right in your sight.

Let this nation and this state remember and return to doing our first works: setting our hearts and our souls to seek the Lord, humbling ourselves, praying, and turning from our wicked ways. Then hear us, O Lord, and forgive our sins,

send rain, and heal our land. Open our eyes and turn us from darkness to light. Soften the hearts that are hardened through the deceitfulness of sin. Deliver us from our destructions. Father, you have been long-suffering toward us, not willing that any should perish, but that all should come to repentance. Raise up a standard in this nation and state. Cause the rains of your spirit to flood this land and revive your work in the midst of us. Raise up intercessors for this nation to pull down strongholds over this land, and let the glory of the Lord be revealed.

The speaker recognized Representative Geren who led the house in the pledges of allegiance to the United States and Texas flags.

(Alvarado now present)

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business in the district:

Lucio on motion of Alvarado.

The following member was granted leave of absence temporarily for today because of important business:

Ritter on motion of Geren.

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Hughes on motion of Zedler.

Keffer on motion of Chisum.

HR 102 - ADOPTED

(by Lyne)

Representative Lyne moved to suspend all necessary rules to take up and consider at this time **HR 102**.

The motion prevailed.

The following resolution was laid before the house:

HR 102, Congratulating the baseball team of Rider High School in Wichita Falls on winning the UIL 4A state championship.

HR 102 was adopted.

On motion of Representatives Hunter, Scott, and Torres, the names of all the members of the house were added to **HR 102** as signers thereof.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today and the remainder of the week because of important business:

Woolley on motion of Kleinschmidt.

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. 1).

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**HB 13 ON THIRD READING
(by Kolkhorst)**

HB 13, A bill to be entitled An Act relating to the Medicaid program and alternate methods of providing health services to low-income persons in this state.

HB 13 was passed by (Record 67): 100 Yeas, 41 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycocck; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Castro; Coleman; Davis, Y.; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Hughes; Keffer; Lucio; Ritter; Woolley.

Absent — Burnam; Naishtat.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 67. I intended to vote no.

Deshotel

When Record No. 67 was taken, I was temporarily out of the house chamber. I would have voted no.

Naishtat

I was shown voting yes on Record No. 67. I intended to vote no.

Peña

HB 18 ON THIRD READING
(by Eissler)

HB 18, A bill to be entitled An Act relating to elementary class size limits in public schools.

HB 18 was passed by (Record 68): 95 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Castro; Chisum; Christian; Cook; Creighton; Crownover; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzales, V.; Gooden; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Pickett; Pitts; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Vo; Weber; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Carter; Coleman; Craddick; Darby; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzalez; Guillen; Gutierrez; Hamilton; Johnson; King, T.; Kolkhorst; Landtroop; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Phillips; Raymond; Rodriguez; Thompson; Turner; Veasey; Villarreal; Walle; White.

Present, not voting — Mr. Speaker(C); Reynolds.

Absent, Excused — Anchia; Hughes; Keffer; Lucio; Ritter; Woolley.

Absent — Quintanilla; Smith, T.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 68. I intended to vote no.

C. Anderson

I was shown voting yes on Record No. 68. I intended to vote no.

Bonnen

I was shown voting yes on Record No. 68. I intended to vote no.

Brown

I was shown voting yes on Record No. 68. I intended to vote no.

Hernandez Luna

I was shown voting yes on Record No. 68. I intended to vote no.

Hopson

I was shown voting yes on Record No. 68. I intended to vote no.

Pickett

I was shown voting present, not voting on Record No. 68. I intended to vote no.

Reynolds

When Record No. 68 was taken, I was temporarily out of the house chamber. I would have voted yes.

T. Smith

**MAJOR STATE CALENDAR
SENATE BILLS
SECOND READING**

The following bills were laid before the house and read second time:

**CSSB 4 ON SECOND READING
(Solomons - House Sponsor)**

CSSB 4, A bill to be entitled An Act relating to the composition of the congressional districts for the State of Texas.

Amendment No. 1

Representative Solomons offered the following amendment to **CSSB 4**:

Plan No. C170

[At the time of this printing, the text of Amendment No. 1 was unavailable. The proposed map and reports associated with this amendment are viewable at <http://gis1.tlc.state.tx.us/>.]

Amendment No. 1 was adopted by (Record 69): 95 Yeas, 46 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Aycock; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hunter; Isaac; Jackson; Johnson; King, P.; King, S.; Kleinschmidt; Kolkhorst; 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; Price;

Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Villarreal; Weber; White; Workman; Zedler; Zerwas.

Nays — Aliseda; Allen; Alonzo; Alvarado; Anderson, R.; Beck; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; King, T.; Kuempel; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Vo; Walle.

Present, not voting — Mr. Speaker(C); Strama.

Absent, Excused — Anchia; Hughes; Keffer; Lucio; Ritter; Woolley.

Absent — Muñoz.

STATEMENTS OF VOTE

I was shown voting no on Record No. 69. I intended to vote yes.

Aliseda

I was shown voting yes on Record No. 69. I intended to vote no.

Hilderbran

I was shown voting yes on Record No. 69. I intended to vote no.

Johnson

When Record No. 69 was taken, I was in the house but away from my desk. I would have voted no.

Muñoz

Amendment No. 2

Representative Geren offered the following amendment to **CSSB 4**:

Plan No. C169

[At the time of this printing, the text of Amendment No. 2 was unavailable. The proposed map and reports associated with this amendment are viewable at [http://gis1.tlc.state.tx.us/.](http://gis1.tlc.state.tx.us/)]

Amendment No. 2 was adopted. (White recorded voting no.)

Amendment No. 3

Representative Kuempel offered the following amendment to **CSSB 4**:

Plan No. C172

[At the time of this printing, the text of Amendment No. 3 was unavailable. The proposed map and reports associated with this amendment are viewable at [http://gis1.tlc.state.tx.us/.](http://gis1.tlc.state.tx.us/)]

Amendment No. 3 was withdrawn.

Amendment No. 4

On behalf of Representative Hughes, Representative Solomons offered the following amendment to **CSSB 4**:

Plan No. C152

[At the time of this printing, the text of Amendment No. 4 was unavailable. The proposed map and reports associated with this amendment are viewable at [http://gis1.tlc.state.tx.us/.](http://gis1.tlc.state.tx.us/)]

Amendment No. 4 was adopted.

Amendment No. 5

Representative Riddle offered the following amendment to **CSSB 4**:

Plan No. C153

[At the time of this printing, the text of Amendment No. 5 was unavailable. The proposed map and reports associated with this amendment are viewable at [http://gis1.tlc.state.tx.us/.](http://gis1.tlc.state.tx.us/)]

Amendment No. 6

Representative Riddle offered the following amendment to Amendment No. 5:

Plan No. C176

[At the time of this printing, the text of Amendment No. 6 was unavailable. The proposed map and reports associated with this amendment are viewable at [http://gis1.tlc.state.tx.us/.](http://gis1.tlc.state.tx.us/)]

Amendment No. 6 was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Eissler requested permission for the Committee on Public Education to meet while the house is in session, at 11:15 a.m. today, in 1W.14, to consider **SB 8**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Education, 11:15 a.m. today, 1W.14, for a formal meeting, to consider **SB 8**.

CSSB 4 - (consideration continued)

Representative Solomons moved to table Amendment No. 5, as amended.

The motion to table prevailed by (Record 70): 77 Yeas, 54 Nays, 6 Present, not voting.

Yeas — Aliseda; Alvarado; Anderson, C.; Anderson, R.; Aycock; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Chisum; Coleman; Cook; Craddick; Creighton; Darby; Driver; Eiland; Eissler; Farias; Flynn; Frullo;

Geren; Gonzales, L.; Gonzalez; Guillen; Hamilton; Hancock; Hardcastle; Harless; Hilderbran; Hopson; Howard, C.; Hunter; Jackson; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Lewis; Lyne; Madden; Margo; Marquez; Miller, S.; Nash; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Schwertner; Scott; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, V.; Truitt; Veasey; Villarreal; Walle; White; Zerwas.

Nays — Allen; Alonzo; Beck; Burnam; Carter; Castro; Christian; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Farrar; Fletcher; Giddings; Gooden; Gutierrez; Harper-Brown; Hartnett; Huberty; Isaac; Johnson; King, S.; King, T.; Larson; Laubenberg; Lavender; Legler; Lozano; Mallory Caraway; Martinez Fischer; McClendon; Menendez; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Paxton; Reynolds; Riddle; Rodriguez; Sheets; Simpson; Taylor, L.; Thompson; Torres; Turner; Vo; Weber; Workman; Zedler.

Present, not voting — Mr. Speaker(C); Gonzales, V.; Hochberg; Howard, D.; Miller, D.; Strama.

Absent, Excused — Anchia; Hughes; Keffer; Lucio; Ritter; Woolley.

Absent — Bohac; Crownover; Gallego; Garza; Hernandez Luna; Martinez; Miles.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 70. I intended to vote present, not voting.

Gonzalez

I was shown voting yes on Record No. 70. I intended to vote present, not voting.

Marquez

Amendment No. 7

Representative Alvarado offered the following amendment to **CSSB 4**:
Plan No. C168

[At the time of this printing, the text of Amendment No. 7 was unavailable. The proposed map and reports associated with this amendment are viewable at <http://gis1.tlc.state.tx.us/>.]

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Christian on motion of Flynn.

CSSB 4 - (consideration continued)

Representative Solomons moved to table Amendment No. 7.

The motion to table prevailed by (Record 71): 94 Yeas, 47 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Button; Cain; Callegari; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Brown; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C); Strama.

Absent, Excused — Anchia; Christian; Hughes; Keffer; Lucio; Ritter; Woolley.

Amendment No. 8

Representative Johnson offered the following amendment to **CSSB 4**:

Plan No. C157

[At the time of this printing, the text of Amendment No. 8 was unavailable. The proposed map and reports associated with this amendment are viewable at <http://gis1.tlc.state.tx.us/>.]

Amendment No. 9

Representative Johnson offered the following amendment to Amendment No. 8:

Plan No. C177

[At the time of this printing, the text of Amendment No. 9 was unavailable. The proposed map and reports associated with this amendment are viewable at <http://gis1.tlc.state.tx.us/>.]

Amendment No. 9 was adopted. (The vote was reconsidered later today, and Amendment No. 9 was withdrawn.)

Amendment No. 8, as amended, was adopted. (The vote was reconsidered later today, and Amendment No. 8 was amended by Amendment No. 14 and was adopted, as amended.)

Amendment No. 10

Representative Veasey offered the following amendment to **CSSB 4**:

Plan No. C121

[At the time of this printing, the text of Amendment No. 10 was unavailable. The proposed map and reports associated with this amendment are viewable at [http://gis1.tlc.state.tx.us/.](http://gis1.tlc.state.tx.us/)]

Representative Solomons moved to table Amendment No. 10.

The motion to table prevailed by (Record 72): 93 Yeas, 46 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.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C); Strama.

Absent, Excused — Anchia; Christian; Hughes; Keffer; Lucio; Ritter; Woolley.

Absent — Lewis; Torres.

Amendment No. 11

Representative Alonzo offered the following amendment to **CSSB 4**:

Plan No. C142

[At the time of this printing, the text of Amendment No. 11 was unavailable. The proposed map and reports associated with this amendment are viewable at [http://gis1.tlc.state.tx.us/.](http://gis1.tlc.state.tx.us/)]

(Ritter now present)

Representative Solomons moved to table Amendment No. 11.

The motion to table prevailed by (Record 73): 96 Yeas, 46 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.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C); Strama.

Absent, Excused — Anchia; Christian; Hughes; Keffer; Lucio; Woolley.

Amendment No. 12

Representatives Turner and Y. Davis offered the following amendment to **CSSB 4**:

Plan No. C155

[At the time of this printing, the text of Amendment No. 12 was unavailable. The proposed map and reports associated with this amendment are viewable at <http://gis1.tlc.state.tx.us/>.]

Representative Solomons moved to table Amendment No. 12.

The motion to table prevailed by (Record 74): 93 Yeas, 49 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne;

Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Callegari; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Kuempel; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C); Strama.

Absent, Excused — Anchia; Christian; Hughes; Keffer; Lucio; Woolley.

STATEMENT OF VOTE

I was shown voting no on Record No. 74. I intended to vote yes.

Callegari

Amendment No. 13

Representative Martinez Fischer offered the following amendment to **CSSB 4**:

Plan No. C163

[At the time of this printing, the text of Amendment No. 13 was unavailable. The proposed map and reports associated with this amendment are viewable at <http://gis1.tlc.state.tx.us/>.]

Representative Solomons moved to table Amendment No. 13.

The motion to table prevailed by (Record 75): 92 Yeas, 48 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.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson;

King, T.; Kuempel; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C); Strama.

Absent, Excused — Anchia; Christian; Hughes; Keffer; Lucio; Woolley.

Absent — Eiland; Harper-Brown.

STATEMENT OF VOTE

I was shown voting no on Record No. 75. I intended to vote yes.

Kuempel

Amendment No. 8 - Vote Reconsidered

Representative Johnson moved to reconsider the vote by which Amendment No. 8, as amended, was adopted.

The motion to reconsider prevailed.

Amendment No. 9 - Vote Reconsidered

Representative Johnson moved to reconsider the vote by which Amendment No. 9 was adopted.

The motion to reconsider prevailed.

Amendment No. 9 was withdrawn.

Amendment No. 14

Representative Johnson offered the following amendment to Amendment No. 8:

Plan No. C178

[At the time of this printing, the text of Amendment No. 14 was unavailable. The proposed map and reports associated with this amendment are viewable at <http://gis1.tlc.state.tx.us/>.]

Amendment No. 14 was adopted.

Amendment No. 8, as amended, was adopted.

Amendment No. 15

Representative Martinez Fischer offered the following amendment to **CSSB 4**:

Plan No. C164

[At the time of this printing, the text of Amendment No. 15 was unavailable. The proposed map and reports associated with this amendment are viewable at <http://gis1.tlc.state.tx.us/>.]

Representative Solomons moved to table Amendment No. 15.

The motion to table prevailed by (Record 76): 94 Yeas, 48 Nays, 1 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.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Christian; Hughes; Keffer; Lucio; Woolley.

Absent — Hernandez Luna.

STATEMENTS OF VOTE

When Record No. 76 was taken, I was in the house but away from my desk. I would have voted no.

Hernandez Luna

I was shown voting no on Record No. 76. I intended to vote present, not voting.

Strama

Amendment No. 16

Representative Martinez Fischer offered the following amendment to **CSSB 4**:

Plan No. C165

[At the time of this printing, the text of Amendment No. 16 was unavailable. The proposed map and reports associated with this amendment are viewable at <http://gis1.tlc.state.tx.us/>.]

Representative Solomons moved to table Amendment No. 16.

The motion to table prevailed by (Record 77): 95 Yeas, 47 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.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Kuempel; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Pickett; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C); Strama.

Absent, Excused — Anchia; Christian; Hughes; Keffer; Lucio; Woolley.

STATEMENT OF VOTE

I was shown voting no on Record No. 77. I intended to vote yes.

Kuempel

Amendment No. 17

Representative Dukes offered the following amendment to **CSSB 4**:

Plan No. C166

[At the time of this printing, the text of Amendment No. 17 was unavailable. The proposed map and reports associated with this amendment are viewable at <http://gis1.tlc.state.tx.us/>.]

(Ritter in the chair)

Representative Solomons moved to table Amendment No. 17.

The motion to table prevailed by (Record 78): 93 Yeas, 45 Nays, 3 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.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett;

Hilderbran; Hopson; Howard, C.; Huberty; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Thompson; Turner; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Ritter(C); Strama.

Absent, Excused — Anchia; Christian; Hughes; Keffer; Lucio; Woolley.

Absent — Hernandez Luna; Torres; Veasey.

STATEMENT OF VOTE

When Record No. 78 was taken, I was in the house but away from my desk. I would have voted no.

Hernandez Luna

Amendment No. 18

Representative Hilderbran offered the following amendment to **CSSB 4**:
Plan No. C161

[At the time of this printing, the text of Amendment No. 18 was unavailable. The proposed map and reports associated with this amendment are viewable at <http://gis1.tlc.state.tx.us/>.]

Amendment No. 19

Representative Hilderbran offered the following amendment to Amendment No. 18:

Plan No. C181

[At the time of this printing, the text of Amendment No. 19 was unavailable. The proposed map and reports associated with this amendment are viewable at <http://gis1.tlc.state.tx.us/>.]

Amendment No. 19 was adopted.

(Speaker in the chair)

Amendment No. 18, as amended, was withdrawn.

REMARKS ORDERED PRINTED

Representative Menendez moved to print remarks on **CSSB 4** on second and third reading.

The motion prevailed.

[Please refer to the supplement to today's journal for the text of the debate on **CSSB 4** on second reading.]

CSSB 4, as amended, was passed to third reading by (Record 79): 93 Yeas, 48 Nays, 3 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.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Kuempel; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C); Hilderbran; Strama.

Absent, Excused — Anchia; Christian; Hughes; Keffer; Lucio; Woolley.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 2:20 p.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 2:20 p.m. today, 3W.15, for a formal meeting, to set a calendar.

SCR 1 - ADOPTED
(Jackson - House Sponsor)

Representative Jackson moved to suspend all necessary rules to take up and consider at this time **SCR 1**.

The motion prevailed.

The following resolution was laid before the house:

SCR 1, In memory of the Honorable John Nesbett Leedom.

SCR 1 was unanimously adopted by a rising vote.

On motion of Representative Craddick, the names of all the members of the house were added to **SCR 1** as signers thereof.

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

The following bills were laid before the house and read second time:

HB 20 ON SECOND READING
(by Huberty)

HB 20, A bill to be entitled An Act relating to notice required for termination of a teacher's probationary contract or nonrenewal of a teacher's term contract.

Representative Huberty moved to postpone consideration of **HB 20** until 9 a.m. Friday, June 17.

The motion prevailed.

HB 21 ON SECOND READING
(by Shelton)

HB 21, A bill to be entitled An Act relating to the reduction in force of teachers employed by a school district.

Representative Shelton moved to postpone consideration of **HB 21** until 9 a.m. Friday, June 17.

The motion prevailed.

HR 105 - ADOPTED
(by D. Miller)

Representative D. Miller moved to suspend all necessary rules to take up and consider at this time **HR 105**.

The motion prevailed.

The following resolution was laid before the house:

HR 105, Honoring Rear Admiral Jerry R. Kelley on the occasion of his retirement from the United States Navy.

HR 105 was adopted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Criminal Jurisprudence, upon adjournment today, Desk 92, for a formal meeting, to consider **HB 41** and **HB 75**.

Judiciary and Civil Jurisprudence, upon adjournment today, Desk 35, for a formal meeting, to consider **HB 79**.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

Representatives Bonnen and J. Davis moved that the house adjourn until 10 a.m. tomorrow in memory of Joe Alvarez, Jr., of Pearland.

The motion prevailed.

The house accordingly, at 2:29 p.m., adjourned until 10 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

HB 80 (By Harper-Brown), Relating to restrictions on certain private security companies' use of vehicles that mimic law enforcement vehicles.

To Homeland Security and Public Safety.

HCR 14 (By Raymond), Directing the Texas Historical Commission to work with the City of Austin to honor the memory of President John F. Kennedy with an official Texas Historical Marker at or near the site of the Austin Municipal Auditorium.

To Culture, Recreation, and Tourism.

HCR 15 (By Coleman), In memory of Pete A. Gallego, Jr., of Alpine.

To Rules and Resolutions.

HCR 16 (By Craddick), Granting William James Stroman, Jr., permission to sue the State of Texas and the board of regents of The University of Texas.
To Judiciary and Civil Jurisprudence.

HCR 17 (By Perry), In memory of Stacy Furdek of Lubbock.
To Rules and Resolutions.

HJR 13 (By Branch), Proposing a constitutional amendment providing for the election and staggering of terms of county commissioners following a change in boundaries of a commissioners precinct.
To Elections.

HR 50 (By Schwertner), Congratulating Clarence and Ann Crow of Georgetown on their 60th wedding anniversary.
To Rules and Resolutions.

HR 51 (By Hilderbran), In memory of Thomas G. Ratcliffe of Kerrville.
To Rules and Resolutions.

HR 52 (By Hilderbran), In memory of Elizabeth Ann Liggett of Kerrville.
To Rules and Resolutions.

HR 53 (By V. Gonzales), Honoring Lauro Solis on his installation as governor of Rotary International District 5930.
To Rules and Resolutions.

HR 54 (By V. Gonzales), Congratulating Rachelle Grace of McAllen Memorial High School on her receipt of the 2011 H-E-B Excellence in Education Leadership Award in the secondary school category.
To Rules and Resolutions.

HR 55 (By V. Gonzales), Honoring Ernie Madsen for his nearly eight decades of service to Rotary International.
To Rules and Resolutions.

HR 56 (By V. Gonzales), Congratulating Taryn B. Millar on earning her doctorate in psychology from George Washington University.
To Rules and Resolutions.

HR 57 (By V. Gonzales), Commending Judge Rudy Delgado on his selection as the April 2011 Cancer Fighter of the Month by the American Cancer Society of the Rio Grande Valley.
To Rules and Resolutions.

HR 58 (By V. Gonzales), In memory of Oscar Raul Cardenas of McAllen.
To Rules and Resolutions.

HR 59 (By V. Gonzales), Congratulating Jan Seale on being named Texas Poet Laureate for 2012.
To Rules and Resolutions.

HR 60 (By V. Gonzales), Congratulating Las Palmas Healthcare Center in McAllen on earning the Public Information and Education Award from the Texas Health Care Association.
To Rules and Resolutions.

HR 61 (By V. Gonzales), Congratulating Mariella Gorena on her retirement as principal of Wilson Elementary School in McAllen.

To Rules and Resolutions.

HR 62 (By Guillen), Honoring Lauro L. Lopez of Rio Grande City for his contributions as a business and civic leader and as a member of the armed forces.

To Rules and Resolutions.

HR 63 (By Guillen), Honoring Clemente Garza, Jr., and the staff of the Texas Cafe in Rio Grande City for their hard work and entrepreneurial achievements.

To Rules and Resolutions.

HR 64 (By Guillen), Congratulating Elvia Escobedo, founder of Elvia's Beauty Shop in Rio Grande City.

To Rules and Resolutions.

HR 65 (By Y. Davis), Congratulating former NFL star Tim Brown of DeSoto on being named a North Texas Father of the Year by the Sylvan Landau Foundation.

To Rules and Resolutions.

HR 66 (By Menendez), Congratulating Michelle Thomas on her promotion to the position of executive director of financial analysis with AT&T in Dallas and honoring her for her many contributions to the San Antonio community.

To Rules and Resolutions.

HR 67 (By Giddings), Commending Katherine Hinton-Rosenberg for her service as a legislative intern in the office of State Representative Helen Giddings.

To Rules and Resolutions.

HR 68 (By Giddings), Commending Clayton Tucker for his service as a legislative intern in the office of State Representative Helen Giddings.

To Rules and Resolutions.

HR 69 (By Workman), Congratulating Will Hoenig of Lake Travis High School on earning first place in extemporaneous persuasive speaking at the 2011 UIL Conference 4A State Academics Spring Meet.

To Rules and Resolutions.

HR 70 (By Workman), Congratulating Lake Travis High School on its receipt of the sweepstakes award in speech at the 2011 UIL Conference 4A State Academics Spring Meet.

To Rules and Resolutions.

HR 71 (By Gooden), Congratulating the Forney High School softball team on its outstanding 2011 season and its appearance in the UIL 4A title game.

To Rules and Resolutions.

HR 72 (By Guillen), In memory of Juan Caro of Rio Grande City.

To Rules and Resolutions.

HR 73 (By Guillen), Honoring Dr. Mario E. Ramirez on his contributions to health care in South Texas.

To Rules and Resolutions.

HR 75 (By Burkett), Congratulating the first graduating class of Sunnyvale High School.

To Rules and Resolutions.

SB 30 to Public Education.

SB 31 to Public Education.

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

Tuesday, June 14, 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:

SB 30 Shapiro
Relating to the state virtual school network.

SB 31 Shapiro
Relating to the guarantee of open-enrollment charter school bonds by the permanent school fund.

SCR 1 Carona SPONSOR: Jackson, Jim
In memory of the Honorable John Nesbett Leedom.

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 1
Senate Conferees: Duncan - Chair/Deuell/Hinojosa/Shapiro/Williams

SB 2
Senate Conferees: Ogden - Chair/Duncan/Hinojosa/Nelson/Williams

SB 7
Senate Conferees: Nelson - Chair/Carona/Deuell/Hinojosa/Shapiro

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

June 10

Culture, Recreation and Tourism - **HB 56**

June 13

Public Education - **HB 19**

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

NINTH DAY — WEDNESDAY, JUNE 15, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 80).

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; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; 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; Price; 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; Veasey; Villarreal; Walle; Weber; White; Workman; Zedler; Zerwas.

Absent, Excused — Frullo; Marquez; Miles; Taylor, V.; Vo; Woolley.

The invocation was offered by Representative Dutton.

The speaker recognized Representative McClendon who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business:

Vo on motion of Dutton.

The following members were granted leaves of absence for today because of important business in the district:

Miles on motion of Kuempel.

V. Taylor on motion of Lewis.

The following member was granted leave of absence for today because of family business:

Frullo on motion of Shelton.

The following member was granted leave of absence temporarily for today because of important business:

Marquez on motion of Dutton.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative McClendon and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

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. 1).

MAJOR STATE CALENDAR SENATE BILLS THIRD READING

The following bills were laid before the house and read third time:

SB 4 ON THIRD READING (Solomons - House Sponsor)

SB 4, A bill to be entitled An Act relating to the composition of the congressional districts for the State of Texas.

SB 4 - REMARKS

REPRESENTATIVE SOLOMONS: This is the redistricting bill we passed yesterday. I do have a Lege Council technical correction on some existing precinct lines, just to zero out—the zero deviation. This is zero population changes, and with that, then I'll move for passage.

Amendment No. 1

Representative Solomons offered the following amendment to **SB 4**:
Plan No. C185

[At the time of this printing, the text of Amendment No. 1 was unavailable. The proposed map and reports associated with this amendment are viewable at <http://gis1.tlc.state.tx.us/>.]

SOLOMONS: I want to tell you that I appreciate everyone's help in this. This amendment is a technical correction from Lege Council to conform the map to existing precinct lines in Atascosa, Bexar, Comal, El Paso, Hays, Hidalgo, La Salle, Maverick, and Travis Counties. There is zero population change in the amendment. In other words, it doesn't move a single person from one district to another, it just straightens some lines out on the map, and it will make it easier on county officials when they draw their precinct lines. It's acceptable to the author.

REPRESENTATIVE WALLE: What does the amendment actually do?

SOLOMONS: The actual amendment helps your counties out and all the counties out that I mentioned. It's zero population change. It just straightens out some of the lines so that the county officials don't have to go back in and change their precinct lines to match ours. They apparently, when they do their redistricting, match it up to what we have.

WALLE: As far as the local counties and cities—

SOLOMONS: Right. It does absolutely nothing except help some county officials in those counties just straighten their lines out to make them conform, and they don't have to go back through another process for themselves.

WALLE: Okay, so this is just for the local—

SOLOMONS: Right, this is zero population, not a person is involved.

Amendment No. 1 was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 10:30 a.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 10:30 a.m. today, 3W.15, for a formal meeting, to set a calendar.

SB 4 - (consideration continued)

Amendment No. 2

Representative Zedler offered the following amendment to **SB 4**:

Plan No. C186

[At the time of this printing, the text of Amendment No. 2 was unavailable. The proposed map and reports associated with this amendment are viewable at <http://gis1.tlc.state.tx.us/>.]

REPRESENTATIVE ZEDLER: What this does is make the changes only within three congressional districts—6, 33, and 24—and 33 is an open seat, 6 is Joe Barton's. What it does is it takes him—he used to have almost all of Arlington, the current map gives him none, or very little, and this one gives him a portion of Arlington, including his district office, as well as his home. In the current map, his home and his district office were taken out, and I think this is a good, fair way to get this situation solved.

REPRESENTATIVE BURNAM: So, does this proposed amendment in any way address the issue that continues to be a problem in Tarrant County, Representative Zedler, of cracking and packing the minority populations? You know, eastern Arlington has a large minority population; in fact, we were able to draw a minority majority legislative district, and it's my understanding that those minority populations, and minority populations in Fort Worth, are ripped asunder. Does this amendment do anything to address those very legitimate and legal concerns about this illegal map?

ZEDLER: As you know, 33 is an open seat right now, and that map—33 was going to be a pretty solid republican district, anyhow. I don't think it has any affect on that.

BURNAM: Mr. Zedler, that was not clear to me that you answered my question. Shall we make another try at it? Where are the majority minority precincts in Arlington, Texas? Which congressional district are they currently in?

ZEDLER: Under the current map?

BURNAM: Under the proposed plan that we're dealing with on this house floor today.

ZEDLER: I think they would be in 6, but you know, in all honesty, I just got this. I was looking at a different issue, and that was that under the current map, he is not—it took out his home and his district office, so this is an attempt to correct that, as well as—

BURNAM: Could you clarify for me what you mean when you say in all honesty you just got this? Were you assigned to carry this amendment by somebody?

ZEDLER: No. Basically what happened was, when I looked at it, that we tried to make a minor correction to trying to get his home and his district office back in the district. We also included UTA because Joe Barton has had some significant help in the School of Nursing with UTA.

BURNAM: So, all this amendment is designed to do—it's not designed to correct any of the illegal inequities imposed on the people of Tarrant County by the current proposed lines—

ZEDLER: I'm not going to go along and say that there are any at all now. I'm saying that this will simply not address any difference in that.

BURNAM: So, this amendment is not designed to address any of the civil rights, voting rights, legal rights? It is simply designed to do incumbent protection, to make sure the current congressman's personal residence is in this district, his personal district office is in this district—which I have found unavailable on numerous occasions—it's designed to put part of UTA in it, although he consistently votes against higher ed funding issues, and it's designed to put the General Motors plant in the district, as well as the Cowboys stadium. Is that correct, or do I need to repeat my question, since you were distracted?

ZEDLER: Yeah, I think you're correct.

REPRESENTATIVE P. KING: What does this do, how much population is this taking out of the Arlington area, out of the new district, and putting into 6? Is it just moving—

ZEDLER: It's basically moving the population between 24, primarily between 33 and 6, and to some degree 24.

P. KING: How much population are you shifting? Can you kind of tell me the rough area of Arlington you're carving out?

ZEDLER: Well, the current map has almost none. He used to have all of it, and now what it does is it puts more of Arlington back in his district.

P. KING: Where do you pick up, for that new District 33, where do you pick up the population that you're taking out of it to do this? Because that district had all of Arlington, so where do you go to pick up that population? I'm not saying it's a bad amendment, I just want to make sure I understand what it does.

ZEDLER: I think it took it out of 33, which had a great deal of Arlington.

P. KING: Right, so where did you put the population back into 33? From where did that population come from?

ZEDLER: I think all it did was shift between 33 and 24, and it gave 33 less of Arlington and gave 6 more of Arlington.

P. KING: Forgive me, I'm not communicating very clearly, I apologize. Since you took population out of 33, you had to put population back into 33 from somewhere else, I'm just trying to figure out where that came from.

ZEDLER: Right. I think basically what it boiled down to was it simply moved areas around in 33 and 24, I mean in 33 and 6, and it gave 33 perhaps more of Forth Worth and less of Arlington.

P. KING: Maybe if I look at the map I can kind of understand it better.

REPRESENTATIVE MARTINEZ FISCHER: I'm going to oppose this amendment on third reading for a couple of reasons. Number one, we all had a prefiling deadline yesterday for second reading for maps like this that gives us an opportunity to study them, know what the impact is. And while I understand Representative Zedler is only using this for Arlington and other places, both the Texas Legislative Black Caucus and the Mexican American Legislative Caucus both have maps that do different things in the Dallas/Fort Worth Metroplex, so I would urge you—unless you know exactly what it does, and I can tell you I don't, and I talked to Representative Veasey, he doesn't know what it does. And so I would urge you to vote against this amendment. One on principle—everybody else had to prefile this yesterday, on Monday, so everybody knew what everybody was doing. And secondly, I think it could conflict, or send a conflicting message, that we may support something like this when in fact we have alternative maps for the Dallas/Fort Worth Metroplex area. So with that, I ask that those of you that are concerned about voting rights to please vote no on this amendment.

BURNAM: Chairman Martinez Fischer, I've heard, although I haven't seen it, that this proposed amendment is designed to put the General Motors plant, which is surrounded by minority communities, into "Smokey" Joe Barton's district, the current congressman. Do you see any irony in the notion of making sure that "Smokey" Joe Barton has the General Motors plant in light of his clean air voting record in the national Congress?

MARTINEZ FISCHER: Only if he drives a Ford. I'm not sure.

BURNAM: I don't know if he's driving a Ford or not. I agree with you, we should oppose this amendment.

SOLOMONS: Let me just point out a few things about this amendment. I would have to echo—I know it's amazing to many of you, but Mr. Martinez Fischer and I are on the same page on this. It's a last minute amendment. We're not exactly sure of all its ramifications, but we can tell at this point, it could have been filed yesterday. We'd have had time to analyze it. This amendment, basically, as far as we can tell right now, splits Arlington, takes about 57,000 people out of

Arlington. We made a concerted effort to try to keep Arlington whole and to keep the cities whole when possible. It does more than just the district office and an alleged house. Right now our records show that Mr. Barton—and this is all about Mr. Barton, to the detriment of Kenny Marchant and Congressional District 24—he literally takes Hurst out of Congressional District 24 for Congressman Marchant, who was a former member here. He wants to put in Ranger Stadium—he already has Texas Stadium—apparently he needs the ballpark stadium, as well. And, quite frankly, he moves Hurst out of Congressional District 24 to help get his population, as well.

It seems to me that if Mr. Barton had wanted to do this earlier and work with us through the second reading amendments or even before, it would have been more appropriate. I do think it has some other ramifications. I would ask you to table this amendment, and we'll send this bill over to the senate and see what else we need to do with the map, if necessary. But I do, dramatically, think that this is the epitome of Joe Barton, Congressman Barton, wanting to have just exactly what he wants without really going through the process, as all of the other congressmen and everybody else really did. This last-minute amendment does dramatically affect some other districts.

REPRESENTATIVE ALONZO: Mr. Solomons, a few questions. In the process of getting here today, we had hearings throughout the state, we had hearings here at the Capitol. In that process, we had different individuals participating in proposing maps to the body, is that correct?

SOLOMONS: Yes, sir.

ALONZO: And in that process, we had house members, we had senate members, and we had community folks from around the state, and we also had congressmen. Is that correct?

SOLOMONS: What?

ALONZO: We also had congressmen.

SOLOMONS: We had a variety of input from a variety of sources, including congressmen, members of the house, members of the senate, the voting public, citizenry. We can agree or disagree with certain aspects of all of this redistricting. But we did have this entire process that we went through for several months, and in the special, too, that we did for congressional redistricting. Yes, sir.

ALONZO: If I may focus, from all those different entities, on the Congress for a minute. Did you have input from different congress people from around the state on this map?

SOLOMONS: We had input from various congressmen, both republican and democrat.

ALONZO: And when these Congress individuals made proposals to you, the ones that, in my opinion, seemed to have the most impact on the map were mainly republican congressmen, would you not say so?

SOLOMONS: I'm sorry, it's really hard to hear. There's a lot of conversation. Can you repeat that?

ALONZO: Would you not say that in the way this map was shaped, that the ones who had the most impact on the way the map came out were republican congressmen? Is that right?

SOLOMONS: Not entirely, but they did have—we have a number of republican congressmen. Of course they did input like any other congressman. It was available to all congressmen.

ALONZO: Not entirely, but almost entirely.

SOLOMONS: No, just a lot, because there's just a lot of republican congressmen. There's a lot of democrat congressmen who had input through their own members, as well.

ALONZO: And of the four additional new districts, would you say that the democrats were for Hispanic Opportunity Districts and the republicans were not?

SOLOMONS: No, I wouldn't say that.

ALONZO: In the end, of the four new districts, how many were Hispanic Opportunity Districts?

SOLOMONS: Well, there's eight Hispanic—

ALONZO: The question is—four, not eight—of the four new ones—

SOLOMONS: Oh, the four new ones?

ALONZO: Yes, sir.

SOLOMONS: Well, it's sort of interesting. There are two, and probably two. Now, depending on—well, it's about two and two, actually, but when you look at one of the districts, it could go either way.

ALONZO: But in North Texas, you didn't create one.

SOLOMONS: Yes, and I know your concern in North Texas, but we did not create one in North Texas. I understand that would be your—you've advocated for that, and I'm sure in the lawsuits that we'll hear there will be an argument on that basis, and I understand that you have a difficulty in voting for the map because of that.

ALONZO: You accept the concept that we have an argument that we should have a district in North Texas.

SOLOMONS: I think there's a difference of opinion of where those districts should be, and I think that, as I explained to you, a lot of it had to do with the assimilation of Hispanics and blacks throughout the community in North Texas, and the Hispanic citizen voting age population issues. So when you start looking at those numbers, they become kind of important. There's a difference of opinion of whether you think we should—you and Mr. Veasey, in particular, and some others, really felt like there ought to be something up there, and we looked at that; we also looked at other parts of the state, and that's why the map looks like it does.

ALONZO: Couple more questions. You agree that there's a difference of opinion, but we have a good argument. Is that correct?

SOLOMONS: I think our argument is better, but I think we have a difference of opinion.

ALONZO: But we have a good argument.

ZEDLER: Basically what this does is give Joe Barton back part of Arlington—he used to have all of it—and this includes his district office and his home and it affects 6, which was his current District 33, which is an open one, and some of 24, which is currently Kenny Marchant's district.

REPRESENTATIVE VEASEY: Mr. Zedler, are you aware that in the current redistricting plan, without your amendment, that there were members' district offices—minority members' offices—that they lost their district offices under the plan that's about to pass out? And you're going to make this change, just for this one congressman, when there were minority members, African American members of the Congress, that also lost their district offices due to reapportionment. Are you aware of that?

ZEDLER: Well, what I think it boils down to is he's been a long-standing, good congressman and I think he ought to keep his current district—

VEASEY: What about the other members of Congress? Did you know that the plan you're doing actually lowers the black and Hispanic voting age population of the district?

ZEDLER: Well, as you know, the state has become more and more republican, and so, you know, sometimes that happens. The shoe was on the other foot back in the '80s—

VEASEY: That's not correct. The state has become more and more Hispanic and African American. So that would actually be factually incorrect.

ZEDLER: I know that Joe Barton has tried numerous times to talk with Mr. Solomons, to no avail. I move passage.

VEASEY: You know the congressman has a house in Ennis, too, don't you?

Representative Solomons moved to table Amendment No. 2.

The motion to table prevailed by (Record 81): 115 Yeas, 21 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Aycoc; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Callegari; Castro; Chisum; Coleman; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Peña; Phillips; Pickett; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Torres; Truitt; Turner; Veasey; Villarreal; Walle; Weber; Workman; Zerwas.

Nays — Anderson, C.; Anderson, R.; Cain; Carter; Christian; Cook; Garza; Hughes; King, P.; Landtroop; Laubenberg; Madden; Nash; Patrick; Paxton; Perry; Pitts; Riddle; Shelton; White; Zedler.

Present, not voting — Mr. Speaker(C); Howard, D.; Strama.

Absent, Excused — Frullo; Marquez; Miles; Taylor, V.; Vo; Woolley.

Absent — Crownover; Geren; Harper-Brown; Taylor, L.; Thompson.

STATEMENT OF VOTE

When Record No. 81 was taken, I was temporarily out of the house chamber. I would have voted yes.

Geren

SOLOMONS: Thank you, members for that, and I now move passage of the bill.

SB 4, as amended, was passed by (Record 82): 93 Yeas, 47 Nays, 3 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Torres; Weber; White; Workman; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Cain; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Kuempel; Lozano; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Villarreal; Walle; Zedler.

Present, not voting — Mr. Speaker(C); Strama; Truitt.

Absent, Excused — Frullo; Marquez; Miles; Taylor, V.; Vo; Woolley.

Absent — Allen.

STATEMENTS OF VOTE

When Record No. 82 was taken, I was in the house but away from my desk. I would have voted no.

Allen

I was shown voting no on Record No. 82. I intended to vote yes.

Cain

I was shown voting yes on Record No. 82. I intended to vote no.

Hilderbran

PETITION FOR LATINO-OPPORTUNITY CONGRESSIONAL SEAT

Representative Alonzo submitted the following petition for inclusion in the House Journal:

DFW/North Texas Deserves One New Latino-Opportunity Congressional Seat

With the release of Census 2010 data for Texas and the U.S. now history and behind us as factual information, the full scope of demographic changes underway in this state over the last decade is now official, and the scrambling for all sorts of boundary line configurations have taken front stage. That includes the redrawing of the four anticipated U.S. Congressional Seats that the State of Texas justly deserves and demands, particularly a Latino-opportunity congressional seat anchored in Dallas County specifically, a county that showed one of the fastest growing Latino population of Latinos in our state, increasing almost from 30 to 38 percent in the last 10 years alone. Additionally, 65 percent of the growth in Texas over the past decade is attributable to Latinos.

According to the last census, Hispanics account for two-thirds Texas' growth over the past decade and now make up 38 percent of the state's total population, and in Dallas County specifically, its 2.37 million residents registered the second most populated county in the state, increasing by 6.7 percent since 2000, with most of that growth attributable to Latinos. The explosive Latino growth alone, confirmed by the release of the 2010 Census numbers for Texas, justify a new Latino-dominated seat in Congress and there's no debating that fact.

With that being said, we the undersigned, thus sign this petition in support of anchoring a Latino-opportunity congressional seat in Dallas County:

Felipe Aguilar, Alvaro Calderon, Paul Cardenas, Enrique Carranza, Patricia Castillo, Mario Chavez, Ray DeLos Santos, Victor Diaz, Eloisa Vasquez, Eric H. Castillo, Mary Favela, J.R. Flores, Frances Franco, Felipe Gomez, Michael Gomez, Mike Gomez, Juan Gonzalez, Pablo Guardiola, Jenny Hernandez, Gloria Hinojos, Berto Jaltiella, Jennifer Garcia, Juana Raminrez, Lupe Perez, Priscilla Rogel, Alex Ramos, Jesus Rico, Raffel Telles, Oscar Urible, Eddie Castillo, Lydia Castillo, Alma Perez, Ana Reyes, Beatrice Martinez, Carlos Cortez, Chris Luna, Delia Jasso, Dennise Garcia, Diana Flores, Edward Elizondo, Fernando Rojas, Fernando Rubio, Gloria Bahamon, Gloria Levario, Hector Flores, Hector Garza, Jason Almonte, Jerry Martinez, Jesse Tafalla Jr, Jesus Chairez, John Loza, John Trevino, Jose Plata, Lena Levario, Liz Cedillo, Lydia Gonzalez Welch, Melinda Rios, Monica Alonzo, Omar Narvaez, Patricia Mancha, Patricia Munoz, Paula Rosales, Pauline Medrano, Rafael Anchia, Raul Hinojosa, Renato De Los Santos, Rene Martinez, Robert Chavez, Roberto Canas, Sean Lozano, Silvia Villarreal, Abel Bosquez, Anita Carmona Harrison, Nancy Bosque, Pam Brink, Xavier Isaias Solis, carlos quirino, Francisco and Gloria Carrillo, Emilio Abeyta, Lisa Ramos, Irene Favila, Georgia Lucero, Jim Goss, Margie Ceja, Miguel Torres, Amariz Nayeli Solis , Victor Hernandez, Yvonne A. Flores, Chris Culbertson, Dennis Espinal, Brandon Law, Antonio Torres, Lilia Ortega, Rafael Narvaez, Rosanne Ortega, Laura Estrada, Emmanuel Narvaez, Ricardo Hernandez, Augustine Sanchez, Oscar Ndereva, Jerry Johnson, Erika Contreras, Trisha Dominguez, Michelle Chavez, Bobbi Eeds, Sandy Mattner, Shane Aldridge, Pam Robinson, R. Javier Betancourt, Heather Crispin, Randy Pike, Jose Sanchez, Angel Mendiola, Travis Jordan, Brenda Barajas, Roy Mullins, Terry Beaver, Carl Reeves, Jacqueline Perry, Michelle Kay, Christy Gutierrez-Edwards, Anita Varghese, Guadalupe Orozco, Valerie Rivera, Gena Burgdorf, Sebastian Gracki, Crystela Munoz, Rachele Miller,

Stefani Musick, Adrian Moore, Pepper Hastings, Heather Hagger, Jose Gutierrez, Mary Randall, Kurt Vanous, Sloan Clark, Julie Box, Stephen Rand, Charity Stutzman, Liz Hannabas, Carol Tharp, Adrian Flores, Nick Hardwick, Michael T. Hodges, Jerome Williams, Joe Matthews, Charis Clemetson, John Haddad, Aurora Paredes, Jeff Williams, Dustin Randle, J.J. Petersen, Jim Muisse, Carl Spindle, Glenn Colley, Debra Davis, Pedro Solis, David Duston, Sheryl Giles, Gayle McCord, Ed Brenner, Loby Glover, J.T. Walker, Jackie Doss, John Simonetta, Ethan Williams, Joan Hill, Emmy Krasovitsky, Bill Burke, Chris Orr, Bob Clarke, Byron Robalino, David Thomas, Debra Jack, Heather Moore, Mike Malone, Nicole Dyer, Stacy Wells, Tasha Hesketh, William Haggard, Adriana Flores, Stacy Rodriguez, Roseann Smith, Christine M. Smith, Cooper Williams, Colin Daruns, Jack Williams, Brian Lawdermilk, Jose Sanchez, Jr., Cynthia Sanchez, Jaime Sanchez, Anthony Gonzales, Elisa Gonzales, James Varela, Brad Anderson, Tony Wilson, Kris Smithson, Rosa Sanchez, Ulises Barrios,, Nicole Barrios, Azael Guzman, Jose Amaya, Juan Ochoa, Lisy Ochoa, Benito Moreno, Jesse Amaya, Juan Amaya, Adrian Moreno, Lamonica Prado, Armida Ruiz, Rafael Narvaez, Rafael Narvaez Jr., Isabel Narvaez, Rafael Narvaez III, Gorge Tello, Gustavo Jimenez, Alfredo Castaneda, Ipolito Gauna, Marta Olvera, Francisco Alvarez,, Dolores Martinez, Marie Chevrier, Maria Engen, Sheila Gutierrez, Miguel Razo, Cristina Gonzalez, Nancy Bustos, Carlos Tapia, Evelyn Mendoza, Cindy Sanchez, Gerardo Fuentes, Jose Rojas, Laura Varela, Dan Martinez, Hector Martinez, Rebecca Martinez, Hector Martinez, Joel Martinez, Richard Martinez, Javier Martinez, Kimberly Pena, Yvette Uresti, Ruth Zavala, Lewis Moreno, Susan Manuel, Tonia Velasquez, Miguel Vergara, Maria Saenz, Renee Lopez, Gloria Lopez, Isabelle Diaz, Sonia Diaz, Jacob Hernandez, Felisha Hernandez, Hernesto Hernandez, Jorge Hernandez, Barbara Hernandez, Rebekah Chavez, Susan Chavez, Isla Rodriguez, Lilian Rodriguez, Able Rodriguez, Miguel Bardalez, Miguel Lopez, John Chavez, DeLuzio Crista, Ruben Arellano, Luis Garci, Carla Mendolia, Eduardo Moralez, Aaron Sanchez, Jennifer Valadez, Daniel Garza, Paul Cruz, Brandy Alvarez, Ricardo De La Fuente, Cristina Gonzalez, Milagros Garcia, Ruben Sanchez, Rosemary Sanchez, Susana Solera, John Chavez, Crista Deluzio, Maria Eguez, Veronica Leon, Luis Pena, Francisco Moran, Alberto Pastor, Luis Polanco, Elizabeth Rojas, Angie Castillo, Maria Escobar, Sylvia Manzano, Francisco Pedraza, Diego Vacano, Armando Alonzo, Carlos Blanton, Felipe Hinojosa, Lisa Ramos, Alberto Moreiras, Victor Arizpe, Norma Arizpe, Norma Carrero, Eduardo Espina, Juan Galdo, Hilaire Kallendorf, Veronica Rodriguez, Alessandra Luiselli, Bertin Ortega, Esther Quintana, Eduardo Urbina, Teresa Vilaros-soler, Jose Villalobos, Gorge Padilla, Rosa Llano, Lisa Flores, Patricia Gonzalez, Edgardo Perez, Alex Adame, Victor Agosto, Julio Aguilar, Carlos Ayarza Oscar Berrio Nancy DeHonores Maikel Hernandez Raymond Inman Martha Montejo Miguel Muniz Jose Palacios Carlos Rodriguez, Miguel Zarate, Alicia Zavala, Nadia Flores, Zulema Valadez, Hilario Molina, Omar Camarillo, Evelyn Espinoza, Marc Garcia, Garcia San Juanita, Larry Molina, Trinidad Morales, Marisa Sanchez, Andres Alarcon, Diana Alonzo, Freddie Joe Alonzo, Gerardo Alonzo, Luisa Alonzo, Monica Alonzo,

Roberto Alonzo, Xiomara Alonzo, Margarita Alvarez, Marty Alvarado, Gilbert Aranza, Sylvia Atuna, James Avila, Yvette Avila, Brenda Barajas, Ida Barboza, Judith Beltran, Lucy Bocanegra, Cesar Calderon, Gloria Carillo, Priscilla Castillo, Ingrid Casillas, Eddie/Lydia Casillo Alberto Cisneros, Stephen Claver, Ismael-Coca Cola, Sylvia Collins, Eduardo Cuba, Chris Culbertson, Dalia David Davila, Jeovany De Paz, Umberto Dominguez, Hilda Duarte, Juan Escobar, Alex Espinoza, Laura Estrada, Joe Farias, Gracie Flores, Ernesto Fraga, Gloria Garcia, Juanita Garcia, Marina Garcia, Marci Garrot, Hector Garza, Richard Giesler, Andrew Goldsmith, Maria Gomez, Roberto Gomez, Angela Gonzales, David Gonzales, Israel Gonzales, Mark Gonzales, Todd Grocki, Bert Guerrero, Jose Angel Gutierrez, Elvira Guzman, Daniel Hernandez, Juan Hernandez, Macario Hernandez, Toni Hinojosa, Hobie Hukill, Imelda Jaso, Sara Juarez, Rita Leos, Dona Licha, Arturo Lopez, Fred Maldonado, Carlos Maroquin, Anna Martinez, Bob Martinez, Fernando Martinez, George Martinez, Mayela Martinez, Luis Merren, Armando Miranda, Pedro Montoya, Ana Morales, Alejandro Moreno, Norma Moreno, Randy Moreno, Rafael Narvaez, Judge Jerry Nicholson, Javier Olguin, Lili Ortega, Rosanne Ortega Jesse Palomarez, Dalia Perez, Marco Plaza, Bill Pulte, Luis Ramirez, L.A. Ramos, David Reyna, Manuel Rodela, Connie Rodriguez, Durman Rodriguez, Raul Rodriguez, Jesse Romero, Gabriela Rosales, Sandra Rueda, Jesse Salas, Antonio Torres, German Trejo, Humberto Trejo, Louis Trujillo, Melodie Valdez, Fernando Vaquera, Johnny Villastrigo, Cesa Calderon, Gloria Carillo, Ricardo Castanon Maggie Contreras Judge Raymond DeLeon Adriana Flores John Flores Maryann Fonte Ernesto Fraga Gonzalo Garcia, Marina Garcia, Michael Garcia, Richard Giesler, Lorelda Haldenway, Jeanet Hernandez ,Gonzalo Hidalgo, John Lopez, Ana Martinez, Pete Martinez, Sara Martinez, Hilaria Perez, Betty Phillips, Doris Phillips, Luis Ramirez, Esmeralda Rodriguez, Rosy Rodriguez, Miguel Sanchez, Josue Sixtos, Andrew Smith, Eliseo Solis, David Soto, Angela Tamez, Johnny Villastrigo

24-HOUR POSTING RULE SUSPENDED

Representative L. Taylor moved to suspend the 24-hour posting rule and all necessary rules to allow the Committee on Elections to consider **HJR 13** at 9 a.m. tomorrow in E2.028.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Elections, 9 a.m. tomorrow, E2.028, for a public hearing, to consider **HJR 13**.

SB 7 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE INSTRUCTED

On motion of Representative Zerwas, the house granted the request of the senate for the appointment of a Conference Committee on **SB 7**.

Representative S. Miller moved to instruct the Conference Committee on **SB 7** to retain Amendment Nos. 7, 8, and 27.

The motion to instruct conferees prevailed by (Record 83): 101 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddock; Creighton; Crownover; Darby; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Martinez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Mallory Caraway; Martinez Fischer; McClendon; Menendez; Naishtat; Oliveira; Quintanilla; Raymond; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Frullo; Marquez; Miles; Taylor, V.; Vo; Woolley.

Absent — Davis, J.; Davis, Y.; Eiland; King, T.; Reynolds.

Representative Brown moved to instruct the Conference Committee on **SB 7** to retain the anti-fraud amendment.

The motion to instruct conferees prevailed.

SB 7 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 7**: Zerwas, chair; Pitts, J. Davis, Kolkhorst, and V. Gonzales.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business in the district:

Anchia on motion of D. Howard.

MAJOR STATE CALENDAR HOUSE BILLS SECOND READING

The following bills were laid before the house and read second time:

HB 3 ON SECOND READING (by Smithee)

HB 3, 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.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Villarreal on motion of Madden.

HB 3 - (consideration continued)

Amendment No. 1

Representative Smithee offered the following amendment to **HB 3**:

Amend **HB 3** (house committee printing) as follows:

(1) On page 1, line 23, strike "by a person who is insured under Chapter 2210".

(2) On page 2, strike lines 4-20 and substitute the following appropriately numbered SECTION of the bill:

SECTION ____ . Section 2210.002(a), Insurance Code, is amended to read as follows:

(a) This chapter may be cited as the Texas Coastal [~~Windstorm~~] Insurance Plan [~~Association~~] Act. A reference to the Texas Windstorm Insurance Association Act means this chapter.

(3) On page 4, at the end of line 2, insert:

Notwithstanding any other provision of this code or this chapter, a class action under Subchapter F, Chapter 541, or under Rule 42, Texas Rules of Civil Procedure, may only be brought against the association by the attorney general at the request of the department.

(4) On page 5, lines 15-17, strike "A board member, employee of the association, or member of the windstorm insurance legislative oversight board established under Subchapter N" and substitute "A board member or employee of the association".

(5) On page 5, lines 18-21, strike "any board member, employee of the association, or member of the windstorm insurance legislative oversight board established under Subchapter N" and substitute "any board member or employee of the association".

(6) On page 5, line 23, strike "the Travis County district attorney or the department." and substitute "the department and may report the conduct and the identity of the person engaging in the conduct to another appropriate governmental authority. The department shall forward a report received under this subsection to the appropriate governmental authority if the department does not have the authority to finally resolve, or jurisdiction over, the matter that is the subject of the report."

(7) On page 6, line 17, strike "Section 2210.058" and substitute "Sections 2210.058 and 2210.061".

(8) On page 6, strike lines 18-22 and substitute:

Sec. 2210.058. CLAIMS PRACTICES AUDIT. (a) The commissioner, in the manner and at the time the commissioner determines to be necessary, shall conduct a random audit of claim files concerning claims the bases of which are damage to insured property caused by a particular storm to:

(9) On page 7, lines 2-3, strike "after the filing of the 100th claim described by Subsection (a)".

(10) On page 7, line 14, between "commissioner" and the underlined period, insert "and issue an order to that effect".

(11) On page 7, between lines 14 and 15, insert:

Sec. 2210.061. CONTRACTORS AND MANAGERIAL EMPLOYEES: COMPENSATION AND BONUSES. The association shall post on the association's Internet website any compensation, monetary or otherwise, and any bonus that, when aggregated, exceed \$100,000 in a calendar year and that are paid or given by the association to:

(1) a vendor or independent contractor with whom the association has a contract; and

(2) an association employee.

(12) On page 10, strike lines 1-10.

(13) On page 11, strike lines 1-8 and substitute:

(b-1) The commissioner or the commissioner's designated representative may attend a meeting of the board of directors or the members of the association, including a closed meeting authorized by Subchapter D, Chapter 551, Government Code, except for those portions of a closed meeting that involve the rendition of legal advice to the board concerning a regulatory matter or that would constitute an ex parte communication with the commissioner.

(14) On page 12, line 23, between "(1)" and "is", insert "subject to Subsection (d)".

(15) On page 12, line 26, strike "or adjuster involved with" and substitute "representing a claimant or the association in connection with".

(16) On page 13, between lines 3 and 4, insert:

(d) The association, before disclosing a settlement agreement to which the association is a party, shall redact from the settlement agreement any information that is confidential under Chapter 552, Government Code.

(17) On page 13, line 8, strike "2210.577(f)" and substitute "2210.578(f)".

(18) On page 13, strike lines 10-11 and substitute "surges, or rising waters not caused by waves or surges."

(19) On page 14, lines 8-10, strike "A person insured under this chapter may submit an application for renewal coverage directly to the association on forms prescribed by the association. An" and substitute "The association shall develop a simplified process that allows for the acceptance of an application for initial or renewal coverage from, and payment of premiums by, a property and casualty agent, a person insured under this chapter, or an applicant for coverage under this chapter. Each".

(20) On page 15, strike lines 3-7 and substitute:

(d) The commissioner, after receiving a recommendation from the board of directors, shall approve a commission structure for payment of an agent who submits an application for coverage to the association on behalf of a person who has an insurable interest in insurable property. The commission structure adopted by the commissioner must be fair and reasonable, taking into consideration the amount of work performed by an agent in submitting an application to the association and the prevailing commission structure in the private windstorm market.

(21) On page 16, lines 15 and 16, strike "Section 2210.575 and independent coverage review under Section 2210.576" and substitute "Section 2210.574 and alternative dispute resolution under Section 2210.575".

(22) On page 16, line 16, strike "and".

(23) On page 16, line 17, between "(B)" and "the necessity", insert: the binding effect of appraisal under Section 2210.574; and

(C)

(24) On page 17, line 2, between "gambling establishment" and the underlined semicolon, insert ", other than a premises on which bingo may be conducted under Chapter 2001, Occupations Code".

(25) On page 19, line 9, strike "January 1, 2012," and substitute "August 31, 2011,".

(26) On page 20, at the end of line 23, insert:
A surcharge under this subsection must be developed and implemented in an amount that does not exceed the percentage of premium at which a surcharge under Section 2210.259(a) is assessed.

(27) Strike page 23, line 15, through page 24, line 21.

(28) On page 25, strike lines 1-3 and 12-19 and renumber subdivisions of added Section 2210.571, Insurance Code, appropriately.

(29) On page 25, lines 24-25, strike "(b) The association or an agent or representative of the association" and substitute "(b) Subject to Section 2210.576, the association".

(30) On page 25, line 25, strike "on a claim".

(31) On page 25, line 26, strike the underlined colon.

(32) On page 25, line 27, strike "(1) amounts" and substitute "covered losses".

(33) On page 26, lines 1-2, strike "for loss to an insured structure, loss to contents of an insured structure, and additional living expenses; and" and substitute an underlined period.

(34) On page 26, strike line 3.

(35) On page 26, line 4, strike "association or an agent" and substitute "association, and an agent".

(36) On page 26, line 5, between "association" and "may", insert an underlined comma.

(37) On page 26, line 7, strike "trebling of damages" and substitute "additional damages, punitive damages,".

(38) Strike page 26, line 8, through page 33, line 22, and substitute:

Sec. 2210.573. FILING OF CLAIM; CLAIM PROCESSING. (a) Subject to Section 2210.205(b), an insured must file a claim under an association policy not later than the first anniversary of the date on which the damage to property that is the basis of the claim occurs.

(b) The claimant may submit written materials, comments, documents, records, and other information to the association relating to the claim. If the claimant fails to submit information in the claimant's possession that is necessary for the association to determine whether to accept or reject a claim, the association may, not later than the 30th day after the date the claim is filed, request in writing the necessary information from the claimant.

(c) The association shall, on request, provide a claimant reasonable access to all information relevant to the determination of the association concerning the claim. The claimant may copy the information at the claimant's own cost or may request the association to provide a copy of all or part of the information to the claimant. The association may charge a claimant the actual cost incurred by the association in providing a copy of information under this section, excluding any amount for labor involved in making any information or copy of information available to a claimant.

(d) Unless the applicable 60-day period described by this subsection is extended by order of the commissioner, not later than the later of the 60th day after the date the association receives a claim or the 60th day after the date the association receives information requested under Subsection (b), the association shall provide the claimant, in writing, notification that:

(1) the association has accepted coverage for the claim in full;

(2) the association has accepted coverage for the claim in part and has denied coverage for the claim in part; or

(3) the association has denied coverage for the claim in full.

(e) In a notice described by Subsection (d)(1), the association must inform the claimant of the amount of loss the association will pay and of the time limit to request appraisal under Section 2210.574.

(f) In a notice described by Subsection (d)(2) or (3), the association must inform the claimant of, as applicable:

(1) the portion of the loss for which the association accepts coverage and the amount of loss the association will pay;

(2) the portion of the loss for which the association denies coverage and a detailed summary of the manner in which the association determined not to accept coverage for that portion of the claim; and

(3) the time limit to:

(A) request appraisal under Section 2210.574 of the portion of the loss for which the association accepts coverage; and

(B) provide notice of intent to bring an action as required by Section 2210.575.

(g) In addition to the notice required under Subsection (d)(2) or (3), the association shall provide a claimant with a form on which the claimant may provide the association notice of intent to bring an action as required by Section 2210.575.

Sec. 2210.574. DISPUTES CONCERNING AMOUNT OF ACCEPTED COVERAGE. (a) If the association accepts coverage for a claim in full and a claimant disputes only the amount of loss the association will pay for the claim, or if the association accepts coverage for a claim in part and a claimant disputes the amount of loss the association will pay for the accepted portion of the claim, the claimant may request from the association a detailed summary of the manner in which the association determined the amount of loss the association will pay.

(b) If a claimant disputes the amount of loss the association will pay for a claim or a portion of a claim, the claimant, not later than the 60th day after the date the claimant receives the notice described by Section 2210.573(d)(1) or (2), may demand appraisal in accordance with the terms of the association policy.

(c) If a claimant, on a showing of good cause and not later than the 15th day after the expiration of the 60-day period described by Subsection (b), requests in writing that the 60-day period be extended, the association may grant an additional 30-day period in which the claimant may demand appraisal.

(d) If a claimant demands appraisal under this section:

(1) the appraisal must be conducted as provided by the association policy; and

(2) the claimant and the association are responsible in equal shares for paying any costs incurred or charged in connection with the appraisal, including a fee charged under Subsection (e).

(e) If a claimant demands appraisal under this section and the appraiser retained by the claimant and the appraiser retained by the department are able to agree on an appraisal umpire to participate in the resolution of the dispute, the appraisal umpire is the umpire chosen by the two appraisers. If the appraiser retained by the claimant and the appraiser retained by the department are unable to agree on an appraisal umpire to participate in the resolution of the dispute, the commissioner shall select an appraisal umpire from a roster of qualified umpires maintained by the department. The department may:

(1) require appraisers to register with the department as a condition of being placed on the roster of umpires; and

(2) charge a reasonable registration fee to defray the cost incurred by the department in maintaining the roster and the commissioner in selecting an appraisal umpire under this subsection.

(f) The appraisal decision is binding on the claimant and the association as to the amount of loss the association will pay for a fully accepted claim or the accepted portion of a partially accepted claim and is not appealable or otherwise reviewable. A claimant that does not demand appraisal before the expiration of the periods described by Subsections (b) and (c) waives the claimant's right to contest the association's determination of the amount of loss the association will pay with reference to a fully accepted claim or the accepted portion of a partially accepted claim.

(g) A claimant may not bring an action against the association with reference to a claim for which the association has accepted coverage in full.

Sec. 2210.575. DISPUTES CONCERNING DENIED COVERAGE. (a) If the association denies coverage for a claim in part or in full and the claimant disputes that determination, the claimant, not later than the 60th day after the date the claimant receives the notice described by Section 2210.573(d)(2) or (3), must provide the association with notice that the claimant intends to bring an action against the association concerning the partial or full denial of the claim.

(b) If a claimant, on a showing of good cause and not later than the 15th day after the expiration of the 60-day period described by Subsection (a), requests in writing that the 60-day period be extended, the association may grant an additional 30-day period in which the claimant may provide the notice required under Subsection (a).

(c) If a claimant provides notice of intent to bring an action under Subsection (a) or (b), the association may require the claimant, as a prerequisite to filing the action against the association, to submit the dispute to alternative dispute resolution by mediation or moderated settlement conference, as provided by Chapter 154, Civil Practice and Remedies Code. A claimant that does not provide notice of intent to bring an action before the expiration of the periods described by Subsections (a) and (b) waives the claimant's right to contest the association's partial or full denial of coverage and is barred from bringing an action against the association concerning the denial of coverage.

(d) The association must request alternative dispute resolution of a dispute described by Subsection (c) not later than the 60th day after the date the association receives from the claimant notice of intent to bring an action.

(e) Alternative dispute resolution under this section must be completed not later than the 60th day after the date a request for alternative dispute resolution is made under Subsection (d). The 60-day period described by this subsection may be extended by the commissioner by rule or by the association and a claimant by mutual consent.

(f) If the claimant is not satisfied after completion of alternative dispute resolution, or if alternative dispute resolution is not completed before the expiration of the 60-day period described by Subsection (e) or any extension under that subsection, the claimant may bring an action against the association in a district court in the county in which the loss that is the subject of the coverage denial occurred. An action brought under this subsection shall be presided over by a judge appointed by the judicial panel on multidistrict litigation designated under Section 74.161, Government Code. A judge appointed under this section must be a resident of a first tier coastal county or a second tier coastal county.

(g) If a claimant brings an action against the association concerning a partial or full denial of coverage, the court shall abate the action until the notice of intent to bring an action has been provided and, if requested by the association, the dispute has been submitted to alternative dispute resolution, in accordance with this section.

(h) A moderated settlement conference under this section may be conducted by a panel consisting of one or more impartial third parties.

(i) If the association requests mediation under this section, the claimant and the association are responsible in equal shares for paying any costs incurred or charged in connection with the mediation.

(j) If the association requests mediation under this section, and the claimant and the association are able to agree on a mediator, the mediator is the mediator agreed to by the claimant and the association. If the claimant and the association are unable to agree on a mediator, the commissioner shall select a mediator from a roster of qualified mediators maintained by the department. The department may:

(1) require mediators to register with the department as a condition of being placed on the roster; and

(2) charge a reasonable registration fee to defray the cost incurred by the department in maintaining the roster and the commissioner in selecting a mediator under this section.

(k) The commissioner shall establish rules to implement this section, including provisions for expediting alternative dispute resolution, facilitating the ability of a claimant to appear with or without counsel, establishing qualifications necessary for mediators to be placed on the roster maintained by the department under Subsection (j), and providing that formal rules of evidence shall not apply to the proceedings.

Sec. 2210.576. ISSUES BROUGHT TO SUIT; LIMITATIONS ON RECOVERY. (a) The only issues a claimant may raise in an action brought against the association under Section 2210.575 are:

(1) whether the association's denial of coverage was proper; and

(2) the amount of the damages described by Subsection (b) to which the claimant is entitled, if any.

(b) A claimant that brings an action against the association under Section 2210.575 may recover only:

(1) the covered loss payable under the terms of the association policy less, if applicable, the amount of loss already paid by the association for any portion of a covered loss for which the association accepted coverage;

(2) prejudgment interest from the 30th day after the date specified in Section 2210.573(d), at the prejudgment interest rate provided in Subchapter B, Chapter 304, Finance Code; and

(3) court costs and reasonable and necessary attorney's fees.

Sec. 2210.577. LIMITATIONS PERIOD. (a) Notwithstanding any other law, a claimant who brings an action against the association under Section 2210.575 must bring the action not later than the second anniversary of the date on which the person receives a notice described by Section 2210.573(d)(2) or (3).

(b) This section is a statute of repose and controls over any other applicable limitations period.

(39) On page 33, line 23, strike "Sec. 2210.577. TECHNICAL" and substitute "Sec. 2210.578. EXPERT".

(40) On page 33, line 24, strike "technical".

(41) On page 33, lines 25-26, strike "damage to property insured under an association policy" and substitute "a loss to insurable property".

(42) On page 33, line 27, between "tidal surges," and "rising waters", insert "or".

(43) On page 34, line 1, strike ", and wind-driven rain associated with a storm".

(44) On page 34, line 9, between "tidal surges," and "rising waters", insert "or".

(45) On page 34, line 10, strike ", and wind-driven rain associated with a storm".

(46) On page 34, strike lines 13-15.

(47) On page 34, lines 18 and 19, strike "and to provide guidance or other information requested by an independent review panel under Section 2210.576." and substitute ". The cost and expense incurred by the panel associated with the work of the panel under this section shall be paid or reimbursed by the association."

(48) On page 34, strike lines 20-26 and substitute:

(e) At the request of the commissioner, the panel shall recommend to the commissioner methods or models for determining the extent to which a loss to insurable property may be or was incurred as a result of wind, waves, tidal surges, or rising waters not caused by waves or surges for geographic areas or regions designated by the commissioner.

(49) On page 35, line 3, strike "technical".

(50) On page 35, between lines 6 and 7, insert:

(h) In any review of a claim under this subchapter, and in any action brought against the association under Section 2210.575, the guidelines published by the commissioner under Subsection (f) govern the claim and are presumed to be accurate and correct, unless clear and convincing evidence supports a deviation from the guidelines.

(51) Strike page 35, line 7, through page 37, line 14.

(52) On page 37, strike lines 18-23 and substitute:

Sec. 2210.580. RULEMAKING. (a) The commissioner shall adopt rules regarding the provisions of this subchapter, including rules concerning:

(1) qualifications and selection of appraisers for the appraisal procedure, mediators for the mediation process, and members of the expert panel;

(2) procedures and deadlines for the payment and handling of claims by the association as well as the procedures and deadlines for a review of a claim by the association;

(3) notice of expert panel meetings and the transparency of deliberations of the panel; and

(4) any other matters regarding the handling of claims that are not inconsistent with this subchapter.

(b) All rules adopted by the commissioner under this section shall promote the fairness of the process, protect the rights of aggrieved policyholders, and ensure that policyholders may participate in the claims review process without the necessity of engaging legal counsel.

(53) On page 42, line 21, strike "Section 2210.551(e), Insurance Code, is" and substitute "Sections 2210.551(e) and 2210.552, Insurance Code, are".

(54) Strike page 42, line 27, through page 44, line 5, and substitute:

(b) The committee is composed of 12 members appointed as follows:

(1) four members of the senate appointed by the lieutenant governor, two of whom represent one or more first tier coastal counties and two of whom do not represent a first tier coastal county;

(2) four members of the house of representatives appointed by the speaker of the house of representatives, two of whom represent one or more first tier coastal counties and two of whom do not represent a first tier coastal county; and

(3) four public members with a background in actuarial science, law, business, or insurance, as follows:

(A) two members who do not reside in a first tier coastal county, appointed by the governor;

(B) one member who resides in a first tier coastal county, appointed by the lieutenant governor; and

(C) one member who resides in a first tier coastal county, appointed by the speaker of the house of representatives.

(c) The speaker of the house of representatives and the lieutenant governor shall jointly designate a chair or, alternatively, designate two co-chairs, from among the committee membership, one of whom represents or resides in a first tier coastal county.

(d) The committee shall:

(1) examine alternative ways to provide insurance to the seacoast territory of this state through a quasi-governmental entity, including providing insurance coverage through a system or program in which insurers in this state provide insurance in the seacoast territory of this state in proportion to the percentage of insurance coverage provided in geographic areas of this state other than the seacoast territory;

(2) study the residual markets for windstorm and hail insurance in other states to determine if those markets operate more efficiently and effectively than the residual market for windstorm and hail insurance coverage in this state;

(3) study windstorm-related building codes and mitigation strategies to determine which codes or strategies are most effective;

(4) recommend:

(A) the appropriate scope of authority and responsibility for the entity to provide insurance to the seacoast territory of this state;

(B) an organizational structure to exercise authority and responsibility over the provision of insurance to the seacoast territory of this state;

(C) a timetable for implementation; and

(D) specific amendments to state laws and rules that are necessary to implement the committee's recommendations under this subdivision; and

(5) estimate funding requirements to implement the recommendations.

(55) On page 44, between lines 13 and 14, insert:

(h) This section expires June 1, 2013.

(56) Strike page 44, line 21, through page 46, line 6.

(57) Strike page 46, lines 7-18, and substitute the following appropriately numbered SECTION:

SECTION _____. (a) Except as otherwise specifically provided by this section, this Act applies only to a Texas windstorm and hail insurance policy, and to a dispute under a Texas windstorm and hail insurance policy, that is delivered, issued for delivery, or renewed by the Texas Windstorm Insurance Association on or after the 60th day after the effective date of this Act. A Texas windstorm and hail insurance policy, and a dispute under a Texas windstorm and hail insurance policy, that is delivered, issued for delivery, or renewed by the Texas Windstorm Insurance Association before the 60th day after the effective date of this Act 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 deadline to file a claim under a Texas windstorm and hail insurance policy delivered, issued for delivery, or renewed before the effective date of this Act by the Texas Windstorm Insurance Association is governed by the law in effect on the date the policy under which the claim is filed was delivered, issued for delivery, or renewed, and that law is continued in effect for that purpose.

(c) If a person insured by the Texas Windstorm Insurance Association disputes the amount the association will pay for a partially or fully accepted claim filed by the person, Section 2210.574, Insurance Code, as added by this Act, applies only if the claim is filed on or after the 60th day after the effective date of this Act.

(d) If a person insured by the Texas Windstorm Insurance Association disputes the amount the association will pay for a partially or fully accepted claim filed by the person and the claim is filed before the 60th day after the effective date of this Act:

(1) Section 2210.574, Insurance Code, as added by this Act, does not apply to the resolution of the dispute; and

(2) notwithstanding Section 2210.574, Insurance Code, as added by this Act, or any other provision of this Act, the claimant must attempt to resolve the dispute through the appraisal process contained in the association policy under which the claim is filed before an action may be brought against the Texas Windstorm Insurance Association concerning the claim.

(e) The person insured by the Texas Windstorm Insurance Association and the association may agree that an appraisal conducted under Subsection (d)(2) of this section is binding on the parties.

(f) An action brought against the association concerning a claim described by Subsection (d) of this section shall be abated until the appraisal process under Subsection (d)(2) of this section is completed.

(g) Notwithstanding Sections 2210.575 and 2210.576, Insurance Code, as added by this Act, Subsection (b) of this section, or any other provision of this Act, Sections 2210.576(b)(1)-(3), Insurance Code, apply to any cause of action that accrues against the Texas Windstorm Insurance Association on or after the effective date of this Act and the basis of which is a claim filed under a Texas windstorm and hail policy that is delivered, issued for delivery, or renewed by the association, regardless of the date on which the policy was delivered, issued for delivery, or renewed.

(58) On page 46, line 21, strike "January 1, 2012" and substitute "the 60th day after the effective date of this Act".

(59) Correct cross-references and renumber SECTIONS of the bill accordingly.

Amendment No. 2

Representative Smithee offered the following amendment to Amendment No. 1:

Amend Floor Amendment No. 1 by Smithee to **HB 3** as follows:

(1) On page 2, line 28, strike "and" and substitute "or".

(2) On page 8, line 21, strike "department" and substitute "association".

(3) On page 8, line 25, strike "department" and substitute "association".

(4) On page 9, line 22, strike "60th day" and substitute "expiration of the limitations period described by Section 2210.557(a), but".

(5) In Item (38) of the amendment, in added Section 2210.574, Insurance Code, strike Subsections (b) of the section (page 9, line 27 through page 10, line 1) and reletter subsequent subsections of the section and cross references to those subsections accordingly (page 10, lines 2, 14, 15, 18, 21, 24, and 27; page 11 lines 5, 11, 14, 18, 30; and page 12, line 4.

(6) On page 10, line 3, strike "or (b)".

(7) On page 10, lines 9-10, strike "periods described by Subsections (a) and (b)" and substitute "period described by Subsection (a)".

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

Amendment No. 3

Representative L. Taylor offered the following amendment to **HB 3**:

Amend **HB 3** (house committee printing) as follows:

(1) Strike SECTION 8 of the bill (page 6, lines 11-15) and substitute the following appropriately numbered SECTION of the bill:

SECTION _____. Section 2210.053, Insurance Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The department may develop programs to improve the efficient operation of the association, including a program for approving policy forms under Section 2301.010 and a program designed to create incentives for insurers to write windstorm and hail insurance voluntarily to cover property located in a catastrophe area, especially property located on the barrier islands of this state.

(c) The association may not be considered a debtor authorized to file a petition or seek relief in bankruptcy under Title 11, United States Code.

(2) On page 20, line 25, strike "Subsections (c) and (d)" and substitute "Subsections (c), (d), and (e)".

(3) On page 21, following line 27, insert:

(e) The report submitted under this section is for informational purposes only and does not bind the association to a particular course of action.

(4) On page 22, following line 27, insert:

(d) The catastrophe plan submitted under this section is for informational purposes only and does not bind the association to a particular course of action.

(5) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. Section 2210.009(a), Insurance Code, is amended to read as follows:

(a) The department shall maintain a list of all authorized insurers that engage in the business of property and casualty insurance in the voluntary market in the seacoast territory.

SECTION _____. Section 2210.259, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) The commissioner by rule may provide for a discount of, or a credit against, a surcharge assessed under Subsection (a) in instances in which a policyholder demonstrates that the noncompliant structure was constructed with at least one structural building component that complies with the building code standards set forth in the plan of operation.

SECTION _____. Subchapter A, Chapter 2301, Insurance Code, is amended by adding Section 2301.010 to read as follows:

Sec. 2301.010. CONTRACTUAL LIMITATIONS PERIOD AND CLAIM FILING PERIOD IN CERTAIN PROPERTY INSURANCE FORMS. (a) This section applies only to an insurer that issues windstorm and hail insurance in the catastrophe area, as defined by Section 2210.003.

(b) Notwithstanding Section 16.070, Civil Practice and Remedies Code, and for the purpose described by Section 2210.053(b), a policy form or printed endorsement form for residential or commercial property insurance that is filed by an insurer described by Subsection (a) or adopted by the department under this subchapter for use by an insurer described by Subsection (a) may provide for a contractual limitations period for filing suit on a first-party claim under the policy. The contractual limitations period may not end before the earlier of:

- (1) two years from the date the insurer accepts or rejects the claim; or
- (2) three years from the date of the loss that is the subject of the claim.

(c) A policy or endorsement described by Subsection (b) may also contain a provision requiring that a claim be filed with the insurer not later than one year after the date of the loss that is the subject of the claim. A provision under this subsection must include a provision allowing the filing of claims after the first anniversary of the date of the loss for good cause shown by the person filing the claim.

(d) A contractual provision contrary to Subsection (b) or (c) is void. If a contractual provision is voided under this subsection, the voiding of the provision does not affect the validity of other provisions of a contract that may be given effect without the voided provision to the extent those provisions are severable.

(e) The department, to encourage the authorized insurers to write windstorm and hail insurance in the catastrophe area, as defined by Section 2210.003, and in other areas of the state, may approve policy or contractual provisions other than those described by Subsections (b) and (c) that are consistent with sound underwriting and insurance principles, provided that the policy or contractual provisions meet the requirements of Sections 2301.007(a) and 2301.053.

(f) An insurer using a policy form or endorsement form in this state that includes a provision described by Subsection (b) or (c) shall, at the time the policy or endorsement is issued or renewed, disclose in writing to an applicant or insured the contractual limitations or claims filing period, as applicable, in the policy or endorsement.

SECTION _____. Section 2301.010, Insurance Code, as added by this Act, applies only to an insurance policy that is delivered, issued for delivery, or renewed on or after January 1, 2012. A policy delivered, issued for delivery, or renewed before January 1, 2012, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Smithee offered the following amendment to **HB 3**:

Amend **HB 3** (house committee printing) as follows:

(1) Strike SECTIONS 11-13 of the bill (page 7, line 22, through page 9, line 17) and substitute the following SECTIONS, appropriately numbered:

SECTION _____. Section 2210.072, Insurance Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (b-1), (e), and (f) to read as follows:

(a) Losses not paid under Section 2210.071(b) [~~2210.071~~] shall be paid as provided by this section from the proceeds from Class 1 public securities authorized to be issued in accordance with Subchapter M before, on, or after the date of any occurrence or series of occurrences that results in insured losses. Public securities issued under this section must be repaid within a period not to exceed 14 [~~10~~] years, and may be repaid sooner if the board of directors elects to do so and the commissioner approves.

(b) Public securities described by Subsection (a) that are issued before an occurrence or series of occurrences that results in incurred losses:

(1) may be issued on the request of the board of directors with the approval of the commissioner; and

(2) may not, in the aggregate, exceed \$1 billion at any one time, regardless of the calendar year or years in which the outstanding public securities were issued.

(b-1) Public securities described by Subsection (a):

(1) shall be issued as necessary in a principal amount not to exceed \$1 billion per catastrophe year, in the aggregate, for securities issued during that catastrophe year before the occurrence or series of occurrences that results in incurred losses in that year and securities issued on or after the date of that occurrence or series of occurrences, and regardless of whether for a single occurrence or a series of occurrences; and

(2) subject to the \$1 billion maximum described by Subdivision (1), may be issued, in one or more issuances or tranches, during the calendar year in which the occurrence or series of occurrences occurs or, if the public securities cannot reasonably be issued in that year, during the following calendar year.

(c) If [~~the losses are paid with~~] public securities are issued as described by this section, the public securities shall be repaid in the manner prescribed by Subchapter M from association premium revenue.

(e) The proceeds of any outstanding public securities described by Subsection (a) that are issued before an occurrence or series of occurrences shall be depleted before the proceeds of any securities issued after an occurrence or series of occurrences may be used. This subsection does not prohibit the association from issuing securities after an occurrence or series of occurrences before the proceeds of outstanding public securities issued during a previous catastrophe year have been depleted.

(f) If, under Subsection (e), the proceeds of any outstanding public securities issued during a previous catastrophe year must be depleted, those proceeds shall count against the \$1 billion limit on public securities described by this section in the catastrophe year in which the proceeds must be depleted.

SECTION _____. Section 2210.073, Insurance Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Public securities described by Subsection (a):

(1) may be issued as necessary in a principal amount not to exceed \$1 billion per catastrophe year, in the aggregate, whether for a single occurrence or a series of occurrences; and

(2) subject to the \$1 billion maximum described by Subdivision (1), may be issued, in one or more issuances or tranches, during the calendar year in which the occurrence or series of occurrences occurs or, if the public securities cannot reasonably be issued in that year, during the following calendar year.

(c) If the losses are paid with public securities described by this section, the public securities shall be repaid in the manner prescribed by Subchapter M.

SECTION _____. Section 2210.074, Insurance Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Public securities described by Subsection (a):

(1) may be issued as necessary in a principal amount not to exceed \$500 million per catastrophe year, in the aggregate, whether for a single occurrence or a series of occurrences; and

(2) subject to the \$500 million maximum described by Subdivision (1), may be issued, in one or more issuances or tranches, during the calendar year in which the occurrence or series of occurrences occurs or, if the public securities cannot reasonably be issued in that year, during the following calendar year.

(c) If the losses are paid with public securities described by this section, the public securities shall be repaid in the manner prescribed by Subchapter M through member assessments as provided by this section. The association shall notify each member of the association of the amount of the member's assessment under this section. The proportion of the losses allocable to each insurer under this section shall be determined in the manner used to determine each insurer's participation in the association for the year under Section 2210.052. A member of the association may not recoup an assessment paid under this subsection through a premium surcharge or tax credit.

SECTION _____. Section 2210.075, Insurance Code, is amended to read as follows:

Sec. 2210.075. REINSURANCE. (a) Before any occurrence or series of occurrences, an insurer may elect to purchase reinsurance to cover an assessment for which the insurer would otherwise be liable under Section 2210.074(c) [2210.074(b)].

(b) An insurer must notify the board of directors, in the manner prescribed by the association whether the insurer will be purchasing reinsurance. If the insurer does not elect to purchase reinsurance under this section, the insurer remains liable for any assessment imposed under Section 2210.074(c) [2210.074(b)].

(2) Renumber the SECTIONS of the bill accordingly.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Walle offered the following amendment to **HB 3**:

On page 14, line 23, amend **HB 3** by adding "(c)" between "(a)" and "and"

On page 15, line 3, insert subsection (c) to read as follows:

"(c) A policy is automatically [~~may be~~] renewed annually [~~on application for renewal~~] as long as the property continues to be insurable property, or until the policy is canceled as provided by Section 2210.204."

Representative Smithee moved to table Amendment No. 5.

The motion to table prevailed by (Record 84): 99 Yeas, 39 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Coleman; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gutierrez; Hamilton; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Raymond; Reynolds; Ritter; Rodriguez; Thompson; Turner; Veasey; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Frullo; Marquez; Miles; Taylor, V.; Villarreal; Vo; Woolley.

Absent — Davis, Y.; Guillen; Pickett.

Amendment No. 6

Representative W. Smith offered the following amendment to **HB 3**:

Amend **HB 3** (house committee printing) as follows:

(1) In the recital to SECTION 24 of the bill, between "by" and "adding" (page 17, lines 10-11), insert "amending Subsection (a) and".

(2) In SECTION 24 of the bill, immediately before added Section 2210.254(e), Insurance Code (page 17, between lines 11 and 12), insert the following:

(a) For purposes of this chapter, a "qualified inspector" includes:

(1) a person determined by the department to be qualified because of training or experience to perform building inspections;

(2) a licensed professional engineer who is on the roster described by Section 1001.652, Occupations Code, and meets the requirements specified by commissioner rule for appointment to conduct windstorm inspections; and

(3) an inspector who:

(A) is certified by the International Code Council, the Building Officials and Code Administrators International, Inc., the International Conference of Building Officials, or the Southern Building Code Congress International, Inc.;

(B) has certifications as a buildings inspector and coastal construction inspector; and

(C) complies with other requirements specified by commissioner rule.

(3) In SECTION 25 of the bill, in the heading to added Section 2210.2551, Insurance Code (page 17, line 16), strike "EXCLUSIVE".

(4) In SECTION 25 of the bill, in added Section 2210.2551(a), Insurance Code (page 17, line 19), between "this chapter" and the underlined period, insert "and to the physical inspection of structures for the purposes of this chapter, including the submission of documents to the department or association regarding the physical inspection of structures".

(5) In SECTION 25 of the bill, in added Section 2210.2551, Insurance Code (page 18, between lines 7 and 8), insert the following:

(d) The department shall report to the Texas Board of Professional Engineers if the department determines that:

(1) after an oversight inspection, the results of a windstorm inspection performed by a qualified inspector who is licensed by that board are based on questionable grounds or were the result of questionable circumstances; or

(2) a qualified inspector on the roster described by Section 1001.652, Occupations Code, failed to submit to the department plans, designs, or calculations of other substantiating information necessary to demonstrate that an inspected structure meets the requirements of this chapter and department rules.

(e) The department shall include in its biennial report to the legislature under Section 32.022 the number of matters reported to the Texas Board of Professional Engineers under this section and the outcome of those matters.

(6) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 2210.251(g), Insurance Code, is amended to read as follows:

(g) The department shall issue a certificate of compliance for each structure that qualifies for coverage. The certificate is evidence of insurability of the structure by the association. The decision whether to issue a certificate of compliance for a structure is wholly within the discretion of the department and is not dependent on the actions of the Texas Board of Professional Engineers or any other regulatory agency.

SECTION ____ . Section 2210.255(a), Insurance Code, is amended to read as follows:

(a) On request of an engineer who is licensed by the Texas Board of Professional Engineers and is on the roster described by Section 1001.652, Occupations Code, the commissioner shall appoint the engineer as an inspector under this subchapter not later than the 10th day after the date the engineer delivers to the commissioner information demonstrating that the engineer is qualified to perform windstorm inspections under this subchapter.

SECTION ____ . Chapter 1001, Occupations Code, is amended by adding Subchapter N to read as follows:

SUBCHAPTER N. WINDSTORM-RELATED DESIGN SERVICES

Sec. 1001.651. DEFINITIONS. In this subchapter:

(1) "Association" means the Texas Windstorm Insurance Association.

(2) "Plan of operation" means the plan of operation of the association.

(3) "Windstorm certification standards" means the building specifications and building codes applicable to insurable property under Subchapter F, Chapter 2210, Insurance Code, and the plan of operation, and applicable rules of the Texas Department of Insurance.

Sec. 1001.652. QUALIFICATIONS; ROSTER. (a) The board shall:

(1) review the plan of operation and the windstorm certification standards; and

(2) in consultation with the Texas Department of Insurance, adopt rules establishing criteria for determining whether an engineer possesses the knowledge, understanding, and professional competence to be qualified to provide engineering design services related to compliance with applicable windstorm certification standards under Subchapter F, Chapter 2210, Insurance Code.

(b) The board shall prepare and publish a roster of engineers who satisfy the criteria adopted under Subsection (a)(2) and shall make the roster available to the public without cost in an online computer database format.

Sec. 1001.653. COMPLIANCE WITH BUILDING CODES; ENFORCEMENT. (a) The board, in consultation with the Texas Department of Insurance, shall adopt rules requiring an engineer who is providing engineering design services to comply with windstorm certification standards.

(b) The board may inspect a structure to ensure an engineer's compliance with Subsection (a).

(c) If the board determines that an engineer's engineering design services related to windstorm certification standards do not comply with the standards, the board may:

(1) issue an emergency order prohibiting the engineer from entering into a contract to provide design services related to compliance with applicable windstorm certification standards for a period not to exceed 30 days;

(2) remove the engineer from the roster described by Section 1001.652(b); or

(3) determine that a structure was not constructed, altered, remodeled, enlarged, repaired, or added to according to the applicable windstorm certification standards and report that finding to the association and the Texas Department of Insurance.

(d) The board shall give the engineer notice of any action under this section.

(e) A violation of this subchapter, including a violation of the windstorm inspection standards, is grounds for disciplinary action under Section 1001.452.

SECTION _____. Not later than December 1, 2011, the Texas Board of Professional Engineers shall adopt rules to implement Subchapter N, Chapter 1001, Occupations Code, as added by this Act.

Amendment No. 6 was adopted.

Amendment No. 7

Representative Gallego offered the following amendment to **HB 3**:

Amend **HB 3** by striking page 25, lines 20-27 through page 26, lines 1-7.

Representative Smithee moved to table Amendment No. 7.

The motion to table prevailed by (Record 85): 103 Yeas, 36 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dutton; Eissler; Elkins; Fletcher; Flynn; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Guillen; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gutierrez; Hamilton; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Martinez; Martinez Fischer; Menendez; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Frullo; Marquez; Miles; Taylor, V.; Villarreal; Vo; Woolley.

Absent — Dukes; McClendon.

Amendment No. 8

Representative Eiland offered the following amendment to **HB 3**:

Amend **HB 3** (house committee printing), page 45, lines 14-15, by striking the current Subsection (2) and inserting in lieu thereof the following:

(2) an individual required to register as a lobbyist under Chapter 305, Government Code because of the person's activities for compensation on behalf of a profession or entity related to the operation of the department; or

Amendment No. 8 was adopted.

Amendment No. 9

Representative Walle offered the following amendment to **HB 3**:

Amend **HB 3** (house committee printing) by striking page 2, lines 4-20, and substituting the following appropriately numbered SECTION of the bill:

SECTION ____ . Section 2210.002(a), Insurance Code, is amended to read as follows:

(a) This chapter may be cited as the Texas Coastal ~~[Windstorm]~~ Insurance Plan ~~[Association]~~ Act. A reference to the Texas Windstorm Insurance Association Act means this chapter.

Amendment No. 9 was adopted.

Amendment No. 10

Representative Hernandez Luna offered the following amendment to **HB 3**:

On page 6, line 11, amend **HB 3** by adding a new section to read as follows and renumber subsequent sections accordingly:

Section ____ . Section 2210.051, Insurance Code, is amended by adding Subsection (d) to read as follows:

(d) an insurer that is a member of the association shall offer windstorm and hail insurance in all geographic areas where the member insurer offered windstorm and hail insurance on September 1, 2011.

Representative Smithee moved to table Amendment No. 10.

The motion to table prevailed by (Record 86): 98 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Huberty; Hughes; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Guillen; Gutierrez; Hamilton; Hernandez Luna; Howard, D.; Hunter; Johnson; Lozano; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Thompson; Turner; Veasey; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Frullo; Marquez; Miles; Taylor, V.; Villarreal; Vo; Woolley.

Amendment No. 11

Representative Sheets offered the following amendment to **HB 3**:

Amend **HB 3** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 2210.502, Insurance Code, is amended by adding Subsection (e) to read as follows:

(e) Notwithstanding Subsection (a), the maximum liability limit for dwellings and corporeal movable property described by Section 2210.501(b)(1) may not exceed \$1.5 million.

Amendment No. 11 was adopted by (Record 87): 77 Yeas, 61 Nays, 1 Present, not voting.

Yeas — Allen; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Carter; Chisum; Craddick; Creighton; Crownover; Darby; Davis, S.; Davis, Y.; Driver; Dukes; Elkins; Fletcher; Flynn; Gonzales, L.; Gonzalez; Gooden; Hancock; Hardcastle; Harper-Brown; Hartnett; Howard, C.; Hughes; Isaac; Keffer; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lyne; Madden; Mallory Caraway; Margo; McClendon; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Reynolds; Riddle; Schwertner; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Truitt; Turner; Weber; White; Workman.

Nays — Aliseda; Alvarado; Bonnen; Burnam; Button; Cain; Callegari; Castro; Christian; Coleman; Cook; Davis, J.; Deshotel; Dutton; Eiland; Eissler; Farias; Farrar; Gallego; Garza; Geren; Giddings; Gonzales, V.; Guillen; Gutierrez; Hamilton; Harless; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Huberty; Hunter; Johnson; King, S.; King, T.; Legler; Lozano; Lucio; Martinez; Martinez Fischer; Menendez; Miller, D.; Miller, S.; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Ritter; Rodriguez; Scott; Strama; Taylor, L.; Thompson; Torres; Veasey; Walle; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Frullo; Marquez; Miles; Taylor, V.; Villarreal; Vo; Woolley.

Absent — Alonzo; Jackson; Zedler.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 87. I intended to vote no.

Bohac

I was shown voting yes on Record No. 87. I intended to vote no.

W. Smith

Amendment No. 12

Representative Castro offered the following amendment to **HB 3**:

Amend **HB 3** as follows:

Page 23, line 15, insert the following new section and renumber subsequent sections accordingly:

SECTION ____ . Subchapter L, Chapter 2210, Insurance Code, is amended by adding Section 2210.5510 to read as follows:

Sec. 2210.5510. SINGLE ADJUSTER PROGRAM. (a) A request for benefits under an insurance policy issued by the association shall be reported to, reviewed, and adjusted by the insurer that issued a homeowners, dwelling, condo, or other residential or commercial property policy for the property covered by the association.

(b) An insurer described in Subsection (a) shall process any request for benefits under an insurance policy issued by the association in the same manner as a request for benefits under a policy issued by the insurer.

(c) The insurer described in Subsection (a) may accept or reject a request for benefits under an insurance policy issued by the association on behalf of the association.

(d) The association shall pay a claim accepted under Subsection (b) within 5 business days of the date the insurer notifies the claimant the claim was accepted. If the payment of the claim or part of the claim is conditioned upon the performance of an act by the claimant, the insurer shall pay the claim not later than the fifth business day after the date the act is performed.

(e) The commissioner, by rule, shall determine the amount the association shall pay an insurer for any functions performed under this section. This amount shall be paid from the premiums collected by the association or other funds available to the association.

(f) The commissioner shall adopt procedures, including penalties, to ensure that an insurer performs the functions required by this section in a prompt, fair, and equitable manner.

Representative Smithee moved to table Amendment No. 12.

The motion to table prevailed by (Record 88): 99 Yeas, 40 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Bohac; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Frullo; Marquez; Miles; Taylor, V.; Villarreal; Vo; Woolley.

Absent — Lucio; Nash.

STATEMENT OF VOTE

When Record No. 88 was taken, I was in the house but away from my desk. I would have voted yes.

Lucio

Amendment No. 13

Representative L. Taylor offered the following amendment to **HB 3**:

Amend **HB 3** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 2210.608, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (a)(2), the proceeds from public securities issued under Section 2210.072 before an occurrence or series of occurrences that results in incurred losses, including investment income, may not be used to purchase reinsurance for the association.

Amendment No. 13 was adopted.

HB 3, as amended, was passed to engrossment by (Record 89): 99 Yeas, 41 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Guillen; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gutierrez; Hamilton; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Raymond; Reynolds; Ritter; Rodriguez; Thompson; Turner; Veasey; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Frullo; Marquez; Miles; Taylor, V.; Villarreal; Vo; Woolley.

Absent — Aycock.

HB 5 ON SECOND READING **(by Kolkhorst and Creighton)**

HB 5, A bill to be entitled An Act relating to the Interstate Health Care Compact.

HB 5 - POINT OF ORDER

Representative Coleman raised a point of order against further consideration of **HB 5** under Rule 4, Section 32(c)(1) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker overruled the point of order.

(Anchia and Marquez now present)

Amendment No. 1

Representatives Turner and Eiland offered the following amendment to **HB 5**:

Amend **HB 5** (house committee printing) on page 8, between lines 18 and 19, by inserting:

Sec. 5002.002. IMPLEMENTATION IN TEXAS. The legislature may not implement the Interstate Health Care Compact in any manner that negatively affects or impacts any entitlement to Medicare benefits to senior adults in this state.

Amendment No. 1 was adopted by (Record 90): 132 Yeas, 8 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; 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; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; 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; Menendez; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Solomons; Taylor, L.; Thompson; Torres; Truitt; Turner; Veasey; Walle; White; Workman; Zedler; Zerwas.

Nays — Alvarado; Dukes; Garza; Hartnett; Lyne; McClendon; Strama; Weber.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Frullo; Miles; Taylor, V.; Villarreal; Vo; Woolley.

Absent — Hernandez Luna; Morrison; Smith, T.

STATEMENTS OF VOTE

I was shown voting no on Record No. 90. I intended to vote yes.

Alvarado

I was shown voting no on Record No. 90. I intended to vote yes.

Dukes

I was shown voting no on Record No. 90. I intended to vote yes.

Garza

I was shown voting no on Record No. 90. I intended to vote yes.

Lyne

I was shown voting no on Record No. 90. I intended to vote yes.

McClendon

I was shown voting no on Record No. 90. I intended to vote yes.

Strama

I was shown voting no on Record No. 90. I intended to vote yes.

Weber

HB 5, as amended, was passed to engrossment by (Record 91): 97 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycok; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Frullo; Miles; Taylor, V.; Villarreal; Vo; Woolley.

Absent — Burnam; Raymond; Torres.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 91. I intended to vote no.

Farrar

When Record No. 91 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

PROVIDING FOR ADJOURNMENT

Representative Bonnen moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Stanley Joseph LaChance of Lake Jackson.

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.)

(C. Anderson in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 1:57 p.m., adjourned until 10 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 76 (By Quintanilla), In memory of U.S. Army Corporal Eduardo Pedregon of El Paso, who gave his life while fighting in the Korean War.

To Rules and Resolutions.

HR 77 (By Craddick), Congratulating Billie Ann and Kenneth Baker of Midland on their 65th wedding anniversary.

To Rules and Resolutions.

HR 78 (By Workman), Congratulating Neal White on earning first place in extemporaneous informative speaking at the 2011 UIL Conference 4A State Academics Spring Meet.

To Rules and Resolutions.

HR 79 (By Workman), Congratulating James Bounds on earning the top score on the physics portion of the science contest at the 2011 UIL Conference 4A State Academics Spring Meet.

To Rules and Resolutions.

HR 80 (By Larson), In memory of Steven F. Gehrlein of San Antonio.

To Rules and Resolutions.

HR 81 (By Guillen), Honoring the life and work of Dr. Mamiliano Juan Rodriguez.

To Rules and Resolutions.

HR 82 (By Guillen), Congratulating Cruz Garza, Jr., on his retirement from Rio Grande City High School.

To Rules and Resolutions.

HR 83 (By Guillen), Honoring Gilberto Amado Hinojosa, Sr., of Benavides, for his service to Duval County.

To Rules and Resolutions.

HR 84 (By Guillen), In memory of Lino Perez, Jr., of Rio Grande City.

To Rules and Resolutions.

HR 85 (By Craddick), Congratulating Jack and Barbara Pallick of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 86 (By Craddick), Congratulating L. G. and Willie Atchley on their 70th wedding anniversary.

To Rules and Resolutions.

HR 87 (By Burkett), Congratulating Scott Coulson on his retirement as band director of Poteet High School in Mesquite.

To Rules and Resolutions.

HR 88 (By Rodriguez), Commending Alda Santana for her service as senior legislative assistant in the office of State Representative Eddie Rodriguez.

To Rules and Resolutions.

HR 89 (By Guillen), Honoring Jovita Rebecca Guevara of Jovita's Beauty Salon in Benavides.

To Rules and Resolutions.

HR 90 (By Gooden), Congratulating Hunter Pritchett of Quinlan on attaining the rank of Eagle Scout.

To Rules and Resolutions.

HR 91 (By Y. Davis), Congratulating Patricia Barton of Dallas and LaJuana Barton of DeSoto on the publication of Faithful Remembrances Volume I.

To Rules and Resolutions.

HR 92 (By Hughes), In memory of the Honorable Ed Hunt of Mineola.

To Rules and Resolutions.

HR 93 (By Hughes), In memory of U.S. Army Chief Warrant Officer 2 Bradley Justin Gaudet of Gladewater.

To Rules and Resolutions.

HR 94 (By Craddick), Congratulating Floretta and Wilbern Peden of Midland on their 60th wedding anniversary.

To Rules and Resolutions.

HR 95 (By Craddick), Congratulating Jim and Marilyn Clanahan of Midland on their 60th wedding anniversary.

To Rules and Resolutions.

HR 96 (By Truitt), Congratulating Chief Robert Finn on his retirement from the police services division of the Southlake Department of Public Safety.

To Rules and Resolutions.

HR 97 (By Larson), In memory of George Vernon Wright, Jr., of San Antonio.

To Rules and Resolutions.

HR 98 (By Guillen), Paying tribute to the lives of Ramiro and Hortencia "Nena" Hinojosa of Starr County.

To Rules and Resolutions.

HR 99 (By Guillen), Honoring the life and legacy of former Starr County sheriff Reymundo Alvarez.

To Rules and Resolutions.

HR 100 (By Guillen), Commending the Honorable Jose Benito Canales for more than 30 years of service as justice of the peace of Precinct 4 of Duval County.

To Rules and Resolutions.

HR 101 (By Alonzo), Paying tribute to Rodolfo, Marcos, Alejandro, Vicente, Jose, and Arturo Torres for their service in the armed forces of the United States of America.

To Rules and Resolutions.

HR 103 (By Aliseda), Congratulating Tina Marie Garza on her graduation from The University of Texas at Austin.

To Rules and Resolutions.

HR 107 (By McClendon), In memory of the Reverend R. A. Callies of San Antonio.

To Rules and Resolutions.

HR 108 (By Madden), Commending Harry LaRosiliere for his service as a member of the Plano City Council.

To Rules and Resolutions.

HR 109 (By Madden), Commending Jean Callison for her service on the Plano City Council.

To Rules and Resolutions.

HR 110 (By Button), Congratulating the Methodist Richardson Foundation on the success of its 2011 WildRide! WildRun! Against Cancer.

To Rules and Resolutions.

HR 111 (By Button), Honoring Richland College on its designation as a two-year National Center of Academic Excellence in Information Assurance Education.

To Rules and Resolutions.

HR 112 (By Guillen), Honoring Elida "Lela" Gutierrez Garcia of Benavides for her longtime service to area residents as the owner of Lela's Beauty Shop.

To Rules and Resolutions.

HR 113 (By Guillen), In memory of Manuel P. Guillen of Rio Grande City.

To Rules and Resolutions.

HR 114 (By Guillen), Recognizing Dr. Roberto S. Margo of Rio Grande City for his service as a veterinarian.

To Rules and Resolutions.

HR 116 (By Guillen), In memory of Javier "J. V." Villanueva of Duval County.

To Rules and Resolutions.

HR 117 (By Guillen), In memory of former Starr County judge Blas Chapa of Mission.

To Rules and Resolutions.

HR 118 (By Guillen), Paying tribute to the life and legacy of Dr. Ramiro Narro of Weslaco.

To Rules and Resolutions.

HR 119 (By Guillen), Commemorating the 30th anniversary of the Liberty Cafe in Freer.

To Rules and Resolutions.

HR 120 (By Guillen), Commending Edna and Arnoldo Cantu of Freer for their contributions to their community.

To Rules and Resolutions.

HR 121 (By Guillen), Honoring Francisco Guerra, Jr., of Starr County for his achievements in business.

To Rules and Resolutions.

HR 122 (By Margo), Honoring Sun Metro on its receipt of a 2011 Outstanding Public Transportation System award by the American Public Transportation Association.

To Rules and Resolutions.

HR 123 (By Margo), Congratulating retired Brigadier General Richard A. Behrenhausen and Elizabeth Behrenhausen of El Paso on their 50th wedding anniversary.

To Rules and Resolutions.

HR 124 (By Burkett), Congratulating the baseball team of Eastfield College in Mesquite on winning the NJCAA Division III World Series.

To Rules and Resolutions.

HR 125 (By Naishtat), Honoring the Center for Public Policy Priorities on its 25th anniversary.

To Rules and Resolutions.

HR 126 (By Gooden), Congratulating William Noah Bankston on attaining the rank of Eagle Scout.

To Rules and Resolutions.

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

Wednesday, June 15, 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:

SB 9 Williams

Relating to the enforcement of state and federal laws governing immigration by certain governmental entities and the administration of certain documentation of citizenship status and other lawful admittance by the Department of Public Safety of the State of Texas.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

June 14

Judiciary and Civil Jurisprudence - **HB 79**

Public Education - **HB 72, SB 8**

ENGROSSED

June 14 - HB 13, HB 18

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

TENTH DAY — THURSDAY, JUNE 16, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 92).

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; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Absent, Excused — Woolley.

Absent — Frullo.

The invocation was offered by Don Garner, pastor, Capitol Commission, Austin.

The speaker recognized Representative Madden who led the house in the pledges of allegiance to the United States and Texas flags.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Madden and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

HR 115 - ADOPTED**(by L. Gonzales)**

Representative L. Gonzales moved to suspend all necessary rules to take up and consider at this time **HR 115**.

The motion prevailed.

The following resolution was laid before the house:

HR 115, Congratulating Gretchen Zamora on her retirement from Austin State Hospital Support Services.

HR 115 was adopted.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of family business:

Fruzzo on motion of Shelton.

(Hamilton in the chair)

HR 66 - ADOPTED**(by Menendez)**

Representative Menendez moved to suspend all necessary rules to take up and consider at this time **HR 66**.

The motion prevailed.

The following resolution was laid before the house:

HR 66, Congratulating Michelle Thomas on her promotion to the position of executive director of financial analysis with AT&T in Dallas and honoring her for her many contributions to the San Antonio community.

HR 66 was adopted.

(Speaker in the chair)

**SB 1 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE INSTRUCTED**

On motion of Representative Otto, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1**.

Representative Murphy moved to instruct the Conference Committee on **SB 1** to retain Amendment Nos. 100 and 141.

The motion to instruct conferees prevailed by (Record 93): 101 Yeas, 41 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson;

Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Naishtat; Oliveira; Quintanilla; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Frullo; Woolley.

Absent — Guillen; Johnson; Menendez; Pickett; Raymond.

Representative Workman moved to instruct the Conference Committee on **SB 1** to retain Amendment No. 24.

The motion to instruct conferees prevailed.

SB 1 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1**: Pitts, chair; Eissler, Geren, Otto, and Villarreal.

SB 2 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE INSTRUCTED

On motion of Representative Darby, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2**.

Representative P. King moved to instruct the Conference Committee on **SB 2** to exclude any language expending funds from the economic stabilization fund, specifically including Amendment Nos. 22 and 24.

The motion to instruct conferees prevailed by (Record 94): 87 Yeas, 59 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Garza; Geren; Gonzales, L.; Gooden; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker;

Paxton; Perry; Phillips; Pitts; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler.

Nays — Allen; Alonzo; Alvarado; Anchia; Brown; Burnam; Castro; Coleman; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hernandez Luna; Hochberg; Hopson; Howard, D.; King, T.; Kuempel; Lozano; Lucio; Lyne; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Patrick; Peña; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Smith, T.; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Frullo; Woolley.

Absent — Johnson.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 94. I intended to vote no.

L. Gonzales

I was shown voting yes on Record No. 94. I intended to vote no.

S. King

I was shown voting yes on Record No. 94. I intended to vote no.

Sheffield

SB 2 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2**: Pitts, chair; Crownover, Darby, Aycock, and McClendon.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Chisum on motion of Hancock.

Johnson on motion of Gooden.

Keffer on motion of Hancock.

MAJOR STATE CALENDAR

SENATE BILLS

SECOND READING

The following bills were laid before the house and read second time:

CSSB 8 ON SECOND READING
(Eissler - House Sponsor)

CSSB 8, A bill to be entitled An Act relating to the flexibility of the board of trustees of a school district in the management and operation of public schools in the district.

Amendment No. 1

Representative Eissler offered the following amendment to **CSSB 8**:

Amend **CSSB 8** (house committee report) in SECTION 9 of the bill, in amended Section 21.402(a), Education Code (page 7, line 12), by striking "Subsection (d)[~~-, (e),]~~ or" and substituting "[~~(d), (e), or]~~".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Eissler offered the following amendment to **CSSB 8**:

Amend **CSSB 8** (house committee printing) as follows:

(1) In SECTION 2 of the bill, strike amended Section 21.103(a), Education Code (page 2, line 24, through page 3, line 7), and substitute the following:

(a) The board of trustees of a school district may terminate the employment of a teacher employed under a probationary contract at the end of the contract period if in the board's judgment the best interests of the district will be served by terminating the employment. The board of trustees must give notice of its decision to terminate the employment to the teacher not later than the 10th ~~[45th]~~ day before the last day of instruction required under the contract. The board's decision is final and may not be appealed.

(2) In SECTION 6 of the bill, strike amended Section 21.206(a), Education Code (page 4, lines 17-23), and substitute the following:

(a) Not later than the 10th ~~[45th]~~ day before the last day of instruction in a school year, the board of trustees shall notify in writing each teacher whose contract is about to expire whether the board proposes to renew or not renew the contract.

Amendment No. 2 was adopted. (Landtroop, Muñoz, Naishtat, and Phillips recorded voting no.)

Amendment No. 3

Representative Walle offered the following amendment to **CSSB 8**:

Amend **CSSB 8** (house committee report) as follows:

(1) Strike sections 4 and 5 of the bill (page 3, line 21, through page 4, line 14) and renumber subsequent sections of the bill accordingly.

(2) On page 6, line 18, strike ", except as provided by Subsection (b)(3)".

(3) On page 7, lines 6 and 7, strike "or to terminate a continuing contract at any time".

Representative Eissler moved to table Amendment No. 3.

The motion to table prevailed by (Record 95): 88 Yeas, 52 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Garza; Geren; Gonzales, L.; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Carter; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hernandez Luna; Hopson; Howard, D.; King, T.; Lewis; Lozano; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chisum; Frullo; Johnson; Keffer; Woolley.

Absent — Christian; Mallory Caraway; Peña; Strama.

STATEMENT OF VOTE

I was shown voting yes on Record No. 95. I intended to vote no.

Hilderbran

Amendment No. 4

Representatives D. Miller and Button offered the following amendment to **CSSB 8**:

Amend **CSSB 8** in SECTION 15 of the bill by striking added Section 552.2661, Government Code (page 14, lines 11-17), and substituting the following:

Sec. 552.2661. CHARGE FOR COPY OF PUBLIC INFORMATION PROVIDED BY SCHOOL DISTRICT. A school district that receives a request to produce public information for inspection or publication or to produce copies of public information in response to a requestor who, within the preceding 180 days, has accepted but failed to pay written itemized statements of estimated charges from the district as provided under Section 552.261(b) may require the requestor to pay the estimated charges for the request before the request is fulfilled.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Shelton offered the following amendment to **CSSB 8**:

Amend **CSSB 8** (house committee report) in SECTION 16 of the bill (page 14, line 18), between "SECTION 16." and "Subsections" by inserting "Section 12.1331, Education Code, and".

Amendment No. 5 was adopted by (Record 96): 84 Yeas, 54 Nays, 1 Present, not voting.

Yeas — Aliseda; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Burkett; Button; Callegari; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Geren; Gonzales, L.; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Pitts; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Bonnen; Brown; Burnam; Cain; Carter; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Garza; Giddings; Gonzales, V.; Gooden; Guillen; Gutierrez; Hamilton; Hernandez Luna; Hochberg; Hopson; Howard, D.; Lozano; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Phillips; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chisum; Frullo; Johnson; Keffer; Woolley.

Absent — Gonzalez; King, P.; King, T.; Lyne; Mallory Caraway; Peña.

STATEMENTS OF VOTE

I was shown voting no on Record No. 96. I intended to vote yes.

Cain

I was shown voting yes on Record No. 96. I intended to vote no.

Hilderbran

When Record No. 96 was taken, I was in the house but away from my desk. I would have voted yes.

P. King

When Record No. 96 was taken, I was in the house but away from my desk. I would have voted yes.

Lyne

When Record No. 96 was taken, I was in the house but away from my desk. I would have voted no.

Peña

Amendment No. 6

Representative Huberty offered the following amendment to **CSSB 8**:

Amend **CSSB 8** (house committee printing) as follows:

(1) In SECTION 2 of the bill, strike amended Section 21.103(a), Education Code (page 2, line 24, through page 3, line 7), and substitute the following:

(a) The board of trustees of a school district may terminate the employment of a teacher employed under a probationary contract at the end of the contract period if in the board's judgment the best interests of the district will be served by terminating the employment. The board of trustees must give notice of its decision to terminate the employment to the teacher not later than the 10th ~~[45th]~~ day before the last day of instruction required under the contract. The notice must be delivered personally by hand delivery to the teacher on the campus at which the teacher is employed, except that if the teacher is not present on the campus on the date that hand delivery is attempted, the notice must be mailed by prepaid certified mail or delivered by express delivery service to the teacher's address of record with the district. Notice that is postmarked on or before the 15th day before the last day of instruction is considered timely given under this subsection. The board's decision is final and may not be appealed.

(2) In SECTION 6 of the bill, strike amended Section 21.206(a), Education Code (page 4, lines 17-23), and substitute the following:

(a) Not later than the 10th ~~[45th]~~ day before the last day of instruction in a school year, the board of trustees shall notify in writing each teacher whose contract is about to expire whether the board proposes to renew or not renew the contract. The notice must be delivered personally by hand delivery to the teacher on the campus at which the teacher is employed, except that if the teacher is not present on the campus on the date that hand delivery is attempted, the notice must be mailed by prepaid certified mail or delivered by express delivery service to the teacher's address of record with the district. Notice that is postmarked on or before the 15th day before the last day of instruction is considered timely given under this subsection.

(3) In SECTION 7 of the bill, in the recital (page 4, line 25), strike "amending Subsection (c)" and substitute "amending Subsections (a) and (c)".

(4) In SECTION 7 of the bill, between the recital and added Section 21.207(b-1), Education Code (page 4, between lines 26 and 27), insert the following:

(a) If the teacher desires a hearing after receiving notice of the proposed nonrenewal, the teacher shall notify the board of trustees in writing not later than the 15th day after the date the teacher receives hand delivery of the notice of the proposed action, or if the notice is mailed by prepaid certified mail or delivered by express delivery service, not later than the 15th day after the date the notice is delivered to the teacher's address of record with the district. The board shall

provide for a hearing to be held not later than the 15th day after the date the board receives the request for a hearing unless the parties agree in writing to a different date. The hearing must be closed unless the teacher requests an open hearing.

(5) Add the following appropriately numbered new SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Sections 21.103(a), 21.206(a), and 21.207(a), Education Code, as amended by this Act, apply beginning with contracts for the 2012-2013 school year.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business in the district:

Bohac on motion of C. Howard.

CSSB 8 - (consideration continued)

Amendment No. 7

Representative Castro offered the following amendment to Amendment No. 6:

Amend Amendment No. 6 on **CSSB 8** by Huberty as follows:

(1) Each time "10th" appears, substitute "30th" (page 1, line 10 and page 1, line 24).

(2) Each time "15th" appears, substitute "30th" (page 1, line 18, page 2, line 5, page 2, line 18, page 2, line 21).

Representative Huberty moved to table Amendment No. 7.

The motion to table prevailed by (Record 97): 84 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Aycocock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Cain; Callegari; Christian; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Garza; Geren; Gonzales, L.; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; Workman; Zedler; Zerwas.

Nays — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Burnam; Carter; Castro; Coleman; Darby; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hernandez Luna; Hochberg; Hopson; Howard, D.; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon;

Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Phillips; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Chisum; Frullo; Johnson; Keffer; Woolley.

Absent — Button; Deshotel; Strama.

Amendment No. 8

Representative Huberty offered the following amendment to Amendment No. 6:

Amend Amendment No. 6 by Huberty by substituting "10th" on page 1, line 18 and page 2, line 5 for "15th".

Amendment No. 8 was adopted. (Phillips recorded voting no.)

Amendment No. 6, as amended, was adopted by (Record 98): 88 Yeas, 52 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Burkett; Button; Cain; Callegari; Christian; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Garza; Geren; Giddings; Gonzales, L.; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hochberg; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Price; Quintanilla; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Brown; Burnam; Carter; Castro; Coleman; Darby; Davis, Y.; Dukes; Dutton; Farias; Farrar; Gallego; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hernandez Luna; Hilderbran; Hopson; Howard, D.; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Phillips; Pickett; Pitts; Raymond; Reynolds; Riddle; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Chisum; Frullo; Johnson; Keffer; Woolley.

Absent — Allen; Deshotel; Strama.

STATEMENTS OF VOTE

I was shown voting no on Record No. 98. I intended to vote yes.

Alvarado

I was shown voting no on Record No. 98. I intended to vote yes.

Anchia

I was shown voting no on Record No. 98. I intended to vote yes.

V. Gonzales

I was shown voting no on Record No. 98. I intended to vote yes.

D. Howard

I was shown voting no on Record No. 98. I intended to vote yes.

Lucio

I was shown voting no on Record No. 98. I intended to vote yes.

Marquez

I was shown voting no on Record No. 98. I intended to vote yes.

Martinez

I was shown voting no on Record No. 98. I intended to vote yes.

Muñoz

I was shown voting no on Record No. 98. I intended to vote yes.

Naishtat

I was shown voting no on Record No. 98. I intended to vote yes.

Vo

REASONS FOR VOTE

While I supported the provisions of Representative Huberty's amendment requiring hand delivery of notices to teachers, I voted no on the amendment because of the adopted amendment to the amendment that reduced notice to teachers from 15 days to 10 days.

Gooden and Pitts

Amendment No. 9

Representative Patrick offered the following amendment to **CSSB 8**:

Amend **CSSB 8** (house committee printing) as follows:

(1) Strike SECTION 3 of the bill, adding Section 21.1041, Education Code (page 3, lines 8 - 20).

(2) Strike SECTION 5 of the bill, amending Section 21.159(b), Education Code (page 4, lines 2 - 14).

(3) Strike SECTIONS 7 and 8 of the bill, amending Sections 21.207 and 21.251, Education Code (page 4, line 24, through page 7, line 8).

(4) Renumber subsequent SECTIONS of the bill accordingly.

Representative Eissler moved to table Amendment No. 9.

The motion to table prevailed by (Record 99): 74 Yeas, 65 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycok; Beck; Berman; Bonnen; Branch; Button; Cain; Callegari; Christian; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Geren;

Gonzales, L.; Hancock; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; Kleinschmidt; Kolkhorst; Larson; Laubenberg; Lavender; Legler; Lyne; Madden; Miller, D.; Miller, S.; Morrison; Murphy; Orr; Otto; Parker; Paxton; Perry; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Brown; Burnam; Carter; Castro; Coleman; Darby; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Garza; Giddings; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Harless; Hernandez Luna; Hochberg; Hopson; Howard, D.; King, S.; King, T.; Kuempel; Landtroop; Lewis; Lozano; Lucio; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Nash; Oliveira; Patrick; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Thompson; Veasey; Villarreal; Vo; Walle; White.

Present, not voting — Mr. Speaker(C); Burkett.

Absent, Excused — Bohac; Chisum; Frullo; Johnson; Keffer; Woolley.

Absent — Deshotel; Strama; Turner.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 99. I intended to vote no.

Kolkhorst

I was shown voting yes on Record No. 99. I intended to vote no.

Lavender

I was shown voting yes on Record No. 99. I intended to vote no.

Schwertner

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of a death in the family:

Deshotel on motion of Raymond.

The following member was granted leave of absence for the remainder of today because of important business:

Strama on motion of Scott.

CSSB 8 - (consideration continued)

Amendment No. 10

Representative Martinez offered the following amendment to **CSSB 8**:

Amend **CSSB 8** (house committee report) as follows:

(1) In SECTION 3 of the bill, on page 3, line 20, between "personnel" and the period, insert "as a result of a reduction in state funding levels that leaves the district with an amount of available state and local funds per weighted student that is less than the amount of state and local funds per weighted student available to the district in the preceding school year".

(2) In SECTION 5 of the bill, on page 4, line 14, between "personnel" and the period, insert "as a result of a reduction in state funding levels that leaves the district with an amount of available state and local funds per weighted student that is less than the amount of state and local funds per weighted student available to the district in the preceding school year".

(3) In SECTION 8 of the bill, on page 7, line 5, between "personnel" and the comma, insert "as a result of a reduction in state funding levels that leaves the district with an amount of available state and local funds per weighted student that is less than the amount of state and local funds per weighted student available to the district in the preceding school year".

Representative Eissler moved to table Amendment No. 10.

The motion to table prevailed by (Record 100): 87 Yeas, 54 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Garza; Geren; Gonzales, L.; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Carter; Castro; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hernandez Luna; Howard, D.; Huberty; King, T.; Lewis; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Chisum; Deshotel; Frullo; Johnson; Keffer; Strama; Woolley.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Mallory Caraway on motion of Carter.

CSSB 8 - (consideration continued)**Amendment No. 11**

Representative Farias offered the following amendment to **CSSB 8**:

Amend **CSSB 8** (house committee report) as follows:

(1) On page 4, line 25, strike "Subsection (b-1)" and substitute "Subsections (b-1) and (b-2)".

(2) On page 6, between lines 3 and 4, insert the following:

(d-2) The attorney designated by the board of trustees may issue subpoenas at the request of either party for the attendance of witnesses and the production of documents at the hearing and may administer oaths, rule on motions and the admissibility of evidence, maintain decorum by closing the hearing or taking other appropriate action, schedule and recess the proceedings, and make any other orders. The attorney designated by the board may issue a subpoena for the attendance of a person who is not an employee of the district only if the party requesting the issuance of the subpoena shows good cause for the subpoena.

Representative Eissler moved to table Amendment No. 11.

The motion to table prevailed by (Record 101): 90 Yeas, 49 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Creighton; Crownover; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Garza; Geren; Gonzales, L.; Gooden; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Craddick; Darby; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hernandez Luna; Hochberg; Hopson; Howard, D.; King, T.; Lozano; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Phillips; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Chisum; Deshotel; Frullo; Johnson; Keffer; Mallory Caraway; Strama; Woolley.

Absent — Coleman.

Amendment No. 12

Representative Callegari offered the following amendment to **CSSB 8**:

Amend **CSSB 8** (house committee report) as follows:

(1) In SECTION 10 of the bill, in the recital (page 9, line 12), strike "adding Sections 21.4021 and 21.4022" and substitute "adding Sections 21.4021, 21.4022, and 21.4032".

(2) In SECTION 10 of the bill, immediately following added Section 21.4022, Education Code (page 11, between lines 25 and 26), insert the following:

Sec. 21.4032. REDUCTIONS IN SALARIES OF CLASSROOM TEACHERS AND ADMINISTRATORS. (a) This section applies only to a widespread reduction in the amount of the annual salaries paid to school district classroom teachers based primarily on district financial conditions rather than on teacher performance.

(b) For any school year in which a school district has reduced the amount of the annual salaries paid to district classroom teachers from the amount paid for the preceding school year, the district shall reduce the amount of the annual salary paid to each district administrator by a percent or fraction of a percent that is equal to the average percent or fraction of a percent by which teacher salaries have been reduced.

Amendment No. 13

Representative Marquez offered the following amendment to Amendment No. 12:

Amend the Callegari amendment by inserting the following appropriately numbered SECTION and renumbering subsequent sections accordingly:

SECTION ____ . Section 21.212, Education Code, is amended by adding Subsection (f) to read as follows:

(f) On the basis of a financial exigency declared under Section 44.011 that requires a reduction in personnel, the board of trustees of a school district may choose to terminate the employment of a superintendent employed under a term contract or to amend the terms of the contract. A superintendent whose contract is amended under this subsection may resign without penalty by providing reasonable notice to the board and may continue employment for that notice period under the prior contract.

Amendment No. 13 was adopted.

Amendment No. 12, as amended, was adopted by (Record 102): 137 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Gallego; Garza; 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; King, P.; King, S.; King, T.; Kleinschmidt;

Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; 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; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Nays — Hochberg.

Present, not voting — Mr. Speaker(C); Turner.

Absent, Excused — Bohac; Chisum; Deshotel; Frullo; Johnson; Keffer; Mallory Caraway; Strama; Woolley.

Absent — Coleman.

Amendment No. 14

Representative Patrick offered the following amendment to **CSSB 8**:

Amend **CSSB 8** (house committee printing) in SECTION 10 of the bill, in added Section 21.4021, Education Code, (page 10, between lines 21 and 22), by adding the following:

(i) Any reduction under this section in the amount of the annual salary paid to an employee must be equally distributed over the course of the employee's current contract with the school district.

Amendment No. 14 was adopted.

Amendment No. 15

Representative Patrick offered the following amendment to **CSSB 8**:

Amend **CSSB 8** (house committee report) as follows:

(1) In SECTION 10 of the bill, in added Section 21.4022(c), Education Code (page 11, line 14), strike "and".

(2) In SECTION 10 of the bill, in added Section 21.4022(c), Education Code (page 11, line 19), strike the underlined period and substitute "; and".

(3) In SECTION 10 of the bill, in added Section 21.4022(c), Education Code (page 11, between lines 19 and 20), insert the following:

(3) information regarding the local option residence homestead exemption.

Amendment No. 15 was adopted.

Amendment No. 16

Representative Dutton offered the following amendment to **CSSB 8**:

Amend **CSSB 8** (house committee printing) in SECTION 14 of the bill by striking added Section 44.011, Education Code (page 13, line 20, through page 14, line 8), and substituting the following:

Sec. 44.011. FINANCIAL EXIGENCY. (a) In this section, "financial exigency" means substantial and recurring financial deficits in the total operating budget of a school district that have occurred and are reasonably projected to continue to occur, placing the district at serious risk of insolvency. The term does not include:

(1) the expectation of short-term deficits in the operating budget of a district; or

(2) the elimination of or reduction in a district academic program for academic reasons.

(b) This section applies only if, in response to a financial exigency as determined by the board of trustees of a school district, the district proposes to terminate contracts of and discharge classroom teachers. A district shall consider termination of contracts and discharge of classroom teachers to be an exceptional action. The board of trustees of a district must comply with this section before the board may terminate contracts of and discharge classroom teachers on the basis of a financial exigency declared by resolution of the board.

(c) The board of trustees of a school district that proposes to terminate contracts of and discharge classroom teachers on the basis of a financial exigency must prepare and submit to the commissioner a report specifying the precise nature and extent of the district's financial problems. The report must include:

(1) a description of each measure the district has taken to address the financial problems;

(2) whether reduction or elimination of any academic program redundancies is recommended in addressing the financial problems;

(3) each reason for proposing termination of contracts and discharge of classroom teachers; and

(4) the number of classroom teachers whom the district is proposing to discharge.

(d) Not later than the 10th day after the date the board of trustees of a school district submits a report to the commissioner under Subsection (c), a financial exigency committee shall be established to review all documentation relevant in determining whether a district financial exigency exists. The committee shall be composed of five members, none of whom may be employed by the district. Two members of the committee shall be appointed by the board of trustees, two members shall be appointed by the commissioner, and one member shall be appointed to serve as presiding officer by the other members of the committee.

(e) In performing its duties under this section, the financial exigency committee may consult with any person and may consider oral or written submissions concerning the school district's financial condition and district academic program redundancies.

(f) The financial exigency committee shall prepare and submit to the commissioner and the board of trustees of the school district, in the time and manner required by commissioner rule, a report that includes:

(1) an analysis of the nature and extent of the district's financial problems;

(2) a determination of whether a district financial exigency exists;
(3) a description of the potential impact on the district's academic programs of the district's proposals under Subsection (c);

(4) a determination of whether district enrollment projections are consistent with the reduction in the number of classroom teachers proposed under Subsection (c);

(5) a determination of whether the district has proposed making any necessary reductions among district employees in a manner that best maintains the academic viability of the district; and

(6) a determination of whether the district has exhausted all reasonable means, other than termination of contracts and discharge of classroom teachers, to alleviate the district's financial problems, including:

(A) applying rigorous economies in all areas of the district's present and projected expenditures;

(B) using all reasonable means of increasing the district's income;
and

(C) reducing the number of classroom teachers by voluntary retirement, resignation, or reduction in workload or by other voluntary means.

(g) If the financial exigency committee determines that a school district financial exigency does not exist, the district may not terminate a contract of and discharge a classroom teacher for budgetary reasons. If the committee determines that a district financial exigency does exist and that the district has exhausted all other reasonable means to alleviate the district's financial problems, the committee may recommend a reduction in the number of classroom teachers or in the district's budgetary allocations for classroom teacher salaries or benefits. If the committee recommends a reduction in the number of classroom teachers that is different from the number proposed under Subsection (c), the committee shall explain the reasons for the difference in the report under Subsection (f).

(h) If the financial exigency committee determines that a school district financial exigency exists and no other satisfactory provision can be made for the continued employment of all district classroom teachers, the board of trustees of the district shall adopt a resolution declaring a financial exigency and prepare a plan for the reduction in the number of classroom teachers. The plan must be structured in a manner that allows the district to continue to operate to the greatest extent practicable in accordance with the district's mission and may include a reduction in or elimination of one or more academic programs. The district may terminate contracts of and discharge classroom teachers only to the extent necessary to alleviate the financial exigency. The number of classroom teachers discharged may not exceed the number recommended by the financial exigency committee under Subsection (g).

(i) The commissioner shall adopt rules as necessary for the administration of this section.

(T. Smith in the chair)

Representative Eissler moved to table Amendment No. 16.

The motion to table prevailed by (Record 103): 80 Yeas, 56 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycocock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Cain; Callegari; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Garza; Geren; Gonzales, L.; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lyne; Madden; Margo; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Carter; Castro; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hartnett; Hochberg; Hopson; Howard, D.; King, T.; Lewis; Lozano; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Weber; White.

Present, not voting — Mr. Speaker; Smith, T.(C).

Absent, Excused — Bohac; Chisum; Deshotel; Frullo; Johnson; Keffer; Mallory Caraway; Strama; Woolley.

Absent — Button; Hernandez Luna; Miller, D.

STATEMENT OF VOTE

When Record No. 103 was taken, I was in the house but away from my desk. I would have voted no.

Hernandez Luna

COMMITTEE GRANTED PERMISSION TO MEET

Representative Guillen requested permission for the Committee on Culture, Recreation, and Tourism to meet while the house is in session, at 12:45 p.m. today, in 3W.9, to consider **HR 104**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Culture, Recreation, and Tourism, 12:45 p.m. today, 3W.9, for a formal meeting, to consider **HR 104**.

CSSB 8 - (consideration continued)

Amendment No. 17

Representative Y. Davis offered the following amendment to **CSSB 8**:

Amend **CSSB 8** (house committee report) by deleting on page 14, line 13, the phrase "inspection on".

Amendment No. 17 was adopted.

Amendment No. 18

Representative Shelton offered the following amendment to **CSSB 8**:

Amend **CSSB 8** by amending SECTION 4 to read as follows:

SECTION 4. Section 21.157, Education Code, is amended to read as follows:

Sec. 21.157. NECESSARY REDUCTION OF PERSONNEL. A teacher employed under a continuing contract may be released at the end of a school year and the teacher's employment with the school district terminated at that time because of a necessary reduction of personnel by the school district, with those reductions made [in the reverse order of seniority] primarily based upon teacher appraisals administered under Sec. 21.352 in the specific teaching fields.

Representative Hochberg moved to table Amendment No. 18.

The motion to table was lost by (Record 104): 52 Yeas, 84 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Brown; Carter; Castro; Darby; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gooden; Guillen; Hernandez Luna; Hochberg; Howard, D.; King, T.; Lozano; Lucio; Lyne; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Torres; Turner; Veasey; Vo; Walle; White; Workman; Zerwas.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Burkett; Burnam; Button; Cain; Callegari; Christian; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Garza; Geren; Gonzales, L.; Gonzalez; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; Zedler.

Present, not voting — Mr. Speaker; Smith, T.(C).

Absent, Excused — Bohac; Chisum; Deshotel; Frullo; Johnson; Keffer; Mallory Caraway; Strama; Woolley.

Absent — Coleman; Madden; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 104. I intended to vote no.

Carter

I was shown voting yes on Record No. 104. I intended to vote no.

Workman

Amendment No. 18 was adopted by (Record 105): 85 Yeas, 52 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Garza; Geren; Gonzales, L.; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Brown; Burnam; Castro; Darby; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hernandez Luna; Hochberg; Hopson; Howard, D.; King, S.; King, T.; Lozano; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Smith, T.(C).

Absent, Excused — Bohac; Chisum; Deshotel; Frullo; Johnson; Keffer; Mallory Caraway; Strama; Woolley.

Absent — Coleman; Smith, W.

Amendment No. 19

Representative Dutton offered the following amendment to **CSSB 8**:

Amend **CSSB 8** (house committee printing) in SECTION 14 of the bill, in added Section 44.011, Education Code (page 14, between lines 8 and 9), by inserting the following:

(e) The commissioner by rule shall adopt minimum standards concerning school district financial conditions that must exist for declaration of a financial exigency by the board of trustees of the district.

(f) The commissioner may use emergency rulemaking procedures to adopt rules under Subsection (e). This subsection expires September 1, 2013.

Amendment No. 19 was adopted.

Amendment No. 20

Representative Huberty offered the following amendment to **CSSB 8**:

Amend **CSSB 8** to include the following sections and to renumber the following sections appropriately.

SECTION _____. Section 21.257, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A determination by the hearing examiner regarding good cause for the suspension of a teacher without pay or the termination of a probationary, continuing, or term contract is a conclusion of law and may be adopted, rejected, or changed by the board of trustees or board subcommittee as provided by Section 21.259(b).

SECTION _____. Section 21.259(b), Education Code, is amended to read as follows:

(b) The board of trustees or board subcommittee may adopt, reject, or change the hearing examiner's:

(1) conclusions of law, including a determination regarding good cause for suspension without pay or termination; or

(2) proposal for granting relief.

SECTION 3. The changes in law made by this Act apply only to a hearing examiner's determination regarding good cause that is contained in a written recommendation under Section 21.257, Education Code, issued on or after the effective date of this Act.

Amendment No. 20 was adopted. (Landtroop and Phillips recorded voting no.)

Amendment No. 21

Representatives Huberty and Burkett offered the following amendment to **CSSB 8**:

Amend **CSSB 8** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Sections 33.902(b) and (c), Education Code, are repealed.

Amendment No. 21 was adopted.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of family business:

Solomons on motion of Geren.

CSSB 8 - (consideration continued)**Amendment No. 22**

Representative Alonzo offered the following amendment to **CSSB 8**:

Amend **CSSB 8** (house committee printing) by adding the following appropriately numbered SECTION to the bill, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 11.151, Education Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) Rules and bylaws adopted under Subsection (d) and any other written policies adopted by the trustees relating to the flexibility of the board of trustees of a school district in the management and operation of the district have the force of law in relation to the district, and the board of trustees, each trustee, and each school district employee shall comply with those rules, bylaws, and policies.

Amendment No. 22 was adopted by (Record 106): 108 Yeas, 22 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Callegari; Castro; Christian; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Garza; Geren; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Harper-Brown; Hernandez Luna; Hilderbran; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; King, T.; Kleinschmidt; Kolkhorst; Landtroop; Lewis; Lozano; Lucio; Lyne; Madden; Martinez; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Walle; Workman; Zedler; Zerwas.

Nays — Anderson, R.; Cain; Carter; Creighton; Gonzalez; Hancock; Hartnett; Jackson; King, S.; Kuempel; Larson; Laubenberg; Lavender; Legler; Margo; Marquez; Murphy; Phillips; Price; Schwertner; Weber; White.

Present, not voting — Mr. Speaker; Smith, T.(C).

Absent, Excused — Bohac; Chisum; Deshotel; Frullo; Johnson; Keffer; Mallory Caraway; Solomons; Strama; Woolley.

Absent — Coleman; Gallego; Giddings; Hochberg; King, P.; Martinez Fischer; Morrison; Veasey.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 106. I intended to vote no.

Burkett

I was shown voting yes on Record No. 106. I intended to vote no.

Cook

I was shown voting no on Record No. 106. I intended to vote yes.

Gonzalez

I was shown voting yes on Record No. 106. I intended to vote no.

Harless

I was shown voting yes on Record No. 106. I intended to vote no.

Harper-Brown

I was shown voting yes on Record No. 106. I intended to vote no.

Hilderbran

I was shown voting yes on Record No. 106. I intended to vote no.

Hunter

When Record No. 106 was taken, I was temporarily out of the house chamber. I would have voted no.

P. King

I was shown voting no on Record No. 106. I intended to vote yes.

Marquez

When Record No. 106 was taken, I was in the house but away from my desk. I would have voted no.

Morrison

I was shown voting yes on Record No. 106. I intended to vote no.

Nash

I was shown voting yes on Record No. 106. I intended to vote no.

Scott

When Record No. 106 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

I was shown voting yes on Record No. 106. I intended to vote no.

Zedler

Amendment No. 23

Representative Villarreal offered the following amendment to **CSSB 8**:

Amend **CSSB 8** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.0491 to read as follows:

Sec.21.0491. EMPLOYMENT OF TEACHER WITH ALTERNATIVE CERTIFICATION. (a) Before a school district may employ as a classroom teacher a person who is certified only under Section 21.049, the person must complete at least 15 hours of field experience in which the person is actively engaged in instructional or educational activities in the classroom.

Amendment No. 23 was adopted. (Cain recorded voting no.)

Amendment No. 24

Representative Guillen offered the following amendment to **CSSB 8**:

Amend **CSSB 8** (house committee printing) by adding to the bill the following appropriately numbered new SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 29.0822(a), Education Code, is amended to read as follows:

(a) Notwithstanding Section 25.081 or 25.082, a school district may apply to the commissioner to provide a flexible school day program for ~~[students who]~~:

(1) students who have dropped out of school or are at risk of dropping out of school as defined by Section 29.081;

(2) students who attend a campus that is implementing an innovative redesign of the campus or an early college high school under a plan approved by the commissioner; [or]

(3) students who, as a result of attendance requirements under Section 25.092, will be denied credit for one or more classes in which the students have been enrolled; or

(4) a campus or campuses that would benefit from the program.

Amendment No. 24 was adopted.

Amendment No. 25

Representative Crownover offered the following amendment to **CSSB 8**:

Amend **CSSB 8** as follows:

Section 22.001, Education Code, is amended by adding Subsection (d) to read as follows:

(d) An organization for whom membership fees or dues are deducted must annually provide written notice to the employee of the total amount of dues deducted by the district for the year in order to be entitled to receive payments from the district under this section.

Amendment No. 25 was adopted.

Amendment No. 26

Representative Giddings offered the following amendment to **CSSB 8**:

Amend **CSSB 8** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 37, Education Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. FINANCIAL EXIGENCY AND SCHOOL DISCIPLINE
TASK FORCE

Sec. 37.401. FINDINGS. (a) The legislature finds that:

(1) Section I, Article VII, Texas Constitution, provides for the support and maintenance of an efficient system of public free schools because a general diffusion of knowledge is essential to the preservation of the liberties and rights of people;

(2) to serve the purpose described by Subdivision (1):

(A) public schools should be safe, welcoming, and engaging places for children to learn; and

(B) school discipline policies and practices should be designed to:

(i) protect students from harm;

(ii) create healthy and productive learning environments;

(iii) assist students in learning from their mistakes; and

(iv) maximize students' opportunities to learn;

(3) in public schools across the state, financial exigencies have caused changes in the management and operation of public schools that affect the administration of district and classroom discipline policies, creating an environment in which students are removed from school through out-of-school suspension, expulsion, and removals to disciplinary alternative education programs and juvenile justice alternative education programs for minor incidents of misbehavior that could be more appropriately dealt with using more effective strategies;

(4) students are being cited, arrested, or otherwise referred to law enforcement officials for minor misbehavior that could be dealt with using more effective school disciplinary methods; and

(5) these disciplinary problems exist and contribute to high dropout rates, low graduation rates, achievement gaps, and long-term costs to the community in the form of less educated and less productive citizens.

(b) As a result of the finding in Subsection (a), the legislature determines that it is necessary and appropriate to create a legislative task force to assess:

(1) changes in the administration of district and classroom disciplinary policies caused by financial exigencies;

(2) changes in the management and operation of public schools caused by financial exigencies;

(3) changes in the implementation of school discipline strategies, as they relate to the juvenile justice system, caused by financial exigencies; and

(4) evidence-based solutions that promote discipline strategies to keep students in school, reduce the criminalization of school-based behaviors, and address financial exigency changes in the management and operation of public schools.

Sec. 37.402. FINANCIAL EXIGENCY AND SCHOOL DISCIPLINE TASK FORCE. (a) The Financial Exigency and School Discipline Task Force is created to study and assess:

(1) changes to current school discipline practices and statutes relating to discipline practices in elementary and secondary public schools attributable to financial exigencies;

(2) the use of law enforcement citations, arrests, and other juvenile justice sanctions for school-based behaviors in elementary and secondary public schools; and

(3) the interaction of school discipline practices with the state juvenile justice system.

(b) The task force shall consist of six legislative members appointed as follows:

(1) three members of the senate, two of whom are appointed by the lieutenant governor and one of whom is appointed by the chair of the caucus of the minority party of the senate; and

(2) three members of the house of representatives, two of whom are appointed by the speaker of the house of representatives and one of whom is appointed by the chair of the caucus of the minority party of the house of representatives.

(c) The lieutenant governor shall select a task force member to serve as the chair of the task force, and the speaker of the house of representatives shall select a task force member to serve as vice chair of the task force.

(d) The chair and vice chair of the task force shall jointly select not more than 10 persons to serve as nonvoting members of the task force and assist the task force members in reviewing the issues described by Subsection (a).

(e) Nonvoting members appointed under Subsection (d) must include persons who have knowledge and experience in the areas of school discipline and juvenile justice and who represent the following constituencies:

(1) school districts;

(2) teachers and administrators employed by public schools;

(3) students and parents of students enrolled in public schools;

(4) law enforcement agencies;

(5) district attorneys;

(6) criminal defense attorneys;

(7) restorative justice practitioners; and

(8) community organizations.

(f) The nonvoting task force members shall serve without compensation and without reimbursement for expenses.

Sec. 37.403. MEETINGS. (a) The Financial and Exigency School Discipline Task Force shall hold at least four public meetings and may hold additional public meetings as determined necessary by the chair.

(b) At each meeting, the task force:

(1) shall take testimony on and discuss the issues described by Section 37.402(a); and

(2) may solicit and receive written comments from members of the public.

Sec. 37.404. DUTY AND AUTHORITY TO COMPILE RELEVANT INFORMATION. In addition to taking testimony under Section 37.403, the Financial Exigency and School Discipline Task Force:

(1) shall review any available, non-identifying data collected by the agency, school districts, or law enforcement agencies in studying issues relating to disciplinary policies and practices and the use of juvenile justice sanctions for school-based adolescent behaviors; and

(2) may solicit information from the National Conference of State Legislatures, other national research organizations, and other states or organizations that have studied or introduced legislation concerning evidence-based practices for addressing school discipline issues.

Sec. 37.405. STAFF SUPPORT. The Texas Legislative Council shall provide staff support to the Financial Exigency and School Discipline Task Force.

Sec. 37.406. REPORT. Not later than December 1, 2012, the Financial Exigency and School Discipline Task Force shall deliver to the lieutenant governor, the speaker of the house of representatives, and the clerks of the standing committees of the senate and the house of representatives with primary jurisdiction over public education a report that includes:

(1) the findings of the task force relating to the issues described by Section 37.402(a) studied and assessed under this subchapter; and

(2) a summary of any recommended legislation.

Sec. 37.407. EXPIRATION. This subchapter expires September 1, 2013.

SECTION ____. Not later than the 30th day after the effective date of this Act, the appointing authorities described by Section 37.402, Education Code, as added by this Act, shall make the appointments under that section.

Amendment No. 26 was adopted.

Amendment No. 27

Representative Weber offered the following amendment to **CSSB 8**:

Amend **CSSB 8** (house committee printing) as follows:

(1) In SECTION 8 of the bill, in amended Section 21.251(a)(3), Education Code (page 6, line 22), between "pay" and the period, insert "for more than five days within a period of one year".

(2) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION ____. The change in law made by Section 21.251(a)(3), Education Code, as amended by this Act, applies only to a proposed suspension without pay regarding which the board of trustees notifies a teacher on or after the effective date of this Act.

(Speaker in the chair)

Representative Huberty moved to table Amendment No. 27.

The motion to table prevailed by (Record 107): 82 Yeas, 53 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Branch; Brown; Burkett; Burnam; Carter; Castro; Coleman; Craddick; Davis, J.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; King, S.; King, T.; Kolkhorst; Kuempel; Larson; Lavender; Lewis; Lozano; Lucio; Lyne; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Murphy;

Naishtat; Nash; Oliveira; Orr; Otto; Parker; Peña; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Rodriguez; Schwertner; Smith, W.; Smithee; Taylor, V.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; Workman; Zerwas.

Nays — Aliseda; Anderson, R.; Berman; Bonnen; Button; Cain; Callegari; Cook; Creighton; Crownover; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Garza; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hughes; Hunter; Isaac; Jackson; King, P.; Kleinschmidt; Landtroop; Laubenberg; Legler; Madden; Miller, D.; Miller, S.; Morrison; Patrick; Paxton; Perry; Reynolds; Riddle; Ritter; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Taylor, L.; Truitt; Weber; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Chisum; Deshotel; Frullo; Johnson; Keffer; Mallory Caraway; Solomons; Strama; Woolley.

Absent — Christian; Darby; Davis, Y.; Zedler.

STATEMENTS OF VOTE

When Record No. 107 was taken, my vote failed to register. I would have voted yes.

Y. Davis

I was shown voting no on Record No. 107. I intended to vote yes.

Reynolds

When Record No. 107 was taken, I was temporarily out of the house chamber. I would have voted no.

Zedler

Amendment No. 28

Representative Weber offered the following amendment to **CSSB 8**:

Amend **CSSB 8** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 21.104(b), Education Code, is amended to read as follows:

(b) In lieu of discharge or pending discharge, a school district may suspend a teacher without pay for good cause as specified by Subsection (a) for a period not to extend beyond the end of the current school year.

SECTION _____. Section 21.156(b), Education Code, is amended to read as follows:

(b) In lieu of discharge or pending discharge, a school district may suspend a teacher without pay for good cause as specified by Subsection (a) for a period not to extend beyond the end of the current school year.

Amendment No. 28 was adopted. (Phillips recorded voting no.)

Amendment No. 29

Representative Weber offered the following amendment to **CSSB 8**:

Amend **CSSB 8** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 22.0512(a), Education Code, is amended to read as follows:

(a) A professional employee of a school district may not be subject to disciplinary proceedings for the employee's objectively reasonable use of physical force against a student to the extent justified under Section 9.62, Penal Code.

SECTION _____. Section 22.0512(a), Education Code, as amended by this Act, applies only to a school district employee disciplinary proceeding for conduct that occurs on or after the effective date of this Act. A school district employee disciplinary proceeding for conduct that occurs before the effective date of this Act is governed by the law in effect on the date the conduct occurs, and that law is continued in effect for that purpose.

Amendment No. 29 failed of adoption by (Record 108): 24 Yeas, 106 Nays, 1 Present, not voting.

Yeas — Anderson, R.; Cain; Crownover; Davis, S.; Eissler; Fletcher; Garza; Harper-Brown; Hartnett; Hughes; King, P.; Kolkhorst; Lyne; Morrison; Perry; Raymond; Riddle; Sheets; Taylor, L.; Weber; White; Workman; Zedler; Zerwas.

Nays — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Christian; Coleman; Cook; Craddick; Creighton; Darby; Davis, J.; Davis, Y.; Driver; Dutton; Eiland; Elkins; Farias; Farrar; Flynn; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; King, S.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Madden; Margo; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Price; Quintanilla; Reynolds; Ritter; Schwertner; Scott; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Chisum; Deshotel; Frullo; Johnson; Keffer; Mallory Caraway; Solomons; Strama; Woolley.

Absent — Dukes; Guillen; Laubenberg; McClendon; Naishtat; Oliveira; Rodriguez; Simpson; Torres.

STATEMENT OF VOTE

I was shown voting yes on Record No. 108. I intended to vote no.

Kolkhorst

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Simpson on motion of Isaac.

CSSB 8 - (consideration continued)

CSSB 8, as amended, was passed to third reading by (Record 109): 74 Yeas, 59 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Aycock; Beck; Berman; Bonnen; Branch; Burkett; Button; Cain; Christian; Cook; Creighton; Crownover; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Garza; Geren; Gonzales, L.; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; Kleinschmidt; Kuempel; Larson; Laubenberg; Lavender; Legler; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; Workman; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Brown; Burnam; Carter; Castro; Coleman; Craddick; Darby; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hernandez Luna; Hochberg; Hopson; Howard, D.; King, S.; King, T.; Landtroop; Lewis; Lozano; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Chisum; Deshotel; Frullo; Johnson; Keffer; Mallory Caraway; Simpson; Solomons; Strama; Woolley.

Absent — Callegari; Guillen; Kolkhorst; Peña; Zedler.

STATEMENTS OF VOTE

When Record No. 109 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

I was shown voting no on Record No. 109. I intended to vote yes.

Craddick

When Record No. 109 was taken, my vote failed to register. I would have voted yes.

Kolkhorst

When Record No. 109 was taken, I was in the house but away from my desk. I would have voted no.

Peña

When Record No. 109 was taken, I was temporarily out of the house chamber. I would have voted yes.

Zedler

**GENERAL STATE CALENDAR
SENATE BILLS
SECOND READING**

The following bills were laid before the house and read second time:

**SB 6 ON SECOND READING
(Eissler - House Sponsor)**

SB 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; providing penalties.

Amendment No. 1

Representative Eissler offered the following amendment to **SB 6**:

Amend **SB 6** (house committee report) by inserting into the bill the following appropriately numbered new SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 39.023(c), Education Code, is amended to read as follows:

(c) The agency shall also adopt end-of-course assessment instruments for secondary-level courses in Algebra I, Algebra II, geometry, biology, chemistry, physics, English I, English II, English III, world geography, world history, and United States history. The Algebra I, Algebra II, and geometry end-of-course assessment instruments must be administered with the aid of technology. A school district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this subsection. A district [and] shall adopt a policy addressing whether [that requires] a student's performance on an end-of-course assessment instrument for a course listed in this subsection in which the student is enrolled will be used by the district in determining [to account for 15 percent of] the student's final grade for the course and, if so, the manner in which the student's performance on an end-of-course assessment instrument will be used in determining the student's final grade for the course. If a student retakes an end-of-course assessment instrument for a course listed in this subsection, as provided by Section 39.025, a [school] district shall act in accordance with district policy concerning whether [is not required] to

use and, if so, the manner in which to use the student's performance on the subsequent administration or administrations of the assessment instrument in determining ~~to determine~~ the student's final grade for the course. If a student is in a special education program under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection. The State Board of Education shall administer the assessment instruments. The State Board of Education shall adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3).

SECTION _____. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0236 to read as follows:

Sec. 39.0236. REDUCED ASSESSMENT REQUIREMENTS PILOT PROGRAM. (a) In this section, "pilot program" means the reduced assessment requirements pilot program established under this section.

(b) The commissioner by rule shall establish a pilot program in which certain students in grades three through eight at a participating campus have reduced assessment requirements, as provided by this section.

(c) A campus may apply to the commissioner to participate in the pilot program.

(d) The commissioner shall select at least 20 campuses to participate in the pilot program. In selecting campuses for participation in the pilot program, the commissioner shall ensure that, to the greatest extent practicable, the diverse demographic, geographic, socioeconomic, and academic characteristics found in this state are represented and that elementary and middle or junior high schools are represented.

(e) Notwithstanding Section 39.023, a student attending a campus participating in the pilot program, other than a student administered assessment instruments under Section 39.023(b) or (l) or granted an exemption from administration of an assessment instrument under Section 39.027, shall be assessed using assessment instruments adopted or developed under Section 39.023(a) in:

(1) mathematics:

(A) in grades three and five without the aid of technology; and

(B) in grade eight with the aid of technology on any assessment

instrument that includes algebra;

(2) reading, in grades three, five, and eight;

(3) writing, including spelling and grammar, in grades four and seven;

(4) social studies, in grade eight; and

(5) science, in grades five and eight.

(f) A student shall be assessed in grade four in mathematics or reading using an assessment instrument administered under Subsection (e) in grade three if, on the final assessment instrument in that subject administered to the student in grade three during the preceding school year, the student did not achieve a score determined through the analysis of previous years' testing data to predict with a high level of statistical confidence that a student will pass the following year.

(g) A student shall be assessed in grade six in mathematics or reading using an assessment instrument administered under Subsection (e) in grade five if, on the final assessment instrument in that subject administered to the student in grade five during the preceding school year, the student did not achieve a score determined through the analysis of previous years' testing data to predict with a high level of statistical confidence that a student will pass the following year.

(h) A student shall be assessed in grade seven in mathematics or reading using an assessment instrument administered under Subsection (g) in grade six if, on the final assessment instrument in that subject administered to the student in grade six during the preceding school year, the student did not achieve a score determined through the analysis of previous years' testing data to predict with a high level of statistical confidence that a student will pass the following year.

(i) A participating campus may, for its own use in determining whether students are performing at a satisfactory level, administer to a student at the appropriate grade level, other than a student required to be assessed under this section, an assessment instrument. At the request of a participating campus, the agency shall provide, allow for the administration of, and score each assessment instrument administered under this subsection in the same manner and at the same cost as for assessment instruments required to be administered under the applicable subsection. The results of an assessment instrument administered under this subsection may not be included as an indicator of student achievement under Section 39.054 or any other provision.

(j) If there is a conflict between this section and federal law as a result of forgoing under this section certain administration of assessment instruments to students who have recently performed successfully on assessment instruments assessing the same subject, the commissioner shall seek a waiver from the application of conflicting federal law for a campus participating in the pilot program.

(k) The commissioner shall adopt rules as necessary to administer this section.

(l) The commissioner shall conduct a study to determine whether the pilot program has been successful. The study must compare the achievements in mathematics and reading of students at participating and nonparticipating campuses in similar geographic areas that have students of similar demographic, socioeconomic, and academic characteristics. The study must evaluate the differences between mathematics and reading performance of students at campuses participating in the pilot program and those in matched nonparticipating campuses. Not later than September 1, 2014, the commissioner shall submit the results of the study to the legislature.

(m) The commissioner by rule shall establish the pilot program for the 2012-2013 and 2013-2014 school years.

(n) This section expires December 31, 2014.

SECTION ____ . Section 39.025, Education Code, is amended by amending Subsections (a), (a-1), (a-2), (a-3), (b), (b-2), (e), (f), and (g) and adding Subsections (a-4) and (a-5) to read as follows:

(a) The commissioner shall adopt rules requiring a student participating in the recommended or advanced high school program to be administered each end-of-course assessment instrument listed in Section 39.023(c) and requiring a student participating in the minimum high school program to be administered an end-of-course assessment instrument listed in Section 39.023(c) only for a course in which the student is enrolled and for which an end-of-course assessment instrument is administered. ~~[A student is required to achieve, in each subject in the foundation curriculum under Section 28.002(a)(1), a cumulative score that is at least equal to the product of the number of end of course assessment instruments administered to the student in that subject and a scale score that indicates satisfactory performance, as determined by the commissioner under Section 39.0241(a). A student must achieve a minimum score as determined by the commissioner to be within a reasonable range of the scale score under Section 39.0241(a) on an end of course assessment instrument for the score to count towards the student's cumulative score. For purposes of this subsection, a student's cumulative score is determined using the student's highest score on each end of course assessment instrument administered to the student. A student may not receive a high school diploma until the student has performed satisfactorily on the end of course assessment instruments in the manner provided under this subsection. This subsection does not require a student to demonstrate readiness to enroll in an institution of higher education.]~~

(a-1) The commissioner by rule shall determine a method by which a student's satisfactory performance on an advanced placement test, international baccalaureate examination, an SAT Subject Test, or another assessment instrument determined by the commissioner to be at least as rigorous as an end-of-course assessment instrument adopted under Section 39.023(c) may be used as a factor in determining whether the student satisfies the requirements of Subsection (a) and Subsection (a-2), (a-3), or (a-4), as applicable to the student~~;~~ ~~including the cumulative score requirement of that subsection].~~ The commissioner by rule may determine a method by which a student's satisfactory performance on a Preliminary Scholastic Assessment Test (PSAT) assessment or a preliminary American College Test (ACT) assessment may be used as a factor in determining whether the student satisfies the requirements of Subsection (a) and Subsection (a-2), (a-3), or (a-4), as applicable to the student.

(a-2) To graduate under the recommended high school program ~~[In addition to the cumulative score requirements under Subsection (a)],~~ a student must achieve a score that meets or exceeds the score determined by the commissioner under Section 39.0241(a) on end-of-course assessment instruments for the following:

- (1) English III;
- (2) ~~[and]~~ Algebra II;
- (3) biology, chemistry, or physics; and
- (4) world geography, world history, or United States history

~~[end of course assessment instruments to graduate under the recommended high school program].~~

(a-3) To graduate under the advanced high school program [~~In addition to the cumulative score requirements under Subsection (a)~~], a student must:

(1) achieve a score that meets or exceeds the score determined by the commissioner under Section 39.0241(a-1) on end-of-course assessment instruments for the following:

(A) English III; and

(B) Algebra II; and

(2) achieve a score that meets or exceeds the score determined by the commissioner under Section 39.0241(a) on end-of-course assessment instruments for the following:

(A) biology, chemistry, or physics; and

(B) world geography, world history, or United States history [~~in order to graduate under the advanced high school program~~].

(a-4) To graduate under the minimum high school program, a student must achieve a score that meets or exceeds the score determined by the commissioner under Section 39.0241(a) on end-of-course assessment instruments for the following:

(1) English III;

(2) Algebra I;

(3) biology, chemistry, or physics; and

(4) world geography, world history, or United States history.

(a-5) The admission, review, and dismissal committee of a student in a special education program under Subchapter A, Chapter 29, shall determine whether, to receive a high school diploma, the student is required to achieve satisfactory performance on end-of-course assessment instruments.

(b) Each time an end-of-course assessment instrument is administered, a student who failed to achieve the [~~a minimum~~] score requirement under this section may [~~Subsection (a) shall~~] retake the assessment instrument. A student who fails to perform satisfactorily on an Algebra II or English III end-of-course assessment instrument under the college readiness performance standard, as provided under Section 39.024(b), may retake the assessment instrument. [~~Any other student may retake an end-of-course assessment instrument for any reason.~~] A student is not required to retake a course as a condition of retaking an end-of-course assessment instrument.

(b-2) If a school district determines that a student, on completion of grade 11, is unlikely to achieve the [~~cumulative~~] score requirement under this section [~~requirements~~] for one or more end-of-course assessment instruments as necessary [~~subjects prescribed by Subsection (a)~~] for receiving a high school diploma, the district shall require the student to enroll in a corresponding content-area college preparatory course for which an end-of-course assessment instrument has been adopted, if available. A student who enrolls in a college preparatory course described by this subsection shall be administered an end-of-course assessment instrument for the course, with the end-of-course assessment instrument scored on a scale as determined by the commissioner [~~not to exceed 20 percent of the cumulative score requirements required to graduate as determined under Subsection (a)~~]. A student may use the student's score on the

end-of-course assessment instrument for the college preparatory course towards satisfying the ~~[cumulative]~~ score requirement under this section ~~[requirements prescribed by Subsection (a)].~~

(e) The commissioner shall establish a required performance level for an assessment instrument adopted under Subsection (d) that is at least as rigorous as the performance level required to be met under Subsection (a-2), (a-3), or (a-4), as applicable to the student ~~[(a)].~~

(f) The commissioner shall by rule adopt a transition plan to implement the amendments made by Chapter 1312 (**SB 1031**), Acts of the 80th Legislature, Regular Session, 2007, replacing general subject assessment instruments administered at the high school level with end-of-course assessment instruments. The rules must provide for the end-of-course assessment instruments adopted under Section 39.023(c) to be administered beginning with students entering the ninth grade during the 2011-2012 school year. During the period under which the transition to end-of-course assessment instruments is made:

(1) for students entering a grade above the ninth grade during the 2011-2012 school year and to the extent necessary for purposes of Subdivisions (5) and (6), the commissioner shall retain, administer, and use for purposes of accreditation and other campus and district accountability measures under this chapter the assessment instruments required by Section 39.023(a) or (c), as that section existed before amendment by Chapter 1312 (**SB 1031**), Acts of the 80th Legislature, Regular Session, 2007;

(2) a student subject to Subdivision (1) may not receive a high school diploma unless the student has performed satisfactorily on each required 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; ~~[and]~~

(3) the agency may defer releasing assessment instrument questions and answer keys as required by Section 39.023(e) to the extent necessary to develop additional assessment instruments;

(4) a student entering ninth grade during the 2011-2012 or 2012-2013 school year shall be administered each end-of-course assessment instrument listed in Section 39.023(c) for a course in which the student is enrolled and for which an end-of-course assessment instrument is administered;

(5) a student subject to Subdivision (4) may not receive a high school diploma under the recommended high school program unless the student:

(A) achieves a score that meets or exceeds the score determined by the commissioner under Section 39.0241(a) on end-of-course assessment instruments for the following:

(i) English III;

(ii) Algebra II;

(iii) biology, chemistry, or physics; and

(iv) world geography, world history, or United States history;

or

(B) has performed satisfactorily on each required 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;

(6) a student subject to Subdivision (4) may not receive a high school diploma under the minimum high school program unless the student:

(A) achieves a score that meets or exceeds the score determined by the commissioner under Section 39.0241(a) on end-of-course assessment instruments for the following:

(i) English III;

(ii) Algebra I;

(iii) biology, chemistry, or physics; and

(iv) world geography, world history, or United States history;

or

(B) has performed satisfactorily on each required 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; and

(7) a student entering ninth grade during the 2013-2014 school year or a later school year may not receive a high school diploma unless the student has satisfied the requirements of Subsection (a) and Subsection (a-2), (a-3), or (a-4), as applicable to the student.

(g) Rules adopted under Subsection (f) must require that each student who will be subject to the requirements of Subsection (a), (a-2), (a-3), (a-4), or (f)(4) is entitled to notice of the specific requirements applicable to the student. Notice under this subsection must be provided not later than the date the student enters the eighth grade. For a student who entered eighth grade in the 2010-2011 school year, notice under this subsection must also be provided not later than the date the student enters the ninth grade to inform the student of modifications in the requirements applicable to the student. Subsection (f) and this subsection expire September 1, 2017 [~~2015~~].

Amendment No. 2

Representative Hochberg offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Eissler to **SB 6** by adding the following to the amendment:

SECTION ____ . Section 39.034, Education Code, is amended by adding Subsection (e) to read as follows:

(e) The agency may use a projection measure only in determining, for purposes of this section, an expected level of annual improvement in student achievement. The agency may not use a projection measure as a representation, for purposes of this section, of an actual level of annual improvement in student achievement.

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

Amendment No. 3

Representative Hochberg offered the following amendment to **SB 6**:

Amend **SB 6** as follows:

(1) On page 13, lines 24 and 25, strike "to the extent authorized by the General Appropriations Act"

(2) On page 39, lines 20 and 21, strike "and subject to Section 31.021"

Amendment No. 3 was adopted.

Amendment No. 4

Representative Hochberg offered the following amendment to **SB 6**:

Amend **SB 6** as follows:

(1) On page 13, line 25 strike "and".

(2) On page 14, line 2, strike the period and substitute the following:

; and

(6) fund the technology lending grant program established under Section 32.201.

(3) Add a new appropriately numbered SECTION to the bill:

SECTION _____. Chapter 32, Education Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. TECHNOLOGY LENDING PROGRAM GRANTS

Sec. 32.201. ESTABLISHMENT OF PROGRAM. (a) The commissioner may establish a grant program under which grants are awarded to school districts and open-enrollment charter schools to implement a technology lending program to provide students access to equipment necessary to use electronic instructional materials.

(b) A school district or an open-enrollment charter school may apply to the commissioner to participate in the grant program. In awarding grants under this subchapter for each school year, the commissioner shall consider:

(1) the availability of existing equipment to students in the district or charter school; and

(2) other funding available to the district or charter school.

(c) The commissioner may determine the terms of a grant awarded under this section, including limits on the grant amount and approved uses of grant funds.

(d) The commissioner may recover funds not used in accordance with the terms of a grant from any state funds otherwise due to the school district or open-enrollment charter school.

Sec. 32.202. FUNDING. (a) The commissioner may set aside not more than 5 percent of the state instructional materials fund under Section 31.021 or a different amount determined by appropriation to administer a grant program established under this subchapter.

(b) The cost of administering a grant program under this subchapter must be paid from funds provided under Subsection (a).

Sec. 32.203. USE OF GRANT FUNDS. (a) A school district or open-enrollment charter school may use a grant awarded under Section 32.201 or other local funds to purchase, maintain, and insure equipment for a technology lending program.

(b) Equipment purchased by a school district or open-enrollment charter school with a grant awarded under Section 32.201 is the property of the district or charter school.

(4) On page 58, line 11, strike "and".

(5) On page 58, line 12, strike the period and substitute the following:
; and

(16) Subchapter H, Chapter 32.

(6) Renumber the SECTIONS of the bill accordingly.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Alvarado offered the following amendment to **SB 6**:

Amend **SB 6** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. (a) If **HB 692**, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, Section 28.025(b-1), Education Code, is amended to read as follows:

(b-1) The State Board of Education by rule shall require that:

(1) except as provided by Subsection (b-2), the curriculum requirements for the recommended and advanced high school programs under Subsection (a) include a requirement that students successfully complete:

(A) four credits in each subject of the foundation curriculum under Section 28.002(a)(1), including at least one-half credit in government and at least one-half credit in economics to meet the social studies requirement;

(B) for the recommended high school program, two credits in the same language in a language other than English under Section 28.002(a)(2)(A) and, for the advanced high school program, three credits in the same language in a language other than English under Section 28.002(a)(2)(A); and

(C) for the recommended high school program, five and one-half [~~six~~] elective credits and, for the advanced high school program, four and one-half [~~five~~] elective credits;

(2) one or more credits offered in the required curriculum for the recommended and advanced high school programs include a research writing component; and

(3) the curriculum requirements for the minimum, recommended, and advanced high school programs under Subsection (a) include a requirement that students successfully complete:

(A) one credit in fine arts under Section 28.002(a)(2)(D); and

(B) one and one-half credits [~~one credit~~] in physical education under Section 28.002(a)(2)(C).

(b) If **HB 692**, Acts of the 82nd Legislature, Regular Session, 2011, becomes law, Sections 28.025(b-1) and (b-11), Education Code, as effective in June 2011, are amended to read as follows:

(b-1) The State Board of Education by rule shall require that:

(1) except as provided by Subsection (b-2), the curriculum requirements for the recommended and advanced high school programs under Subsection (a) include a requirement that students successfully complete:

(A) four credits in each subject of the foundation curriculum under Section 28.002(a)(1), including at least one-half credit in government and at least one-half credit in economics to meet the social studies requirement;

(B) for the recommended high school program, two credits in the same language in a language other than English under Section 28.002(a)(2)(A) and, for the advanced high school program, three credits in the same language in a language other than English under Section 28.002(a)(2)(A); and

(C) for the recommended high school program, five and one-half [~~six~~] elective credits and, for the advanced high school program, four and one-half [~~five~~] elective credits;

(2) one or more credits offered in the required curriculum for the recommended and advanced high school programs include a research writing component; and

(3) the curriculum requirements for the minimum, recommended, and advanced high school programs under Subsection (a) include a requirement that students successfully complete:

(A) one credit in fine arts under Section 28.002(a)(2)(D); and

(B) except as provided by Subsection (b-11), one and one-half credits [~~one credit~~] in physical education under Section 28.002(a)(2)(C).

(b-11) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student who is unable to participate in physical activity due to disability or illness to substitute one and one-half credits [~~one credit~~] in English language arts, mathematics, science, or social studies or one and one-half [~~one~~] academic elective credits [~~credit~~] for the physical education credits [~~credit~~] required under Subsection (b-1)(3)(B). The credits [~~A credit~~] allowed to be substituted under this subsection may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credits [~~credit~~]. The rules must provide that the determination regarding a student's ability to participate in physical activity will be made by:

(1) if the student receives special education services under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee;

(2) if the student does not receive special education services under Subchapter A, Chapter 29, but is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the committee established for the student under that Act; or

(3) if each of the committees described by Subdivisions (1) and (2) is inapplicable, a committee established by the school district of persons with appropriate knowledge regarding the student.

Representative Eissler moved to table Amendment No. 5.

(Bohac now present)

The motion to table prevailed by (Record 110): 73 Yeas, 65 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Button; Cain; Callegari; Christian; Cook; Creighton; Crownover; Darby; Driver; Eissler; Elkins; Fletcher; Flynn; Garza; Geren; Gonzales, L.; Hancock; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Huberty; Hughes; Hunter; Jackson; King, P.; Kleinschmidt; Landtroop; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Patrick; Paxton; Perry; Phillips; Pitts; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Brown; Burkett; Burnam; Carter; Castro; Coleman; Craddick; Davis, J.; Davis, S.; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Harless; Hernandez Luna; Hochberg; Hopson; Howard, D.; Isaac; King, S.; King, T.; Kolkhorst; Kuempel; Larson; Lozano; Lucio; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Parker; Peña; Pickett; Price; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Workman.

Present, not voting — Mr. Speaker(C); Howard, C.

Absent, Excused — Chisum; Deshotel; Frullo; Johnson; Keffer; Mallory Caraway; Simpson; Solomons; Strama; Woolley.

Amendment No. 6

Representative Madden offered the following amendment to **SB 6**:

Amend **SB 6** (house committee printing) as follows:

(1) In SECTION 22 of the bill, in added Section 31.021(c)(4), Education Code (page 13, line 25), strike "and".

(2) In SECTION 22 of the bill, in added Section 31.021(c)(5), Education Code (page 14, line 2), between "shipping" and the underlined period, insert the following:

; and

(6) provide funding to the Texas School for the Blind and Visually Impaired, the Texas School for the Deaf, and the Texas Youth Commission under Section 31.0215

(3) In SECTION 23 of the bill, in the recital (page 14, line 7), strike "and 31.0214" and substitute "31.0214, and 31.0215".

(4) In SECTION 23 of the bill, immediately following added Section 31.0214, Education Code (page 18, between lines 23 and 24), add the following:

Sec. 31.0215. PAYMENT TO OTHER ENTITIES. (a) The Texas School for the Blind and Visually Impaired, the Texas School for the Deaf, and the Texas Youth Commission are entitled to receive funds from the state instructional materials fund created under Section 31.021 in an amount determined by the commissioner, not to exceed the amount necessary to provide each entity with an amount of funding comparable to the amount that would have been provided through payments from the available school fund if SB 6, Acts of the 82nd Legislature, 1st Called Session, 2011, had not established a funding mechanism for the state instructional materials fund based on the amount distributed each year from the permanent school fund to the available school fund. The commissioner's determination under this subsection is final and may not be appealed.

(b) The Texas School for the Blind and Visually Impaired, the Texas School for the Deaf, and the Texas Youth Commission are not required to use funds received under this section for the purchase of instructional materials or as required by Section 31.0211(c).

Amendment No. 6 was adopted.

Amendment No. 7

Representatives Hancock and Hochberg offered the following amendment to **SB 6**:

Amend **SB 6** (house committee printing) as follows:

(1) In SECTION 30 of the bill, amending Section 31.0241(b), Education Code (page 30, line 15), strike "The" and substitute "Except as provided by Section 31.0242, the [The]".

(2) In SECTION 30 of the bill, amending Section 31.0241(b)(3), Education Code (page 31, line 1), strike "~~and~~" and substitute "and".

(3) In SECTION 30 of the bill, amending Section 31.0241(b)(4), Education Code (page 31, line 18), strike "; and" and substitute ".".

(4) In SECTION 30 of the bill, strike added Section 31.0241(b)(5), Education Code (page 31, lines 19-22).

(5) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION ____ . Subchapter B, Chapter 31, Education Code, is amended by adding Section 31.0242 to read as follows:

Sec. 31.0242. APPROVAL OF OPEN-SOURCE INSTRUCTIONAL MATERIAL. Not later than the 90th day after the date open-source instructional material is submitted as provided by Section 31.0241, the State Board of Education may review the instructional material. The board shall:

(1) post with the list comments made by the board regarding the open-source instructional material placed on the list; and

(2) distribute board comments to school districts.

Amendment No. 7 was adopted.

SB 6 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HUBERTY: Chairman Eissler, just for the purposes of some legislative intent for pre-K instructional materials. In **HB 4**, the supplemental budget that passed during the regular session, there was \$39 million in funds allocated for pre-K instructional materials. Is it the intent of **SB 6** for the funds to be spent by districts to purchase pre-K instructional materials?

REPRESENTATIVE EISSLER: Well, it's up to districts to use that allotment, and I believe they should be interested in that, and I imagine they will.

HUBERTY: **HB 4** also states that the \$39 million for pre-K instructional materials will be added to the instructional materials allotment as established in **SB 6**, contingent on the enactment of **SB 6**. Would **SB 6** change the intent of **HB 4** regarding pre-K instructional materials?

EISSLER: I believe pre-K will be treated as all other subjects, as school districts see fit, and that they'll be allowed to purchase those as needed.

HUBERTY: Okay. And then I think the last thing—there was some concern that there might be some delay in the opening of the educational material management system for the deliveries. I don't think that really is the intent of that at all—

EISSLER: No, we would like this to happen or occur as soon as possible because there's a lot of instructional materials that school districts are looking for.

REMARKS ORDERED PRINTED

Representative Huberty moved to print remarks between Representative Eissler and Representative Huberty.

The motion prevailed.

SB 6 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE MARTINEZ FISCHER: We talked about this with respect to the prioritization of funding decisions for instructional materials. It's your intent that this includes all subjects under proclamation 2011, which also includes ESL materials for grades K through three?

REPRESENTATIVE EISSLER: They are there.

REMARKS ORDERED PRINTED

Representative Martinez Fischer moved to print remarks between Representative Eissler and Representative Martinez Fischer.

The motion prevailed.

SB 6, as amended, was passed to third reading. (Brown recorded voting no.)

**MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

HB 3 ON THIRD READING
(by Smithee)

HB 3, 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.

Amendment No. 1

Representative Smithee offered the following amendment to **HB 3**:

Amend **HB 3** on third reading, in Section 2210.575(a), Insurance Code, as added by the bill and as amended on second reading by the Amendment to Amendment No. 1 by Smithee, by striking "Section 2210.557(a)" and substituting "Section 2210.577(a)".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Smithee offered the following amendment to **HB 3**:

Amend **HB 3** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. If **SB 652**, Acts of the 82nd Legislature, Regular Session, 2011, becomes law, Section 2210.002(b), Insurance Code, as amended by that Act, is amended to read as follows:

(b) The association is subject to review under Chapter 325, Government Code (Texas Sunset Act), but is not abolished under that chapter. The association shall be reviewed during the period in which state agencies abolished in 2015 [~~2013~~] are reviewed. The association shall pay the costs incurred by the Sunset Advisory Commission in performing the review of the association under this subsection. The Sunset Advisory Commission shall determine the costs of the review performed under this subsection, and the association shall pay the amount of those costs promptly on receipt of a statement from the Sunset Advisory Commission regarding those costs. This subsection expires September 1, 2015 [~~2013~~].

HB 3 - REMARKS

REPRESENTATIVE THOMPSON: Chairman, I want to ask you about this bill.

REPRESENTATIVE SMITHEE: Okay.

THOMPSON: The thrust of this bill is to make the persons whole who have been injured as a result of some kind of catastrophic event.

SMITHEE: To make them as whole as possible with the resources that we have.

THOMPSON: Okay. And is there anything in this bill that kind of corrects the disparity that existed in the administration of these funds from what they were in the past?

SMITHEE: Yes, if I understand your question, there is several things that are intended to ensure a consistency of result for policy holders, whether they have a lawyer, or don't have a lawyer, or who their lawyer might be.

THOMPSON: And let me ask you this question. What is the time period—the duration—for filing a complaint?

SMITHEE: Well, if you're talking about getting a claim under TWIA?

THOMPSON: Yes, sir.

SMITHEE: You would need to file your claim within a year after the event. You have a year. It can be extended for good cause. If there is a good reason you didn't discover it or weren't able to file your claim, there is an extension period, and then there is a two year statute of limitations, which is similar to other contracts—well, other insurance-type cases—two years after TWIA rejects the claim, you have two years to file suit.

THOMPSON: When you say one year after the event to file your complaint, but it can be extended for good cause, is there a certain period of time it can be extended to?

SMITHEE: I can't remember exactly. I don't have the bill in front of me, but I think we have a 90-day extension, I believe. I don't remember exactly. We've negotiated several different dates. We wanted to make sure that we didn't put any "gotchas" in here that were unfair. But on the other hand, if somebody's got an insurance policy and they've got a problem, they really need to notify TWIA as soon as possible—or any insurance company, because you can have other intervening events where it becomes difficult to determine what was caused by the storm and what wasn't.

THOMPSON: Okay. And there would be a trial de novo?

SMITHEE: We do put a trial de novo for causation issues. It depends on what we're arguing about. If the disagreement between TWIA and the policy holder relates—if TWIA says you're covered; we're going to pay you for the cost of fixing your property, but we have a disagreement on how much it costs to fix the property, we go to the same procedure that virtually all of us have in our insurance policies, which is appraisal. That's where each side picks their own appraiser and if they can't agree, they pick an umpire. And that's how you do those. If there's a dispute where TWIA says we're not going to cover this claim, then it's mediated and goes to a trial de novo.

THOMPSON: And are there still penalty and interest?

SMITHEE: I'm sorry?

THOMPSON: In the lawsuit, there are still penalty and interest involved?

SMITHEE: There's no penalty, but there is interest, and interest is calculated like any other—under the Finance Code, the prejudgment statute.

THOMPSON: In arbitration, are you required to have experts within a certain period of time? Or is that anything that we put in this bill?

SMITHEE: No, we're trying not to have to use experts unless it's absolutely essential. And so one of the things we have in the bill is an expert panel, which the commissioner will appoint and hopefully it will be a neutral panel; it won't be infallible, but hopefully it will be fair. Hopefully that will help the policyholder because they won't have to go hire their own experts to prove this because the findings of this expert panel, appointed by the commissioner, will make findings that the commissioner will adopt as guidelines, and then we'll use those guidelines to make sure that everybody gets a fair result. Those guidelines can be challenged in court, but unless they're challenged they would be binding.

Amendment No. 2 was adopted.

REPRESENTATIVE L. TAYLOR: I want to be fairly quick, but I had some things that I wanted to be sure got in the record here about what has been going on with TWIA. You know the problem we had with Hurricane Ike—we had some problems with leadership over at TWIA. A lot of claims were not handled right, quickly, or fairly. But there were about 93,000 claims out of Hurricane Ike, and about six percent of those have been involved in some form of litigation. And many of you are aware that towards the end of the summer, I asked for some information about a large settlement that had received a lot of press during the summer. It had to do with a wind vs. water slab claim, and you may recall that it took me about three to four months to get that information. When I got that information, that took me over three to four months fighting in court for—this is information that should have been a matter of public record—but when I did finally get it, I was shocked with the information that was found in there. And I also had a better understanding of why some may not have wanted me to see what was in that information.

For example, there were two settlements in there. There was a class action settlement and there was a global settlement. On the class, there were 1,247 claims for a total of the settlement, \$31.7 million that was paid to the policyholders. On top of that, \$31.7 million paid to the policyholders, there was \$11.5 million dollars in attorney fees, for about 38 percent—36 percent. So whatever the claim was, in addition to that, 36 percent was paid into legal fees. On the global settlement, there were 1,301 claims. They paid out the total of \$69.6 million to the policyholders, and the attorney fees that were added to that number were \$44 million, for 63 percent. So those two things added together, about 2,500 claims paid out of about \$101.3 million, that we spent \$55.5 million to the plaintiff's attorneys on that. Since then, I've gone back and asked for some information. I need to add we've been told since that happened by the people involved that those folks never received any more than they should have gotten in the first place.

Now, realize that this was almost two years after Hurricane Ike when these settlements finally were done, and it took them two years to get what they should have gotten up front. Now, you tell me who benefits from that system. It's certainly not the TWIA policyholders who are having to pay for the higher increased costs due to this litigation. It's certainly not the people who had the claims who are having to wait for over two years to find out how much they were going to be paid. There was only one group of people who benefited from that,

and it's pretty obvious who they are. If you watch TV or you drive down the freeway down the areas along the coast where the hurricane hit, they're advertising and they've been advertising pretty heavily. They've been advertising so well—

REPRESENTATIVE COLEMAN: I'm asking a question, because I don't think people would have gone to a lawyer had they not been denied and expected to have the claim paid—

L. TAYLOR: Mr. Coleman, you're correct.

COLEMAN: But you didn't say that. The other thing is—

L. TAYLOR: I did say that, Mr. Coleman. I started off with, TWIA had some real problems with leadership, they did not handle a large number of claims correctly—

COLEMAN: And we should do something about that—

L. TAYLOR: And that's what we're doing. We've done some of that already. We've already fired the head of TWIA, we've fired the head of the claims department of TWIA, and we've fired the head of the catastrophe claims department of TWIA.

COLEMAN: As a business person, I have been sued, and I have sued an individual. Don't you think it's probably—the hardest thing in the world is to sue someone, and particularly an insurance company, wouldn't you agree?

L. TAYLOR: Well, I would say this is not an insurance company.

COLEMAN: Well, whatever the case may be. And so, do you think people just go and sue because they think that that's the best remedy?

L. TAYLOR: Well, let me ask you, Mr. Coleman—I was getting ready to say this before you got up to ask your question—there were over a thousand lawsuits that were filed after the two year anniversary of Hurricane Ike. And many of the claims had already been settled and done with, and the first that the people at TWIA had ever heard a problem was when they got the lawsuit papers. They were never given a phone call saying, "Hey, you didn't pay enough to get my roof fixed." That's called a supplemental claim, happens all the time, and the insurance company, in a real insurance company case, will pick it up and they'll look at it and say, "Okay, we didn't pay enough, here's your supplemental, go finish up that claim."

COLEMAN: Well, would you find it interesting that in the apartment complex, the non-profit I run, steward, we had so much trouble getting anything from the insurance company in settling it. It took two years to actually settle the claim.

L. TAYLOR: I appreciate that, and I don't know the particulars of that, but I do have about a few more minutes I'd like to get through this real quick.

COLEMAN: Okay. I just wanted to make it clear that it's hard being on the other side, whether it's insurance or not, and then having to sue someone. And the lawyer has to hire experts, and that costs money, too. I just know I learned a whole lot about it, I'd never want to sue anybody again—

L. TAYLOR: That's part of what we're trying to do in this bill, Garnet, is to try to come up with a process so the experts, or the acknowledged experts—

COLEMAN: I understand, but the difference between you and me, and Mr. Smithee, is that I don't do this, and so the confusing nature of the system, and having recourse for your home or your business requires that people be able to get their just remedy. And I think that's extremely important, and I just wanted to lay that out.

L. TAYLOR: And I appreciate that, Mr. Coleman, and we are still leaving in the process that at the end of the day if you are not happy, you can still go to court—that's still in there. But if I could just finish up real quick. I recently asked for some more updated information. You know, we had about 5,000 some odd claims—suits, I'm sorry—since the original information I'd gotten, I've gotten about another 1,100 settlements. On that 1,100 settlements, there has been a payout to insurers of \$100.7 million, and I'm just estimating the attorney fees being somewhere around 30 percent, which is low compared to what we had earlier, which was about 55 percent. So, so far in litigation costs for these 5,000—I'm sorry, less than that—4,000 some odd claims, we have spent, for \$202 million dollars in damages to folks, we have spent \$133 million in litigation costs. That includes \$48 million we paid to TWIA's defense lawyers. So to pay \$202 million dollars to put people's homes and businesses back together, we had to spend an additional \$133.5 million. As you can see, that's very inefficient, and that's costing people who are paying TWIA premiums—they have to pay for that. If you increase the cost of the claim beyond what it takes to fix people's homes and businesses, that goes into what they have to pay in their premiums.

Now, you really want to know the bad news? We still have 1,900 lawsuits pending still on this Hurricane Ike. We cannot afford to repeat the mistakes we've made in Hurricane Ike. We can't afford to do it over and over again. We've changed the leadership, we're changing the structure at TWIA to include quality control. They're going to have staffing now at TWIA. They're doing this on their own through the board to do quality control and their own procedures. We're going to have an audit process from the Department of Insurance to make sure as these big claims come up, they're keeping up with the rules and doing the things they're supposed to be doing. We're changing the process with this bill so that people can get their claims handled more quickly and fairly. At the end of the day, our coastal policyholders will be much better taken care of than they were under Hurricane Ike—more efficient, quicker. We're going to save all TWIA policyholders from unnecessary premium increases.

SMITHEE: Larry, what I heard you say, and I want to make sure the membership understands, is we have diverted probably from \$140-150 million out of very precious dollars that are there to restore roofs and fix windows, and they have gone to pay lawyers, but primarily a pretty small fraternity of lawyers who have made most of this money. This money has ultimately got to be paid by someone, and as I understand your remarks, and I certainly agree with you, it's going to be paid primarily by coastal policyholders who will be paying this for several years to come.

L. TAYLOR: You're exactly correct, and I'll say it's paid by all. All coastal policyholders, with some of the upper layers being paid by policyholders across the state. And I just wanted to get that in the record, to show you what we're dealing with and why we've got to make changes. Mr. Smithee brought this up earlier: we're already getting premium quotes for reinsurance at TWIA and it's gone up somewhere around 35-40 percent. Some of it's from other factors, but some of it's from our experience under Hurricane Ike. They can predict the amount of property damage they'll have if a certain-sized storm hits a certain area, but what they couldn't predict was the amount of litigation costs added on to that, and with that, I move passage.

REPRESENTATIVE MARTINEZ FISCHER: Representative Taylor, I appreciate your perspective, and I know that you know TWIA very well, and I had a chance to get to know it last session on the Insurance Committee, and I just want to be clear. I mean, opinion notwithstanding, whether you say it's the cause of a combination of bad claims handling and lawyers that charge a lot of money, I mean, I don't think it's fair to attribute a lot of blame to people who get hired at the request of policyholders. You're not making any suggestion that there are people out here just signing up cases frivolously. I mean, these were done legitimately where clients went to lawyers to be represented and dispute some that TWIA knew about and some that they didn't know about. Is that fair?

L. TAYLOR: I wouldn't say that all of them were, obviously, but I think there are some claims out there where people were enticed by an attorney to sue. Those claims were actually settled a year ago, and then the next thing TWIA heard about it, they were being sued.

MARTINEZ FISCHER: Would you agree with me that enticing someone to sign up on a case is probably illegal, as well as unethical? Were there any grievances filed? Any lawyers sanctioned for that conduct?

L. TAYLOR: I'm not aware of that.

MARTINEZ FISCHER: It's okay to have the perspective that lawyers are to blame for this; I don't agree with you, but that's your perspective. I just want to make sure we're not casting all lawyers in this light.

L. TAYLOR: And let me clarify, Trey. I said TWIA was at fault, and I think a big part. TWIA is the genesis of this problem, and the more we found out about it, the worse it got. I think we can all agree with that. I think there's been some advantage taken of that situation. Hurricane Ike is behind us. What we can do with Hurricane Ike is learn from the experience and go from here. I'm not throwing anybody out, I'm not throwing anybody under the bus, I'm just trying to make sure that we have a process in the future where the folks who live along the coast who are forced to buy their windstorm coverage through TWIA will be handled fairly, it will be done in a more expeditious manner, and it will be done as efficiently as possible without trampling anyone's rights.

MARTINEZ FISCHER: And no one would disagree with that, but I do believe if you're going to hand out accolades and criticisms, it's also fair to say that some of the underhandedness that was taking place at TWIA was at the result of discovery and the civil litigation process that brought this information to light. I imagine you would agree with me on that.

L. TAYLOR: Well, I would agree with you to some extent, but my view of it, and my memory of it, is until I asked these questions, that stuff was out there, but it wasn't being promulgated to the public. It was being used for some people's advantage. It wasn't being given to folks like me.

HB 3, as amended, was passed by (Record 111): 97 Yeas, 41 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Guillen; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Margo; Marquez; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gutierrez; Hamilton; Hernandez Luna; Hochberg; Howard, D.; King, T.; Lozano; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Turner; Veasey; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chisum; Deshotel; Frullo; Johnson; Keffer; Mallory Caraway; Simpson; Solomons; Strama; Woolley.

Absent — Villarreal.

STATEMENTS OF VOTE

I was shown voting no on Record No. 111. I intended to vote yes.

Allen

I was shown voting no on Record No. 111. I intended to vote yes.

Dutton

I was shown voting no on Record No. 111. I intended to vote yes.

Giddings

I was shown voting no on Record No. 111. I intended to vote present, not voting.

Miles

I was shown voting no on Record No. 111. I intended to vote yes.

Turner

CONSTITUTIONAL RULE SUSPENDED

Representative L. Taylor moved to suspend the constitutional rule requiring bills to be read on three several days and to place **SB 6** and **SB 8** on third reading and final passage.

The motion prevailed by (Record 112): 133 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Nays — Bonnen.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chisum; Deshotel; Frullo; Johnson; Keffer; Mallory Caraway; Simpson; Solomons; Strama; Woolley.

Absent — Anderson, R.; Eiland; Guillen; Orr; Villarreal.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of illness in the family:

Bohac on motion of Madden.

SB 8 ON THIRD READING (Eissler - House Sponsor)

The speaker laid before the house, on its third reading and final passage,

SB 8, A bill to be entitled An Act relating to the flexibility of the board of trustees of a school district in the management and operation of public schools in the district.

SB 8 was passed by (Record 113): 81 Yeas, 55 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Berman; Bonnen; Branch; Burkett; Button; Cain; Callegari; Christian; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Garza; Geren; Gonzales, L.; Gooden; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Brown; Burnam; Carter; Castro; Coleman; Darby; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hernandez Luna; Hochberg; Hopson; Howard, D.; King, T.; Landtroop; Lewis; Lozano; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Thompson; Turner; Veasey; Vo; Walle; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Chisum; Deshotel; Frullo; Johnson; Keffer; Mallory Caraway; Simpson; Solomons; Strama; Woolley.

Absent — Beck; Villarreal.

STATEMENT OF VOTE

I was shown voting yes on Record No. 113. I intended to vote no.

Gooden

SB 6 ON THIRD READING (Eissler - House Sponsor)

The speaker laid before the house, on its third reading and final passage,

SB 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; providing penalties.

On motion of Representative Eissler, Representatives Branch and Harper-Brown were added as co-sponsors to **SB 6**.

(Bohac now present)

SB 6 was passed by (Record 114): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; 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; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chisum; Deshotel; Frullo; Johnson; Keffer; Mallory Caraway; Simpson; Solomons; Strama; Woolley.

Absent — Villarreal.

MAJOR STATE CALENDAR (consideration continued)

HB 5 ON THIRD READING (by Kolkhorst, Creighton, and Bonnen)

HB 5, A bill to be entitled An Act relating to the Interstate Health Care Compact.

HB 5 was passed by (Record 115): 92 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; King, T.;

Lozano; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chisum; Deshotel; Frullo; Johnson; Keffer; Mallory Caraway; Simpson; Solomons; Strama; Woolley.

Absent — Cain; Darby; Lewis; Villarreal.

STATEMENTS OF VOTE

When Record No. 115 was taken, I was in the house but away from my desk. I would have voted yes.

Cain

When Record No. 115 was taken, my vote failed to register. I would have voted yes.

Lewis

GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

The following bills were laid before the house and read second time:

HB 26 ON SECOND READING (by Madden)

HB 26, A bill to be entitled An Act relating to the containment of costs incurred in the correctional health care system.

Amendment No. 1

On behalf of Representative Allen, Representative Marquez offered the following amendment to **HB 26**:

Amend **HB 26** (house committee printing) as follows:

(1) On page 1, line 16, between "SECTION 2." and "Section 501.063", insert "(a)".

(2) On page 3, between lines 6 and 7, insert the following:

(b) Effective September 1, 2015, Section 501.063, Government Code, is amended to read as follows:

Sec. 501.063. INMATE COPAYMENTS FOR CERTAIN HEALTH CARE VISITS. (a) An inmate confined in a facility operated by or under contract with the department, other than a halfway house, who initiates a visit to a health care provider shall make a copayment to the department in the amount of \$3. The inmate shall make the copayment out of the inmate's trust fund. If the balance in the fund is insufficient to cover the copayment, 50 percent of each deposit to the fund shall be applied toward the balance owed until the total amount owed is paid.

(b) The department may not charge a copayment for health care:

(1) provided in response to a life-threatening or emergency situation affecting the inmate's health;

(2) initiated by the department;

(3) initiated by the health care provider or consisting of routine follow-up, prenatal, or chronic care; or

(4) provided under a contractual obligation that is established under the Interstate Corrections Compact or under an agreement with another state that precludes assessing a copayment.

(c) The department shall adopt policies to ensure that before an inmate initiates a visit to a health care provider, the inmate is informed that a \$3 copayment will be deducted from the inmate's trust fund as required by Subsection (a).

(d) The department may not deny an inmate access to health care as a result of the inmate's failure or inability to make a copayment.

(e) The department shall deposit money received under this section in an account in the general revenue fund that may be used only to pay the cost of administering this section. At the beginning of each fiscal year, the comptroller shall transfer any surplus from the preceding fiscal year to the state treasury to the credit of the general revenue fund.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Brown offered the following amendment to **HB 26**:

Amend **HB 26** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 501.147(d), Government Code, is amended to read as follows:

(d) Notwithstanding Subsection (c) or any other provision of this subchapter [~~For services that the public medical schools and their components and affiliates cannot provide~~], the committee shall initiate a competitive bidding process for contracts [~~with other providers~~] for medical care to persons confined by the department.

SECTION _____. (a) The change in law made by this Act to Section 501.147(d), Government Code, applies only to a contract for which the Correctional Managed Health Care Committee first advertises or otherwise requests bids, proposals, offers, or qualifications, or makes a similar solicitation, on or after the effective date of this Act.

(b) A contract for which the Correctional Managed Health Care Committee first advertises or otherwise requests bids, proposals, offers, or qualifications, or makes a similar solicitation, before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 3

Representative Turner offered the following amendment to Amendment No. 2:

Amend Amendment No. 2 by Brown to **HB 26** (house committee report) on page 1, line 9 of the amendment, by striking "shall" and substituting "may [~~shall~~]".

Amendment No. 3 was adopted.

Amendment No. 2, as amended, was adopted.

Amendment No. 4

Representative Christian offered the following amendment to **HB 26**:

Amend **HB 26** by adding appropriately numbered SECTIONS to read as follows and renumbering the remaining SECTIONS accordingly.

SECTION _____. INTERIM STUDY OF INDEPENDENT PRESCRIPTIVE AUTHORITY FOR ADVANCED PRACTICE REGISTERED NURSES. (a) The speaker of the house and the lieutenant governor shall create and appoint a joint interim committee composed of a combination of legislators, state officials and citizen members to conduct a joint study as described by Subsection (b).

(b) The study shall examine the independent authority of advanced practice registered nurses to diagnose and prescribe drugs and medical devices within the scope of the health care providers' practice and license, including:

(1) the impact on inmate health in Texas Department of Criminal Justice facilities; including any potential cost savings and other foreseeable consequences of expanding the authority in the Nursing Practice Act of advanced practice registered nurses in Texas Department of Criminal Justice facilities to prescribe medication to patients without statutory requirements for physician delegation or collaboration.

(c) Not later than January 1, 2013, the committees shall report the committees' finding and recommendations to the lieutenant governor, the speaker of the house of representatives, and the governor. The committees shall include in their recommendations specific changes to statutes and agency rules that may be necessary according to the results of the committees' study conducted under this section.

(d) Not later than November 1, 2011, the lieutenant governor and the speaker of the house of representatives shall issue the joint interim charge required by this section.

(e) This section expires January 1, 2013.

SECTION _____. (a) The Institute for Health Policy at the School of Public Health at The University of Texas Health Science Center at Houston shall study, with respect to patients who receive health care services from an advanced practice nurse, as that term is defined in Section 301.152, Occupations Code, patient safety and outcomes, including quality of care, health care costs, access to health care, and any other measures determined by the institute.

(b) Not later than October 15, 2012, the Institute for Health Policy shall report its findings to the governor, the lieutenant governor, the speaker of the house of representatives, the Senate Health and Human Services Committee or its successor, and the House Public Health Committee or its successor and the joint interim committee created and appointed to study independent prescriptive authority for Advanced Practice Registered Nurses.

(c) This section expires September 1, 2013.

Amendment No. 4 was adopted. (C. Anderson recorded voting no.)

HB 26, as amended, was passed to engrossment.

HB 19 ON SECOND READING

(by Aycock)

HB 19, A bill to be entitled An Act relating to hearings on public school educator contracts.

Representative Aycock moved to postpone consideration of **HB 19** until 9 a.m. Tuesday, June 21.

The motion prevailed.

HB 17 ON SECOND READING

(by Callegari)

HB 17, A bill to be entitled An Act relating to the minimum salary for and minimum service required of certain public school employees.

Representative Callegari moved to postpone consideration of **HB 17** until 9 a.m. Tuesday, June 21.

The motion prevailed.

REMARKS ORDERED PRINTED

Representative Crownover moved to print remarks by Representative L. Taylor and Representative Smithee on **HB 3**.

The motion prevailed.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

Representatives Farrar and Dukes moved that the house adjourn until 2 p.m. Monday, June 20, in memory of Jimmy Paloma of Houston and R. A. Callies, Sr., of San Antonio.

The motion prevailed.

The house accordingly, at 3:32 p.m., adjourned until 2 p.m. Monday, June 20.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 9 (By Solomons), Relating to the enforcement of state and federal laws governing immigration by certain governmental entities.

To State Affairs.

HB 10 (By Solomons), Relating to the duty of a law enforcement agency to request information regarding the immigration status of an arrested person.

To State Affairs.

HB 11 (By Solomons), Relating to the duty of a local law enforcement agency to verify the immigration status of certain arrested persons by use of the federal Secure Communities program.

To State Affairs.

HB 57 (By Riddle), Relating to the creation of the offense of criminal trespass by an illegal alien and to certain procedures for arresting illegal aliens for committing that criminal offense.

To State Affairs.

HB 58 (By Riddle), Relating to the creation of the offense of employing or contracting with an unauthorized alien.

To State Affairs.

HB 59 (By Riddle), Relating to reporting by state agencies on the financial effect of providing services to illegal immigrants.

To State Affairs.

HJR 14 (By Pickett), Proposing a constitutional amendment limiting the uses of revenue from motor vehicle registration fees, taxes on motor fuels and lubricants, and certain revenue received from the federal government.

To Appropriations.

HR 104 (By Raymond), Directing the Texas Historical Commission to work with the City of Austin to honor the memory of President John F. Kennedy with an official Texas Historical Marker at or near the site of the Austin Municipal Auditorium.

To Culture, Recreation, and Tourism.

HR 127 (By Craddick), Honoring Dr. John Mendelsohn for his 15-year tenure as president of The University of Texas M. D. Anderson Cancer Center.
To Rules and Resolutions.

HR 128 (By Lewis), Congratulating Glen Larum on his retirement from the Texas Department of Transportation.
To Rules and Resolutions.

HR 129 (By Lyne), In memory of the Honorable Graham Boynton Purcell, Jr., of Wichita Falls.
To Rules and Resolutions.

HR 130 (By Guillen), Congratulating Sijifredo "Chacho" and Diana Flores of Benavides on their 50th wedding anniversary.
To Rules and Resolutions.

HR 131 (By Guillen), Honoring Judge Benito V. Garza for his 34 years of service as justice of the peace for Precinct 3 in Duval County.
To Rules and Resolutions.

HR 132 (By Guillen), Honoring Julian F. Stockwell for his years of service to Duval County.
To Rules and Resolutions.

SB 9 to State Affairs.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

June 15

Criminal Jurisprudence - **HB 41**, **HB 75**

Government Efficiency and Reform - **HB 30**

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

ELEVENTH DAY — MONDAY, JUNE 20, 2011

The house met at 2 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 116).

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; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; 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, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Absent, Excused — Castro; Keffer; Mallory Caraway; Taylor, L.; Woolley.

The invocation was offered by Representative P. King.

The speaker recognized Representative Lavender who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today, tomorrow, and Wednesday, June 22, because of a death in the family:

Keffer on motion of Aycock.

The following member was granted leave of absence for today because of important business in the district:

Mallory Caraway on motion of Gonzalez.

The following member was granted leave of absence for today because of personal business:

L. Taylor on motion of Crownover.

The following member was granted leave of absence for today because of important business:

Castro on motion of Walle.

The following member was granted leave of absence for today and the remainder of the week because of important business:

Woolley on motion of Geren.

The following member was granted leave of absence for the remainder of today because of important business in the district:

Farias on motion of Deshotel.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**HB 26 ON THIRD READING
(by Madden)**

HB 26, A bill to be entitled An Act relating to the containment of costs incurred in the correctional health care system.

Amendment No. 1

Representative Madden offered the following amendment to **HB 26**:

Amend **HB 26** on third reading by striking the second reading amendment by Brown, as amended, and substituting the following:

Amend **HB 26** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 501.147(d), Government Code, is amended to read as follows:

(d) Notwithstanding Subsection (c) or any other provision of this subchapter [~~For services that the public medical schools and their components and affiliates cannot provide~~], the department may [~~committee shall~~] initiate a competitive bidding process for contracts [~~with other providers~~] for medical care to persons confined by the department.

SECTION _____. (a) The change in law made by this Act to Section 501.147(d), Government Code, does not affect a contract executed before the effective date of this Act. Such a contract is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) The amendment of Section 501.147(d), Government Code, by this Act, prevails over any conflicting amendment of that section by **SB 1** of the 82nd Legislature, First Called Session, 2011, regardless of the relative dates of enactment.

Amendment No. 1 was adopted.

HB 26, as amended, was passed by (Record 117): 124 Yeas, 14 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dutton; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, V.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Burnam; Davis, Y.; Dukes; Gallego; Giddings; Gutierrez; Hernandez Luna; Hochberg; Johnson; Naishtat; Reynolds; Turner.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Castro; Farias; Keffer; Mallory Caraway; Taylor, L.; Woolley.

Absent — Coleman; Eiland; King, S.; McClendon; Veasey.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 20 ON SECOND READING (by Huberty)

HB 20, A bill to be entitled An Act relating to notice required for termination of a teacher's probationary contract or nonrenewal of a teacher's term contract.

HB 20 was read second time on June 14 and was postponed until 9 a.m. June 17.

Representative Huberty moved to postpone consideration of **HB 20** until 10 a.m. Wednesday, June 22.

The motion prevailed.

HB 21 ON SECOND READING (by Shelton)

HB 21, A bill to be entitled An Act relating to the reduction in force of teachers employed by a school district.

HB 21 was read second time on June 14 and was postponed until 9 a.m. June 17.

Representative Shelton moved to postpone consideration of **HB 21** until 10 a.m. Wednesday, June 22.

The motion prevailed.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

The following bills were laid before the house and read second time:

**HB 79 ON SECOND READING
(by Lewis and Jackson)**

HB 79, A bill to be entitled An Act relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government.

(Huberty in the chair)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of illness in the family:

Phillips on motion of Geren.

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, Senate List No. 1).

HB 79 - (consideration continued)

Amendment No. 1

Representative Lewis offered the following amendment to **HB 79**:

Amend **HB 79** (house committee printing) by striking page 143, line 13, through page 146, line 10, and renumbering subsequent **ARTICLES** and **SECTIONS** of the bill accordingly.

Amendment No. 1 was adopted.

(Speaker in the chair)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Smithee on motion of Hopson.

INTRODUCTION OF GUESTS

The speaker recognized Representative Workman who introduced members and coaches of the Texas A&M University men's and women's track and field teams.

HR 141 - ADOPTED (by Dukes)

Representative Workman moved to suspend all necessary rules to take up and consider at this time **HR 141**.

The motion prevailed.

The following resolution was laid before the house:

HR 141, Congratulating the Texas A&M University men's and women's track and field teams on winning national titles at the NCAA Division I Outdoor Track and Field Championships for the third consecutive year.

HR 141 was read and was adopted.

On motion of Representative McClendon, the names of all the members of the house were added to **HR 141** as signers thereof.

HB 79 - (consideration continued)

Amendment No. 2

Representative Lucio offered the following amendment to **HB 79**:

Amend **HB 79** (house committee printing) as follows:

(1) On page 15, line 19, strike "may" and substitute "shall".

(2) On page 15, line 21, strike "court coordinator or administrative assistant," and substitute "court coordinator, administrative assistant, and court reporter, and clerks and bailiffs,".

(3) On page 15, line 25, between "sheriffs," and "and", insert "bailiffs,".

Representative Lewis moved to table Amendment No. 2.

The motion to table prevailed by (Record 118): 88 Yeas, 48 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harper-Brown; Hopson; Howard, C.; Huberty; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lyne; Madden; Margo; Menendez; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Pickett; Pitts; Price; Raymond; Riddle; Ritter; Schwertner; Scott; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Taylor, V.; Torres; Truitt; White; Workman; Zedler; Zerwas.

Nays — Aliseda; Allen; Alonzo; Alvarado; Anchia; Burnam; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Johnson; King, T.; Kolkhorst; Lozano; Lucio; Marquez; Martinez Fischer; McClendon; Miles; Muñoz; Naishtat; Oliveira; Peña; Quintanilla; Reynolds; Rodriguez; Sheets; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Weber.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Castro; Farias; Keffer; Mallory Caraway; Phillips; Smithee; Taylor, L.; Woolley.

Absent — Coleman; Garza; Hughes; Legler; Martinez.

Amendment No. 3

Representative S. Davis offered the following amendment to **HB 79**:

Amend **HB 79** (house committee printing) by striking page 17, line 7, through page 18, line 6, and renumbering subsequent SECTIONS of the ARTICLE accordingly.

Amendment No. 3 was withdrawn.

HB 79 - POINT OF ORDER

Representative Lucio raised a point of order against further consideration of **HB 79**.

The speaker overruled the point of order.

Amendment No. 4

Representative R. Anderson offered the following amendment to **HB 79**:

Amend **HB 79** (house committee printing) by striking page 45, line 10, through page 49, line 23, and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly.

(Aycock in the chair)

Representative Lewis moved to table Amendment No. 4.

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. 1).

HB 79 - (consideration continued)

The outcome of the motion to table Amendment No. 4 could not be determined (a quorum not being present) by (Record 119): 42 Yeas, 54 Nays, 3 Present, not voting.

Yeas — Aliseda; Branch; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Eiland; Frullo; Gooden; Hardcastle; Harper-Brown; Howard, D.; Huberty; Jackson; Johnson; Kuempel; Larson; Laubenberg; Lewis; Madden; Margo; Miller, D.; Murphy; Naishtat; Orr; Otto; Parker; Pitts; Price; Raymond; Scott; Sheets; Shelton; Smith, W.; Strama; Taylor, V.; Veasey; Walle; Workman.

Nays — Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Burkett; Burnam; Callegari; Carter; Deshotel; Dutton; Fletcher; Geren; Gonzales, L.; Gonzalez; Gutierrez; Hamilton; Hancock; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Hughes; Hunter; Isaac; King, P.; King, T.; Landtroop; Lavender; Legler; Lozano; Lucio; McClendon; Menendez; Morrison; Muñoz; Oliveira; Paxton; Perry; Pickett; Quintanilla; Ritter; Schwertner; Simpson; Smith, T.; Solomons; Thompson; Weber; White; Zedler.

Present, not voting — Mr. Speaker; Aycock(C); Nash.

Absent, Excused — Castro; Farias; Keffer; Mallory Caraway; Phillips; Smithee; Taylor, L.; Woolley.

Absent — Allen; Bohac; Bonnen; Brown; Button; Cain; Christian; Coleman; Davis, J.; Davis, Y.; Driver; Dukes; Eissler; Elkins; Farrar; Flynn; Gallego; Garza; Giddings; Gonzales, V.; Guillen; Howard, C.; King, S.; Kleinschmidt; Kolkhorst; Lyne; Marquez; Martinez; Martinez Fischer; Miles; Miller, S.; Patrick; Peña; Reynolds; Riddle; Rodriguez; Sheffield; Torres; Truitt; Turner; Villarreal; Vo; Zerwas.

STATEMENTS OF VOTE

When Record No. 119 was taken, I was in the house but away from my desk. I would have voted yes.

Eissler

When Record No. 119 was taken, I was in the house but away from my desk. I would have voted yes.

S. King

When Record No. 119 was taken, my vote failed to register. I would have voted no.

Kolkhorst

When Record No. 119 was taken, I was in the house but away from my desk. I would have voted no.

Rodriguez

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Rules and Resolutions, during lunch recess tomorrow, Representative McClendon's desk, to set a calendar.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Bonnen on motion of Aycock.
Brown on motion of Aycock.
Button on motion of D. Miller.
Cain on motion of Aycock.
Christian on motion of Aycock.
J. Davis on motion of Hopson.
Driver on motion of Aycock.
Dukes on motion of McClendon.
Flynn on motion of Aycock.
Gallego on motion of Hochberg.
Garza on motion of Simpson.
Giddings on motion of Aycock.
V. Gonzales on motion of D. Howard.
Hartnett on motion of Weber.
C. Howard on motion of W. Smith.
Lyne on motion of Hardcastle.
Martinez on motion of Muñoz.
Martinez Fischer on motion of Aycock.
S. Miller on motion of Callegari.
Miles on motion of Aycock.
Patrick on motion of Aycock.
Truitt on motion of Aycock.
Turner on motion of Aycock.
Villarreal on motion of Aycock.
Zerwas on motion of Hamilton.

ADJOURNMENT

Representative Lucio moved that the house adjourn until 11 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 3:51 p.m., adjourned until 11 a.m. tomorrow.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

Senate List No. 1

SCR 1

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
Monday, June 20, 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:

SCR 3 Duncan SPONSOR: Perry
In memory of Stacy Richards Furdek of Lubbock.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 4 (19 Yeas, 12 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 6
Senate Conferees with Instructions: Shapiro - Chair/Harris/Nelson/Patrick/Van de Putte

SB 8
Senate Conferees with Instructions: Shapiro - Chair/Duncan/Nelson/Patrick/Seliger

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

June 16

Culture, Recreation, and Tourism - **HCR 14**

ENGROSSED

June 16 - HB 5

June 17 - HB 3

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

TWELFTH DAY — TUESDAY, JUNE 21, 2011

The house met at 11 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 120).

Present — Mr. Speaker; 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; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; 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; 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, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Absent, Excused — Castro; Driver; Giddings; Harless; Keffer; Mallory Caraway; Taylor, L.; Woolley.

Absent — Burnam.

The invocation was offered by Representative Hancock.

The speaker recognized Representative Berman who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today to attend a funeral:

Harless on motion of Solomons.

The following members were granted leaves of absence for today because of important business:

Castro on motion of D. Howard.

Giddings on motion of D. Howard.

The following member was granted leave of absence for today because of personal business:

L. Taylor on motion of Crownover.

The following members were granted leaves of absence for today because of important business in the district:

Driver on motion of Landtroop.

Mallory Caraway on motion of Gonzalez.

**PROCLAMATION BY THE GOVERNOR
OF THE STATE OF TEXAS**

The chair laid before the house and had read the following proclamation by the governor:

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-SECOND TEXAS LEGISLATURE, FIRST CALLED SESSION:

WHEREAS, the people of Texas, through their state constitution, have placed the power to call the legislature into special session in the hands of the chief executive officer of the state; and

WHEREAS, the members of the Eighty-Second Texas Legislature, First Called Session, have now convened to consider items presented to them by the governor;

NOW, THEREFORE, I, RICK PERRY, Governor of the State of Texas, by the authority vested in me by Article IV, Section 8, and Article III, Section 40, of the Texas Constitution, do hereby present the following subject matter to the Eighty-Second Texas Legislature, First Called Session, for consideration:

Legislation relating to prosecution and punishment for the offense of official oppression of persons seeking access to public buildings and transportation.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 2011.

Rick Perry
Governor of Texas

(SEAL)

Esperanza "Hope" Andrade
Secretary of State

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 11:15 a.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 11:15 a.m. today, 3W.15, for a formal meeting, to set a calendar.

HCR 20 - ADOPTED

(by Craddick, Parker, Darby, and Anchia)

Representative Craddick moved to suspend all necessary rules to take up and consider at this time **HCR 20**.

The motion prevailed.

The following resolution was laid before the house:

HCR 20, Commemorating the 40th anniversary of Southwest Airlines.

HCR 20 was read and was adopted.

On motion of Representative Anchia, the names of all the members of the house were added to **HCR 20** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Craddick who introduced representatives of Southwest Airlines, including co-founder Herb Kelleher, who briefly addressed the house.

SCR 3 - ADOPTED

(Perry - House Sponsor)

Representative Frullo moved to suspend all necessary rules to take up and consider at this time **SCR 3**.

The motion prevailed.

The following resolution was laid before the house:

SCR 3, In memory of Stacy Richards Furdek of Lubbock.

SCR 3 was unanimously adopted by a rising vote.

On motion of Representative Frullo, the names of all the members of the house were added to **SCR 3** as signers thereof.

HCR 18 - ADOPTED

(by Hughes)

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HCR 18**.

The motion prevailed.

The following resolution was laid before the house:

HCR 18, In memory of Sergeant Joshua David Powell of Quitman.

HCR 18 was unanimously adopted by a rising vote.

On motion of Representative White, the names of all the members of the house were added to **HCR 18** as signers thereof.

HCR 19 - ADOPTED
(by Hughes, Simpson, and White)

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HCR 19**.

The motion prevailed.

The following resolution was laid before the house:

HCR 19, In memory of U.S. Army Chief Warrant Officer 2 Bradley Justin Gaudet of Gladewater.

HCR 19 was unanimously adopted by a rising vote.

On motion of Representatives Simpson and White, the names of all the members of the house were added to **HCR 19** as signers thereof.

SB 6 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED

On motion of Representative Eissler, the house granted the request of the senate for the appointment of a Conference Committee on **SB 6**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 6**: Eissler, chair; Aycock, Branch, Hochberg, and Strama.

SB 8 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED

On motion of Representative Eissler, the house granted the request of the senate for the appointment of a Conference Committee on **SB 8**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 8**: Eissler, chair; Aycock, Crownover, Hancock, and Huberty.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of illness in the family:

Bohac on motion of Callegari.

RECESS

At 12:34 p.m., the speaker announced that the house would stand recessed until 1 p.m. today.

AFTERNOON SESSION

The house met at 1 p.m. and was called to order by the speaker.

UNFINISHED BUSINESS

The following bill was laid before the house as unfinished business:

HB 79 ON SECOND READING**(by Lewis and Jackson)**

HB 79, A bill to be entitled An Act relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government.

HB 79 was read second time on June 20, and Amendment No. 4 was pending at the time of adjournment.

Amendment No. 5

Representative Lewis offered the following amendment to Amendment No. 4:

Amend Amendment No. 4 by R. Anderson to **HB 79** by striking the text of the amendment and substituting the following:

Amend **HB 79** (house committee printing) on page 47, between lines 3 and 4, by inserting the following:

(d) The rules adopted by the supreme court may not:

(1) require that a party in a case be represented by an attorney;

(2) be so complex that a reasonable person without legal training would have difficulty understanding or applying the rules; or

(3) require that discovery rules adopted under the Texas Rules of Civil Procedure or the Texas Rules of Evidence be applied except to the extent the justice of the peace hearing the case determines that the rules must be followed to ensure that the proceeding is fair to all parties.

(e) A committee established by the supreme court to recommend rules to be adopted under this section must include justices of the peace.

HB 79 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE P. KING: Just kind of help me think through this again—there's three courts, in a justice court, three dockets. There's the justice court, which operates under the Texas Rules of Civil Procedure, and then the other docket is the small claims docket, which really has no rules, or rules of evidence. It just operates under whatever the judge sees and what we kind of truly think of a small claims court—

REPRESENTATIVE LEWIS: Right.

P. KING: And then it has the magistrates court that does all of the administrative stuff and criminal stuff.

LEWIS: Yes, correct.

P. KING: And so, what your original amendment did was, if I'm correct, it abolished the justice court docket?

LEWIS: Not quite, well—

P. KING: And then ordered the supreme court to write rules for the small claims court docket?

LEWIS: Here's what it did, Phil, and of course, you know much more about this subject than I'll ever know. But here's what the bill does—where we have the justice court, that has all the rules of civil procedure, and then you've got a small claims court that is very informal, and all of it's with the same judge. One judge, two different dockets. What it did, it just really combined the two dockets so you've got one docket. You'll have—instead of using the name small claims court, you'll call it the justice court because you had to call it one or the other. You'll call it justice court—but the basic rules and procedures will be the small claims procedures. So that's what it does, it merges it. It calls it the justice court, but it uses the small claims court procedures, because you didn't want to just do away with the title justice court because then there'd be griping about that.

P. KING: In giving the supreme court the authority to write rules over the small claims court, or whatever we're going to call it, would it give the supreme court the authority to ever require that justices of the peace be attorneys, licensed attorneys?

LEWIS: No. The supreme court does not have that power—

P. KING: And they wouldn't after this bill, either?

LEWIS: Yes, they would not have—there's nothing in this bill that would do that. In fact, what this bill does, since it makes everything small claims, and makes everything accessible to a layman, and except for the three—they're already outside of small claims court types, collection cases—everything's going to be small claims. It makes it much more amenable to having a layman be justice of the peace. And many more cases, all the cases now will be small claims court. It'll be much more amenable to being able to work out those cases without lawyers.

(Burnam now present)

REMARKS ORDERED PRINTED

Representative P. King moved to print remarks between Representative Lewis and Representative P. King.

The motion prevailed.

Amendment No. 5 was adopted.

Amendment No. 4, as amended, was adopted. (Weber recorded voting no.)

Amendment No. 6

Representative S. Davis offered the following amendment to **HB 79**:

Amend **HB 79** (house committee printing) as follows:

- (1) Strike page 17, line 7, through page 18, line 6.
- (2) On page 45, between lines 9 and 10, insert the following appropriately numbered SECTION to the ARTICLE to read as follows:

SECTION 4. _____. (a) Subsection (t-1), Section 25.0022, Government Code, as added by **SB 1198**, Acts of the 82nd Legislature, Regular Session, 2011, is repealed.

(b) This section takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this section takes effect on the 91st day after the last day of the legislative session.

(3) Renumber subsequent SECTIONS of ARTICLE 4 accordingly.

Amendment No. 6 was adopted.

Amendment No. 7

Representative S. Davis offered the following amendment to **HB 79**:

Amend **HB 79** (house committee printing) by striking page 58, line 22, through page 59, line 5 and substituting the following:

(b) Subject to Subsection (c), a judge of a court may not refer any civil case or portion of a civil case, including a trial on the merits, to an associate judge if a party files a written objection to the referral to the associate judge. For purposes of this subsection, a trial on the merits is any final adjudication from which an appeal may be taken to a court of appeals.

(c) A party must file an objection to the referral of a civil case or portion of a civil case to an associate judge not later than the 10th day after the date the party receives notice of the referral. If an objection is filed, the referring court shall hear the case or portion of the case.

Amendment No. 7 was adopted.

Amendment No. 8

Representative S. Davis offered the following amendment to **HB 79**:

Amend **HB 79** (house committee printing) as follows:

(1) Strike the recital to SECTION 3.02 of the bill and substitute the following:

SECTION 3.02. Section 24.007, Government Code, is amended to read as follows:

(2) Strike page 4 line 1, through page 5, line 23.

(3) Strike page 9 line 23, through page 11, line 24.

(4) On page 12, line 23, strike "and".

(5) On page 12, line 24 between "(c)" and the period insert the following:

; and

(18) Section 25.0362(g);

(19) Section 25.0732(w);

(20) Section 25.1672(c);

(21) Section 25.1862(v);

(22) Section 25.1932(k);

(23) Section 25.2512(k), as added by **HB 2330**, Acts of the 82nd Legislature, Regular Session, 2011, as effective September 1, 2011; and

(24) Section 74.121(b)(2)

(6) Renumber SECTIONS of ARTICLE 3 as appropriate.

Amendment No. 8 failed of adoption by (Record 121): 30 Yeas, 103 Nays, 1 Present, not voting.

Yeas — Bonnen; Cain; Carter; Chisum; Creighton; Davis, S.; Elkins; Fletcher; Garza; Hardcastle; Hilderbran; Hughes; Isaac; Johnson; King, P.; King, T.; Legler; Lyne; Morrison; Murphy; Phillips; Reynolds; Riddle; Ritter; Sheets; Taylor, V.; Thompson; White; Workman; Zedler.

Nays — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Burkett; Burnam; Button; Callegari; Christian; Coleman; Craddick; Darby; Davis, J.; Deshotel; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Flynn; Frullo; Gallego; Geren; Gonzales, L.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Harper-Brown; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Jackson; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Raymond; Rodriguez; Schwertner; Scott; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Castro; Driver; Giddings; Harless; Keffer; Mallory Caraway; Taylor, L.; Woolley.

Absent — Alonzo; Cook; Crownover; Davis, Y.; Gonzales, V.; King, S.; Villarreal.

STATEMENTS OF VOTE

When Record No. 121 was taken, my vote failed to register. I would have voted no.

Crownover

When Record No. 121 was taken, I was excused to attend a funeral. I would have voted yes.

Harless

I was shown voting yes on Record No. 121. I intended to vote no.

Lyne

Amendment No. 9

Representative S. Davis offered the following amendment to **HB 79**:

Amend **HB 79** (house committee printing) by striking page 56, line 10, through page 65, line 16.

Amendment No. 9 was withdrawn.

Amendment No. 10

Representative Hilderbran offered the following amendment to **HB 79**:

Amend **HB 79** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. USE OF PROCEEDS OF SALE OF CERTAIN FORFEITED PROPERTY

SECTION _____.01. (a) If **SB 316**, Acts of the 82nd Legislature, Regular Session, 2011, becomes law, Section 24.377, Government Code, as effective September 1, 2011, is amended by adding Subsection (d) to read as follows:

(d) Subsection (c) does not apply to the use of proceeds from the sale of forfeited property for the state fiscal year that begins September 1, 2011. This subsection expires September 1, 2013.

(b) If **SB 316**, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, this article has no effect.

Amendment No. 10 - Point of Order

Representative Burnam raised a point of order against further consideration of Amendment No. 10 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 10.

Amendment No. 11

Representative Laubenberg offered the following amendment to **HB 79**:

Amend **HB 79** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. COMPOSITION OF CERTAIN COUNTY JUVENILE BOARDS

SECTION _____.01. Section 152.2051(a), Human Resources Code, is amended to read as follows:

(a) The Rockwall County Juvenile Board is composed of:

- (1) the judge of the County Court at Law of Rockwall County;
- (2) the district judges [~~judge~~] in Rockwall County;
- (3) one county commissioner appointed by the commissioners court;

(4) one member of the board of trustees of the Rockwall Independent School District selected by the board of trustees of the Rockwall Independent School District; and

(5) one member of the board of trustees of the Royse City Independent School District selected by the board of trustees of the Royse City Independent School District.

Amendment No. 11 was adopted.

Amendment No. 12

Representatives Berman and Hilderbran offered the following amendment to **HB 79**:

Amend **HB 79** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . APPLICATION OF FOREIGN LAWS

SECTION ____ .01. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 148 to read as follows:

CHAPTER 148. APPLICATION OF FOREIGN LAWS; SELECTION OF FOREIGN FORUM

Sec. 148.001. DEFINITION. In this chapter, "foreign law" means a law, rule, or legal code of a jurisdiction outside of the states and territories of the United States.

Sec. 148.002. DECISION BASED ON FOREIGN LAW. A ruling or decision of a court, arbitrator, or administrative adjudicator on a matter arising under the Family Code may not be based on a foreign law if the application of that law would violate a civil right or a right guaranteed by the United States Constitution or the constitution or a statute of this state.

Sec. 148.003. CHOICE OF FOREIGN LAW OR FORUM IN CONTRACT. (a) A contract provision providing that a foreign law is to govern a dispute arising under the Family Code is void to the extent that the application of the foreign law to the dispute would violate a civil right or a right guaranteed by the United States Constitution or the constitution of this state.

(b) A contract provision providing that the forum to resolve a dispute arising under the Family Code is located outside the states and territories of the United States is void if the foreign law that would be applied to the dispute in that forum would, as applied, violate a civil right or a right guaranteed by the United States Constitution or the constitution of this state.

SECTION ____ .02. (a) Section 148.002, Civil Practice and Remedies Code, as added by this article, applies only to a ruling or decision that becomes final on or after the effective date of this Act. A ruling or decision that becomes final before the effective date of this Act and any appeal of that ruling or decision are governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Section 148.003, Civil Practice and Remedies Code, as added by this article, applies only to a contract entered into on or after the effective date of this Act. A contract entered into before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

Amendment No. 12 - Point of Order

Representative Burnam raised a point of order against further consideration of Amendment No. 12 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The speaker overruled the point of order.

Amendment No. 12 was adopted by (Record 122): 105 Yeas, 29 Nays, 2 Present, not voting.

Yeas — Aliseda; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Raymond; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, V.; Thompson; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Coleman; Dutton; Farias; Farrar; Gallego; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Marquez; Martinez; Martinez Fischer; Miles; Naishtat; Nash; Quintanilla; Strama; Turner; Veasey; Vo; Walle.

Present, not voting — Mr. Speaker(C); Dukes.

Absent, Excused — Bohac; Castro; Driver; Giddings; Harless; Keffer; Mallory Caraway; Taylor, L.; Woolley.

Absent — Davis, Y.; Eiland; McClendon; Reynolds; Villarreal.

STATEMENTS OF VOTE

When Record No. 122 was taken, I was excused to attend a funeral. I would have voted yes.

Harless

I was shown voting no on Record No. 122. I intended to vote yes.

Nash

HB 79 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ISAAC: Does this in any way open the door for a requirement to make JPs become attorneys?

REPRESENTATIVE LEWIS: No, the requirements for the justices of the peace are in the Election Code. There's no requirement that they be attorneys. This'll mean it'll be less necessary than ever because right now you have to know the Code of Civil Procedure. And for cases that are not filed in small claims court, after this, that won't be true. Everything that's filed in the justice court will be under small claims rules, so no requirement at all, and it won't tend to do that, either.

ISAAC: Does it in any way hinder access to courts for indigents?

LEWIS: No. It'll make it easier, and faster, and it'll just make it universal. What we've been doing in small claims will be the universal way to handle it. You won't have a divided docket in the justice court anymore. You'll just have the small claims way of doing things.

REMARKS ORDERED PRINTED

Representative Isaac moved to print remarks between Representative Lewis and Representative Isaac.

The motion prevailed.

HB 79, as amended, was passed to engrossment by (Record 123): 105 Yeas, 28 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Burkett; Button; Cain; Callegari; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Garza; Gonzales, V.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harper-Brown; Hernandez Luna; Hochberg; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lyne; Madden; Margo; Martinez; Martinez Fischer; Miller, D.; Miller, S.; Morrison; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Strama; Taylor, V.; Thompson; Torres; Truitt; Veasey; Vo; Walle; White; Workman; Zedler; Zerwas.

Nays — Anchia; Bonnen; Brown; Burnam; Carter; Dukes; Flynn; Geren; Gonzales, L.; Gonzalez; Gutierrez; Hartnett; Hilderbran; Hopson; Johnson; Kolkhorst; Legler; Lozano; Marquez; McClendon; Menendez; Muñoz; Oliveira; Riddle; Ritter; Rodriguez; Schwertner; Weber.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Castro; Driver; Giddings; Harless; Keffer; Mallory Caraway; Taylor, L.; Woolley.

Absent — Davis, Y.; Lucio; Miles; Reynolds; Smithee; Turner; Villarreal.

STATEMENTS OF VOTE

I was shown voting no on Record No. 123. I intended to vote yes.

Carter

I was shown voting no on Record No. 123. I intended to vote yes.

Flynn

When Record No. 123 was taken, I was excused to attend a funeral. I would have voted no.

Harless

I was shown voting no on Record No. 123. I intended to vote yes.

Johnson

I was shown voting no on Record No. 123. I intended to vote yes.

Lozano

I was shown voting no on Record No. 123. I intended to vote yes.

Muñoz

I was shown voting yes on Record No. 123. I intended to vote no.

Quintanilla

When Record No. 123 was taken, my vote failed to register. I would have voted yes.

Smithee

HB 41 - RECOMMITTED

Representative Gallego moved to recommit **HB 41** to the Committee on Criminal Jurisprudence.

The motion prevailed.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 19 ON SECOND READING

(by Aycock)

HB 19, A bill to be entitled An Act relating to hearings on public school educator contracts.

HB 19 was read second time on June 16 and was postponed until 9 a.m. today.

Representative Aycock moved to postpone consideration of **HB 19** until 5:30 a.m. tomorrow.

The motion prevailed.

HB 17 ON SECOND READING

(by Callegari)

HB 17, A bill to be entitled An Act relating to the minimum salary for and minimum service required of certain public school employees.

HB 17 was read second time on June 16 and was postponed until 9 a.m. today.

Representative Callegari moved to postpone consideration of **HB 17** until 9 a.m. tomorrow.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, upon adjournment today, Desk 92, for a formal meeting, to consider **HB 41**.

ADJOURNMENT

Representative Kolkhorst moved that the house adjourn until 10 a.m. tomorrow in memory of the Honorable Richard Bruce Duncan of Huntsville.

The motion prevailed.

The house accordingly, at 3:16 p.m., adjourned until 10 a.m. tomorrow.

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

THIRTEENTH DAY — WEDNESDAY, JUNE 22, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 124).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycocock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; 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; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; 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; 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, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Absent, Excused — Castro; Harless; Keffer; Taylor, L.; Woolley.

The invocation was offered by Sergeant-at-Arms Rod Welsh.

The speaker recognized Representative Beck who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business:

Castro on motion of Raymond.

The following member was granted leave of absence for today and the remainder of the week because of personal business:

L. Taylor on motion of Crownover.

The following member was granted leave of absence for today to attend a funeral:

Harless on motion of Fletcher.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 10:25 a.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 10:25 a.m. today, 3W.15, for a formal meeting, to set a calendar.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Shelton on motion of Button.

The following member was granted leave of absence for the remainder of today because of important business in the district:

Sheets on motion of R. Anderson.

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

The following bills were laid before the house and read third time:

HB 79 ON THIRD READING (by Lewis and Jackson)

HB 79, A bill to be entitled An Act relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government.

Amendment No. 1

Representative Phillips offered the following amendment to **HB 79**:

Amend **HB 79** on third reading, as follows:

- (1) On page 52, line 22, strike "and".
- (2) On page 52, between lines 22 and 23, insert the following:

(10) the issuance of search warrants, including a search warrant under Article 18.02(10), Code of Criminal Procedure, notwithstanding Article 18.01(c), Code of Criminal Procedure; and
- (3) On page 52, line 23, strike "(10)" and substitute "(11)".
- (4) On page 54, line 18, strike "and".
- (5) On page 54, between lines 18 and 19, insert the following:

(16) notwithstanding Article 18.01(c), Code of Criminal Procedure, issue a search warrant, including a search warrant under Article 18.02(10), Code of Criminal Procedure; and

(6) On page 54, line 19, strike "(16)" and substitute "(17)".

Amendment No. 1 was adopted.

HB 79 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE RIDDLE: Judge Lewis, you and I spoke a bit earlier today, and I told you that I did have questions yesterday—that I was a no vote simply because I don't have everything nailed down. I'm not comfortable with a yes vote. Even though we all respect and love you, and all that you've done, I would like to clarify a few things that were of question. One was the rotating judges like it's done in Travis County and San Antonio. Can you tell me again exactly what that does?

REPRESENTATIVE LEWIS: Well, this bill would really not affect that situation one way or the other. It doesn't enlarge what's done under the present situation, and it would not affect anything in Harris County, or Bexar County, or other counties. The only effect on this bill is that in smaller counties, where you have fewer than five judges, but you have multiple judges—you have two, three, four judges—right now, there's not a general statutory ability for one judge to take another judge's cases when that judge is sick or temporarily unavailable. You know, they have to get an assignment, and all those delays from a regional judge, even though they're sitting there, and the parties are sitting there needing to get an uncontested divorce heard or something. So, all this bill does is enable those judges in those sized counties to exchange benches and take each others cases so that things can be more efficient.

RIDDLE: So, for the layman like me, let me see if I've got this straight, this would allow someone who, let's say, one of our judges gets the flu one morning, so they don't have to go through all of the process of having another judge assigned. They can simply call someone and get that there. And that is clearly different than that of the rolling docket, or the rolling judges?

LEWIS: That's absolutely correct.

RIDDLE: And so, does this bill address the rolling judges in any way? This does not require it to go into counties where it does not exist, nor does it eliminate it in counties where it does exist, is that correct?

LEWIS: That's correct. All that is local control.

RIDDLE: All of that is local control. Okay. I was really concerned about that yesterday, because the Russian roulette with the judges, they might like that in Travis County, but that's not anything we want in Harris County.

LEWIS: Absolutely.

RIDDLE: And so I did want to make that clear, regarding the judges. And we just got an amendment on this, for the associate judges, they are not elected?

LEWIS: That's correct.

RIDDLE: Now, when a judge wants an associate judge, they have to go commissioners court, is that correct?

LEWIS: That is correct.

RIDDLE: Commissioners court doesn't just go out there and hire, but at the request of a judge, the judge cannot get an associate without approval of commissioners court, correct?

LEWIS: That's exactly correct. The judge or judges have to go to commissioners court and request the position be created. Then if the position is created, the judge, if it's a one judge magistrate—associate judge, or judges—one associate judge who would be helping a lot of other judges would be appointed by the judges.

RIDDLE: Okay, thank you very much. I think you've taken care of the concerns I had for this.

REMARKS ORDERED PRINTED

Representative Riddle moved to print remarks between Representative Lewis and Representative Riddle.

The motion prevailed.

HB 79, as amended, was passed by (Record 125): 117 Yeas, 18 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Eissler; Elkins; Farias; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hancock; Hardcastle; Harper-Brown; Hernandez Luna; Hilderbran; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; King, P.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; 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; Rodriguez; Scott; Sheffield; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, V.; Torres; Veasey; Vo; Walle; White; Workman; Zerwas.

Nays — Bonnen; Carter; Gallego; Giddings; Hamilton; Hartnett; Hochberg; Hopson; Kolkhorst; Legler; Menendez; Ritter; Schwertner; Thompson; Truitt; Turner; Weber; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Castro; Harless; Keffer; Sheets; Shelton; Taylor, L.; Woolley.

Absent — Bohac; Dutton; Eiland; Farrar; King, S.; Madden; Villarreal.

STATEMENTS OF VOTE

I was shown voting no on Record No. 125. I intended to vote yes.

Carter

When Record No. 125 was taken, I was in the house but away from my desk. I would have voted yes.

Eiland

When Record No. 125 was taken, I was excused to attend a funeral. I would have voted no.

Harless

When Record No. 125 was taken, I was in the house but away from my desk. I would have voted yes.

S. King

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 19 ON SECOND READING

(by Aycock)

HB 19, A bill to be entitled An Act relating to hearings on public school educator contracts.

HB 19 was read second time on June 16, postponed until June 21, and was again postponed until 5:30 a.m. today.

Representative Aycock moved to postpone consideration of **HB 19** until 5:30 a.m. Friday, June 24.

The motion prevailed.

HB 17 ON SECOND READING

(by Callegari)

HB 17, A bill to be entitled An Act relating to the minimum salary for and minimum service required of certain public school employees.

HB 17 was read second time on June 16, postponed until June 21, and was again postponed until 9 a.m. today.

Representative Callegari moved to postpone consideration of **HB 17** until 9 a.m. Friday, June 24.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today and tomorrow because of important business:

Hartnett on motion of Weber.

HB 20 ON SECOND READING**(by Huberty)**

HB 20, A bill to be entitled An Act relating to notice required for termination of a teacher's probationary contract or nonrenewal of a teacher's term contract.

HB 20 was read second time on June 14, postponed until June 17, laid out on June 20, and was again postponed until 10 a.m. today.

Representative Huberty moved to postpone consideration of **HB 20** until 10 a.m. Monday, June 27.

The motion prevailed.

HB 21 ON SECOND READING**(by Shelton)**

HB 21, A bill to be entitled An Act relating to the reduction in force of teachers employed by a school district.

HB 21 was read second time on June 14, postponed until June 17, laid out on June 20, and was again postponed until 10 a.m. today.

Representative Huberty moved to postpone consideration of **HB 21** until 10 a.m. Monday, June 27.

The motion prevailed.

ADJOURNMENT

Representative Kuempel moved that the house adjourn until 10 a.m. Friday, June 24.

The motion prevailed.

The house accordingly, at 10:37 a.m., adjourned until 10 a.m. Friday, June 24.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

June 21

Criminal Jurisprudence - **HB 41**

ENGROSSED

June 21 - HB 26

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

FOURTEENTH DAY — FRIDAY, JUNE 24, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 126).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; 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; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; 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; 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; Strama; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Workman; Zedler; Zerwas.

Absent, Excused — Chisum; Gallego; Hernandez Luna; Huberty; Martinez Fischer; Solomons; Taylor, L.; Walle; Woolley.

Absent — Anchia; Torres.

The invocation was offered by Representative Simpson.

The speaker recognized Representative S. Davis who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Chisum on motion of Brown.

Gallego on motion of Farias.

Huberty on motion of Price.

Martinez Fischer on motion of Quintanilla.

Solomons on motion of Brown.

The following members were granted leaves of absence for today because of important business:

Hernandez Luna on motion of Quintanilla.

Walle on motion of Quintanilla.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Murphy and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

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, Senate List No. 2).

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Lewis on motion of W. Smith.

Castro on motion of Farias.

The following member was granted leave of absence for today because of important business:

Torres on motion of Aliseda.

The following member was granted leave of absence for the remainder of today because of family business:

Eiland on motion of Madden.

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. 1).

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Turner on motion of Giddings.

The following member was granted leave of absence for the remainder of today because of the birth of his twins, Ronald Eugene Reynolds III and Reagan Elexis Reynolds:

Reynolds on motion of White.

PROVIDING FOR ADJOURNMENT

Representative Otto moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees and receipt of messages from the senate, the house adjourn until 10 a.m. Monday, June 27.

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.)

(Pitts in the chair)

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. 2.)

ADJOURNMENT

In accordance with a previous motion, the house, at 3:08 p.m., adjourned until 10 a.m. Monday, June 27.

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

HCR 22 (By Madden), Commending the members of the Texas Supreme Court for their actions in support of legal aid services and honoring them for their work in promoting access to justice for the state's most vulnerable citizens.

To Rules and Resolutions.

HR 133 (By Peña), Honoring U.S. Marine Corps Sergeant Jacob De la Garza for his service to this nation.

To Rules and Resolutions.

HR 134 (By Peña), Honoring Alma Garza for her service on the Edinburg City Council.

To Rules and Resolutions.

HR 135 (By Guillen), In memory of Rio Grande City police officer Robert A. Ramirez.

To Rules and Resolutions.

HR 136 (By Schwertner), Congratulating Charlotte Ramsey of Cedar Park on her retirement from Pleasant Hill Elementary School in Leander.

To Rules and Resolutions.

HR 137 (By Schwertner), Congratulating the baseball team of Yoe High School in Cameron on winning the UIL 2A state championship.

To Rules and Resolutions.

HR 138 (By Zedler), Commending Bill Carlisle for his 14 years of service as an officer in the Arlington Kiwanis Club.

To Rules and Resolutions.

HR 139 (By Y. Davis), In memory of Dr. Charles A. Hunter of Dallas.

To Rules and Resolutions.

HR 140 (By Hughes), Congratulating Don and Linda Rhodes of Mineola on their 50th wedding anniversary.

To Rules and Resolutions.

HR 142 (By Guillen), Honoring Rodolfo Carlos Salinas, Jr., of Rio Grande City for his contributions to his community.

To Rules and Resolutions.

HR 143 (By Guillen), Congratulating Pedro and Estefana Villareal on their 67th wedding anniversary.

To Rules and Resolutions.

HR 144 (By Raymond), Congratulating Juan Francisco "Pancho" Ochoa on being named the 2011 BusinessPerson of the Year by the Laredo Chamber of Commerce.

To Rules and Resolutions.

HR 145 (By Hughes), Congratulating Juan D. and Jerry Nichols of Quitman on their 60th wedding anniversary.

To Rules and Resolutions.

HR 146 (By Hughes), In memory of James E. Taylor of Marshall.

To Rules and Resolutions.

HR 147 (By Lucio), Commemorating the 2011 CowParade in Austin benefiting the Dell Children's Medical Center of Central Texas.

To Rules and Resolutions.

HR 148 (By V. Gonzales), Congratulating Ruben Longoria Saenz and Matilda Delgado Saenz of Robstown on their 40th wedding anniversary.

To Rules and Resolutions.

HR 149 (By Madden), In memory of Dorothy Edna Schulte "Dot" McCalpin of Richardson.

To Rules and Resolutions.

HR 150 (By Gooden), In memory of Valerie Evelyn Tumlinson of Athens.

To Rules and Resolutions.

HR 151 (By Gooden), Congratulating Captain Kay Langford on her retirement from the Henderson County Sheriff's Office.

To Rules and Resolutions.

HR 152 (By Johnson), Congratulating Lula Beatrice McGough Jordan of Dallas on the occasion of her 100th birthday.

To Rules and Resolutions.

HR 153 (By Guillen), Honoring Martin A. Canales, Jr., of Roma for his contributions to his community.

To Rules and Resolutions.

HR 154 (By Callegari), In memory of the Reverend John Brannon Haskins, Sr., of Houston.

To Rules and Resolutions.

HR 155 (By Gooden), Commemorating the 30th anniversary of the founding of Cornerstone Baptist Church in Terrell.

To Rules and Resolutions.

HR 156 (By Guillen), Honoring Rudy and Ann Casas for their success as the owners of Freer Iron Works in Duval County.

To Rules and Resolutions.

HR 157 (By Gallego), Congratulating Fred Brockwell of Del Rio on earning a 2010 Spotlight Award from the American Association of Community Theatre.

To Rules and Resolutions.

HR 158 (By Gallego), In memory of Eugene Russell Watson of Marathon.

To Rules and Resolutions.

HR 159 (By Madden), Congratulating James "Bubba" Martin, Jr., on his retirement as chief juvenile probation officer for Jefferson County.

To Rules and Resolutions.

HR 160 (By Johnson), Congratulating Lovie Mae Walker Kazee of Dallas on the occasion of her 95th birthday.

To Rules and Resolutions.

HR 161 (By Huberty), Congratulating Ashley Alspaugh of Atascocita on her graduation from St. Pius X High School.

To Rules and Resolutions.

HR 162 (By Huberty), Honoring William Patrick Barnett, Sr., on his 75th birthday.

To Rules and Resolutions.

HR 163 (By Button), In memory of Antonio Palaganas.

To Rules and Resolutions.

HR 164 (By D. Howard), Congratulating Benjamin Mauro of Austin on attaining the rank of Eagle Scout.

To Rules and Resolutions.

HR 165 (By D. Howard), Congratulating Tanner Mauro of Austin on attaining the rank of Eagle Scout.

To Rules and Resolutions.

HR 166 (By Morrison), In memory of the Honorable Frank Harrington Crain of Victoria.

To Rules and Resolutions.

HR 167 (By Lozano), Congratulating Elizabeth F. Springs of Kingsville on her participation in the NASA High School Aerospace Scholars program.

To Rules and Resolutions.

HR 168 (By McClendon), Congratulating Carlton and Margaret Robinson of San Antonio on their 65th wedding anniversary.

To Rules and Resolutions.

HR 169 (By Guillen), Honoring Rene G. Smith, Jr., of Starr County for his contributions to his community.

To Rules and Resolutions.

HR 170 (By Harper-Brown), Commemorating the Eighth Annual Awareness Banquet hosted by the Dallas/Fort Worth chapter of the Korean American Coalition and extending best wishes to newly elected chapter president Soo Yeon Nam.

To Rules and Resolutions.

HR 171 (By Eissler), Congratulating The Woodlands High School softball team on winning the UIL 5A state championship.

To Rules and Resolutions.

HR 172 (By Gallego), Honoring Edelmira Sotelo for her 21 years of service as district director for the Del Rio office of State Representative Pete Gallego.

To Rules and Resolutions.

HR 173 (By Gallego), In memory of Moises L. Prieto of Del Rio.

To Rules and Resolutions.

HR 174 (By Guillen), In memory of Jesus Alberto Solis of Starr County.

To Rules and Resolutions.

HR 175 (By Hamilton), In memory of State District Judge Britton E. Plunk of Silsbee.

To Rules and Resolutions.

HR 176 (By Hamilton), In memory of A. J. Leger of Beaumont.

To Rules and Resolutions.

HR 178 (By Madden), In memory of Sharon Elaine Wright of Plano.

To Rules and Resolutions.

HR 179 (By Perry), Congratulating Wendell Dee Moore of Lubbock on being recognized by the Texas State Board of Public Accountancy for maintaining his CPA license for 50 years.

To Rules and Resolutions.

HR 181 (By S. Davis), Congratulating Ronald G. Girotto on the occasion of his retirement as president and CEO of the Methodist Hospital System in Houston.

To Rules and Resolutions.

HR 182 (By S. Davis), Commemorating the dedication of Evelyn's Park in Bellaire.

To Rules and Resolutions.

List No. 2

HCR 5 (By Harper-Brown), Urging Congress to take appropriate action to ensure acceptable treatment of the public by personnel of the Transportation Security Administration.

To State Affairs.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

Senate List No. 2

SB 4

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, June 24, 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:

HB 3 Smithee SPONSOR: Carona
Relating to the operation of the Texas Windstorm Insurance Association and to the resolution of certain disputes concerning claims made to that association; providing penalties.
(Committee Substitute)

SB 22 Wentworth
Relating to the reapportionment of congressional districts and the creation, function, and duties of the Texas Congressional Redistricting Commission.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

ENGROSSED

June 22 - HB 79

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

FIFTEENTH DAY — MONDAY, JUNE 27, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 127).

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; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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; 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.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Driver; Mallory Caraway; Taylor, V.

Absent — Gutierrez.

The invocation was offered by Representative Perry.

The speaker recognized Representative Otto who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business in the district:

Mallory Caraway on motion of Turner.

The following member was granted leave of absence for today and the remainder of the week because of a death in the family:

Driver on motion of Jackson.

HR 197 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the speaker announced the introduction of **HR 197**, suspending the limitations on the conferees for **SB 2**.

HR 198 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the speaker announced the introduction of **HR 198**, suspending the limitations on the conferees for **SB 6**.

HR 199 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the speaker announced the introduction of **HR 199**, suspending the limitations on the conferees for **SB 8**.

HR 200 - ADOPTED
(by Deshotel)

Representative Deshotel moved to suspend all necessary rules to take up and consider at this time **HR 200**.

The motion prevailed.

The following resolution was laid before the house:

HR 200, Congratulating Hilton Kelley of Port Arthur on his receipt of a 2011 Goldman Environmental Prize.

HR 200 was read and was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representative Deshotel who introduced Hilton Kelley and his wife, Marie.

RESOLUTIONS ADOPTED

Representative S. Davis moved to suspend all necessary rules to take up and consider at this time **HR 180**, **HR 181**, and **HR 182**.

The motion prevailed.

The following resolutions were laid before the house:

HR 180 (by S. Davis), Commemorating the dedication of a historical marker in memory of Texas pioneer Obedience Fort Smith of Houston.

HR 181 (by S. Davis), Congratulating Ronald G. Giroto on the occasion of his retirement as president and CEO of the Methodist Hospital System in Houston.

HR 182 (by S. Davis), Commemorating the dedication of Evelyn's Park in Bellaire.

The resolutions were adopted.

HR 196 - ADOPTED
(by Dukes, Naishtat, and D. Howard)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 196**.

The motion prevailed.

The following resolution was laid before the house:

HR 196, Honoring the Intellectual Entrepreneurship Consortium at The University of Texas at Austin for its innovative leadership in the realm of higher education.

HR 196 was adopted.

HR 138 - ADOPTED
(by Zedler)

Representative Zedler moved to suspend all necessary rules to take up and consider at this time **HR 138**.

The motion prevailed.

The following resolution was laid before the house:

HR 138, Commending Bill Carlisle for his 14 years of service as an officer in the Arlington Kiwanis Club.

HR 138 was adopted.

HR 167 - ADOPTED
(by Lozano)

Representative Lozano moved to suspend all necessary rules to take up and consider at this time **HR 167**.

The motion prevailed.

The following resolution was laid before the house:

HR 167, Congratulating Elizabeth F. Springs of Kingsville on her participation in the NASA High School Aerospace Scholars program.

HR 167 was adopted.

On motion of Representative Muñoz, the names of all the members of the house were added to **HR 167** as signers thereof.

(Aycocock in the chair)

HR 207 - ADOPTED
(by Gallego)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 207**.

The motion prevailed.

The following resolution was laid before the house:

HR 207, Congratulating Joyce Lindsey on the occasion of her retirement as associate director of the Texas Access to Justice Foundation.

HR 207 was adopted.

On motion of Representative Martinez, the names of all the members of the house were added to **HR 207** as signers thereof.

HR 208 - ADOPTED

(by Hilderbran)

Representative Hilderbran moved to suspend all necessary rules to take up and consider at this time **HR 208**.

The motion prevailed.

The following resolution was laid before the house:

HR 208, Congratulating Dorothy Grace Turner Jenkins of Kerrville on the occasion of her 90th birthday.

HR 208 was adopted.

HR 201 - ADOPTED

(by Martinez Fischer)

Representative Martinez Fischer moved to suspend all necessary rules to take up and consider at this time **HR 201**.

The motion prevailed.

The following resolution was laid before the house:

HR 201, In memory of Ralph M. Lazarine of San Antonio.

HR 201 was unanimously adopted by a rising vote.

On motion of Representative Muñoz, the names of all the members of the house were added to **HR 201** as signers thereof.

HR 179 - ADOPTED

(by Perry)

Representative Perry moved to suspend all necessary rules to take up and consider at this time **HR 179**.

The motion prevailed.

The following resolution was laid before the house:

HR 179, Congratulating Wendell Dee Moore of Lubbock on being recognized by the Texas State Board of Public Accountancy for maintaining his CPA license for 50 years.

HR 179 was adopted.

(Speaker in the chair)

HCR 22 - ADOPTED
(by Madden, et al.)

Representative Madden moved to suspend all necessary rules to take up and consider at this time **HCR 22**.

The motion prevailed.

The following resolution was laid before the house:

HCR 22, Commending the members of the Texas Supreme Court for their actions in support of legal aid services and honoring them for their work in promoting access to justice for the state's most vulnerable citizens.

HCR 22 was read and was adopted.

On motion of Representative Hartnett, the names of all the members of the house were added to **HCR 22** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Hartnett who introduced justices of the Supreme Court of Texas.

(Gutierrez now present)

HB 3 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED

Representative L. Taylor called up with senate amendments for consideration at this time,

HB 3, A bill to be entitled An Act relating to the operation of the Texas Windstorm Insurance Association and to the resolution of certain disputes concerning claims made to that association; providing penalties.

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 3**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3**: Smithee, chair; Hancock, L. Taylor, Thompson, and Scott.

SB 7 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Zerwas submitted the conference committee report on **SB 7**.

SB 7 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE WOOLLEY: The bill you bring before us today for concurrence contains an amendment by Mr. Hardcastle that creates an autologous stem cell bank. Is that correct?

REPRESENTATIVE ZERWAS: That's correct.

WOOLLEY: I would like to establish some legislative intent pertaining to the creation of this bank. Do you agree that autologous stem cells are blood-forming cells (cells from which all blood cells develop), are removed from an individual, stored, and later given back to the same individual, and that no other stem cells fall in this category?

ZERWAS: Yes, I do.

WOOLLEY: Do you recognize that Texas remains a national leader in breaking new ground in treatment and cure of horrible diseases and injuries with autologous stem cells?

ZERWAS: Texas has made great strides with the use of autologous stem cells.

WOOLLEY: Do you recognize that the state has made significant investments in this area of stem cell research because we know that this is a promising and hopeful therapy for health concerns such as heart disease, stroke, and repair of brain injury to children?

ZERWAS: Yes, there's been some great early advancements in the use of autologous cells for brain injury in children, as well as heart disease.

WOOLLEY: Given the nature of these treatments, do you recognize that there is currently significant regulation by at least the Federal Drug Administration which guards the safety interest of the patient and the public?

ZERWAS: Correct. There is, I think, significant regulation at the federal level in that regard.

WOOLLEY: Is it your intent to delay or impede the promising research in Texas?

ZERWAS: No, absolutely not. If anything, we want to continue to promote Texas as a great place for autologous stem cell research to occur.

WOOLLEY: Is it your intent to further support the physicians and researchers in Texas who are leading discoveries by not including them in any potential rulemaking requirements?

ZERWAS: Our intent would be to include all the individuals, the appropriate stakeholders in order to develop a robust amount of research on autologous stem cells.

REPRESENTATIVE THOMPSON: Is it your intent that the commissioner look carefully at the practices of an autologous stem cell bank that would be subject to rulemaking under this chapter to ensure that any potential regulation does not impede the hope that treatments developed throughout Texas are bringing to patients in need?

ZERWAS: The intent is to continue to include the stakeholders in any rulemaking that might be involved in the advancement of autologous stem cell research. And so, if I understand the question correctly, it's not the intent to box out anybody who has a stake in terms of the research that goes in autologous stem cells.

THOMPSON: So your answer would be yes?

ZERWAS: I believe that's yes.

THOMPSON: Do you agree that the bill has no effect on umbilical cord blood banks that operate in Texas?

ZERWAS: It has no effect.

REMARKS ORDERED PRINTED

Representative Thompson moved to print remarks between Representative Zerwas and Representative Thompson and between Representative Zerwas and Representative Woolley.

The motion prevailed.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business in the district:

V. Taylor on motion of Lewis.

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Anchia on motion of Farrar.

Lucio on motion of Hernandez Luna.

SB 7 - (consideration continued)

Representative Zerwas moved to adopt the conference committee report on **SB 7**.

The motion to adopt the conference committee report on **SB 7** prevailed by (Record 128): 96 Yeas, 48 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; 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; Alvarado; Brown; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Marquez; Mart.nez; Martinez Fischer;

McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Patrick; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Driver; Lucio; Mallory Caraway; Taylor, V.

STATEMENT OF VOTE

I was shown voting no on Record No. 128. I intended to vote yes.

Patrick

REASONS FOR VOTE

While I support the withholding of state resources from being used to perform abortions, I oppose the health care compact and the HMO (managed care) expansion in South Texas measures in **SB 7**.

Guillen

While I fully support the pro-life part of the bill and my record fully reflects my pro-life platform, I voted against **SB 7** because of the managed care part of the bill which will reduce the quality of medical care in South Texas.

Lozano

While I fully support the pro-life amendments that are part of the bill, I voted against **SB 7** because of the negative impact the bill will have on the quality, availability, and service of medical care in South Texas and throughout the state.

Muñoz

RESOLUTIONS ADOPTED

Representative Bonnen moved to suspend all necessary rules to take up and consider at this time **HCR 26** and **HR 212**.

The motion prevailed.

The following resolutions were laid before the house:

HCR 26 (by Bonnen), Congratulating the baseball team of Brazoswood High School in Clute on winning the 2011 UIL 5A state championship.

HR 212 (by Bonnen), Congratulating the Danbury High School softball team on winning the UIL 2A state championship.

The resolutions were adopted.

HCR 25 - ADOPTED (by Zerwas)

The following privileged resolution was laid before the house:

HCR 25

WHEREAS, **SB 7** has been adopted by the senate and the house of representatives; 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, 1st Called Session, That the enrolling clerk of the senate be instructed to make the following correction to **SB 7** (corrected conference committee report printing):

In SECTION 16.01 of the bill (page 185, line 22), between "of any required" and "and execution of any necessary contract", insert "waivers or state plan amendments, and the preparation".

HCR 25 was adopted by (Record 129): 139 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; 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; Landroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; 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.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Castro.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Driver; Lucio; Mallory Caraway; Taylor, V.

Absent — Coleman; Eiland; Hardcastle; Hernandez Luna.

HR 209 - ADOPTED
(by Thompson)

Representative Thompson moved to suspend all necessary rules to take up and consider at this time **HR 209**.

The motion prevailed.

The following resolution was laid before the house:

HR 209, Congratulating June Lohman on the occasion of her retirement from Comcast.

HR 209 was adopted.

HR 177 - ADOPTED**(by Y. Davis)**

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 177**.

The motion prevailed.

The following resolution was laid before the house:

HR 177, In memory of civil rights activist and former Dallas City Council member Al Lipscomb.

HR 177 was unanimously adopted by a rising vote.

On motion of Representative Alonzo, the names of all the members of the house were added to **HR 177** as signers thereof.

RECESS

At 11:51 a.m., the speaker announced that the house would stand recessed until 1:15 p.m. today.

AFTERNOON SESSION

The house met at 1:15 p.m. and was called to order by the speaker.

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, Senate List No. 3).

HR 197 - ADOPTED**(by Pitts)**

The following privileged resolution was laid before the house:

HR 197, suspending limitations on conference committee jurisdiction, **SB 2**.

HR 197 was adopted by (Record 130): 98 Yeas, 40 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Brown; Burkett; Button; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzales, V.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Carter; Castro; Coleman; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lozano; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C); Deshotel.

Absent, Excused — Anchia; Driver; Lucio; Mallory Caraway; Taylor, V.

Absent — Branch; Burnam; Eiland; Guillen; King, T.

STATEMENT OF VOTE

I was shown voting present, not voting on Record No. 130. I intended to vote yes.

Deshotel

SB 2 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Pitts submitted the conference committee report on **SB 2**.

Representative Pitts moved to adopt the conference committee report on **SB 2**.

The motion to adopt the conference committee report on **SB 2** prevailed by (Record 131): 89 Yeas, 55 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Burkett; Button; Cain; Callegari; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hancock; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Torres; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Bonnen; Brown; Burnam; Castro; Christian; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Harless; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, S.; King, T.; Landtroop; Lozano; Lyne; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Driver; Lucio; Mallory Caraway; Taylor, V.

The speaker stated that **SB 2** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

STATEMENTS OF VOTE

I was shown voting no on Record No. 131. I intended to vote yes.

Christian

I was shown voting yes on Record No. 131. I intended to vote no.

Margo

I was shown voting yes on Record No. 131. I intended to vote no.

Peña

HR 198 - ADOPTED

(by Eissler)

The following privileged resolution was laid before the house:

HR 198

BE IT RESOLVED by the House of Representatives of the State of Texas, 82nd Legislature, 1st Called 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 **SB 6** (foundation curriculum, the establishment of the instructional materials allotment, and the adoption, review, and purchase of instructional materials and technological equipment for public schools) to consider and take action on the following matter:

(1) House Rule 13, Sections 9(a)(1) and (3), are suspended to permit the committee to change and add text on a matter which is not in disagreement in proposed SECTION 23 of the bill, in added Section 31.0211(c)(2)(B), Education Code, to read as follows:

(B) the salary and other expenses of an employee who provides technical support for the use of technological equipment directly involved in student learning.

Explanation: The change and addition of text are necessary to clarify that a school district may use the district's instructional materials allotment to pay the salary and other expenses of employees who provide technical support for the use of technological equipment directly related to student learning.

(2) House Rule 13, Sections 9(a)(1) and (2), are suspended to permit the committee to change and omit text not in disagreement in proposed SECTION 27 of the bill, amending Section 31.0231, Education Code, to read as follows:

SECTION 27. Section 31.0231, Education Code, is amended to read as follows:

Sec. 31.0231. COMMISSIONER'S [~~ELECTRONIC TEXTBOOK AND INSTRUCTIONAL MATERIAL~~] LIST. (a) The commissioner shall adopt a list of:

- (1) electronic instructional material [~~textbooks~~]; and

(2) ~~[instructional]~~ material that conveys information to the student or otherwise contributes to the learning process, including tools, models, and investigative materials designed for use as part of the foundation curriculum for:

(A) science in kindergarten through grade five; and

(B) personal financial literacy in kindergarten through grade eight.

(b) A school district may select ~~[an electronic textbook or instructional]~~ material on the list adopted under Subsection (a) to be funded by the district's instructional materials allotment ~~[state textbook fund]~~ under Section 31.0211 ~~[31.021]~~.

(c) Before the commissioner places ~~[an electronic textbook or instructional]~~ material on the list adopted under Subsection (a), the State Board of Education must be given an opportunity to comment on the ~~[electronic textbook or instructional]~~ material. If the commissioner places material on the list adopted under Subsection (a), the State Board of Education may, not later than the 90th day after the date the material is placed on the list, require the commissioner to remove the material from the list. Material ~~[An electronic textbook or instructional material]~~ placed on the list adopted under Subsection (a):

(1) must be reviewed and recommended to the commissioner by a panel of recognized experts in the subject area of the ~~[electronic textbook or instructional]~~ material and experts in education technology;

(2) must satisfy criteria adopted for the purpose by commissioner rule; and

(3) must meet the National Instructional Materials Accessibility Standard, to the extent practicable as determined by the commissioner.

(d) The criteria adopted under Subsection (c)(2) must:

(1) include evidence of alignment with current research in the subject for which the ~~[electronic textbook or instructional]~~ material is intended to be used;

(2) include coverage of the essential knowledge and skills identified under Section 28.002 for the subject for which the ~~[electronic textbook or instructional]~~ material is intended to be used and identify:

(A) each of the essential knowledge and skills for the subject and grade level or levels covered by the ~~[electronic textbook or instructional]~~ material; and

(B) the percentage of the essential knowledge and skills for the subject and grade level or levels covered by the ~~[electronic textbook or instructional]~~ material; and

(3) include appropriate training for teachers.

(e) The commissioner shall update, as necessary, the list adopted under Subsection (a). Before the commissioner places ~~[an electronic textbook or instructional]~~ material on the updated list, the requirements of Subsection (c) must be met. ~~[Before the commissioner removes an electronic textbook or instructional material from the updated list, the removal must be recommended by a panel of recognized experts in the subject area of the electronic textbook or instructional material and experts in education technology.]~~

(f) After notice to the commissioner explaining in detail the changes, the provider of [~~an electronic textbook or instructional~~] material on the list adopted under Subsection (a) may update the navigational features or management system related to the [~~electronic textbook or instructional~~] material.

(g) After notice to the commissioner and a review by the commissioner, the provider of [~~an electronic textbook or instructional~~] material on the list adopted under Subsection (a) may update the content of the [~~electronic textbook or instructional~~] material if needed to accurately reflect current knowledge or information.

(h) The commissioner shall adopt rules as necessary to implement this section. The rules must:

(1) be consistent with Section 31.151 regarding the duties of publishers and manufacturers, as appropriate, and the imposition of a reasonable administrative penalty; and

(2) require public notice of an opportunity for the submission of [~~an electronic textbook or instructional~~] material.

Explanation: The change and omission of text are necessary to reflect the enactment and becoming law, effective June 17, 2011, of **SB 290**, Acts of the 82nd Legislature, Regular Session, 2011.

(3) House Rule 13, Sections 9(a)(1) and (2), are suspended to permit the committee to change and omit text not in disagreement in proposed SECTION 34 of the bill, amending Section 31.027, Education Code, to read as follows:

SECTION 34. (a) If this Act takes effect immediately, Section 31.027, Education Code, is amended to read as follows:

Sec. 31.027. INFORMATION TO SCHOOL DISTRICTS; ELECTRONIC SAMPLE [COPIES]. (a) A publisher shall provide each school district and open-enrollment charter school with information that fully describes each of the publisher's submitted instructional materials [~~adopted textbooks~~]. On request of a school district, a publisher shall provide an electronic [a] sample [~~copy~~] of submitted instructional material [~~an adopted textbook~~].

(b) A publisher shall provide an electronic [~~at least two~~] sample [~~copies~~] of each submitted instructional material [~~adopted textbook~~] to be maintained at each regional education service center.

(c) [~~(d)~~] This section does not apply to [~~an~~] open-source instructional material [~~textbook~~].

(b) If this Act does not take effect immediately, Section 31.027, Education Code, as effective September 1, 2011, is amended to read as follows:

Sec. 31.027. INFORMATION TO SCHOOL DISTRICTS; ELECTRONIC SAMPLE. (a) A publisher shall provide each school district and open-enrollment charter school with information that fully describes each of the publisher's submitted instructional materials [~~adopted textbooks~~]. On request of a school district, a publisher shall provide an electronic sample of submitted instructional material [~~an adopted textbook~~].

(b) A publisher shall provide an electronic sample of each submitted instructional material [~~adopted textbook~~] to be maintained at each regional education service center.

(c) [~~(d)~~] This section does not apply to [~~an~~] open-source instructional material [~~textbook~~].

(c) If this Act takes effect immediately, Sections 2 and 3, **SB 391**, Acts of the 82nd Legislature, Regular Session, 2011, have no effect.

Explanation: The change and omission of text are necessary to reflect the enactment and becoming law, effective September 1, 2011, of **SB 391**, Acts of the 82nd Legislature, Regular Session, 2011.

HR 198 was adopted by (Record 132): 136 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; 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, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; 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; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Farias.

Present, not voting — Mr. Speaker(C); Rodriguez.

Absent, Excused — Anchia; Driver; Lucio; Mallory Caraway; Taylor, V.

Absent — Burkett; Garza; Guillen; King, P.; Pickett; Torres.

STATEMENTS OF VOTE

When Record No. 132 was taken, I was in the house but away from my desk. I would have voted yes.

Garza

I was shown voting present, not voting on Record No. 132. I intended to vote yes.

Rodriguez

When Record No. 132 was taken, I was in the house but away from my desk. I would have voted yes.

Torres

SB 6 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Eissler submitted the conference committee report on **SB 6**.

Representative Eissler moved to adopt the conference committee report on **SB 6**.

The motion to adopt the conference committee report on **SB 6** prevailed by (Record 133): 142 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; 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; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; 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.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Farias.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Driver; Lucio; Mallory Caraway; Taylor, V.

Absent — Gallego.

STATEMENT OF VOTE

I was shown voting no on Record No. 133. I intended to vote yes.

Farias

**HR 199 - ADOPTED
(by Eissler)**

The following privileged resolution was laid before the house:

HR 199

BE IT RESOLVED by the House of Representatives of the State of Texas, 82nd Legislature, 1st Called 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 **SB 8** (the flexibility

of the board of trustees of a school district in the management and operation of public schools in the district) to consider and take action on the following matters:

(1) House Rule 13, Sections 9(a)(3) and (4), are suspended to permit the committee to add text on a matter not in disagreement and not included in either the house or senate version of the bill by adding the following new SECTIONS to the bill:

SECTION 2. Section 21.051, Education Code, is amended to read as follows:

Sec. 21.051. RULES REGARDING FIELD-BASED EXPERIENCE AND OPTIONS FOR FIELD EXPERIENCE AND INTERNSHIPS. (a) In this section, "teacher of record" means a person employed by a school district who teaches the majority of the instructional day in an academic instructional setting and is responsible for evaluating student achievement and assigning grades.

(b) Before a school district may employ a candidate for certification as a teacher of record, the candidate must complete at least 15 hours of field-based experience in which the candidate is actively engaged in instructional or educational activities under supervision at:

(1) a public school campus accredited or approved for the purpose by the agency; or

(2) a private school recognized or approved for the purpose by the agency.

(c) Subsection (b) applies only to an initial certification issued on or after September 1, 2012. Subsection (b) does not affect:

(1) the validity of a certification issued before September 1, 2012; or

(2) the eligibility of a person who holds a certification issued before September 1, 2012, to obtain a subsequent renewal of the certification in accordance with board rule.

(d) Subsection (b) does not affect the period within which an individual must complete field-based experience hours as determined by board rule if the individual is not accepted into an educator preparation program before the deadline prescribed by board rule and is hired for a teaching assignment by a school district after the deadline prescribed by board rule.

(e) The board shall propose rules relating to the field-based experience required by Subsection (b). The commissioner by rule shall adopt procedures and standards for recognizing a private school under Subsection (b)(2).

(f) The board shall propose rules providing flexible options for persons for any field-based [~~field~~] experience or internship required for certification.

SECTION 22. On or before January 1, 2012, the State Board for Educator Certification shall propose rules relating to educator certification as prescribed by Section 21.051, Education Code, as amended by this Act.

Explanation: The addition is necessary to establish requirements for field-based experience that a candidate for certification must meet before a school district may employ the candidate as a teacher of record.

(2) House Rule 13, Sections 9(a)(3) and (4), are suspended to permit the committee to add text on a matter not in disagreement and not included in either the house or senate version of the bill by adding the following at the end of proposed Section 21.4021(e), Education Code, in SECTION 16 of the bill:
A furlough day does not constitute a day of service for purposes of the Teacher Retirement System of Texas.

Explanation: The addition is necessary to clarify that a school district furlough day does not constitute a day of service for purposes of the Teacher Retirement System of Texas.

HR 199 was adopted by (Record 134): 93 Yeas, 50 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzales, V.; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Torres; Truitt; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Carter; Castro; Coleman; Darby; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hilderbran; Hochberg; Johnson; King, T.; Lozano; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Phillips; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Driver; Lucio; Mallory Caraway; Taylor, V.

Absent — Hernandez Luna.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 134. I intended to vote no.

V. Gonzales

When Record No. 134 was taken, I was in the house but away from my desk. I would have voted no.

Hernandez Luna

I was shown voting yes on Record No. 134. I intended to vote no.

D. Howard

SB 8 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Eissler submitted the conference committee report on **SB 8**.

SB 8 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HANCOCK: Mr. Eissler, just for clarification purposes, there's some provisions in the law regarding contracts. We can already change procedural things, such as timelines within a contract, but would you agree with me that the legislature by statute cannot impair substantive rights that are vested under the existing contracts?

REPRESENTATIVE EISSLER: That's correct. It's prospective, not looking to invade current contracts.

REPRESENTATIVE PATRICK: Chairman Eissler, thank you for your work on this bill. I would like to clarify legislative intent on page 13, line 19 of the conference committee report. It states, "The board of trustees may not implement a furlough program or salary reduction until a district has complied with this section." And it's my understanding that the intent is that the district shall comply with this section before. In other words, this is not permissive for the district board, is that correct?

EISSLER: Yes, as long as they conform with it, that's correct.

PATRICK: So in other words, they "may" not, or they "shall" not, is the intent?

EISSLER: Right.

PATRICK: So, it's not a choice for them to do, or not to do, the following steps if they do implement a furlough program?

EISSLER: Right. There are requirements for a furlough to occur, among them being a level of funding equal to 1011 and a public hearing, I believe. I think that's what you are looking for, right?

PATRICK: Right. Well, what I am referring to specifically includes the involvement of the district professional staff and provides district employees with the opportunity to express opinions. That's the section I'm referring to.

EISSLER: Yes, and also, you are looking at a couple of amendments you yourself added.

PATRICK: Yes. But I just wanted to clarify, because "may" or "shall" is troubling. We do mean shall, there is not a choice?

EISSLER: Yes, that's correct.

REMARKS ORDERED PRINTED

Representative Patrick moved to print remarks between Representative Eissler and Representative Hancock and between Representative Eissler and Representative Patrick.

The motion prevailed.

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. 1).

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of illness in the family:

Bohac on motion of Madden.

SB 8 - (consideration continued)**SB 8 - POINT OF ORDER**

Representative Farrar raised a point of order against further consideration of the conference committee report on **SB 8** under Rule 13, Section 3(b), Rule 13, Section 9(a), and Rule 13, Section 11(a) of the House Rules on the grounds that the text of the bill that was not in disagreement between the two houses was changed and the conference committee report was filed less than 24 hours before it was taken up for consideration.

The speaker overruled the point of order.

SB 8 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE GARZA: Members, I just want to take a moment to talk in support of **SB 8**. I want to really congratulate my superintendents in my district that came and met with me in Austin. And Chairman Eissler was so gracious to come in and speak with them when we met here just a few weeks ago. And I will tell you, Chairman Thompson, that the people I talk to every day in my district have taken pay cuts. I've taken a pay cut of close to 50 percent over two years ago. The people I talk to everyday in my district—I love teachers. My sister is a teacher. I have a niece that's a teacher that says she's going to come up to my house and protest me if I vote for **SB 8** because she doesn't understand that the superintendents have asked us for these reforms, for these abilities to control their own budgets, to run their business in the district.

Because it is a business. The business of educating our children is that each and every one of the constituents in my district pay taxes, hard-earned money to feed their kids and children. My children, I have five children, and two grandchildren, and I've educated each and every one of them in public schools.

And I hold my school boards, and my superintendents, and each teacher—and every teacher I've talked to is excellent, and they want to do the best job. But we're in tough times in Texas and in this nation right now, and we have to rely on leadership in the districts themselves. And each and every one of those superintendents told me these are things that we need to bring things in line, to be able to control our own budgets, and to not be mandated in these areas that Chairman Eissler brought into consideration under this bill.

Now, they didn't admit that to their constituents during the politicizing of these issues. But when it came down not one of my districts—Southwest Independent School District, I met and went out to Medina Valley Independent School District, and they showed me how much they're getting funded versus

what they did. They improved their school district from a recognized school district to an exemplary, one of the few in Texas, on the low budgets they received because they took time to control their budgets, to control their expenditures, and they paid their teachers some of the highest salaries compared to districts in their same rating. Southwest Independent School District, Northside Independent School District, Southside Independent School District, every school district in my District 117 did not lay off one school teacher, not one school teacher. But, they're making—and they've told me, "John, we can get through this session, but we need help next session. We can get through." They have rainy day funds. They have reserves, but they want to keep those reserves intact, as well, for the future.

We have to have confidence in the districts' abilities and the leadership ability that they're running our business of educating our children. And we have to give them the ability, and the confidence, and the vote, that we expect them to do the right thing, make the right decisions. And they did. They did not lay off one school teacher in my district. So I want to support my superintendents in my District 117 for the job they're doing. I want to thank the students and the parents.

REPRESENTATIVE TURNER: Representative Garza, you're saying that your local school district did not have to lay off any school teachers?

GARZA: As of this date.

TURNER: Okay, that being the case. If that being the case, then there is no need for your district to need **SB 8**, correct? Why would you vote for a bill that is not needed in your district?

GARZA: Again, chairman, this is giving them the ability to run the business of educating our children, which I think they can do better than me and you.

TURNER: I understand that. I understand that, and—

GARZA: If they asked for this, then why wouldn't we give it to them?

TURNER: But if your district did not have to lay off one single school teacher, there is no reason for your district to need **SB 8**. And if your district does not need **SB 8**, then why would you inflict **SB 8** on the rest of us? I applaud you for your district, but if your district doesn't need it, then I would appreciate you not inflicting it on the rest of us who don't need it.

GARZA: Mr. Chairman, I would invite the superintendents of your school district to come and talk and with our superintendents. And we need to look at best practices of the different districts and see who's doing the better job on expenditures in building the new schools, in spending the money that is already appropriated. Not all, very little has to do with school teachers. It has to do with budgeting. It has to do with expenditures. It has to do with the district being able to spend their monies the way they see fit. And no one in my district, and none of my superintendents, say that any teachers are getting a pay cut. In fact, they are some of the best paid teachers in their—

TURNER: Representative Garza?

GARZA: Yes, sir?

TURNER: Do you believe that teachers are being paid too much? Do you believe that local school teachers, public school teachers, are being paid too much?

GARZA: No, I don't.

TURNER: Okay. If you don't believe they are being paid too much, then why would you support a bill that has the potential of lowering their pay?

GARZA: I don't believe they're being paid too low, either.

TURNER: But, do you believe that their pay should be reduced?

GARZA: I believe that they should be paid for the job that they do, the effectiveness of what they do in the classroom, and what they achieve as a school, as a group, because that's how we do it in business.

REMARKS ORDERED PRINTED

Representative Farias moved to print remarks between Representative Garza and Representative Turner and remarks by Representative Garza.

The motion prevailed.

Representative Eissler moved to adopt the conference committee report on **SB 8**.

The motion to adopt the conference committee report on **SB 8** prevailed by (Record 135): 80 Yeas, 63 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Burkett; Button; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Paxton; Perry; Price; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Truitt; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Brown; Burnam; Carter; Castro; Coleman; Darby; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hernandez Luna; Hochberg; Hopson; Howard, D.; Johnson; King, S.; King, T.; Landtroop; Lewis; Lozano; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Patrick; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Strama; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Bohac; Driver; Lucio; Mallory Caraway; Taylor, V.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 135. I intended to vote no.

Harless

I was shown voting yes on Record No. 135. I intended to vote no.

C. Howard

(Keffer in the chair)

HR 213 - ADOPTED (by Alonzo)

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 213**.

The motion prevailed.

The following resolution was laid before the house:

HR 213, Honoring Glenda Lyzette Avila-Salazar of Dallas.

HR 213 was adopted.

HR 171 - ADOPTED (by Eissler)

Representative Eissler moved to suspend all necessary rules to take up and consider at this time **HR 171**.

The motion prevailed.

The following resolution was laid before the house:

HR 171, Congratulating The Woodlands High School softball team on winning the UIL 5A state championship.

HR 171 was adopted.

(Geren in the chair)

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. 2).

(Speaker in the chair)

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 19 ON SECOND READING (by Aycock)

HB 19, A bill to be entitled An Act relating to hearings on public school educator contracts.

HB 19 was read second time on June 16, postponed until June 21, postponed until June 22, and was again postponed until 5:30 a.m. June 24.

Representative Aycock moved to postpone consideration of **HB 19** until 12 p.m. Sunday, December 25.

The motion prevailed.

HB 17 ON SECOND READING

(by Callegari)

HB 17, A bill to be entitled An Act relating to the minimum salary for and minimum service required of certain public school employees.

HB 17 was read second time on June 16, postponed until June 21, postponed until June 22, and was again postponed until 9 a.m. June 24.

Representative Callegari moved to postpone consideration of **HB 17** until 10 a.m. Friday, September 23.

The motion prevailed.

HB 20 ON SECOND READING

(by Huberty)

HB 20, A bill to be entitled An Act relating to notice required for termination of a teacher's probationary contract or nonrenewal of a teacher's term contract.

HB 20 was read second time on June 14, postponed until June 17, postponed until June 22, and was again postponed until 10 a.m. today.

Representative Huberty moved to postpone consideration of **HB 20** until 5 p.m. Thursday, December 29.

The motion prevailed.

HB 21 ON SECOND READING

(by Shelton)

HB 21, A bill to be entitled An Act relating to the reduction in force of teachers employed by a school district.

HB 21 was read second time on June 14, postponed until June 17, postponed until June 22, and was again postponed until 10 a.m. today.

Representative Shelton moved to postpone consideration of **HB 21** until 5 p.m. Monday, July 18.

The motion prevailed.

GENERAL STATE CALENDAR

HOUSE BILLS

SECOND READING

The following bills were laid before the house and read second time:

HB 41 ON SECOND READING**(by Simpson, et al.)**

HB 41, A bill to be entitled An Act relating to prosecution and punishment for the offense of official oppression by the intrusive touching of persons seeking access to public buildings and transportation; providing penalties.

Amendment No. 1

Representative Simpson offered the following amendment to **HB 41**:

Amend **HB 41** (house committee printing) as follows:

(1) On page 1, line 8, strike "and (c-3)" and substitute "(c-3), (c-4), and (c-5)".

(2) On page 2, line 2, between "a" and "search", insert "constitutionally unreasonable".

(3) On page 2, line 5, strike the colon and substitute ", and in violation of the United States Constitution, touches the sexual organ, breast, buttocks, or anus of the other person, including touching through clothing.".

(4) On page 2, strike lines 6-11.

(5) On page 3, lines 3 and 4, strike "with an explicit and applicable grant of federal statutory authority that is consistent".

(6) On page 3, between lines 16 and 17, insert the following:

(c-4) It is a defense to prosecution for a person described by Subsection (c-1)(1) or (2) that a reasonable person in the defendant's position would have believed the defendant's conduct to be lawful.

(c-5) This section shall be construed, as a matter of state law, to be enforceable up to but no further than the maximum possible extent consistent with federal constitutional requirements, even if that construction is not readily apparent, as such constructions are authorized only to the extent necessary to save the section from judicial invalidation. If any court determines that a provision of this section is unconstitutionally vague, the court shall interpret the provision, as a matter of state law, to avoid the vagueness issue and shall enforce the provision to the maximum possible extent.

(7) On page 4, strike lines 12-17.

(8) On page 4, line 18, strike "SECTION 4" and substitute "SECTION 3".

Amendment No. 1 was adopted.

Amendment No. 2

Representatives Fletcher and S. Miller offered the following amendment to **HB 41**:

Amend **HB 41** (house committee report) on page 1, line 24, through page 2, line 1, by striking "probable cause to believe the other person committed an offense" and substituting "reasonable suspicion of the presence of an unknown, unlawful, or prohibited object".

AMENDMENT NO. 2 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BRANCH: Is it your understanding, based on a conversation we had a few minutes ago, that this is the position of the final change requested by the Texas Association of District and County Attorneys?

REPRESENTATIVE FLETCHER: Yes, sir, it is.

BRANCH: And by putting this reasonable suspicion language in, and the additional words that you read out that are now in the bill, that they're now agreed to this language?

FLETCHER: Yes, sir, they are.

Amendment No. 2 was adopted.

HB 41 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BRANCH: Mr. Simpson, your amendment as amended by Mr. Fletcher includes not only now the earlier comments of May 21, but also today's comments by the Association of District and County Attorneys, as well as a letter we've received from the Office of the Attorney General, today, this afternoon.

REPRESENTATIVE SIMPSON: Yes, sir.

BRANCH: Where they have signed off on all the changes you have made to the bill since Friday?

SIMPSON: Yes. Most of these were made before then, but yes.

BRANCH: And so now, you've walked through the bill, and cleaned up the language, and amended it from what we had before us on Friday, Thursday and Friday of last week?

SIMPSON: There are some changes, yes.

BRANCH: At least in the terms of the Office of the Attorney General, and the Association of District and County Attorneys, that these were significant, important changes, legal changes, that will make your bill easier to defend in court, is that correct?

SIMPSON: Yes, all those changes were basically in there Friday, and we added one thing, Representative Fletcher's amendment, that they just requested.

BRANCH: I want to thank you for working with those two groups and those offices to improve this legislation.

SIMPSON: Thank you, Representative Branch, for all your assistance and guidance in getting this to this point.

REPRESENTATIVE LEWIS: I think it's clear, but I just want to make sure of this, also. The part of your original bill that if one intentionally, knowing, or directly causes physical contact with a person when the actor knew that it would be perceived as offensive or provocative, that's out now, correct?

SIMPSON: No, that's both specific language and general language in the bill.

LEWIS: All right, sir. Well, let me ask this. Is it still part of the offense if one intentionally, knowingly, or directly causes physical contact with the other person when the actor knows, or should reasonably believe, that the other person regards the contact as offensive or provocative? Is that still in the bill? I thought that was amended out.

SIMPSON: No, that's in the bill, and that's what has been reviewed by the attorney general, by the DA and CA association.

LEWIS: In what degree of crime is this to do that?

SIMPSON: This is a Class A misdemeanor.

Amendment No. 3

Representative Gallego offered the following amendment to **HB 41**:

Amend **HB 41** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. The legislature recognizes the tremendous role of law enforcement agencies in protecting the public. It is the intent of the legislature that the people of this state and each law enforcement agency serving this state have access to the highest and best technology so that each search performed for the purpose of granting access to a publicly accessible building or form of transportation is accomplished in the most efficient and least intrusive manner possible while maintaining the safety of the public and the integrity of the building or form of transportation.

Amendment No. 3 was adopted.

AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE LEWIS: Just to go back to this again for clarification purposes—the amendment that you have does take out that language that just the physical contact that might be considered as offensive, that part is now deleted by the amendment, is that correct?

REPRESENTATIVE SIMPSON: By the amendment, that's correct.

REMARKS ORDERED PRINTED

Representative Branch moved to print remarks between Representative Fletcher and Representative Branch, between Representative Simpson and Representative Lewis, and between Representative Simpson and Representative Branch.

The motion prevailed.

HB 41, as amended, was passed to engrossment. (The vote was reconsidered on June 29, and **SB 29** was considered in lieu of **HB 41**.)

PROVIDING FOR ADJOURNMENT

Representatives Giddings, Hancock, and L. Gonzales moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees and the receipt of senate messages, the house adjourn until 2 p.m. tomorrow in memory of Dr. Thomas W. Teague of North Richmond Hills, Al Lipscomb of Dallas, and Allan Vanmeter of Brazoria County.

The motion prevailed.

ADJOURNMENT

In accordance with a previous motion, the house, at 7:31 p.m., adjourned until 2 p.m. tomorrow.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

Senate List No. 3

SCR 3

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

Monday, June 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 18 Hughes SPONSOR: Eltife
In memory of Sergeant Joshua David Powell of Quitman.

HCR 19 Hughes SPONSOR: Eltife

Respectfully,
Patsy Spaw
Secretary of the Senate

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

SIXTEENTH DAY — TUESDAY, JUNE 28, 2011

The house met at 2 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 136).

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; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; 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, Excused — Driver.

Absent — Paxton.

The invocation was offered by Representative Landtroop.

The speaker recognized Representative Strama who led the house in the pledges of allegiance to the United States and Texas flags.

HR 232 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the speaker announced the introduction of **HR 232**, suspending the limitations on the conferees for **SB 1**.

HR 218 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the speaker announced the introduction of **HR 218**, suspending the limitations on the conferees for **HB 3**.

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. 1 and Senate List No. 4).

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Hamilton on motion of Zerwas.

HCR 5 - ADOPTED

(by Harper-Brown, Fletcher, Cook, Gallego, Simpson, et al.)

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HCR 5**.

The motion prevailed.

The following resolution was laid before the house:

HCR 5, Urging Congress to take appropriate action to ensure acceptable treatment of the public by personnel of the Transportation Security Administration.

HCR 5 was adopted by (Record 137): 131 Yeas, 11 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Turner; Villarreal; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Burnam; Dutton; Farias; Farrar; Gutierrez; Martinez Fischer; Strama; Thompson; Veasey; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver; Hamilton.

Absent — Anchia; Coleman; Miles; Paxton; Torres.

STATEMENT OF VOTE

When Record No. 137 was taken, I was in the house but away from my desk. I would have voted yes.

Paxton

(Paxton now present)

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Lucio on motion of Lozano.

V. Taylor on motion of Lewis.

RESOLUTIONS ADOPTED

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 125** and **HR 259**.

The motion prevailed.

The following resolutions were laid before the house:

HR 125 (by Naishtat), Honoring the Center for Public Policy Priorities on its 25th anniversary.

HR 259 (by Naishtat), Recognizing July 2011 as DoubleTree by Hilton Chocolate Chip Cookie Month in Texas.

The resolutions were adopted.

HCR 21 - ADOPTED

(by Branch, Giddings, Alonzo, and Y. Davis)

Representative Branch moved to suspend all necessary rules to take up and consider at this time **HCR 21**.

The motion prevailed.

The following resolution was laid before the house:

HCR 21, Congratulating the Dallas Mavericks on winning the 2011 NBA championship.

HCR 21 was adopted.

On motion of Representative Burkett, the names of all the members of the house were added to **HCR 21** as signers thereof.

HR 218 - ADOPTED**(by Smithee)**

The following privileged resolution was laid before the house:

HR 218

BE IT RESOLVED by the House of Representatives of the State of Texas, 82nd Legislature, 1st Called 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 3** (the operation of the Texas Windstorm Insurance Association, the resolution of certain disputes concerning claims made to that association, and the issuance of windstorm and hail insurance policies in the private insurance market by certain insurers; providing penalties) to consider and take action on the following matters:

(1) House Rule 13, Sections 9(a)(1) and (3), are suspended to permit the committee to change and add text on a matter which is not in disagreement in added Section 2210.260(d), Insurance Code, to read as follows:

(d) Except as provided by Sections 2210.251(d), (e), and (f), a person who has an insurable interest in a residential structure that is insured by the association as of August 31, 2012, but for which the person has not obtained a certificate of compliance under Section 2210.251(g), must obtain an alternative certification under this section before the association, on or after August 31, 2013, may renew coverage for the structure.

Explanation: The change and addition of text are necessary to clarify the structures to which Section 2210.260(d), Insurance Code, does not apply and to change the date on which compliance with that section becomes mandatory before the Texas Windstorm Insurance Association may renew coverage for an insured structure.

(2) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text adding Section 2210.502(e), Insurance Code, by striking the section of the bill that added that subsection.

Explanation: The omission of the text is necessary to avoid statutorily establishing a maximum liability limit for windstorm and hail insurance policies issued by the Texas Windstorm Insurance Association.

(3) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter that is not included in either the house or senate version of the bill in added Section 2210.573(d), Insurance Code, to read as follows:

(d) Unless the applicable 60-day period described by this subsection is extended by the commissioner under Section 2210.581, not later than the later of the 60th day after the date the association receives a claim or the 60th day after the date the association receives information requested under Subsection (b), the association shall provide the claimant, in writing, notification that:

- (1) the association has accepted coverage for the claim in full;
- (2) the association has accepted coverage for the claim in part and has denied coverage for the claim in part; or
- (3) the association has denied coverage for the claim in full.

Explanation: The addition of the text is necessary to ensure that any commissioner extension of the 60-day period described by Section 2210.573(d) is included in the 120-day aggregated total of commissioner extensions under Section 2210.581, Insurance Code, as proposed in the bill.

(4) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter that is not included in either the house or senate version of the bill in added Section 2210.575(d), Insurance Code, to read as follows:

(d) Alternative dispute resolution under this section must be completed not later than the 60th day after the date a request for alternative dispute resolution is made under Subsection (c). The 60-day period described by this subsection may be extended by the commissioner by rule in accordance with Section 2210.581 or by the association and a claimant by mutual consent.

Explanation: The addition of the text is necessary to ensure that any commissioner extension of the 60-day period described by Section 2210.575(d) is included in the 120-day aggregated total of commissioner extensions under Section 2210.581, Insurance Code, as proposed in the bill.

(5) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter that is not included in either the house or senate version of the bill by adding Sections 2210.581 and 2210.582, Insurance Code, to read as follows:

Sec. 2210.581. COMMISSIONER EXTENSION OF DEADLINES. (a) Subject to Subsection (b), the commissioner, on a showing of good cause, may by rule extend any deadline established under this subchapter.

(b) With reference to claims filed during a particular catastrophe year, the extension of deadlines under Subsection (a) may not exceed 120 days in the aggregate.

(c) For the purposes of Subsection (a), "good cause" includes military deployment.

Sec. 2210.582. OMBUDSMAN PROGRAM. (a) The department shall establish an ombudsman program to provide information and educational programs to assist persons insured under this chapter with the claim processes under this subchapter.

(b) Not later than March 1 of each year, the department shall prepare and submit to the commissioner a budget for the ombudsman program, including approval of all expenditures incurred in administering and operating the program. The commissioner shall adopt or modify and adopt the budget not later than April 1 of the year in which the budget is submitted.

(c) Not later than May 1 of each year, the association shall transfer to the ombudsman program money in an amount equal to the amount of the budget adopted under Subsection (b). The ombudsman program, not later than April 30 of each year, shall return to the association any unexpended funds that the program received from the association in the previous year.

(d) The department shall, not later than 60 days after the date of a catastrophic event, prepare and submit an amended budget to the commissioner for approval and report to the commissioner the approximate number of claimants eligible for ombudsman services. The commissioner shall adopt rules as

necessary to implement an amended budget submitted under this section, including rules regarding the transfer of additional money from the association to the program.

(e) The ombudsman program may provide to persons insured under this chapter information and educational programs through:

- (1) informational materials;
- (2) toll-free telephone numbers;
- (3) public meetings;
- (4) outreach centers;
- (5) the Internet; and
- (6) other reasonable means.

(f) The ombudsman program is administratively attached to the department. The department shall provide the staff, services, and facilities necessary for the ombudsman program to operate, including:

- (1) administrative assistance and service, including budget planning and purchasing;
- (2) personnel services;
- (3) office space; and
- (4) computer equipment and support.

(g) The ombudsman program shall prepare and make available to each person insured under this chapter information describing the functions of the ombudsman program.

(h) The association, in the manner prescribed by the commissioner by rule, shall notify each person insured under this chapter concerning the operation of the ombudsman program.

(i) The commissioner may adopt rules as necessary to implement this section.

Explanation: The addition of Section 2210.581, Insurance Code, is necessary to grant the commissioner of insurance limited authority to extend by rule any deadline under Subchapter L-1, Chapter 2210, Insurance Code, as proposed in the bill. The addition of Section 2210.582, Insurance Code, is necessary to establish an ombudsman program to provide information and educational programs to persons insured under Chapter 2210, Insurance Code, to assist those persons with the claims processes established under Subchapter L-1, Chapter 2210, Insurance Code, as proposed in the bill.

(6) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text that is not in disagreement in amended Section 2210.613(c)(1)(E), Insurance Code, so that Subsection (c) reads as follows:

(c) The premium surcharge under Subsection (b) shall be assessed on all policyholders of policies that cover ~~[who reside or have operations in, or whose]~~ insured property that is located in a catastrophe area, including automobiles principally garaged in a catastrophe area. The premium surcharge shall be assessed on ~~[for]~~ each Texas windstorm and hail insurance policy and each property and casualty insurance policy, including an automobile insurance policy, issued for automobiles and other property located in the catastrophe area. A premium surcharge under Subsection (b) applies to:

(1) all policies written under the following lines of insurance:

(A) fire and allied lines;

(B) farm and ranch owners;

(C) residential property insurance;

(D) private passenger automobile liability and physical damage insurance; and

(E) commercial automobile liability and physical damage insurance; and

(2) the property insurance portion of a commercial multiple peril insurance policy [that provide coverage on any premises, locations, operations, or property located in the area described by this subsection for all property and casualty lines of insurance, other than federal flood insurance, workers' compensation insurance, accident and health insurance, and medical malpractice insurance].

Explanation: The omission of the text is necessary to clarify the lines of commercial automobile insurance to which a premium surcharge under Section 2210.613, Insurance Code, applies.

(7) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change text on a matter which is not in disagreement in proposed SECTION 60(a) of the bill to read as follows:

(a) A legislative interim study committee shall conduct a study of alternative ways to provide insurance to the seacoast territory of this state, including through a quasi-governmental entity.

Explanation: The addition of the text is necessary to allow the legislative interim study committee established under SECTION 60 of the bill to study a broader range of alternative ways in which windstorm and hail insurance may be provided in the seacoast territory of this state.

(8) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change text on a matter which is not in disagreement in proposed SECTION 60(d)(1) of the bill so that Subsection (d) reads as follows:

(d) The committee shall:

(1) examine alternative ways to provide insurance to the seacoast territory of this state, including through a quasi-governmental entity or by providing insurance coverage through a system or program in which insurers in this state provide insurance in the seacoast territory of this state in proportion to the percentage of insurance coverage provided in geographic areas of this state other than the seacoast territory;

(2) study the residual markets for windstorm and hail insurance in other states to determine if those markets operate more efficiently and effectively than the residual market for windstorm and hail insurance coverage in this state;

(3) study windstorm-related building codes and mitigation strategies to determine which codes or strategies are most effective;

(4) recommend:

(A) the appropriate scope of authority and responsibility for the entity to provide insurance to the seacoast territory of this state;

- (B) an organizational structure to exercise authority and responsibility over the provision of insurance to the seacoast territory of this state;
- (C) a timetable for implementation; and
- (D) specific amendments to state laws and rules that are necessary to implement the committee's recommendations under this subdivision; and
- (5) estimate funding requirements to implement the recommendations.

Explanation: The addition of the text is necessary to allow the legislative interim study committee established under SECTION 60 of the bill to study a broader range of alternative ways in which windstorm and hail insurance may be provided in the seacoast territory of this state.

HR 218 was adopted by (Record 138): 127 Yeas, 15 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Dukes; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hancock; Hardcastle; Harless; Harper-Brown; 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; Lyne; Madden; Margo; Marquez; Martinez; McClendon; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Burnam; Coleman; Davis, Y.; Dutton; Farias; Gallego; Gutierrez; Johnson; Mallory Caraway; Martinez Fischer; Pickett; Reynolds; Veasey; Walle.

Present, not voting — Mr. Speaker(C); Miles.

Absent, Excused — Driver; Hamilton; Lucio; Taylor, V.

Absent — Anchia; Menendez.

STATEMENT OF VOTE

I was shown voting yes on Record No. 138. I intended to vote no.

Hernandez Luna

HB 3 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Smithee submitted the following conference committee report on **HB 3**:

Austin, Texas, June 27, 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 3** 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
 Estes
 Jackson
 Williams
 Eltife

Smithee
 L. Taylor
 Thompson
 Hancock
 Scott

On the part of the senate

On the part of the house

HB 3, A bill to be entitled An Act relating to the operation of the Texas Windstorm Insurance Association, to the resolution of certain disputes concerning claims made to that association, and to the issuance of windstorm and hail insurance policies in the private insurance market by certain insurers; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 83.002, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) This chapter also applies to:

(1) a person appointed as a qualified inspector under Section 2210.254 or 2210.255; and

(2) a person acting as a qualified inspector under Section 2210.254 or 2210.255 without being appointed as a qualified inspector under either of those sections.

SECTION 2. Section 541.152, Insurance Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Except as provided by Subsection (c), on [On] a finding by the trier of fact that the defendant knowingly committed the act complained of, the trier of fact may award an amount not to exceed three times the amount of actual damages.

(c) Subsection (b) does not apply to an action under this subchapter brought against the Texas Windstorm Insurance Association.

SECTION 3. Section 2210.002(b), Insurance Code, is amended to read as follows:

(b) The association is subject to review under Chapter 325, Government Code (Texas Sunset Act), but is not abolished under that chapter. The association shall be reviewed during the period in which state agencies abolished in 2015 [2013] are reviewed. The association shall pay the costs incurred by the Sunset Advisory Commission in performing the review of the association under this subsection. The Sunset Advisory Commission shall determine the costs of the review performed under this subsection, and the association shall pay the amount

of those costs promptly on receipt of a statement from the Sunset Advisory Commission regarding those costs. This subsection expires September 1, 2015 [~~2013~~].

SECTION 4. Section 2210.003, Insurance Code, is amended by adding Subdivision (3-b) to read as follows:

(3-b) "Catastrophe year" means a calendar year in which an occurrence or a series of occurrences results in insured losses, regardless of when the insured losses are ultimately paid.

SECTION 5. Subchapter A, Chapter 2210, Insurance Code, is amended by adding Sections 2210.0081, 2210.010, 2210.012, 2210.013, and 2210.014 to read as follows:

Sec. 2210.0081. CERTAIN ACTIONS BROUGHT AGAINST ASSOCIATION BY COMMISSIONER. In an action brought by the commissioner against the association under Chapter 441:

(1) the association's inability to satisfy obligations under Subchapter M related to the issuance of public securities under this chapter constitutes a condition that makes the association's continuation in business hazardous to the public or to the association's policyholders for the purposes of Section 441.052;

(2) the time for the association to comply with the requirements of supervision or for the conservator to complete the conservator's duties, as applicable, is limited to three years from the date the commissioner commences the action against the association; and

(3) unless the commissioner takes further action against the association under Chapter 441, as a condition of release from supervision, the association must demonstrate to the satisfaction of the commissioner that the association is able to satisfy obligations under Subchapter M related to the issuance of public securities under this chapter.

Sec. 2210.010. CERTAIN CONDUCT IN DISPUTE RESOLUTION PROHIBITED. (a) For purposes of this section, "presiding officer" includes a judge, mediator, arbitrator, appraiser, or panel member.

(b) If a person insured under this chapter is assigned to act as presiding officer to preside over or resolve a dispute involving the association and another person insured under this chapter, the presiding officer shall, not later than the seventh day after the date of assignment, give written notice to the association and to each other party to the dispute, or the association's or other party's attorney, that the presiding officer is insured under this chapter.

(c) In a proceeding with respect to which the commissioner has authority to designate the presiding officer, the association or other party that receives notice under Subsection (b) may file with the commissioner a written objection to the assignment of the presiding officer to the dispute. The written objection must contain the factual basis on which the association or other party objects to the assignment.

(d) The commissioner shall assign a different presiding officer to the dispute if, after reviewing the objection filed under Subsection (c), the commissioner determines that the presiding officer originally assigned to the dispute has a direct financial or personal interest in the outcome of the dispute.

(e) The association or another party must file an objection under Subsection (c) not later than the earlier of:

(1) the seventh day after the date the association or other party receives actual notice that the presiding officer is insured under this chapter; or

(2) the seventh day before the date of the first proceeding concerning the dispute.

(f) The commissioner may, on a showing of good cause, extend the deadline to file an objection under Subsection (e).

Sec. 2210.012. STANDARDS OF CONDUCT; BOARD OF DIRECTORS AND EMPLOYEES; REPORT OF CERTAIN FRAUDULENT CONDUCT. (a) A member of the board of directors or an employee of the association may not:

(1) accept or solicit any gift, favor, or service that might reasonably tend to influence the member or employee in the discharge of duties related to the operation or business of the association or that the member or employee knows or should know is being offered with the intent to influence the member's or employee's conduct related to the operation or business of the association;

(2) accept other employment or engage in a business or professional activity that the member or employee might reasonably expect would require or induce the member or employee to disclose confidential information acquired by reason of the member's or employee's position with the association;

(3) accept other employment or compensation that could reasonably be expected to impair the member's or employee's independence of judgment in the performance of the member's or employee's duties related to the operation or business of the association;

(4) make personal investments that could reasonably be expected to create a substantial conflict between the member's or employee's private interest and the interest of the association; or

(5) intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the member's or employee's powers related to the operation or business of the association or having performed, in favor of another, the member's or employee's duties related to the operation or business of the association.

(b) An association employee who violates Subsection (a) or a code of conduct established under Section 2210.107(a)(4) is subject to an employment-related sanction, including termination of the employee's employment with the association.

(c) A member of the board of directors or an association employee who violates Subsection (a) is subject to any applicable civil or criminal penalty if the violation also constitutes a violation of another statute or rule.

(d) A board member or employee of the association who reasonably suspects that a fraudulent insurance act has been or is about to be committed by any board member or employee of the association shall, not later than the 30th day after discovering the conduct, report the conduct and identity of the person engaging in the conduct to the department and may report the conduct and the identity of the person engaging in the conduct to another authorized

governmental agency. The department shall forward a report received under this subsection to the authorized governmental agency in accordance with Chapter 701.

Sec. 2210.013. CERTAIN EMPLOYMENT AND CONTRACTS PROHIBITED. A member of the board of directors or an employee of the association may not appoint or employ, or contract with, the following individuals for the provision of goods or services in connection with the operation or business of the association, if the individual to be appointed or employed, or with whom a contract is to be entered into, is to be directly or indirectly compensated from funds of the association:

(1) an individual related to the member or employee within a degree of relationship described by Section 573.002, Government Code; or

(2) an individual related to any member of the board of directors or employee of the association within a degree of relationship described by Section 573.002, Government Code.

Sec. 2210.014. APPLICABILITY OF CERTAIN OTHER LAW. (a) A person may not bring a private action against the association, including a claim against an agent or representative of the association, under Chapter 541 or 542. Notwithstanding any other provision of this code or this chapter, a class action under Subchapter F, Chapter 541, or under Rule 42, Texas Rules of Civil Procedure, may only be brought against the association by the attorney general at the request of the department.

(b) Chapter 542 does not apply to the processing and settlement of claims by the association.

SECTION 6. Section 2210.053, Insurance Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The department may develop programs to improve the efficient operation of the association, including a program for approving policy forms under Section 2301.010 and a program designed to create incentives for insurers to write windstorm and hail insurance voluntarily to cover property located in a catastrophe area, especially property located on the barrier islands of this state.

(c) The association may not be considered a debtor authorized to file a petition or seek relief in bankruptcy under Title 11, United States Code.

SECTION 7. Section 2210.054(a), Insurance Code, is amended to read as follows:

(a) The association shall file annually with the department and the state auditor's office a statement covering periods designated by the department that summarizes the transactions, conditions, operations, and affairs of the association during the preceding year.

SECTION 8. Section 2210.056(c), Insurance Code, is amended to read as follows:

(c) On dissolution of the association, all assets of the association, other than assets pledged for the repayment of public securities issued under this chapter, revert to this state.

SECTION 9. Subchapter B, Chapter 2210, Insurance Code, is amended by adding Sections 2210.058, 2210.059, and 2210.061 to read as follows:

Sec. 2210.058. AUDIT OF ASSOCIATION. (a) The association is subject to audit by the state auditor and shall pay the costs incurred by the state auditor in performing an audit under this section.

(b) The association shall pay the costs described by Subsection (a) promptly after receipt of a statement from the state auditor's office regarding the amount of those costs.

Sec. 2210.059. CLAIMS PRACTICES AUDIT. (a) The commissioner, in the manner and at the time the commissioner determines to be necessary, shall conduct a random audit of claim files concerning claims the bases of which are damage to insured property caused by a particular storm to:

(1) determine whether the association is adequately and properly documenting claims decisions in each claim file; and

(2) ensure that each claim is being handled appropriately, including being handled in accordance with the terms of the policy under which the claim is filed.

(b) The department shall conduct an audit required under this section as soon as possible to ensure the quality of the process with which the association is handling claims described by Subsection (a).

(c) If, following an audit conducted under this section, the commissioner determines that the association is not adequately and properly documenting claims decisions or that claims described by Subsection (a) are not otherwise being handled appropriately, the commissioner shall:

(1) notify the board of directors of that determination; and

(2) identify the manner in which the association should correct any deficiencies identified by the commissioner and issue an order to that effect.

Sec. 2210.061. CONTRACTORS AND MANAGERIAL EMPLOYEES: COMPENSATION AND BONUSES. The association shall post on the association's Internet website any compensation, monetary or otherwise, and any bonus that, when aggregated, exceed \$100,000 in a calendar year and that are paid or given by the association to:

(1) a vendor or independent contractor with whom the association has a contract; or

(2) an association employee.

SECTION 10. Section 2210.071, Insurance Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) If, in a catastrophe year, an occurrence or series of occurrences in a catastrophe area results in insured losses and operating expenses of the association in excess of premium and other revenue of the association, the excess losses and operating expenses shall be paid as provided by this subchapter.

(c) Losses not paid under Subsection (b) shall be paid from the proceeds from public securities issued in accordance with this subchapter and Subchapter M and, notwithstanding Subsection (a), may be paid from the proceeds of public securities issued under Section 2210.072(a) before an occurrence or series of occurrences that results in insured losses.

SECTION 11. Section 2210.072, Insurance Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (b-1), (e), and (f) to read as follows:

(a) Losses not paid under Section 2210.071(b) [~~2210.071~~] shall be paid as provided by this section from the proceeds from Class 1 public securities authorized to be issued in accordance with Subchapter M before, on, or after the date of any occurrence or series of occurrences that results in insured losses. Public securities issued under this section must be repaid within a period not to exceed 14 [~~10~~] years, and may be repaid sooner if the board of directors elects to do so and the commissioner approves.

(b) Public securities described by Subsection (a) that are issued before an occurrence or series of occurrences that results in incurred losses:

(1) may be issued on the request of the board of directors with the approval of the commissioner; and

(2) may not, in the aggregate, exceed \$1 billion at any one time, regardless of the calendar year or years in which the outstanding public securities were issued.

(b-1) Public securities described by Subsection (a):

(1) shall be issued as necessary in a principal amount not to exceed \$1 billion per catastrophe year, in the aggregate, for securities issued during that catastrophe year before the occurrence or series of occurrences that results in incurred losses in that year and securities issued on or after the date of that occurrence or series of occurrences, and regardless of whether for a single occurrence or a series of occurrences; and

(2) subject to the \$1 billion maximum described by Subdivision (1), may be issued, in one or more issuances or tranches, during the calendar year in which the occurrence or series of occurrences occurs or, if the public securities cannot reasonably be issued in that year, during the following calendar year.

(c) If [~~the losses are paid with~~] public securities are issued as described by this section, the public securities shall be repaid in the manner prescribed by Subchapter M from association premium revenue.

(e) The proceeds of any outstanding public securities described by Subsection (a) that are issued before an occurrence or series of occurrences shall be depleted before the proceeds of any securities issued after an occurrence or series of occurrences may be used. This subsection does not prohibit the association from issuing securities after an occurrence or series of occurrences before the proceeds of outstanding public securities issued during a previous catastrophe year have been depleted.

(f) If, under Subsection (e), the proceeds of any outstanding public securities issued during a previous catastrophe year must be depleted, those proceeds shall count against the \$1 billion limit on public securities described by this section in the catastrophe year in which the proceeds must be depleted.

SECTION 12. Section 2210.073, Insurance Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Public securities described by Subsection (a):

(1) may be issued as necessary in a principal amount not to exceed \$1 billion per catastrophe year, in the aggregate, whether for a single occurrence or a series of occurrences; and

(2) subject to the \$1 billion maximum described by Subdivision (1), may be issued, in one or more issuances or tranches, during the calendar year in which the occurrence or series of occurrences occurs or, if the public securities cannot reasonably be issued in that year, during the following calendar year.

(c) If the losses are paid with public securities described by this section, the public securities shall be repaid in the manner prescribed by Subchapter M.

SECTION 13. Section 2210.074, Insurance Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Public securities described by Subsection (a):

(1) may be issued as necessary in a principal amount not to exceed \$500 million per catastrophe year, in the aggregate, whether for a single occurrence or a series of occurrences; and

(2) subject to the \$500 million maximum described by Subdivision (1), may be issued, in one or more issuances or tranches, during the calendar year in which the occurrence or series of occurrences occurs or, if the public securities cannot reasonably be issued in that year, during the following calendar year.

(c) If the losses are paid with public securities described by this section, the public securities shall be repaid in the manner prescribed by Subchapter M through member assessments as provided by this section. The association shall notify each member of the association of the amount of the member's assessment under this section. The proportion of the losses allocable to each insurer under this section shall be determined in the manner used to determine each insurer's participation in the association for the year under Section 2210.052. A member of the association may not recoup an assessment paid under this subsection through a premium surcharge or tax credit.

SECTION 14. Section 2210.075, Insurance Code, is amended to read as follows:

Sec. 2210.075. REINSURANCE. (a) Before any occurrence or series of occurrences, an insurer may elect to purchase reinsurance to cover an assessment for which the insurer would otherwise be liable under Section 2210.074(c) [2210.074(b)].

(b) An insurer must notify the board of directors, in the manner prescribed by the association whether the insurer will be purchasing reinsurance. If the insurer does not elect to purchase reinsurance under this section, the insurer remains liable for any assessment imposed under Section 2210.074(c) [2210.074(b)].

SECTION 15. Section 2210.102, Insurance Code, is amended by adding Subsection (i) to read as follows:

(i) Notwithstanding Subsection (f), for a vacancy occurring in a position under Subsection (b), the commissioner may appoint, for the lesser of 120 days or until the vacancy is filled, a person who has demonstrated knowledge in insurance principles. This subsection does not apply to a vacancy due to the

expiration of a term occurring under Section 2210.103. This subsection expires December 31, 2012, and any appointment in effect on that date is continued until the expiration of the term of the appointment.

SECTION 16. Section 2210.105, Insurance Code, is amended by amending Subsections (a) and (b) and adding Subsections (b-1), (e), (f), and (g) to read as follows:

(a) Except for an emergency meeting, the association shall:

(1) notify the department not later than the 11th day before the date of a meeting of the board of directors or of the members of the association; and

(2) not later than the seventh day before the date of a meeting of the board of directors, post notice of the meeting on the association's Internet website and the department's Internet website.

(b) Except for a closed meeting authorized by Subchapter D, Chapter 551, Government Code, a meeting of the board of directors or of the members of the association is open to[:

~~[(1) the commissioner or the commissioner's designated representative;~~
and

~~[(2)] the public.~~

(b-1) The commissioner or the commissioner's designated representative may attend a meeting of the board of directors or the members of the association, including a closed meeting authorized by Subchapter D, Chapter 551, Government Code, except for those portions of a closed meeting that involve the rendition of legal advice to the board concerning a regulatory matter or that would constitute an ex parte communication with the commissioner.

(e) The association shall:

(1) broadcast live on the association's Internet website all meetings of the board of directors, other than closed meetings; and

(2) maintain on the association's Internet website an archive of meetings of the board of directors.

(f) A recording of a meeting must be maintained in the archive required under Subsection (e) through and including the second anniversary of the meeting.

(g) The presence of the commissioner or the commissioner's designated representative at a closed meeting does not waive or impair any privilege, including attorney-client privilege, that exists in statute or at common law.

SECTION 17. Section 2210.107, Insurance Code, is amended to read as follows:

Sec. 2210.107. PRIMARY BOARD OBJECTIVES; REPORT. (a) The primary objectives of the board of directors are to ensure that the board and the association:

(1) operate [operates] in accordance with this chapter, the plan of operation, and commissioner rules;

(2) comply [complies] with sound insurance principles; [and]

(3) meet [meets] all standards imposed under this chapter;

(4) establish a code of conduct and performance standards for association employees and persons with which the association contracts; and

(5) establish, and adhere to terms of, an annual evaluation of association management necessary to achieve the statutory purpose, board objectives, and any performance or enterprise risk management objectives established by the board.

(b) Every two months, the general manager of the association shall submit to the board a report evaluating the extent to which the association met the objectives described by Subsection (a) in the two-month period immediately preceding the date of the report.

(c) Not later than June 1 of each year, the association shall submit to the commissioner, the legislative oversight board established under Subchapter N, the governor, the lieutenant governor, and the speaker of the house of representatives a report evaluating the extent to which the board met the objectives described by Subsection (a) in the 12-month period immediately preceding the date of the report.

SECTION 18. Subchapter C, Chapter 2210, Insurance Code, is amended by adding Section 2210.108 to read as follows:

Sec. 2210.108. OPEN MEETINGS AND OPEN RECORDS. (a) Except as specifically provided by this chapter or another law, the association is subject to Chapters 551 and 552, Government Code.

(b) A settlement agreement to which the association is a party:

(1) is public information and is not exempted from required disclosure under Chapter 552, Government Code; and

(2) if applicable, must contain the name of any attorney or adjuster representing a claimant or the association in connection with the claim that is the basis of the settlement.

(c) Subsection (b) may not be construed to limit or otherwise restrict the categories of information that are public information under Section 552.022, Government Code.

SECTION 19. Section 2210.152, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) The plan of operation shall require the association to use the claim settlement guidelines published by the commissioner under Section 2210.578(f) in evaluating the extent to which a loss to insured property is incurred as a result of wind, waves, tidal surges, or rising waters not caused by waves or surges.

SECTION 20. Section 2210.202, Insurance Code, is amended to read as follows:

Sec. 2210.202. APPLICATION FOR COVERAGE. (a) A person who has an insurable interest in insurable property may apply to the association for insurance coverage provided under the plan of operation and an inspection of the property, subject to any rules established by the board of directors and approved by the commissioner. The association shall make insurance available to each applicant in the catastrophe area whose property is insurable property but who, after diligent efforts, is unable to obtain property insurance through the voluntary market, as evidenced by one declination from an insurer authorized to engage in the business of, and writing, property insurance providing windstorm and hail coverage in the first tier coastal counties. For purposes of this section,

"declination" has the meaning assigned by the plan of operation and shall include a refusal to offer coverage for the perils of windstorm and hail and the inability to obtain substantially equivalent insurance coverage for the perils of windstorm and hail. Notwithstanding Section 2210.203(c), evidence of one declination every three calendar years is also required with an application for renewal of an association policy.

(b) A property and casualty agent must submit an application for initial ~~[the]~~ insurance coverage on behalf of the applicant on forms prescribed by the association. The association shall develop a simplified renewal process that allows for the acceptance of an application for renewal coverage, and payment of premiums, from a property and casualty agent or a person insured under this chapter. An [The] application for initial or renewal coverage must contain:

(1) a statement as to whether the applicant has submitted or will submit the premium in full from personal funds or, if not, to whom a balance is or will be due; and

(2) ~~[. Each application for initial or renewal coverage must also contain]~~ a statement that the agent acting on behalf of the applicant possesses proof of the declination described by Subsection (a) and proof of flood insurance coverage or unavailability of that coverage as described by Section 2210.203(a-1).

SECTION 21. Section 2210.203, Insurance Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) If the association determines that the property for which an application for initial insurance coverage is made is insurable property, the association, on payment of the premium, shall direct the issuance of an insurance policy as provided by the plan of operation.

(d) The commissioner, after receiving a recommendation from the board of directors, shall approve a commission structure for payment of an agent who submits an application for coverage to the association on behalf of a person who has an insurable interest in insurable property. The commission structure adopted by the commissioner must be fair and reasonable, taking into consideration the amount of work performed by an agent in submitting an application to the association and the prevailing commission structure in the private windstorm market.

SECTION 22. Sections 2210.204(d) and (e), Insurance Code, are amended to read as follows:

(d) If an insured requests cancellation of the insurance coverage, the association shall refund the unearned premium, less any minimum retained premium set forth in the plan of operation, payable to the insured and the holder of an unpaid balance. The property and casualty agent who received a commission as the result of the issuance of an association policy providing the canceled coverage [submitted the application] shall refund the agent's commission on any unearned premium in the same manner.

(e) For cancellation of insurance coverage under this section, the minimum retained premium in the plan of operation must be for a period of not less than 90 [~~180~~] days, except for events specified in the plan of operation that reflect a significant change in the exposure or the policyholder concerning the insured property, including:

- (1) the purchase of similar coverage in the voluntary market;
- (2) sale of the property to an unrelated party;
- (3) death of the policyholder; or
- (4) total loss of the property.

SECTION 23. Subchapter E, Chapter 2210, Insurance Code, is amended by adding Sections 2210.205 and 2210.210 to read as follows:

Sec. 2210.205. REQUIRED POLICY PROVISIONS: DEADLINE FOR FILING CLAIM; NOTICE CONCERNING RESOLUTION OF CERTAIN DISPUTES. (a) A windstorm and hail insurance policy issued by the association must:

(1) require an insured to file a claim under the policy not later than the first anniversary of the date on which the damage to property that is the basis of the claim occurs; and

(2) contain, in boldface type, a conspicuous notice concerning the resolution of disputes under the policy, including:

(A) the processes and deadlines for appraisal under Section 2210.574 and alternative dispute resolution under Section 2210.575;

(B) the binding effect of appraisal under Section 2210.574; and

(C) the necessity of complying with the requirements of Subchapter L-1 to seek relief, including judicial relief.

(b) The commissioner, on a showing of good cause by a person insured under this chapter, may extend the one-year period described by Subsection (a)(1) for a period not to exceed 180 days.

Sec. 2210.210. COVERAGE OF CERTAIN STRUCTURES PROHIBITED. The association may not issue coverage for a wind turbine regardless of whether the turbine could otherwise be considered insurable property under this chapter.

SECTION 24. Section 2210.251(g), Insurance Code, is amended to read as follows:

(g) The department shall issue a certificate of compliance for each structure that qualifies for coverage. The certificate is evidence of insurability of the structure by the association. The decision whether to issue a certificate of compliance for a structure is wholly within the discretion of the department and is not dependent on the actions of the Texas Board of Professional Engineers or any other regulatory agency.

SECTION 25. Section 2210.254, Insurance Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) For purposes of this chapter, a "qualified inspector" includes:

(1) a person determined by the department to be qualified because of training or experience to perform building inspections;

(2) a licensed professional engineer who is on the roster described by Section 1001.652, Occupations Code, and meets the requirements specified by commissioner rule for appointment to conduct windstorm inspections; and

(3) an inspector who:

(A) is certified by the International Code Council, the Building Officials and Code Administrators International, Inc., the International Conference of Building Officials, or the Southern Building Code Congress International, Inc.;

(B) has certifications as a buildings inspector and coastal construction inspector; and

(C) complies with other requirements specified by commissioner rule.

(e) The department may establish an annual renewal period for persons appointed as qualified inspectors.

SECTION 26. Section 2210.255(a), Insurance Code, is amended to read as follows:

(a) On request of an engineer who is licensed by the Texas Board of Professional Engineers and is on the roster described by Section 1001.652, Occupations Code, the commissioner shall appoint the engineer as an inspector under this subchapter not later than the 10th day after the date the engineer delivers to the commissioner information demonstrating that the engineer is qualified to perform windstorm inspections under this subchapter.

SECTION 27. Subchapter F, Chapter 2210, Insurance Code, is amended by adding Section 2210.2551 to read as follows:

Sec. 2210.2551. ENFORCEMENT AUTHORITY; RULES. (a) The department has exclusive authority over all matters relating to the appointment and oversight of qualified inspectors for purposes of this chapter and to the physical inspection of structures for the purposes of this chapter, including the submission of documents to the department or association regarding the physical inspection of structures.

(b) The commissioner by rule shall establish criteria to ensure that a person seeking appointment as a qualified inspector under this subchapter, including an engineer seeking appointment under Section 2210.255, possesses the knowledge, understanding, and professional competence to perform windstorm inspections under this chapter and to comply with other requirements of this chapter.

(c) Subsection (b) applies only to a determination concerning the appointment of a qualified inspector under this chapter. The exclusive jurisdiction of the department under this section does not apply to the practice of engineering as defined by Section 1001.003, Occupations Code, or to a license issued, qualification required, determination made, order issued, judgment rendered, or other action of a board operating under Chapter 1001, Occupations Code. In the event of conflict, the authority of that board prevails with regard to the practice of engineering.

(d) The department shall report to the Texas Board of Professional Engineers if the department determines that:

(1) after an oversight inspection, the results of a windstorm inspection performed by a qualified inspector who is licensed by that board are based on questionable grounds or were the result of questionable circumstances; or

(2) a qualified inspector on the roster described by Section 1001.652, Occupations Code, failed to submit to the department plans, designs, or calculations of other substantiating information necessary to demonstrate that an inspected structure meets the requirements of this chapter and department rules.

(e) The department shall include in its biennial report to the legislature under Section 32.022 the number of matters reported to the Texas Board of Professional Engineers under this section and the outcome of those matters.

SECTION 28. The heading to Section 2210.256, Insurance Code, is amended to read as follows:

Sec. 2210.256. DISCIPLINARY PROCEEDINGS REGARDING APPOINTED INSPECTORS AND CERTAIN OTHER PERSONS.

SECTION 29. Section 2210.256, Insurance Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) In addition to any other action authorized under this section, the commissioner ex parte may enter an emergency cease and desist order under Chapter 83 against a qualified inspector, or a person acting as a qualified inspector, if:

(1) the commissioner believes that:

(A) the qualified inspector has:

(i) through submitting or failing to submit to the department sealed plans, designs, calculations, or other substantiating information, failed to demonstrate that a structure or a portion of a structure subject to inspection meets the requirements of this chapter and department rules; or

(ii) refused to comply with requirements imposed under this chapter or department rules; or

(B) the person acting as a qualified inspector is acting without appointment as a qualified inspector under Section 2210.254 or 2210.255; and

(2) the commissioner determines that the conduct described by Subdivision (1) is fraudulent or hazardous or creates an immediate danger to the public.

SECTION 30. Section 2210.259, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) The commissioner by rule may provide for a discount of, or a credit against, a surcharge assessed under Subsection (a) in instances in which a policyholder demonstrates that the noncompliant structure was constructed with at least one structural building component that complies with the building code standards set forth in the plan of operation.

SECTION 31. Subchapter F, Chapter 2210, Insurance Code, is amended by adding Section 2210.260 to read as follows:

Sec. 2210.260. ALTERNATIVE ELIGIBILITY FOR COVERAGE. (a) On and after August 31, 2011, a person who has an insurable interest in a residential structure may obtain insurance coverage through the association for that structure without obtaining a certificate of compliance under Section 2210.251(g) in accordance with this section and rules adopted by the commissioner.

(b) The department may issue an alternative certification for a residential structure if the person who has an insurable interest in the structure demonstrates that at least one qualifying structural building component of the structure has been:

(1) inspected by a department inspector or by a qualified inspector; and

(2) determined to be in compliance with applicable building code standards, as set forth in the plan of operation.

(c) The commissioner shall adopt reasonable and necessary rules to implement this section. The rules adopted under this section must establish which structural building components are considered qualifying structural building components for the purposes of Subsection (b), taking into consideration those items that are most probable to generate losses for the association's policyholders and the cost to upgrade those items.

(d) Except as provided by Sections 2210.251(d), (e), and (f), a person who has an insurable interest in a residential structure that is insured by the association as of August 31, 2012, but for which the person has not obtained a certificate of compliance under Section 2210.251(g), must obtain an alternative certification under this section before the association, on or after August 31, 2013, may renew coverage for the structure.

(e) Each residential structure for which a person obtains an alternative certification under this section must comply with:

(1) the requirements of this chapter, including Section 2210.258; and

(2) the association's underwriting requirements, including maintaining the structure in an insurable condition and paying premiums in the manner required by the association.

(f) The association shall develop and implement an actuarially sound rate, credit, or surcharge that reflects the risks presented by structures with reference to which alternative certifications have been obtained under this section. A rate, credit, or surcharge under this subsection may vary based on the number of qualifying structural building components included in a structure with reference to which an alternative certification is obtained under this section. A surcharge under this subsection must be developed and implemented in an amount that does not exceed the percentage of premium at which a surcharge under Section 2210.259(a) is assessed.

SECTION 32. The heading to Subchapter H, Chapter 2210, Insurance Code, is amended to read as follows:

SUBCHAPTER H. RATES; DISCOUNTS AND CREDITS

SECTION 33. Sections 2210.355(b) and (g), Insurance Code, are amended to read as follows:

(b) In adopting rates under this chapter, the following must be considered:

(1) the past and prospective loss experience within and outside this state of hazards for which insurance is made available through the plan of operation, if any;

(2) expenses of operation, including acquisition costs;

(3) a reasonable margin for profit and contingencies;

(4) payment of public security obligations for Class 1 public securities issued under this chapter, including the additional amount of any debt service coverage determined by the association to be required for the issuance of marketable public securities; and

(5) ~~(4)~~ all other relevant factors, within and outside this state.

(g) A commission paid to an agent for a windstorm and hail insurance policy issued by the association must comply with the commission structure approved by the commissioner under Section 2210.203(d) and be reasonable, adequate, not unfairly discriminatory, and nonconfiscatory.

SECTION 34. Subchapter H, Chapter 2210, Insurance Code, is amended by adding Section 2210.363 to read as follows:

Sec. 2210.363. PREMIUM DISCOUNTS; SURCHARGE CREDITS. (a) The association may offer a person insured under this chapter an actuarially justified premium discount on a policy issued by the association, or an actuarially justified credit against a surcharge assessed against the person, other than a surcharge assessed under Subchapter M, if:

(1) the construction, alteration, remodeling, enlargement, or repair of, or an addition to, insurable property exceeds applicable building code standards set forth in the plan of operation; or

(2) the person elects to purchase a binding arbitration endorsement under Section 2210.554.

(b) A premium discount or a credit against a surcharge under Subsection (a)(2) may not exceed 10 percent of the premium for the policy, before the application of the discount.

(c) The commissioner shall adopt rules necessary to implement and enforce this section, including rules defining "actuarially justified" for the purposes of this section.

SECTION 35. Section 2210.452(c), Insurance Code, is amended to read as follows:

(c) At the end of each calendar year or policy year, the association shall use the net gain from operations of the association, including all premium and other revenue of the association in excess of incurred losses, ~~and~~ operating expenses, public security obligations, and public security administrative expenses, to make payments to the trust fund, to procure reinsurance, or to make payments to the trust fund and to procure reinsurance.

SECTION 36. Section 2210.453, Insurance Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) If the association does not purchase reinsurance as authorized by this section, the board, not later than June 1 of each year, shall submit to the commissioner, the legislative oversight board established under Subchapter N, the governor, the lieutenant governor, and the speaker of the house of

representatives a report containing an actuarial plan for paying losses in the event of a catastrophe with estimated damages of \$2.5 billion or more. The report required by this subsection must:

(1) document and denominate the association's resources available to pay claims, including cash or other highly liquid assets, assessments that the association is projected to impose, pre-event and post-event bonding capacity, and private-sector recognized risk-transfer mechanisms, including catastrophe bonds and reinsurance;

(2) include an independent, third-party appraisal of the likelihood of an assessment, the maximum potential size of the assessment, and an estimate of the probability that the assessment would not be adequate to meet the association's needs; and

(3) include an analysis of financing alternatives to assessments that includes the costs of borrowing and the consequences that additional purchase of reinsurance, catastrophe bonds, or other private-sector recognized risk-transfer instruments would have in reducing the size or potential of assessments.

(d) A person who prepares a report required by Subsection (c) may not contract to provide any other service to the association, except for the preparation of similar reports, before the third anniversary of the date the last report prepared by the person under that subsection is submitted.

(e) The report submitted under this section is for informational purposes only and does not bind the association to a particular course of action.

SECTION 37. Subchapter J, Chapter 2210, Insurance Code, is amended by adding Section 2210.455 to read as follows:

Sec. 2210.455. CATASTROPHE PLAN. (a) Not later than June 1 of each year, the board shall submit to the commissioner, the legislative oversight board established under Subchapter N, the governor, the lieutenant governor, and the speaker of the house of representatives a catastrophe plan covering the period beginning on the date the plan is submitted and ending on the following May 31.

(b) The catastrophe plan must:

(1) describe the manner in which the association will, during the period covered by the plan, evaluate losses and process claims after the following windstorms affecting an area of maximum exposure to the association:

(A) a windstorm with a four percent chance of occurring during the period covered by the plan;

(B) a windstorm with a two percent chance of occurring during the period covered by the plan; and

(C) a windstorm with a one percent chance of occurring during the period covered by the plan; and

(2) include, if the association does not purchase reinsurance under Section 2210.453 for the period covered by the plan, an actuarial plan for paying losses in the event of a catastrophe with estimated damages of \$2.5 billion or more.

(c) The catastrophe plan must include a description of how losses under association policies will be paid, and how claims under association policies will be administered and adjusted, during the period covered by the plan.

(d) The catastrophe plan submitted under this section is for informational purposes only and does not bind the association to a particular course of action.

SECTION 38. The heading to Subchapter L, Chapter 2210, Insurance Code, is amended to read as follows:

SUBCHAPTER L. CERTAIN APPEALS AND OTHER ACTIONS

SECTION 39. Sections 2210.551(a) and (b), Insurance Code, are amended to read as follows:

(a) This section:

(1) does not apply to:

(A) a person who is required to resolve a dispute under Subchapter L-1; or

(B) a person insured under this chapter who has elected to purchase a binding arbitration endorsement offered by the association under Section 2210.554; and

(2) applies only to:

(A) [~~+~~] a person not described by Subdivision (1) who is insured under this chapter or an authorized representative of the person; or

(B) [~~2~~] an affected insurer.

(b) A person or entity described by Subsection (a)(2) [~~+~~] who is aggrieved by an act, ruling, or decision of the association may appeal to the commissioner not later than the 30th day after the date of that act, ruling, or decision.

SECTION 40. Subchapter L, Chapter 2210, Insurance Code, is amended by adding Section 2210.554 to read as follows:

Sec. 2210.554. VOLUNTARY ARBITRATION OF CERTAIN COVERAGE AND CLAIM DISPUTES. (a) A person insured under this chapter may elect to purchase a binding arbitration endorsement in a form prescribed by the commissioner. A person who elects to purchase an endorsement under this section must arbitrate a dispute involving an act, ruling, or decision of the association relating to the payment of, the amount of, or the denial of the claim.

(b) An arbitration under this section shall be conducted in the manner and under rules and deadlines prescribed by the commissioner by rule.

SECTION 41. Chapter 2210, Insurance Code, is amended by adding Subchapter L-1 to read as follows:

SUBCHAPTER L-1. CLAIMS: SETTLEMENT AND DISPUTE RESOLUTION

Sec. 2210.571. DEFINITIONS. In this subchapter:

(1) "Association policy" means a windstorm and hail insurance policy issued by the association.

(2) "Claim" means a request for payment under an association policy. The term also includes any other claim against the association, or an agent or representative of the association, relating to an insured loss, under any theory or cause of action of any kind, regardless of the theory under which the claim is asserted, the cause of action brought, or the type of damages sought.

(3) "Claimant" means a person who makes a claim.

Sec. 2210.572. EXCLUSIVE REMEDIES AND LIMITATION ON AWARD. (a) This subchapter provides the exclusive remedies for a claim against the association, including an agent or representative of the association.

(b) Subject to Section 2210.576, the association may not be held liable for any amount other than covered losses payable under the terms of the association policy.

(c) The association, and an agent or representative of the association, may not be held liable for damages under Chapter 17, Business & Commerce Code, or, except as otherwise specifically provided by this chapter, under any provision of any law providing for additional damages, punitive damages, or a penalty.

Sec. 2210.573. FILING OF CLAIM; CLAIM PROCESSING. (a) Subject to Section 2210.205(b), an insured must file a claim under an association policy not later than the first anniversary of the date on which the damage to property that is the basis of the claim occurs.

(b) The claimant may submit written materials, comments, documents, records, and other information to the association relating to the claim. If the claimant fails to submit information in the claimant's possession that is necessary for the association to determine whether to accept or reject a claim, the association may, not later than the 30th day after the date the claim is filed, request in writing the necessary information from the claimant.

(c) The association shall, on request, provide a claimant reasonable access to all information relevant to the determination of the association concerning the claim. The claimant may copy the information at the claimant's own cost or may request the association to provide a copy of all or part of the information to the claimant. The association may charge a claimant the actual cost incurred by the association in providing a copy of information under this section, excluding any amount for labor involved in making any information or copy of information available to a claimant.

(d) Unless the applicable 60-day period described by this subsection is extended by the commissioner under Section 2210.581, not later than the later of the 60th day after the date the association receives a claim or the 60th day after the date the association receives information requested under Subsection (b), the association shall provide the claimant, in writing, notification that:

(1) the association has accepted coverage for the claim in full;

(2) the association has accepted coverage for the claim in part and has denied coverage for the claim in part; or

(3) the association has denied coverage for the claim in full.

(e) In a notice described by Subsection (d)(1), the association must inform the claimant of the amount of loss the association will pay and of the time limit to request appraisal under Section 2210.574.

(f) In a notice described by Subsection (d)(2) or (3), the association must inform the claimant of, as applicable:

(1) the portion of the loss for which the association accepts coverage and the amount of loss the association will pay;

(2) the portion of the loss for which the association denies coverage and a detailed summary of the manner in which the association determined not to accept coverage for that portion of the claim; and

(3) the time limit to:

(A) request appraisal under Section 2210.574 of the portion of the loss for which the association accepts coverage; and

(B) provide notice of intent to bring an action as required by Section 2210.575.

(g) In addition to the notice required under Subsection (d)(2) or (3), the association shall provide a claimant with a form on which the claimant may provide the association notice of intent to bring an action as required by Section 2210.575.

Sec. 2210.5731. PAYMENT OF CLAIM. (a) Except as provided by Subsection (b), if the association notifies a claimant under Section 2210.573(d)(1) or (2) that the association has accepted coverage for a claim in full or has accepted coverage for a claim in part, the association shall pay the accepted claim or accepted portion of the claim not later than the 10th day after the date notice is made.

(b) If payment of the accepted claim or accepted portion of the claim is conditioned on the performance of an act by the claimant, the association shall pay the claim not later than the 10th day after the date the act is performed.

Sec. 2210.574. DISPUTES CONCERNING AMOUNT OF ACCEPTED COVERAGE. (a) If the association accepts coverage for a claim in full and a claimant disputes only the amount of loss the association will pay for the claim, or if the association accepts coverage for a claim in part and a claimant disputes the amount of loss the association will pay for the accepted portion of the claim, the claimant may request from the association a detailed summary of the manner in which the association determined the amount of loss the association will pay.

(b) If a claimant disputes the amount of loss the association will pay for a claim or a portion of a claim, the claimant, not later than the 60th day after the date the claimant receives the notice described by Section 2210.573(d)(1) or (2), may demand appraisal in accordance with the terms of the association policy.

(c) If a claimant, on a showing of good cause and not later than the 15th day after the expiration of the 60-day period described by Subsection (b), requests in writing that the 60-day period be extended, the association may grant an additional 30-day period in which the claimant may demand appraisal.

(d) If a claimant demands appraisal under this section:

(1) the appraisal must be conducted as provided by the association policy; and

(2) the claimant and the association are responsible in equal shares for paying any costs incurred or charged in connection with the appraisal, including a fee charged under Subsection (e).

(e) If a claimant demands appraisal under this section and the appraiser retained by the claimant and the appraiser retained by the association are able to agree on an appraisal umpire to participate in the resolution of the dispute, the appraisal umpire is the umpire chosen by the two appraisers. If the appraiser retained by the claimant and the appraiser retained by the association are unable to agree on an appraisal umpire to participate in the resolution of the dispute, the commissioner shall select an appraisal umpire from a roster of qualified umpires maintained by the department. The department may:

(1) require appraisers to register with the department as a condition of being placed on the roster of umpires; and

(2) charge a reasonable registration fee to defray the cost incurred by the department in maintaining the roster and the commissioner in selecting an appraisal umpire under this subsection.

(f) Except as provided by Subsection (g), the appraisal decision is binding on the claimant and the association as to the amount of loss the association will pay for a fully accepted claim or the accepted portion of a partially accepted claim and is not appealable or otherwise reviewable. A claimant that does not demand appraisal before the expiration of the periods described by Subsections (b) and (c) waives the claimant's right to contest the association's determination of the amount of loss the association will pay with reference to a fully accepted claim or the accepted portion of a partially accepted claim.

(g) A claimant or the association may, not later than the second anniversary of the date of an appraisal decision, file an action in a district court in the county in which the loss that is the subject of the appraisal occurred to vacate the appraisal decision and begin a new appraisal process if:

(1) the appraisal decision was obtained by corruption, fraud, or other undue means;

(2) the rights of the claimant or the association were prejudiced by:

(A) evident partiality by an appraisal umpire;

(B) corruption in an appraiser or appraisal umpire; or

(C) misconduct or wilful misbehavior of an appraiser or appraisal umpire; or

(3) an appraiser or appraisal umpire:

(A) exceeded the appraiser's or appraisal umpire's powers;

(B) refused to postpone the appraisal after a showing of sufficient cause for the postponement;

(C) refused to consider evidence material to the claim; or

(D) conducted the appraisal in a manner that substantially prejudiced the rights of the claimant or the association.

(h) Except as provided by Subsection (g), a claimant may not bring an action against the association with reference to a claim for which the association has accepted coverage in full.

Sec. 2210.575. DISPUTES CONCERNING DENIED COVERAGE. (a) If the association denies coverage for a claim in part or in full and the claimant disputes that determination, the claimant, not later than the expiration of the limitations period described by Section 2210.577(a), but after the date the claimant receives the notice described by Section 2210.573(d)(2) or (3), must provide the association with notice that the claimant intends to bring an action against the association concerning the partial or full denial of the claim.

(b) If a claimant provides notice of intent to bring an action under Subsection (a), the association may require the claimant, as a prerequisite to filing the action against the association, to submit the dispute to alternative dispute resolution by mediation or moderated settlement conference, as provided by Chapter 154, Civil Practice and Remedies Code. A claimant that does not provide

notice of intent to bring an action before the expiration of the period described by Subsection (a) waives the claimant's right to contest the association's partial or full denial of coverage and is barred from bringing an action against the association concerning the denial of coverage.

(c) The association must request alternative dispute resolution of a dispute described by Subsection (b) not later than the 60th day after the date the association receives from the claimant notice of intent to bring an action.

(d) Alternative dispute resolution under this section must be completed not later than the 60th day after the date a request for alternative dispute resolution is made under Subsection (c). The 60-day period described by this subsection may be extended by the commissioner by rule in accordance with Section 2210.581 or by the association and a claimant by mutual consent.

(e) If the claimant is not satisfied after completion of alternative dispute resolution, or if alternative dispute resolution is not completed before the expiration of the 60-day period described by Subsection (d) or any extension under that subsection, the claimant may bring an action against the association in a district court in the county in which the loss that is the subject of the coverage denial occurred. An action brought under this subsection shall be presided over by a judge appointed by the judicial panel on multidistrict litigation designated under Section 74.161, Government Code. A judge appointed under this section must be an active judge, as defined by Section 74.041, Government Code, who is a resident of the county in which the loss that is the basis of the disputed denied coverage occurred or of a first tier coastal county or a second tier coastal county adjacent to the county in which that loss occurred.

(f) If a claimant brings an action against the association concerning a partial or full denial of coverage, the court shall abate the action until the notice of intent to bring an action has been provided and, if requested by the association, the dispute has been submitted to alternative dispute resolution, in accordance with this section.

(g) A moderated settlement conference under this section may be conducted by a panel consisting of one or more impartial third parties.

(h) If the association requests mediation under this section, the claimant and the association are responsible in equal shares for paying any costs incurred or charged in connection with the mediation.

(i) If the association requests mediation under this section, and the claimant and the association are able to agree on a mediator, the mediator is the mediator agreed to by the claimant and the association. If the claimant and the association are unable to agree on a mediator, the commissioner shall select a mediator from a roster of qualified mediators maintained by the department. The department may:

(1) require mediators to register with the department as a condition of being placed on the roster; and

(2) charge a reasonable registration fee to defray the cost incurred by the department in maintaining the roster and the commissioner in selecting a mediator under this section.

(j) The commissioner shall establish rules to implement this section, including provisions for expediting alternative dispute resolution, facilitating the ability of a claimant to appear with or without counsel, establishing qualifications necessary for mediators to be placed on the roster maintained by the department under Subsection (i), and providing that formal rules of evidence shall not apply to the proceedings.

Sec. 2210.576. ISSUES BROUGHT TO SUIT; LIMITATIONS ON RECOVERY. (a) The only issues a claimant may raise in an action brought against the association under Section 2210.575 are:

(1) whether the association's denial of coverage was proper; and

(2) the amount of the damages described by Subsection (b) to which the claimant is entitled, if any.

(b) Except as provided by Subsections (c) and (d), a claimant that brings an action against the association under Section 2210.575 may recover only:

(1) the covered loss payable under the terms of the association policy less, if applicable, the amount of loss already paid by the association for any portion of a covered loss for which the association accepted coverage;

(2) prejudgment interest from the first day after the date specified in Section 2210.5731 by which the association was or would have been required to pay an accepted claim or the accepted portion of a claim, at the prejudgment interest rate provided in Subchapter B, Chapter 304, Finance Code; and

(3) court costs and reasonable and necessary attorney's fees.

(c) Nothing in this chapter, including Subsection (b), may be construed to limit the consequential damages, or the amount of consequential damages, that a claimant may recover under common law in an action against the association.

(d) A claimant that brings an action against the association under Section 2210.575 may, in addition to the covered loss described by Subsection (b)(1) and any consequential damages recovered by the claimant under common law, recover damages in an amount not to exceed the aggregated amount of the covered loss described by Subsection (b)(1) and the consequential damages recovered under common law if the claimant proves by clear and convincing evidence that the association mishandled the claimant's claim to the claimant's detriment by intentionally:

(1) failing to meet the deadlines or timelines established under this subchapter without good cause, including the applicable deadline established under Section 2210.5731 for payment of an accepted claim or the accepted portion of a claim;

(2) disregarding applicable guidelines published by the commissioner under Section 2210.578(f);

(3) failing to provide the notice required under Section 2210.573(d);

(4) rejecting a claim without conducting a reasonable investigation with respect to the claim; or

(5) denying coverage for a claim in part or in full if the association's liability has become reasonably clear as a result of the association's investigation with respect to the portion of the claim that was denied.

(e) For purposes of Subsection (d), "intentionally" means actual awareness of the facts surrounding the act or practice listed in Subsection (d)(1), (2), (3), (4), or (5), coupled with the specific intent that the claimant suffer harm or damages as a result of the act or practice. Specific intent may be inferred from objective manifestations that the association acted intentionally or from facts that show that the association acted with flagrant disregard of the duty to avoid the acts or practices listed in Subsection (d)(1), (2), (3), (4), or (5).

Sec. 2210.577. LIMITATIONS PERIOD. (a) Notwithstanding any other law, a claimant who brings an action against the association under Section 2210.575 must bring the action not later than the second anniversary of the date on which the person receives a notice described by Section 2210.573(d)(2) or (3).

(b) This section is a statute of repose and controls over any other applicable limitations period.

Sec. 2210.578. EXPERT PANEL. (a) The commissioner shall appoint a panel of experts to advise the association concerning the extent to which a loss to insurable property was incurred as a result of wind, waves, tidal surges, or rising waters not caused by waves or surges. The panel shall consist of a number of experts to be decided by the commissioner. The commissioner shall appoint one member of the panel to serve as the presiding officer of the panel.

(b) Members of the panel must have professional expertise in, and be knowledgeable concerning, the geography and meteorology of the Texas seacoast territory, as well as the scientific basis for determining the extent to which damage to property is caused by wind, waves, tidal surges, or rising waters not caused by waves or surges.

(c) The panel shall meet at the request of the commissioner or the call of the presiding officer of the panel.

(d) The panel shall investigate, collect, and evaluate the information necessary to provide recommendations under Subsection (e). The cost and expense incurred by the panel associated with the work of the panel under this section shall be paid or reimbursed by the association.

(e) At the request of the commissioner, the panel shall recommend to the commissioner methods or models for determining the extent to which a loss to insurable property may be or was incurred as a result of wind, waves, tidal surges, or rising waters not caused by waves or surges for geographic areas or regions designated by the commissioner.

(f) After consideration of the recommendations made by the panel under Subsection (e), the commissioner shall publish guidelines that the association will use to settle claims.

(g) A member of the panel is not individually liable for an act or failure to act in the performance of the official duties in connection with the individual's work on the panel.

(h) In any review of a claim under this subchapter, and in any action brought against the association under Section 2210.575, the guidelines published by the commissioner under Subsection (f) govern the claim and are presumed to be accurate and correct, unless clear and convincing evidence supports a deviation from the guidelines.

Sec. 2210.579. CONSTRUCTION WITH OTHER LAW. (a) To the extent of any conflict between a provision of this subchapter and any other law, the provision of this subchapter prevails.

(b) Notwithstanding any other law, the association may not bring an action against a claimant, for declaratory or other relief, before the 180th day after the date an appraisal under Section 2210.574, or alternate dispute resolution under Section 2210.575, is completed.

Sec. 2210.580. RULEMAKING. (a) The commissioner shall adopt rules regarding the provisions of this subchapter, including rules concerning:

(1) qualifications and selection of appraisers for the appraisal procedure, mediators for the mediation process, and members of the expert panel;

(2) procedures and deadlines for the payment and handling of claims by the association as well as the procedures and deadlines for a review of a claim by the association;

(3) notice of expert panel meetings and the transparency of deliberations of the panel; and

(4) any other matters regarding the handling of claims that are not inconsistent with this subchapter.

(b) All rules adopted by the commissioner under this section shall promote the fairness of the process, protect the rights of aggrieved policyholders, and ensure that policyholders may participate in the claims review process without the necessity of engaging legal counsel.

Sec. 2210.581. COMMISSIONER EXTENSION OF DEADLINES. (a) Subject to Subsection (b), the commissioner, on a showing of good cause, may by rule extend any deadline established under this subchapter.

(b) With reference to claims filed during a particular catastrophe year, the extension of deadlines under Subsection (a) may not exceed 120 days in the aggregate.

(c) For the purposes of Subsection (a), "good cause" includes military deployment.

Sec. 2210.582. OMBUDSMAN PROGRAM. (a) The department shall establish an ombudsman program to provide information and educational programs to assist persons insured under this chapter with the claim processes under this subchapter.

(b) Not later than March 1 of each year, the department shall prepare and submit to the commissioner a budget for the ombudsman program, including approval of all expenditures incurred in administering and operating the program. The commissioner shall adopt or modify and adopt the budget not later than April 1 of the year in which the budget is submitted.

(c) Not later than May 1 of each year, the association shall transfer to the ombudsman program money in an amount equal to the amount of the budget adopted under Subsection (b). The ombudsman program, not later than April 30 of each year, shall return to the association any unexpended funds that the program received from the association in the previous year.

(d) The department shall, not later than 60 days after the date of a catastrophic event, prepare and submit an amended budget to the commissioner for approval and report to the commissioner the approximate number of claimants eligible for ombudsman services. The commissioner shall adopt rules as necessary to implement an amended budget submitted under this section, including rules regarding the transfer of additional money from the association to the program.

(e) The ombudsman program may provide to persons insured under this chapter information and educational programs through:

- (1) informational materials;
- (2) toll-free telephone numbers;
- (3) public meetings;
- (4) outreach centers;
- (5) the Internet; and
- (6) other reasonable means.

(f) The ombudsman program is administratively attached to the department. The department shall provide the staff, services, and facilities necessary for the ombudsman program to operate, including:

(1) administrative assistance and service, including budget planning and purchasing;

- (2) personnel services;
- (3) office space; and
- (4) computer equipment and support.

(g) The ombudsman program shall prepare and make available to each person insured under this chapter information describing the functions of the ombudsman program.

(h) The association, in the manner prescribed by the commissioner by rule, shall notify each person insured under this chapter concerning the operation of the ombudsman program.

(i) The commissioner may adopt rules as necessary to implement this section.

SECTION 42. Section 2210.602, Insurance Code, is amended by amending Subdivisions (1) and (2) and adding Subdivisions (1-a), (1-b), (5-a), (6-b), and (6-c) to read as follows:

(1) "Authority" means the Texas Public Finance Authority.

(1-a) "Board" means the board of directors of the Texas Public Finance Authority.

(1-b) "Catastrophic event" means an occurrence or a series of occurrences that occurs in a catastrophe area during a calendar year and that results in insured losses and operating expenses of the association in excess of premium and other revenue of the association.

(2) "Class 1 public securities" means public securities authorized to be issued ~~on or after an occurrence or series of occurrences~~ by Section 2210.072, including a commercial paper program authorized before the occurrence of a catastrophic event ~~so long as no tranche of commercial paper is issued under the program until after the catastrophic event~~.

(5-a) "Gross premium" means association premium, less premium returned to policyholders for canceled or reduced policies.

(6-b) "Member assessment trust fund" means the dedicated trust fund established by the board and held by the Texas Treasury Safekeeping Trust Company into which member assessments collected under Sections 2210.613 and 2210.6135 are deposited.

(6-c) "Premium surcharge trust fund" means the dedicated trust fund established by the board and held by the Texas Treasury Safekeeping Trust Company into which premium surcharges collected under Section 2210.613 are deposited.

SECTION 43. Section 2210.604, Insurance Code, is amended by amending Subsections (a) and (c) and adding Subsection (a-1) to read as follows:

(a) At the request of the association and with the approval of the commissioner, the Texas Public Finance Authority shall issue Class 1, Class 2, or Class 3 public securities. The association shall submit to the commissioner a cost-benefit analysis of various financing methods and funding structures when requesting the issuance of public securities under this subsection.

(a-1) The association and the commissioner must approve each tranche of commercial paper issued under a commercial paper program established under this chapter.

(c) The principal amount determined by the association under Subsection (b) may be increased to include an amount sufficient to:

- (1) pay the costs related to issuance of the public securities;
- (2) provide a public security reserve fund; ~~and~~
- (3) capitalize interest for the period determined necessary by the association, not to exceed two years; and
- (4) provide the amount of debt service coverage for public securities determined by the association, in consultation with the authority, to be required for the issuance of marketable public securities.

SECTION 44. Section 2210.605(c), Insurance Code, is amended to read as follows:

(c) Public securities issued under Section 2210.6136 ~~[this chapter]~~ are eligible obligations under Section 404.027, Government Code.

SECTION 45. Section 2210.608, Insurance Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Public security proceeds, including investment income, shall be held in trust for the exclusive use and benefit of the association. The association may use the proceeds to:

- (1) pay incurred claims and operating expenses of the association;
- (2) purchase reinsurance for the association;
- (3) pay the costs of issuing the public securities, and public security administrative expenses, if any;
- (4) provide a public security reserve; ~~and~~
- (5) pay capitalized interest and principal on the public securities for the period determined necessary by the association;

(6) pay private financial agreements entered into by the association as temporary sources of payment of losses and operating expenses of the association; and

(7) reimburse the association for any cost described by Subdivisions (1)-(6) paid by the association before issuance of the public securities.

(c) Notwithstanding Subsection (a)(2), the proceeds from public securities issued under Section 2210.072 before an occurrence or series of occurrences that results in incurred losses, including investment income, may not be used to purchase reinsurance for the association.

SECTION 46. Section 2210.609, Insurance Code, is amended to read as follows:

Sec. 2210.609. REPAYMENT OF ASSOCIATION'S PUBLIC SECURITY OBLIGATIONS. (a) The board and the association shall enter into an agreement under which the association shall provide for the payment of all public security obligations from available funds collected by the association and deposited into the public security obligation revenue fund. If the association determines that it is unable to pay the public security obligations and public security administrative expenses, if any, with available funds, the association shall pay those obligations and expenses in accordance with Sections 2210.612, 2210.613, ~~and~~ 2210.6135, and 2210.6136 as applicable. Class 1, Class 2, or Class 3 public securities may be issued on a parity or subordinate lien basis with other Class 1, Class 2, or Class 3 public securities, respectively.

(b) If any public securities issued under this chapter are outstanding, the authority ~~[The board]~~ shall notify the association of the amount of the public security obligations and the estimated amount of public security administrative expenses, if any, each calendar year in a period sufficient, as determined by the association, to permit the association to determine the availability of funds, assess members of the association under Sections 2210.613 and 2210.6135, and assess a premium surcharge if necessary.

(c) The association shall deposit all revenue collected under Section ~~[Sections]~~ 2210.612 ~~[-2210.613, and 2210.6135]~~ in the public security obligation revenue fund, all revenue collected under Section 2210.613(b) in the premium surcharge trust fund, and all revenue collected under Sections 2210.613(a) and 2210.6135 in the member assessment trust fund. Money deposited in a ~~[the]~~ fund may be invested as permitted by general law. Money in a ~~[the]~~ fund required to be used to pay public security obligations and public security administrative expenses, if any, shall be transferred to the appropriate funds in the manner and at the time specified in the proceedings authorizing the public securities to ensure timely payment of obligations and expenses. This may include the board establishing funds and accounts with the comptroller that the board determines are necessary to administer and repay the public security obligations. If the association has not transferred amounts sufficient to pay the public security obligations to the board's designated interest and sinking fund in a timely manner, the board may direct the Texas Treasury Safekeeping Trust Company to

transfer from the public security obligation revenue fund, the premium surcharge trust fund, or the member assessment trust fund to the appropriate account the amount necessary to pay the public security obligation.

(d) The association shall provide for the payment of the public security obligations and the public security administrative expenses by irrevocably pledging revenues received from premiums, member assessments, premium surcharges, and amounts on deposit in the public security obligation revenue fund, the premium surcharge trust fund, and the member assessment trust fund, together with any public security reserve fund, as provided in the proceedings authorizing the public securities and related credit agreements.

(e) An amount owed by the board under a credit agreement shall be payable from and secured by a pledge of revenues received by the association or amounts from the public security obligation trust fund, the premium surcharge trust fund, and the member assessment trust fund to the extent provided in the proceedings authorizing the credit agreement.

SECTION 47. Section 2210.610(a), Insurance Code, is amended to read as follows:

(a) Revenues received from the premium surcharges under Section 2210.613 and member assessments under Sections 2210.613 and 2210.6135 may be applied only as provided by this subchapter.

SECTION 48. Section 2210.611, Insurance Code, is amended to read as follows:

Sec. 2210.611. EXCESS REVENUE COLLECTIONS AND INVESTMENT EARNINGS. Revenue collected in any calendar year from a premium surcharge under Section 2210.613 and member assessments under Sections 2210.613 and 2210.6135 that exceeds the amount of the public security obligations and public security administrative expenses payable in that calendar year and interest earned on the public security obligation fund may, in the discretion of the association, be:

(1) used to pay public security obligations payable in the subsequent calendar year, offsetting the amount of the premium surcharge and member assessments, as applicable, that would otherwise be required to be levied for the year under this subchapter;

(2) used to redeem or purchase outstanding public securities; or

(3) deposited in the catastrophe reserve trust fund.

SECTION 49. Section 2210.612, Insurance Code, is amended to read as follows:

Sec. 2210.612. PAYMENT OF CLASS 1 PUBLIC SECURITIES. (a) The association shall pay Class 1 public securities issued under Section 2210.072 from its net premium and other revenue.

(b) The association may enter financing arrangements as described by Section 2210.072(d) as necessary to obtain public securities issued under Section 2210.072 [~~that section~~]. Nothing in this subsection shall prevent the authorization and creation of one or more programs for the issuance of commercial paper before the date of an occurrence or series of occurrences that

results in insured losses under Section 2210.072(a) [~~so long as no tranche of commercial paper is issued under a commercial paper program until after such an occurrence~~].

SECTION 50. Sections 2210.613(b), (c), and (d), Insurance Code, are amended to read as follows:

(b) Seventy percent of the cost of the public securities shall be paid by a [~~nonrefundable~~] premium surcharge collected under this section in an amount set by the commissioner. On approval by the commissioner, each insurer, the association, and the Texas FAIR Plan Association shall assess, as provided by this section, a premium surcharge to each policyholder of a policy that is in effect on or after the 180th day after the date the commissioner issues notice of the approval of the public securities [~~its policyholders as provided by this section~~]. The premium surcharge must be set in an amount sufficient to pay, for the duration of the issued public securities, all debt service not already covered by available funds or member assessments and all related expenses on the public securities.

(c) The premium surcharge under Subsection (b) shall be assessed on all policyholders of policies that cover [~~who reside or have operations in, or whose~~] insured property that is located in a catastrophe area, including automobiles principally garaged in a catastrophe area. The premium surcharge shall be assessed on [~~for~~] each Texas windstorm and hail insurance policy and each property and casualty insurance policy, including an automobile insurance policy, issued for automobiles and other property located in the catastrophe area. A premium surcharge under Subsection (b) applies to:

(1) all policies written under the following lines of insurance:

(A) fire and allied lines;

(B) farm and ranch owners;

(C) residential property insurance;

(D) private passenger automobile liability and physical damage

insurance; and

(E) commercial automobile liability and physical damage

insurance; and

(2) the property insurance portion of a commercial multiple peril insurance policy [~~that provide coverage on any premises, locations, operations, or property located in the area described by this subsection for all property and casualty lines of insurance, other than federal flood insurance, workers' compensation insurance, accident and health insurance, and medical malpractice insurance~~].

(d) A premium surcharge under Subsection (b) is a separate [~~nonrefundable~~] charge in addition to the premiums collected and is not subject to premium tax or commissions. Failure by a policyholder to pay the surcharge constitutes failure to pay premium for purposes of policy cancellation.

SECTION 51. Section 2210.6135(a), Insurance Code, is amended to read as follows:

(a) The association shall pay Class 3 public securities issued under Section 2210.074 as provided by this section through member assessments. The association, for the payment of the losses, shall assess the members of the association a principal ~~am~~ amount not to exceed \$500 million per catastrophe year ~~[for the payment of the losses]~~. The association shall notify each member of the association of the amount of the member's assessment under this section.

SECTION 52. Subchapter M, Chapter 2210, Insurance Code, is amended by adding Section 2210.6136 to read as follows:

Sec. 2210.6136. ALTERNATIVE SOURCES OF PAYMENT. (a) Notwithstanding any other provision of this chapter and subject to Subsection (b), on a finding by the commissioner that all or any portion of the total principal amount of Class 1 public securities authorized to be issued under Section 2210.072 cannot be issued, the commissioner, by rule or order, may cause the issuance of Class 2 public securities in a principal amount not to exceed the principal amount described by Section 2210.073(b).

(b) The commissioner shall order the repayment of the cost of Class 2 public securities issued in the manner described by Subsection (a) as follows:

(1) in the manner described by Section 2210.612(a), in an amount equal to the lesser of:

(A) \$500 million; or

(B) that portion of the total principal amount of Class 1 public securities authorized to be issued under Section 2210.072 that cannot be issued, plus any costs associated with that portion; and

(2) after payment under Subdivision (1), in the manner described by Sections 2210.613(a) and (b), in an amount equal to the difference between the principal amount of public securities issued under Subsection (a) and the amount repaid in the manner described by Subdivision (1), plus any costs associated with that amount.

(c) If Class 2 public securities are issued in the manner authorized by this section, Class 3 public securities may be issued only after Class 2 public securities have been issued in the maximum amount authorized under Section 2210.073.

SECTION 53. Section 2210.616, Insurance Code, is amended to read as follows:

Sec. 2210.616. STATE NOT TO IMPAIR PUBLIC SECURITY OBLIGATIONS. (a) The state pledges for the benefit and protection of financing parties, the board, and the association that the state will not take or permit any action that would:

(1) impair the collection of member assessments and premium surcharges or the deposit of those funds into the member assessment trust fund or premium surcharge trust fund;

(2) reduce, alter, or impair the member assessments or premium surcharges to be imposed, collected, and remitted to financing parties until the principal, interest, and premium, and any other charges incurred and contracts to be performed in connection with the related public securities, have been paid and performed in full; or

(3) [If public securities under this subchapter are outstanding, the state may not:

[(1) take action to limit or restrict the rights of the association to fulfill its responsibility to pay public security obligations; or

[(2)] in any way impair the rights and remedies of the public security owners until the public securities are fully discharged.

(b) A party issuing public securities under this subchapter may include the pledge described by Subsection (a) in any documentation relating to those securities.

SECTION 54. Subchapter M, Chapter 2210, Insurance Code, is amended by adding Section 2210.6165 to read as follows:

Sec. 2210.6165. PROPERTY RIGHTS. If public securities issued under this subchapter are outstanding, the rights and interests of the association, a successor to the association, any member of the association, or any member of the Texas FAIR Plan Association, including the right to impose, collect, and receive a premium surcharge or a member assessment authorized under this subchapter, are only contract rights until those revenues are first pledged for the repayment of the association's public security obligations as provided by Section 2210.609.

SECTION 55. Subchapter A, Chapter 2301, Insurance Code, is amended by adding Section 2301.010 to read as follows:

Sec. 2301.010. CONTRACTUAL LIMITATIONS PERIOD AND CLAIM FILING PERIOD IN CERTAIN PROPERTY INSURANCE FORMS. (a) This section applies only to an insurer that issues windstorm and hail insurance in the catastrophe area, as defined by Section 2210.003.

(b) Notwithstanding Section 16.070, Civil Practice and Remedies Code, and for the purpose described by Section 2210.053(b), a policy form or printed endorsement form for residential or commercial property insurance that is filed by an insurer described by Subsection (a) or adopted by the department under this subchapter for use by an insurer described by Subsection (a) may provide for a contractual limitations period for filing suit on a first-party claim under the policy. The contractual limitations period may not end before the earlier of:

(1) two years from the date the insurer accepts or rejects the claim; or

(2) three years from the date of the loss that is the subject of the claim.

(c) A policy or endorsement described by Subsection (b) may also contain a provision requiring that a claim be filed with the insurer not later than one year after the date of the loss that is the subject of the claim. A provision under this subsection must include a provision allowing the filing of claims after the first anniversary of the date of the loss for good cause shown by the person filing the claim.

(d) A contractual provision contrary to Subsection (b) or (c) is void. If a contractual provision is voided under this subsection, the voiding of the provision does not affect the validity of other provisions of a contract that may be given effect without the voided provision to the extent those provisions are severable.

(e) The department, to encourage the authorized insurers to write windstorm and hail insurance in the catastrophe area, as defined by Section 2210.003, and in other areas of the state, may approve policy or contractual provisions other than those described by Subsections (b) and (c) that are consistent with sound underwriting and insurance principles, provided that the policy or contractual provisions meet the requirements of Sections 2301.007(a) and 2301.053.

(f) An insurer using a policy form or endorsement form in this state that includes a provision described by Subsection (b) or (c) shall, at the time the policy or endorsement is issued or renewed, disclose in writing to an applicant or insured the contractual limitations or claims filing period, as applicable, in the policy or endorsement.

SECTION 56. Chapter 1001, Occupations Code, is amended by adding Subchapter N to read as follows:

SUBCHAPTER N. WINDSTORM-RELATED DESIGN SERVICES

Sec. 1001.651. DEFINITIONS. In this subchapter:

(1) "Association" means the Texas Windstorm Insurance Association.

(2) "Plan of operation" means the plan of operation of the association.

(3) "Windstorm certification standards" means the building specifications and building codes applicable to insurable property under Subchapter F, Chapter 2210, Insurance Code, and the plan of operation, and applicable rules of the Texas Department of Insurance.

Sec. 1001.652. QUALIFICATIONS; ROSTER. (a) The board shall:

(1) review the plan of operation and the windstorm certification standards; and

(2) in consultation with the Texas Department of Insurance, adopt rules establishing criteria for determining whether an engineer possesses the knowledge, understanding, and professional competence to be qualified to provide engineering design services related to compliance with applicable windstorm certification standards under Subchapter F, Chapter 2210, Insurance Code.

(b) The board shall prepare and publish a roster of engineers who satisfy the criteria adopted under Subsection (a)(2) and shall make the roster available to the public without cost in an online computer database format.

Sec. 1001.653. COMPLIANCE WITH BUILDING CODES; ENFORCEMENT. (a) The board, in consultation with the Texas Department of Insurance, shall adopt rules requiring an engineer who is providing engineering design services to comply with windstorm certification standards.

(b) The board may inspect a structure to ensure an engineer's compliance with Subsection (a).

(c) If the board determines that an engineer's engineering design services related to windstorm certification standards do not comply with the standards, the board may:

(1) issue an emergency order prohibiting the engineer from entering into a contract to provide design services related to compliance with applicable windstorm certification standards for a period not to exceed 30 days;

(2) remove the engineer from the roster described by Section 1001.652(b); or

(3) determine that a structure was not constructed, altered, remodeled, enlarged, repaired, or added to according to the applicable windstorm certification standards and report that finding to the association and the Texas Department of Insurance.

(d) The board shall give the engineer notice of any action under this section.

(e) A violation of this subchapter, including a violation of the windstorm inspection standards, is grounds for disciplinary action under Section 1001.452.

SECTION 57. Sections 2210.551(e) and 2210.552, Insurance Code, are repealed.

SECTION 58. Section 2301.010, Insurance Code, as added by this Act, applies only to an insurance policy that is delivered, issued for delivery, or renewed on or after January 1, 2012. A policy delivered, issued for delivery, or renewed before January 1, 2012, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 59. Not later than December 1, 2011, the Texas Board of Professional Engineers shall adopt rules to implement Subchapter N, Chapter 1001, Occupations Code, as added by this Act.

SECTION 60. (a) A legislative interim study committee shall conduct a study of alternative ways to provide insurance to the seacoast territory of this state, including through a quasi-governmental entity.

(b) The committee is composed of 12 members appointed as follows:

(1) four members of the senate appointed by the lieutenant governor, two of whom represent one or more first tier coastal counties and two of whom do not represent a first tier coastal county;

(2) four members of the house of representatives appointed by the speaker of the house of representatives, two of whom represent one or more first tier coastal counties and two of whom do not represent a first tier coastal county; and

(3) four public members with a background in actuarial science, law, business, or insurance, as follows:

(A) two members who do not reside in a first tier coastal county, appointed by the governor;

(B) one member who resides in a first tier coastal county, appointed by the lieutenant governor; and

(C) one member who resides in a first tier coastal county, appointed by the speaker of the house of representatives.

(c) The speaker of the house of representatives and the lieutenant governor shall jointly designate a chair or, alternatively, designate two co-chairs, from among the committee membership, one of whom represents or resides in a first tier coastal county.

(d) The committee shall:

(1) examine alternative ways to provide insurance to the seacoast territory of this state, including through a quasi-governmental entity or by providing insurance coverage through a system or program in which insurers in this state provide insurance in the seacoast territory of this state in proportion to the percentage of insurance coverage provided in geographic areas of this state other than the seacoast territory;

(2) study the residual markets for windstorm and hail insurance in other states to determine if those markets operate more efficiently and effectively than the residual market for windstorm and hail insurance coverage in this state;

(3) study windstorm-related building codes and mitigation strategies to determine which codes or strategies are most effective;

(4) recommend:

(A) the appropriate scope of authority and responsibility for the entity to provide insurance to the seacoast territory of this state;

(B) an organizational structure to exercise authority and responsibility over the provision of insurance to the seacoast territory of this state;

(C) a timetable for implementation; and

(D) specific amendments to state laws and rules that are necessary to implement the committee's recommendations under this subdivision; and

(5) estimate funding requirements to implement the recommendations.

(e) The committee may adopt rules necessary to conduct business under and implement this section.

(f) Except as specifically provided by this section, the committee may operate in the same manner as a joint committee of the 82nd Legislature.

(g) Not later than December 1, 2012, the committee shall report to the governor and the legislature the recommendations made under this section.

(h) This section expires June 1, 2013.

SECTION 61. (a) The Texas Department of Insurance and the Texas Windstorm Insurance Association shall jointly study whether the association's using a single adjuster program would improve the effectiveness and efficiency with which the association receives, processes, settles, and pays claims filed under insurance policies issued by the association under Chapter 2210, Insurance Code.

(b) The commissioner of insurance shall study the feasibility of the association writing policies directly and the impact the association writing policies directly would have on rates for policies issued by the association. The commissioner shall submit the finding of the study conducted under this subsection to the board of directors of the association.

(c) The results of the studies conducted under Subsections (a) and (b) of this section shall be included in the 2012 biennial report submitted to the legislature by the association under Section 2210.0025, Insurance Code.

SECTION 62. (a) Except as otherwise specifically provided by this section, this Act applies only to a Texas windstorm and hail insurance policy that is delivered, issued for delivery, or renewed by the Texas Windstorm Insurance Association on or after the 60th day after the effective date of this Act. A Texas windstorm and hail insurance policy that is delivered, issued for delivery, or

renewed by the Texas Windstorm Insurance Association before the 60th day after the effective date of this Act 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 deadline to file a claim under a Texas windstorm and hail insurance policy delivered, issued for delivery, or renewed before the effective date of this Act by the Texas Windstorm Insurance Association is governed by the law in effect on the date the policy under which the claim is filed was delivered, issued for delivery, or renewed, and that law is continued in effect for that purpose.

(c) If a person insured by the Texas Windstorm Insurance Association disputes the amount the association will pay for a partially or fully accepted claim filed by the person, Section 2210.574, Insurance Code, as added by this Act, applies only if the Texas windstorm and hail insurance policy under which the claim is filed is delivered, issued for delivery, or renewed on or after the 60th day after the effective date of this Act.

(d) If a person insured by the Texas Windstorm Insurance Association disputes the amount the association will pay for a partially or fully accepted claim filed by the person and the Texas windstorm and hail insurance policy under which the claim is filed is delivered, issued for delivery, or renewed before the 60th day after the effective date of this Act:

(1) Section 2210.574, Insurance Code, as added by this Act, does not apply to the resolution of the dispute; and

(2) notwithstanding Section 2210.574, Insurance Code, as added by this Act, or any other provision of this Act, the claimant must attempt to resolve the dispute through the appraisal process contained in the association policy under which the claim is filed before an action may be brought against the Texas Windstorm Insurance Association concerning the claim.

(e) The person insured by the Texas Windstorm Insurance Association and the association may agree that an appraisal conducted under Subsection (d)(2) of this section is binding on the parties.

(f) An action brought against the association concerning a claim described by Subsection (d) of this section shall be abated until the appraisal process under Subsection (d)(2) of this section is completed.

(g) Notwithstanding Sections 2210.575 and 2210.576, Insurance Code, as added by this Act, Subsection (b) of this section, or any other provision of this Act, Sections 2210.576(b)(1)-(3), (c), (d), and (e), Insurance Code, apply to any cause of action that accrues against the Texas Windstorm Insurance Association on or after the effective date of this Act and the basis of which is a claim filed under a Texas windstorm and hail insurance policy that is delivered, issued for delivery, or renewed by the association, regardless of the date on which the policy was delivered, issued for delivery, or renewed.

(h) Section 2210.605(c), Insurance Code, as amended by this Act, and Section 2210.6136, Insurance Code, as added by this Act, apply to the issuance and repayment of public securities issued by the Texas Windstorm Insurance Association under Chapter 2210, Insurance Code, in response to an occurrence or series of occurrences that takes place on or after July 1, 2011, so long as the

public securities are issued on or after the effective date of this Act. The issuance and repayment of public securities issued by the association under Chapter 2210, Insurance Code, before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 63. The Texas Windstorm Insurance Association shall amend the association's plan of operation to conform to the changes in law made by this Act not later than the 60th day after the effective date of this Act.

SECTION 64. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 65. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.

(Hunter in the chair)

Representative Smithee moved to adopt the conference committee report on **HB 3**.

The motion to adopt the conference committee report on **HB 3** prevailed by (Record 139): 98 Yeas, 44 Nays, 3 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Guillen; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Marquez; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Torres; Truitt; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Weber.

Present, not voting — Mr. Speaker; Hunter(C); Miles.

Absent, Excused — Driver; Hamilton; Lucio; Taylor, V.

Absent — Anchia.

HCR 15 - ADOPTED**(by Coleman, Hochberg, Castro, Martinez, and Walle)**

Representative Coleman moved to suspend all necessary rules to take up and consider at this time **HCR 15**.

The motion prevailed.

The following resolution was laid before the house:

HCR 15, In memory of Pete A. Gallego, Jr., of Alpine.

HCR 15 was unanimously adopted by a rising vote.

On motion of Representative Hilderbran, the names of all the members of the house were added to **HCR 15** as signers thereof.

HR 233 - ADOPTED**(by Miles)**

Representative Miles moved to suspend all necessary rules to take up and consider at this time **HR 233**.

The motion prevailed.

The following resolution was laid before the house:

HR 233, In memory of Yolanda Evette Williams.

HR 233 was unanimously adopted by a rising vote.

HR 258 - ADOPTED**(by Naishtat)**

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 258**.

The motion prevailed.

The following resolution was laid before the house:

HR 258, Recognizing the month of April 2011 as Genocide Awareness and Prevention Month.

HR 258 was adopted.

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. 1).

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Gallego requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, at 5 p.m. today, in 3W.15, to consider **SB 29**.

Permission to meet was granted by (Record 140): 97 Yeas, 32 Nays, 3 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Burkett; Button; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gooden; Hancock; Hardcastle; Harless; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Martinez; Menendez; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Raymond; Riddle; Ritter; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Mallory Caraway; McClendon; Miles; Muñoz; Naishtat; Oliveira; Quintanilla; Reynolds; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Woolley.

Present, not voting — Mr. Speaker; Giddings; Hunter(C).

Absent, Excused — Driver; Hamilton; Lucio; Taylor, V.

Absent — Anchia; Bohac; Bonnen; Cain; Castro; Eiland; Guillen; Harper-Brown; Johnson; Marquez; Martinez Fischer; Rodriguez; Schwertner; Strama.

STATEMENTS OF VOTE

When Record No. 140 was taken, I was temporarily out of the house chamber. I would have voted yes.

Bonnen

When Record No. 140 was taken, I was in the house but away from my desk. I would have voted yes.

Eiland

When Record No. 140 was taken, I was temporarily out of the house chamber. I would have voted yes.

Schwertner

I was shown voting no on Record No. 140. I intended to vote yes.

Woolley

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, 5 p.m. today, 3W.15, for a formal meeting, to consider **SB 29**.

(Speaker in the chair)

**HR 232 - ADOPTED
(by Pitts)**

The following privileged resolution was laid before the house:

HR 232

BE IT RESOLVED by the House of Representatives of the State of Texas, 82nd Legislature, 1st Called 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 **SB 1** (certain state fiscal matters; providing penalties) to consider and take action on the following matters:

(1) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change text which is not in disagreement in proposed Section 4.02 of the bill, in added Section 111.0041(c), Tax Code, to read as follows:

Contemporaneous records and supporting documentation appropriate to the tax or fee may include, for example, invoices, vouchers, checks, shipping records, contracts, or other equivalent records, such as electronically stored images of such documents, reflecting legal relationships and taxes collected and paid.

Explanation: The change is necessary to provide clear examples of what types of records or documentation appropriate to a tax or fee may be used to verify certain claims.

(2) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text which is not in disagreement, Article 5 of the senate engrossment of **SB 1** and the corresponding article of the bill as the bill was amended by the house of representatives, relating to unclaimed property, that reads:

ARTICLE 5. UNCLAIMED PROPERTY

SECTION 5.01. Subsection (a), Section 72.101, Property Code, is amended to read as follows:

(a) Except as provided by this section and Sections 72.1015, 72.1016, 72.1017, and 72.102, personal property is presumed abandoned if, for longer than three years:

(1) the existence and location of the owner of the property is unknown to the holder of the property; and

(2) according to the knowledge and records of the holder of the property, a claim to the property has not been asserted or an act of ownership of the property has not been exercised.

SECTION 5.02. Subchapter B, Chapter 72, Property Code, is amended by adding Section 72.1017 to read as follows:

Sec. 72.1017. UTILITY DEPOSITS. (a) In this section:

(1) "Utility" has the meaning assigned by Section 183.001, Utilities Code.

(2) "Utility deposit" is a refundable money deposit a utility requires a user of the utility service to pay as a condition of initiating the service.

(b) Notwithstanding Section 73.102, a utility deposit is presumed abandoned on the latest of:

(1) the first anniversary of the date a refund check for the utility deposit was payable to the owner of the deposit;

(2) the first anniversary of the date the utility last received documented communication from the owner of the utility deposit; or

(3) the first anniversary of the date the utility issued a refund check for the deposit payable to the owner of the deposit if, according to the knowledge and records of the utility or payor of the check, during that period, a claim to the check has not been asserted or an act of ownership by the payee has not been exercised.

SECTION 5.03. Subsection (c), Section 72.102, Property Code, is amended to read as follows:

(c) A money order to which Subsection (a) applies is presumed to be abandoned on the latest of:

(1) the third ~~seventh~~ anniversary of the date on which the money order was issued;

(2) the third ~~seventh~~ anniversary of the date on which the issuer of the money order last received from the owner of the money order communication concerning the money order; or

(3) the third ~~seventh~~ anniversary of the date of the last writing, on file with the issuer, that indicates the owner's interest in the money order.

SECTION 5.04. Section 72.103, Property Code, is amended to read as follows:

Sec. 72.103. PRESERVATION OF PROPERTY. Notwithstanding any other provision of this title except a provision of this section or Section 72.1016 relating to a money order or a stored value card, a holder of abandoned property shall preserve the property and may not at any time, by any procedure, including a deduction for service, maintenance, or other charge, transfer or convert to the profits or assets of the holder or otherwise reduce the value of the property. For purposes of this section, value is determined as of the date of the last transaction or contact concerning the property, except that in the case of a money order, value is determined as of the date the property is presumed abandoned under Section 72.102(c). If a holder imposes service, maintenance, or other charges on a money order prior to the time of presumed abandonment, such charges may not exceed the amount of \$1 ~~[50 cents]~~ per month for each month the money order remains uncashed prior to the month in which the money order is presumed abandoned.

SECTION 5.05. Section 73.101, Property Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) An account or safe deposit box is presumed abandoned if:

(1) except as provided by Subsection (c), the account or safe deposit box has been inactive for at least five years as determined under Subsection (b);

(2) the location of the depositor of the account or owner of the safe deposit box is unknown to the depository; and

(3) the amount of the account or the contents of the box have not been delivered to the comptroller in accordance with Chapter 74.

(c) If the account is a checking or savings account or is a matured certificate of deposit, the account is presumed abandoned if the account has been inactive for at least three years as determined under Subsection (b)(1).

SECTION 5.06. Subsection (a), Section 74.101, Property Code, is amended to read as follows:

(a) Each holder who on March 1 [~~June 30~~] holds property that is presumed abandoned under Chapter 72, 73, or 75 of this code or under Chapter 154, Finance Code, shall file a report of that property on or before the following July [~~November~~] 1. The comptroller may require the report to be in a particular format, including a format that can be read by a computer.

SECTION 5.07. Subsection (a), Section 74.1011, Property Code, is amended to read as follows:

(a) Except as provided by Subsection (b), a holder who on March 1 [~~June 30~~] holds property valued at more than \$250 that is presumed abandoned under Chapter 72, 73, or 75 of this code or Chapter 154, Finance Code, shall, on or before the following May [~~August~~] 1, mail to the last known address of the known owner written notice stating that:

(1) the holder is holding the property; and

(2) the holder may be required to deliver the property to the comptroller on or before July [~~November~~] 1 if the property is not claimed.

SECTION 5.08. Subsections (a) and (c), Section 74.301, Property Code, are amended to read as follows:

(a) Except as provided by Subsection (c), each holder who on March 1 [~~June 30~~] holds property that is presumed abandoned under Chapter 72, 73, or 75 shall deliver the property to the comptroller on or before the following July [~~November~~] 1 accompanied by the report required to be filed under Section 74.101.

(c) If the property subject to delivery under Subsection (a) is the contents of a safe deposit box, the comptroller may instruct a holder to deliver the property on a specified date before July [~~November~~] 1 of the following year.

SECTION 5.09. Subsection (e), Section 74.601, Property Code, is amended to read as follows:

(e) The comptroller on receipt or from time to time may [~~from time to time~~] sell securities, including stocks, bonds, and mutual funds, received under this chapter or any other statute requiring the delivery of unclaimed property to the comptroller and use the proceeds to buy, exchange, invest, or reinvest in marketable securities. When making or selling the investments, the comptroller shall exercise the judgment and care of a prudent person.

SECTION 5.10. Section 74.708, Property Code, is amended to read as follows:

Sec. 74.708. PROPERTY HELD IN TRUST. A holder who on March 1 [~~June 30~~] holds property presumed abandoned under Chapters 72-75 holds the property in trust for the benefit of the state on behalf of the missing owner and is liable to the state for the full value of the property, plus any accrued interest and penalty. A holder is not required by this section to segregate or establish trust accounts for the property provided the property is timely delivered to the comptroller in accordance with Section 74.301.

SECTION 5.11. (a) Except as provided by Subsection (b) or (c) of this section, this article takes effect on the 91st day after the last day of the legislative session.

(b) Except as provided by Subsection (c) of this section, Subsection (a), Section 74.101, Subsection (a), Section 74.1011, Subsections (a) and (c), Section 74.301, and Section 74.708, Property Code, as amended by this article, take effect January 1, 2013.

(c) If **HB 257**, Acts of the 82nd Legislature, Regular Session, 2011, becomes law, this article has no effect.

SECTION 5.12. A charge imposed on a money order under Section 72.103, Property Code, by a holder before the effective date of this article is governed by the law applicable to the charge immediately before the effective date of this article, and the holder may retain the charge.

Explanation: The article is omitted as unnecessary because its provisions were largely duplicative of those of **HB 257**, Acts of the 82nd Legislature, Regular Session, 2011, as effective September 1, 2011, and January 1, 2013.

(3) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add text on a matter which is not in disagreement in proposed Sections 5.01 and 5.02 of the bill to read as follows:

SECTION 5.01. Subsection (b), Section 72.1017, Property Code, as effective September 1, 2011, is amended to read as follows:

(b) Notwithstanding Section 73.102, a utility deposit is presumed abandoned on the latest of:

(1) the first anniversary of [~~18 months after~~] the date a refund check for the utility deposit was payable to the owner of the deposit;

(2) the first anniversary of [~~18 months after~~] the date the utility last received documented communication from the owner of the utility deposit; or

(3) the first anniversary of [~~18 months after~~] the date the utility issued a refund check for the deposit payable to the owner of the deposit if, according to the knowledge and records of the utility or payor of the check, during that period, a claim to the check has not been asserted or an act of ownership by the payee has not been exercised.

SECTION 5.02. This article takes effect on the 91st day after the last day of the legislative session.

Explanation: The change is necessary to provide for a presumption of abandonment of certain utility deposits after one year.

(4) House Rule 13, Section 9(a)(4), is suspended to permit the committee in proposed Section 7.01 of the bill to add text on a matter not included in either the house or the senate version of the bill to read as follows:

SECTION 7.01. Section 51.008, Government Code, as effective September 1, 2011, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The Office of Court Administration of the Texas Judicial System may collect the fees recommended by the process server review board and approved by the supreme court. Fees collected under this section shall be sent to the comptroller for deposit to the credit of the general revenue fund [~~and may be appropriated only to the office for purposes of this section~~].

(d) Fees collected under this section may be appropriated to the Office of Court Administration of the Texas Judicial System for the support of regulatory programs for process servers, guardians, and court reporters.

Explanation: The changes are necessary to clarify the purposes for which certain deposited fees may be appropriated.

(5) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text which is not in disagreement, Section 8.01 of the senate engrossment of **SB 1** and the corresponding section of the bill as the bill was amended by the house of representatives, relating to petroleum industry regulation, that reads:

SECTION 8.01. Section 26.3574, Water Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) A fee is imposed on the delivery of a petroleum product on withdrawal from bulk of that product as provided by this subsection. Each operator of a bulk facility on withdrawal from bulk of a petroleum product shall collect from the person who orders the withdrawal a fee in an amount determined as follows:

(1) not more than \$3.125 [~~\$3.75~~] for each delivery into a cargo tank having a capacity of less than 2,500 gallons [~~for the state fiscal year beginning September 1, 2007, through the state fiscal year ending August 31, 2011~~];

(2) not more than \$6.25 [~~\$7.50~~] for each delivery into a cargo tank having a capacity of 2,500 gallons or more but less than 5,000 gallons [~~for the state fiscal year beginning September 1, 2007, through the state fiscal year ending August 31, 2011~~];

(3) not more than \$9.37 [~~\$11.75~~] for each delivery into a cargo tank having a capacity of 5,000 gallons or more but less than 8,000 gallons [~~for the state fiscal year beginning September 1, 2007, through the state fiscal year ending August 31, 2011~~];

(4) not more than \$12.50 [~~\$15.00~~] for each delivery into a cargo tank having a capacity of 8,000 gallons or more but less than 10,000 gallons [~~for the state fiscal year beginning September 1, 2007, through the state fiscal year ending August 31, 2011~~]; and

(5) not more than \$6.25 [~~\$7.50~~] for each increment of 5,000 gallons or any part thereof delivered into a cargo tank having a capacity of 10,000 gallons or more [~~for the state fiscal year beginning September 1, 2007, through the state fiscal year ending August 31, 2011~~].

(b-1) The commission by rule shall set the amount of the fee in Subsection (b) in an amount not to exceed the amount necessary to cover the agency's costs of administering this subchapter, as indicated by the amount appropriated by the legislature from the petroleum storage tank remediation account for that purpose.

Explanation: The text is omitted as unnecessary because it largely duplicates provisions of Section 4.19, **HB 2694**, Acts of the 82nd Legislature, Regular Session, 2011, as effective September 1, 2011.

(6) House Rule 13, Section 9(a)(1), is suspended to permit the committee to alter text which is not in disagreement in proposed Section 15.05 of the bill to read as follows:

SECTION 15.05. Subsection (d), Section 19.002, Election Code, as effective September 1, 2011, is amended to read as follows:

(d) The secretary of state [~~comptroller~~] may not make a payment under Subsection (b) [issue a warrant] if on June 1 of the year in which the payment [warrant] is to be made [~~issued the most recent notice received by the comptroller from the secretary of state under Section 18.065 indicates that~~] the registrar is not in substantial compliance with Section 15.083, 16.032, or 18.065 or with rules implementing the registration service program.

Explanation: The change is necessary to conform the bill to changes in law made by **HB 2817**, Acts of the 82nd Legislature, Regular Session, 2011, as effective September 1, 2011.

(7) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text which is not in disagreement, text of Article 24 of the senate engrossment of **SB 1** and the corresponding article of the bill as the bill was amended by the house of representatives, relating to leasing certain state facilities, that reads:

ARTICLE 24. FISCAL MATTERS REGARDING LEASING CERTAIN STATE FACILITIES

SECTION 24.01. The heading to Section 2165.2035, Government Code, is amended to read as follows:

Sec. 2165.2035. LEASE OF SPACE IN STATE-OWNED PARKING LOTS AND GARAGES; USE AFTER HOURS.

SECTION 24.02. Subchapter E, Chapter 2165, Government Code, is amended by adding Sections 2165.204, 2165.2045, and 2165.2046 to read as follows:

Sec. 2165.204. LEASE OF SPACE IN STATE-OWNED PARKING LOTS AND GARAGES; EXCESS INDIVIDUAL PARKING SPACES. (a) The commission may lease to a private individual an individual parking space in a state-owned parking lot or garage located in the city of Austin that the commission determines is not needed to accommodate the regular parking requirements of state employees who work near the lot or garage and visitors to nearby state government offices.

(b) Money received from a lease under this section shall be deposited to the credit of the general revenue fund.

(c) In leasing a parking space under Subsection (a), the commission must ensure that the lease does not restrict uses for parking lots and garages developed under Section 2165.2035, including special event parking related to institutions of higher education.

(d) In leasing or renewing a lease for a parking space under Subsection (a), the commission shall give preference to an individual who is currently leasing or previously leased the parking space.

Sec. 2165.2045. LEASE OF SPACE IN STATE-OWNED PARKING LOTS AND GARAGES; EXCESS BLOCKS OF PARKING SPACE. (a) The commission may lease to an institution of higher education or a local government all or a significant block of a state-owned parking lot or garage located in the city of Austin that the commission determines is not needed to accommodate the regular parking requirements of state employees who work near the lot or garage and visitors to nearby state government offices.

(b) Money received from a lease under this section shall be deposited to the credit of the general revenue fund.

(c) In leasing all or a block of a state-owned parking lot or garage under Subsection (a), the commission must ensure that the lease does not restrict uses for parking lots and garages developed under Section 2165.2035, including special event parking related to institutions of higher education.

(d) In leasing or renewing a lease for all or a block of a state-owned parking lot or garage under Subsection (a), the commission shall give preference to an entity that is currently leasing or previously leased the lot or garage or a block of the lot or garage.

Sec. 2165.2046. REPORTS ON PARKING PROGRAMS. On or before October 1 of each even-numbered year, the commission shall submit a report to the Legislative Budget Board describing the effectiveness of parking programs developed by the commission under this subchapter. The report must, at a minimum, include:

- (1) the yearly revenue generated by the programs;
- (2) the yearly administrative and enforcement costs of each program;
- (3) yearly usage statistics for each program; and
- (4) initiatives and suggestions by the commission to:
 - (A) modify administration of the programs; and
 - (B) increase revenue generated by the programs.

Explanation: The text is omitted as unnecessary because it largely duplicates or is in conflict with provisions of **SB 1068**, Acts of the 82nd Legislature, Regular Session, 2011, as effective June 17, 2011.

(8) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text which is not in disagreement, Sections 26.02, 26.03, 26.06, and 26.08 of the senate engrossment of **SB 1** and the corresponding sections of the bill as the bill was amended by the house of representatives, relating to the review by the attorney general of invoices related to legal services provided to state agencies, that reads:

SECTION 26.02. The heading to Section 402.0212, Government Code, is amended to read as follows:

Sec. 402.0212. PROVISION OF LEGAL SERVICES—OUTSIDE COUNSEL; FEES.

SECTION 26.03. Section 402.0212, Government Code, is amended by amending Subsections (b) and (c) and adding Subsections (d), (e), and (f) to read as follows:

(b) An invoice submitted to a state agency under a contract for legal services as described by Subsection (a) must be reviewed by the attorney general to determine whether the invoice is eligible for payment.

(c) An attorney or law firm must pay an administrative fee to the attorney general for the review described in Subsection (b) when entering into a contract to provide legal services to a state agency.

(d) For purposes of this section, the functions of a hearing examiner, administrative law judge, or other quasi-judicial officer are not considered legal services.

(e) ~~[(e)]~~ This section shall not apply to the Texas Turnpike Authority division of the Texas Department of Transportation.

(f) The attorney general may adopt rules as necessary to implement and administer this section.

SECTION 26.06. The fee prescribed by Section 402.0212, Government Code, as amended by this article, applies only to invoices for legal services submitted to the office of the attorney general for review on or after the effective date of this article.

SECTION 26.08. The changes in law made by this article apply only to a contract for legal services between a state agency and a private attorney or law firm entered into on or after the effective date of this article. A contract for legal services between a state agency and a private attorney or law firm entered into before the effective date of this article is governed by the law in effect at the time the contract was entered into, and the former law is continued in effect for that purpose.

Explanation: The text is omitted as unnecessary because it largely duplicates or is in conflict with provisions of **SB 367**, Acts of the 82nd Legislature, Regular Session, 2011, as effective June 17, 2011.

(9) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text which is not in disagreement, Sections 26.04 and 26.07 of the senate engrossment of **SB 1** and the corresponding sections of the bill as the bill was amended by the house of representatives, relating to the review by the attorney general of invoices related to legal services provided to state agencies, that reads:

SECTION 26.04. Section 371.051, Transportation Code, is amended to read as follows:

Sec. 371.051. ATTORNEY GENERAL REVIEW AND EXAMINATION FEE. (a) A toll project entity may not enter into a comprehensive development agreement unless the attorney general reviews the proposed agreement and determines that it is legally sufficient.

(b) A toll project entity shall pay a nonrefundable examination fee to the attorney general on submitting a proposed comprehensive development agreement for review. At the time the examination fee is paid, the toll project entity shall also submit for review a complete transcript of proceedings related to the comprehensive development agreement.

(c) If the toll project entity submits multiple proposed comprehensive development agreements relating to the same toll project for review, the entity shall pay the examination fee under Subsection (b) for each proposed comprehensive development agreement.

(d) The attorney general shall provide a legal sufficiency determination not later than the 60th business day after the date the examination fee and transcript of the proceedings required under Subsection (b) are received. If the attorney general cannot provide a legal sufficiency determination within the 60-business-day period, the attorney general shall notify the toll project entity in writing of the reason for the delay and may extend the review period for not more than 30 business days.

(e) After the attorney general issues a legal sufficiency determination, a toll project entity may supplement the transcript of proceedings or amend the comprehensive development agreement to facilitate a redetermination by the attorney general of the prior legal sufficiency determination issued under this section.

(f) The toll project entity may collect or seek reimbursement of the examination fee under Subsection (b) from the private participant.

(g) The attorney general by rule shall set the examination fee required under Subsection (b) in a reasonable amount and may adopt other rules as necessary to implement this section. The fee may not be set in an amount that is determined by a percentage of the cost of the toll project. The amount of the fee may not exceed reasonable attorney's fees charged for similar legal services in the private sector.

SECTION 26.07. The fee prescribed by Section 371.051, Transportation Code, as amended by this article, applies only to a comprehensive development agreement submitted to the office of the attorney general on or after the effective date of this article.

Explanation: The text is omitted as unnecessary because it largely duplicates or is in conflict with provisions of **SB 731**, Acts of the 82nd Legislature, Regular Session, 2011, as effective June 17, 2011.

(10) House Rule 13, Section 9(a)(4), is suspended to permit the committee in proposed Sections 23.01-23.04 of the bill to add text on a matter which is not included in either the house or senate version of the bill to read as follows:

SECTION 23.01. Section 572.054, Government Code, is amended by adding Subsection (g-1) to read as follows:

(g-1) For purposes of this section, the Department of Information Resources is a regulatory agency.

SECTION 23.02. Section 2054.005, Government Code, is amended to read as follows:

Sec. 2054.005. SUNSET PROVISION. (a) The Department of Information Resources is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this chapter expires September 1, 2013 [~~2011~~].

(b) The review of the Department of Information Resources by the Sunset Advisory Commission in preparation for the work of the 83rd Legislature, Regular Session, is not limited to the appropriateness of recommendations made by the commission to the 82nd Legislature. In the commission's report to the 83rd Legislature, the commission may include any recommendations it considers appropriate.

SECTION 23.03. Subchapter C, Chapter 2054, Government Code, is amended by adding Section 2054.064 to read as follows:

Sec. 2054.064. BOARD APPROVAL OF CONTRACTS. The board by rule shall establish approval requirements for all contracts, including a monetary threshold above which board approval is required before the contract may be executed.

SECTION 23.04. Subsection (b), Section 2054.376, Government Code, is amended to read as follows:

(b) This subchapter does not apply to:

(1) the Department of Public Safety's use for criminal justice or homeland security purposes of a federal database or network;

(2) a Texas equivalent of a database or network described by Subdivision (1) that is managed by the Department of Public Safety;

(3) the uniform statewide accounting system, as that term is used in Subchapter C, Chapter 2101;

(4) the state treasury cash and treasury management system; ~~or~~

(5) a database or network managed by the comptroller to:

(A) collect and process multiple types of taxes imposed by the state; or

(B) manage or administer fiscal, financial, revenue, and expenditure activities of the state under Chapter 403 and Chapter 404; or

(6) a database or network managed by the Department of Agriculture.

Explanation: The change is necessary to provide for Sunset Advisory Commission review of and for functions and activities of the Department of Information Resources and to provide for the applicability of restrictions on certain activities by former employees of the Department of Information Resources.

(11) House Rule 13, Section 9(a)(4), is suspended to permit the committee in proposed Section 23.06 of the bill to add text on a matter which is not included in either the house or senate version of the bill to read as follows:

SECTION 23.06. Subsections (b) and (d), Section 2157.068, Government Code, are amended to read as follows:

(b) The department shall negotiate with vendors ~~[to attempt]~~ to obtain the best value for the state in the purchase of commodity items. The department may consider strategic sourcing and other methodologies to select the vendor offering the best value on [a favorable price for all of state government on licenses for] commodity items~~], based on the aggregate volume of purchases expected to be made by the state].~~ The terms and conditions of a license agreement between a

vendor and the department under this section may not be less favorable to the state than the terms of similar license agreements between the vendor and retail distributors.

Explanation: The change is necessary to provide authority for negotiations for the best value in commodity purchases.

(12) House Rule 13, Section 9(a)(1), is suspended to permit the committee to alter text which is not in disagreement in proposed Section 26.01 of the bill to read as follows:

SECTION 26.01. Subsection (c), Section 434.017, Government Code, is amended to read as follows:

(c) Money in the fund may only be appropriated to the Texas Veterans Commission. Money appropriated under this subsection shall be used to:

(1) make grants to address veterans' needs; ~~and~~

(2) administer the fund; and

(3) analyze and investigate data received from the federal Public Assistance Reporting Information System (PARIS) that is administered by the Administration for Children and Families of the United States Department of Health and Human Services.

Explanation: The change is necessary to conform the text to the change in law made by **SB 1739**, Acts of the 82nd Legislature, Regular Session, 2011, as effective June 17, 2011.

(13) House Rule 13, Section 9(a)(4), is suspended to permit the committee in proposed Section 34.06 of the bill to add text on a matter which is not included in either the house or senate version of the bill to read as follows:

SECTION 34.06. It is the intent of the legislature that the Legislative Budget Board place information on its Internet website that provides additional program detail for items of appropriation in the General Appropriations Act. The Legislative Budget Board shall include as additional program detail the specific programs funded, the source of that funding, and the related statutory authorization.

Explanation: The change is necessary to provide for greater access to information regarding the state budget.

(14) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add text on a matter which is not in disagreement in proposed Section 35.02 of the bill by adding Section 314.002(d), Labor Code, to read as follows:

(d) The commission, for the purposes of this section, may use:

(1) money appropriated to the commission; and

(2) money that is transferred to the commission from trustee programs within the office of the governor, including:

(A) appropriated money from the Texas Enterprise Fund;

(B) available federal funds; and

(C) money from other appropriate, statutorily authorized funding

sources.

Explanation: The change is necessary to clarify funding matters for purposes of the Texas Back to Work Program.

(15) House Rule 13, Section 9(a)(4), is suspended to permit the committee in proposed Section 41.01 of the bill to add text on a matter which is not included in either the house or the senate version of the bill by adding amended Subsections (b), (c), and (e), Article 103.0033, Code of Criminal Procedure, to read as follows:

(b) This article applies only to:

(1) a ~~each~~ county with a population of 50,000 or greater; [in this state] and

(2) a ~~to each~~ 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 able [planning] to implement a program before April 1 of the following year.

Explanation: The change is necessary to change the population of counties to which the Office of Court Administration's collection improvement program applies.

(16) House Rule 13, Section 9(a)(1), is suspended to permit the committee to alter text which is not in disagreement in proposed Section 43.03 of the bill, added Section 2306.2585(c), Government Code, to read as follows:

(c) The department may use any available revenue, including legislative appropriations, appropriation transfers from the trustee programs within the office of the governor, including authorized appropriations from the Texas Enterprise Fund, available federal funds, and any other statutorily authorized and appropriate funding sources transferred from the trustee programs within the office of the governor, for the purposes of this section. The department shall solicit and accept gifts and grants for the purposes of this section. The department shall use gifts and grants received for the purposes of this section before using any other revenue.

Explanation: The change is necessary to clarify the funding sources available for purposes of the homeless housing and services program.

(17) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text which is not in disagreement, Article 57 of the senate engrossment of **SB 1** and the corresponding article of the bill as the bill was amended by the house of representatives, relating to the place of business of a retailer for sales tax purposes, that reads:

ARTICLE 57. PLACE OF BUSINESS OF A RETAILER FOR SALES TAX PURPOSES

SECTION 57.01. Subdivision (3), Subsection (a), Section 321.002, Tax Code, is amended to read as follows:

(3) "Place of business of the retailer" means an established outlet, office, or location operated by the retailer or the retailer's agent or employee for the purpose of receiving orders for taxable items and includes any location at which three or more orders are received by the retailer during a calendar year. A warehouse, storage yard, or manufacturing plant is not a "place of business of the retailer" unless at least three orders are received by the retailer during the calendar year at the warehouse, storage yard, or manufacturing plant. An outlet, office, facility, or any location that contracts with a retail or commercial business [engaged in activities to which this chapter applies] to process for that business invoices, purchase orders, [or] bills of lading, or other equivalent records onto which sales tax is added, including an office operated for the purpose of buying and selling taxable goods to be used or consumed by the retail or commercial business, is not a "place of business of the retailer" if the comptroller determines that the outlet, office, facility, or location functions or exists to avoid the tax imposed by this chapter or to rebate a portion of the tax imposed by this chapter to the contracting business. Notwithstanding any other provision of this subdivision, a kiosk is not a "place of business of the retailer." In this subdivision, "kiosk" means a small stand-alone area or structure that:

(A) is used solely to display merchandise or to submit orders for taxable items from a data entry device, or both;

(B) is located entirely within a location that is a place of business of another retailer, such as a department store or shopping mall; and

(C) at which taxable items are not available for immediate delivery to a customer.

SECTION 57.02. (a) Except as provided by Subsection (b) of this section, this article takes effect October 1, 2011.

(b) If **HB 590**, Acts of the 82nd Legislature, Regular Session, 2011, becomes law, this article has no effect.

Explanation: The text is omitted as unnecessary because it largely duplicates Section 1, **HB 590**, Acts of the 82nd Legislature, Regular Session, 2011, as effective September 1, 2011.

(18) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text which is not in disagreement, Article 58 of the senate engrossment of **SB 1** and the corresponding article of the bill as the bill was amended by the house of representatives, relating to farm and ranch lands conservation, that reads:

ARTICLE 58. TEXAS FARM AND RANCH LANDS CONSERVATION PROGRAM

SECTION 58.01. Subsection (b), Section 183.059, Natural Resources Code, is amended to read as follows:

(b) To receive a grant from the fund under this subchapter, an applicant who is qualified to be an easement holder under this subchapter must submit an application to the council. The application must:

(1) set out the parties' clear conservation goals consistent with the program;

(2) include a site-specific estimate-of-value appraisal by a licensed appraiser qualified to determine the market value of the easement; and

(3) ~~[demonstrate that the applicant is able to match 50 percent of the amount of the grant being sought, considering that the council may choose to allow a donation of part of the appraised value of the easement to be considered as in-kind matching funds; and~~

~~(4)~~ include a memorandum of understanding signed by the landowner and the applicant indicating intent to sell an agricultural conservation easement and containing the terms of the contract for the sale of the easement.

SECTION 58.02. If **SB 1044**, Acts of the 82nd Legislature, Regular Session, 2011, becomes law, this article has no effect.

Explanation: The text is omitted as unnecessary because it largely duplicates provisions of Section 3, **SB 1044**, Acts of the 82nd Legislature, Regular Session, 2011, as effective June 17, 2011.

(19) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text which is not in disagreement, Section 60.02 of the senate engrossment of **SB 1** and the corresponding section of the bill as the bill was amended by the house of representatives, that reads:

SECTION 60.02. Subsection (a), Section 811.012, Government Code, as effective September 1, 2011, is amended to read as follows:

(a) Not later than June 1 of every fifth ~~[each]~~ year, the retirement system shall provide to the comptroller, for the purpose of assisting the comptroller in the identification of persons entitled to unclaimed property reported to the comptroller, the name, address, social security number, and date of birth of each member, retiree, and beneficiary from the retirement system's records.

Explanation: The text is omitted as unnecessary because it duplicates the substance of Section 4, **SB 1664**, Acts of the 82nd Legislature, Regular Session, 2011, as effective September 1, 2011.

(20) House Rule 13, Section 9(a)(4), is suspended to permit the committee in proposed Section 61.02 of the bill to add text on a matter which is not included in either the house or senate version of the bill to read as follows:

SECTION 61.02. Subchapter A, Chapter 30A, Education Code, is amended by adding Section 30A.007 to read as follows:

Sec. 30A.007. LOCAL POLICY ON ELECTRONIC COURSES. (a) A school district or open-enrollment charter school shall adopt a policy that provides district or school students with the opportunity to enroll in electronic courses provided through the state virtual school network. The policy must be consistent with the requirements imposed by Section 26.0031.

(b) For purposes of a policy adopted under Subsection (a), the determination of whether or not an electronic course will meet the needs of a student with a disability shall be made by the student's admission, review, and dismissal committee in a manner consistent with state and federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) and Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

Explanation: The change is necessary to provide for consistent policies for student enrollment through the state virtual school network.

(21) House Rule 13, Section 9(a)(4), is suspended to permit the committee in proposed Section 61.03 of the bill to add text on a matter which is not included in either the house or senate version of the bill to read as follows:

SECTION 61.03. Subchapter C, Chapter 30A, Education Code, is amended by adding Section 30A.1021 to read as follows:

Sec. 30A.1021. PUBLIC ACCESS TO USER COMMENTS REGARDING ELECTRONIC COURSES. (a) The administering authority shall provide students who have completed or withdrawn from electronic courses offered through the virtual school network and their parents with a mechanism for providing comments regarding the courses.

(b) The mechanism required by Subsection (a) must include a quantitative rating system and a list of verbal descriptors that a student or parent may select as appropriate.

(c) The administering authority shall provide public access to the comments submitted by students and parents under this section. The comments must be in a format that permits a person to sort the comments by teacher, electronic course, and provider school district or school.

Explanation: The change is necessary to gather and disseminate information on students' and parents' experiences with the state virtual school network.

(22) House Rule 13, Section 9(a)(4), is suspended to permit the committee in proposed Section 61.04 of the bill to add text on a matter which is not included in either the house or senate version of the bill to read as follows:

SECTION 61.04. Section 30A.104, Education Code, is amended to read as follows:

Sec. 30A.104. COURSE ELIGIBILITY IN GENERAL. (a) A course offered through the state virtual school network must:

(1) be in a specific subject that is part of the required curriculum under Section 28.002(a);

(2) be aligned with the essential knowledge and skills identified under Section 28.002(c) for a grade level at or above grade level three; and

(3) be the equivalent in instructional rigor and scope to a course that is provided in a traditional classroom setting during:

(A) a semester of 90 instructional days; and

(B) a school day that meets the minimum length of a school day required under Section 25.082.

(b) If the essential knowledge and skills with which an approved course is aligned in accordance with Subsection (a)(2) are modified, the provider school district or school must be provided the same time period to revise the course to achieve alignment with the modified essential knowledge and skills as is provided for the modification of a course provided in a traditional classroom setting.

Explanation: The change is necessary for the administration of changes in essential knowledge and skills applicable to an approved state virtual school network course.

(23) House Rule 13, Section 9(a)(4), is suspended to permit the committee in proposed Sections 61.07, 61.08, and 61.09 of the bill to add text on a matter which is not included in either the house or senate version of the bill to read as follows:

SECTION 61.07. Subchapter D, Chapter 30A, Education Code, is amended by adding Section 30A.153 to read as follows:

Sec. 30A.153. FOUNDATION SCHOOL PROGRAM FUNDING. (a) A school district or open-enrollment charter school in which a student is enrolled is entitled to funding under Chapter 42 for the student's enrollment in an electronic course offered through the state virtual school network in the same manner that the district or school is entitled to funding for the student's enrollment in courses provided in a traditional classroom setting, provided that the student successfully completes the electronic course.

(b) The commissioner, after considering comments from school district and open-enrollment charter school representatives, shall adopt a standard agreement that governs payment of funds and other matters relating to a student's enrollment in an electronic course offered through the state virtual school network. The agreement may not require a school district or open-enrollment charter school to pay the provider the full amount until the student has successfully completed the electronic course.

(c) A school district or open-enrollment charter school shall use the standard agreement adopted under Subsection (b) unless:

(1) the district or school requests from the commissioner permission to modify the standard agreement; and

(2) the commissioner authorizes the modification.

(d) The commissioner shall adopt rules necessary to implement this section, including rules regarding attendance accounting.

SECTION 61.08. Subsection (a), Section 42.302, Education Code, is amended to read as follows:

(a) Each school district is guaranteed a specified amount per weighted student in state and local funds for each cent of tax effort over that required for the district's local fund assignment up to the maximum level specified in this subchapter. The amount of state support, subject only to the maximum amount under Section 42.303, is determined by the formula:

$$GYA = (GL \times WADA \times DTR \times 100) - LR$$

where:

"GYA" is the guaranteed yield amount of state funds to be allocated to the district;

"GL" is the dollar amount guaranteed level of state and local funds per weighted student per cent of tax effort, which is an amount described by Subsection (a-1) or a greater amount for any year provided by appropriation;

"WADA" is the number of students in weighted average daily attendance, which is calculated by dividing the sum of the school district's allotments under Subchapters B and C, less any allotment to the district for transportation, any allotment under Section 42.158[~~42.159~~,] or 42.160, and 50 percent of the adjustment under Section 42.102, by the basic allotment for the applicable year;

"DTR" is the district enrichment tax rate of the school district, which is determined by subtracting the amounts specified by Subsection (b) from the total amount of maintenance and operations taxes collected by the school district for the applicable school year and dividing the difference by the quotient of the district's taxable value of property as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, under Section 42.2521, divided by 100; and

"LR" is the local revenue, which is determined by multiplying "DTR" by the quotient of the district's taxable value of property as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, under Section 42.2521, divided by 100.

SECTION 61.09. Section 42.159, Education Code, is repealed.

Explanation: The changes are necessary to clarify issues regarding funding for students enrolled in electronic courses offered through the state virtual school network.

(24) House Rule 13, Section 9(a)(4), is suspended to permit the committee in proposed Article 66A of the bill to add text on a matter which is not included in either the house or senate version of the bill to read as follows:

ARTICLE 66A. GUARDIANSHIP MATTERS AND PROCEEDINGS:
AMENDMENTS TO ESTATES CODE

SECTION 66A.01. Subpart B, Part 2, Subtitle Y, Title 3, Estates Code, as effective January 1, 2014, is amended by adding Section 619 to read as follows:

Sec. 619. REVIEW OF TRANSFERRED GUARDIANSHIP. Not later than the 90th day after the date the transfer of the guardianship takes effect under Section 616, the court to which the guardianship was transferred shall hold a hearing to consider modifying the rights, duties, and powers of the guardian or any other provisions of the transferred guardianship.

SECTION 66A.02. Section 1253.051, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 1253.051. APPLICATION FOR RECEIPT AND ACCEPTANCE OF FOREIGN GUARDIANSHIP. A guardian appointed by a foreign court to represent an incapacitated person who is residing in this state or intends to move to this state may file an application with a court in which the ward resides or intends to reside to have the guardianship transferred to the court. The application must have attached a certified copy of all papers of the guardianship filed and recorded in the foreign court.

SECTION 66A.03. Section 1253.053, Estates Code, as effective January 1, 2014, is amended by amending Subsection (a) and adding Subsection (f) to read as follows:

(a) The ~~The [On the court's own motion or on the motion of the ward or any interested person, the]~~ court shall hold a hearing to:

(1) consider an application for receipt and acceptance of a foreign guardianship under this subchapter; and

(2) consider modifying the administrative procedures or requirements of the proposed transferred guardianship in accordance with local and state law.

(f) At the time of granting an application for receipt and acceptance of a foreign guardianship, the court may also modify the administrative procedures or requirements of the transferred guardianship in accordance with local and state law.

SECTION 66A.04. Subsection (b), Section 1253.102, Estates Code, as effective January 1, 2014, is amended to read as follows:

(b) In making a determination under Subsection (a), the court may consider:

(1) the interests of justice;

(2) the best interests of the ward or proposed ward; ~~and~~

(3) the convenience of the parties; and

(4) the preference of the ward or proposed ward, if the ward or proposed ward is 12 years of age or older.

SECTION 66A.05. Chapter 1253, Estates Code, as effective January 1, 2014, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. DETERMINATION OF MOST APPROPRIATE FORUM
FOR CERTAIN GUARDIANSHIP PROCEEDINGS

Sec. 1253.151. DETERMINATION OF ACQUISITION OF JURISDICTION IN THIS STATE DUE TO UNJUSTIFIABLE CONDUCT. If at any time a court of this state determines that it acquired jurisdiction of a proceeding for the appointment of a guardian of the person or estate, or both, of a ward or proposed ward because of unjustifiable conduct, the court may:

(1) decline to exercise jurisdiction;

(2) exercise jurisdiction for the limited purpose of fashioning an appropriate remedy to ensure the health, safety, and welfare of the ward or proposed ward or the protection of the ward's or proposed ward's property or prevent a repetition of the unjustifiable conduct, including staying the proceeding until a petition for the appointment of a guardian or issuance of a protective order is filed in a court of another state having jurisdiction; or

(3) continue to exercise jurisdiction after considering:

(A) the extent to which the ward or proposed ward and all persons required to be notified of the proceedings have acquiesced in the exercise of the court's jurisdiction;

(B) whether the court of this state is a more appropriate forum than the court of any other state after considering the factors described by Section 1253.102(b); and

(C) whether the court of any other state would have jurisdiction under the factual circumstances of the matter.

Sec. 1253.152. ASSESSMENT OF EXPENSES AGAINST PARTY. (a) If a court of this state determines that it acquired jurisdiction of a proceeding for the appointment of a guardian of the person or estate, or both, of a ward or proposed ward because a party seeking to invoke the court's jurisdiction engaged in unjustifiable conduct, the court may assess against that party necessary and reasonable expenses, including attorney's fees, investigative fees, court costs, communication expenses, witness fees and expenses, and travel expenses.

(b) The court may not assess fees, costs, or expenses of any kind against this state or a governmental subdivision, agency, or instrumentality of this state unless authorized by other law.

SECTION 66A.06. The following are repealed:

- (1) Section 1253.054, Estates Code, as effective January 1, 2014;
- (2) the changes in law made by Sections 66.05 and 66.06 of this Act to Sections 892 and 894, Texas Probate Code; and
- (3) Section 895, Texas Probate Code, as added by Section 66.07 of this Act.

SECTION 66A.07. This article takes effect January 1, 2014.

Explanation: The change is necessary to conform the provisions of the Estates Code, as effective January 1, 2014, to the changes in law to be made by proposed Article 66 of the bill to the Texas Probate Code.

(25) House Rule 13, Section 9(a)(4), is suspended to permit the committee in proposed Article 71 of the bill to add text on a matter which is not included in either the house or senate version of the bill to read as follows:

ARTICLE 71. CHRONIC HEALTH CONDITIONS SERVICES MEDICAID
WAIVER PROGRAM

SECTION 71.01. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0226 to read as follows:

Sec. 531.0226. CHRONIC HEALTH CONDITIONS SERVICES MEDICAID WAIVER PROGRAM. (a) If feasible and cost-effective, the commission may apply for a waiver from the federal Centers for Medicare and Medicaid Services or another appropriate federal agency to more efficiently leverage the use of state and local funds in order to maximize the receipt of federal Medicaid matching funds by providing benefits under the Medicaid program to individuals who:

- (1) meet established income and other eligibility criteria; and
- (2) are eligible to receive services through the county for chronic health conditions.

(b) In establishing the waiver program under this section, the commission shall:

- (1) ensure that the state is a prudent purchaser of the health care services that are needed for the individuals described by Subsection (a);
- (2) solicit broad-based input from interested persons;
- (3) ensure that the benefits received by an individual through the county are not reduced once the individual is enrolled in the waiver program; and
- (4) employ the use of intergovernmental transfers and other procedures to maximize the receipt of federal Medicaid matching funds.

Explanation: The change is necessary to provide for prudent purchasing of services for chronic health conditions and to maximize receipt of federal Medicaid matching funds.

(26) House Rule 13, Section 9(a)(4), is suspended to permit the committee in proposed Article 74 of the bill to add text on a matter which is not included in either the house or the senate version of the bill to read as follows:

ARTICLE 74. OPERATION AND ADMINISTRATION OF THE TEXAS
DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

SECTION 74.01. Section 2306.022, Government Code, is amended to read as follows:

Sec. 2306.022. APPLICATION OF SUNSET ACT. The Texas Department of Housing and Community Affairs is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this chapter expires September 1, 2013 ~~[2014]~~.

SECTION 74.02. Subsections (d-1) and (d-2), Section 2306.111, Government Code, are amended to read as follows:

(d-1) In allocating low income housing tax credit commitments under Subchapter DD, the department shall, before applying the regional allocation formula prescribed by Section 2306.1115, set aside for at-risk developments, as defined by Section 2306.6702, not less than the minimum amount of housing tax credits required under Section 2306.6714. Funds or credits are not required to be allocated according to the regional allocation formula under Subsection (d) if:

(1) the funds or credits are reserved for contract-for-deed conversions or for set-asides mandated by state or federal law and each contract-for-deed allocation or set-aside allocation equals not more than 10 percent of the total allocation of funds or credits for the applicable program;

(2) the funds or credits are allocated by the department primarily to serve persons with disabilities; or

(3) the funds are housing trust funds administered by the department under Sections 2306.201-2306.206 that are not otherwise required to be set aside under state or federal law and do not exceed \$3 million for each programmed activity during each application cycle.

(d-2) In allocating low income housing tax credit commitments under Subchapter DD, the department shall allocate five percent of the housing tax credits in each application cycle to developments that receive federal financial assistance through the Texas Rural Development Office of the United States Department of Agriculture. Any funds allocated to developments under this subsection that involve rehabilitation must come from the funds set aside for at-risk developments under Section 2306.6714 and any additional funds set aside for those developments under Subsection (d-1). This subsection does not apply to a development financed wholly or partly under Section 538 of the Housing Act of 1949 (42 U.S.C. Section 1490p-2) unless the development involves the rehabilitation of an existing property that has received and will continue to receive as part of the financing of the development federal financial assistance provided under Section 515 of the Housing Act of 1949 (42 U.S.C. Section 1485).

SECTION 74.03. Section 2306.67022, Government Code, is amended to read as follows:

Sec. 2306.67022. QUALIFIED ALLOCATION PLAN; MANUAL. At least biennially, the [The] board [annually] shall adopt a qualified allocation plan and a corresponding manual to provide information regarding the administration of and eligibility for the low income housing tax credit program. The board may adopt the plan and manual annually, as considered appropriate by the board.

SECTION 74.04. Subsections (b) and (f), Section 2306.6711, Government Code, are amended to read as follows:

(b) Not later than the deadline specified in the qualified allocation plan, the board shall issue commitments for available housing tax credits based on the application evaluation process provided by Section 2306.6710. The board may not allocate to an applicant housing tax credits in any unnecessary amount, as determined by the department's underwriting policy and by federal law, and in any event may not allocate to the applicant housing tax credits in an amount greater than \$3 [\$2] million in a single application round or to an individual development more than \$2 million in a single application round.

(f) The board may allocate housing tax credits to more than one development in a single community, as defined by department rule, in the same calendar year only if the developments are or will be located more than two [one] linear miles [mile] apart. This subsection applies only to communities contained within counties with populations exceeding one million.

SECTION 74.05. Subsections (a), (b), and (c), Section 2306.6724, Government Code, are amended to read as follows:

(a) Regardless of whether the board will adopt the plan annually or biennially [Not later than September 30 of each year], the department, not later than September 30 of the year preceding the year in which the new plan is proposed for use, shall prepare and submit to the board for adoption any proposed [the] qualified allocation plan required by federal law for use by the department in setting criteria and priorities for the allocation of tax credits under the low income housing tax credit program.

(b) Regardless of whether the board has adopted the plan annually or biennially, the [The] board shall [adopt and] submit to the governor any proposed [the] qualified allocation plan not later than November 15 of the year preceding the year in which the new plan is proposed for use.

[(e)] The governor shall approve, reject, or modify and approve the proposed qualified allocation plan not later than December 1.

SECTION 74.06. Section 1201.104, Occupations Code, is amended by amending Subsections (a), (g), and (h) and adding Subsections (a-1), (a-2), (a-3), and (a-4) to read as follows:

(a) Except as provided by Subsection (g) [(e)], as a requirement for a manufacturer's, retailer's, broker's, installer's, salvage rebuilders, or salesperson's license, a person who was not licensed or registered with the department or a predecessor agency on September 1, 1987, must, not more than 12 months before applying for the person's first license under this chapter, attend and successfully complete eight [20] hours of instruction in the law, including instruction in consumer protection regulations.

(a-1) If the applicant is not an individual, the applicant must have at least one related person who satisfies the requirements of Subsection (a) [~~meets this requirement~~]. If that applicant is applying for a retailer's license, the related person must be a management official who satisfies the requirements of Subsections (a) and (a-2) at each retail location operated by the applicant.

(a-2) An applicant for a retailer's license must complete four hours of specialized instruction relevant to the sale, exchange, and lease-purchase of manufactured homes. The instruction under this subsection is in addition to the instruction required under Subsection (a).

(a-3) An applicant for an installer's license must complete four hours of specialized instruction relevant to the installation of manufactured homes. The instruction under this subsection is in addition to the instruction required under Subsection (a).

(a-4) An applicant for a joint installer-retailer license must comply with Subsections (a-2) and (a-3), for a total of eight hours of specialized instruction. The instruction under this subsection is in addition to the instruction required under Subsection (a).

(g) Subsections [~~Subsection~~] (a), (a-2), (a-3), and (a-4) do [~~does~~] not apply to a license holder who applies:

- (1) for a license for an additional business location; or
- (2) to renew or reinstate a license.

(h) An examination must be a requirement of successful completion of any initial required course of instruction under this section. The period needed to complete an examination under this subsection may not be used to satisfy the minimum education requirements under Subsection (a), (a-2), (a-3), or (a-4).

SECTION 74.07. Section 1201.303, Occupations Code, is amended by amending Subsection (b) and adding Subsections (c), (d), (e), (f), and (g) to read as follows:

(b) The department shall establish an installation inspection program in which at least 75 [25] percent of installed manufactured homes are inspected on a sample basis for compliance with the standards and rules adopted and orders issued by the director. The program must place priority on inspecting multisection homes and homes installed in Wind Zone II counties.

(c) On or after January 1, 2015, the director by rule shall establish a third-party installation inspection program to supplement the inspections of the department if the department is not able to inspect at least 75 percent of manufactured homes installed in each of the calendar years 2012, 2013, and 2014.

(d) The third-party installation inspection program established under Subsection (c) must:

- (1) establish qualifications for third-party inspectors to participate in the program;
- (2) require third-party inspectors to register with the department before participating in the program;
- (3) establish a biennial registration and renewal process for third-party inspectors;

(4) require the list of registered third-party inspectors to be posted on the department's Internet website;

(5) establish clear processes governing inspection fees and payment to third-party inspectors;

(6) establish the maximum inspection fee that may be charged to a consumer;

(7) require a third-party inspection to occur not later than the 14th day after the date of installation of the manufactured home;

(8) establish a process for a retailer or broker to contract, as part of the sale of a new or used manufactured home, with an independent third-party inspector to inspect the installation of the home;

(9) establish a process for an installer to schedule an inspection for each consumer-to-consumer sale where a home is reinstalled;

(10) if a violation is noted in an inspection, require the installer to:

(A) remedy the violations noted;

(B) have the home reinspected at the installer's expense; and

(C) certify to the department that all violations have been

corrected;

(11) require an inspector to report inspection results to the retailer, installer, and the department;

(12) require all persons receiving inspection results under Subdivision (11) to maintain a record of the results at least until the end of the installation warranty period;

(13) authorize the department to charge a filing fee and an inspection fee for third-party inspections;

(14) authorize the department to continue to conduct no-charge complaint inspections under Section 1201.355 on request, but only after an initial installation inspection is completed;

(15) establish procedures to revoke the registration of inspectors who fail to comply with rules adopted under this section; and

(16) require the department to notify the relevant state agency if the department revokes an inspector registration based on a violation that is relevant to a license issued to the applicable person by another state agency.

(e) Not later than January 1, 2015, the department shall submit to the Legislative Budget Board, the Governor's Office of Budget, Planning, and Policy, and the standing committee of each house of the legislature having primary jurisdiction over housing a report concerning whether the department inspected at least 75 percent of manufactured homes installed in each of the calendar years 2012, 2013, and 2014.

(f) Not later than December 1, 2015, the director shall adopt rules as necessary to implement Subsections (c) and (d) if the department did not inspect at least 75 percent of manufactured homes installed in each of the calendar years 2012, 2013, and 2014. Not later than January 1, 2016, the department shall begin registering third-party inspectors under Subsections (c) and (d) if the department inspections did not occur as described by this subsection.

(g) If the department is not required to establish a third-party installation inspection program as provided by Subsection (c), Subsections (c), (d), (e), and (f) and this subsection expire September 1, 2016.

SECTION 74.08. The changes in law made by this article to Section 2306.6711, Government Code, apply only to an application for low income housing tax credits that is submitted to the Texas Department of Housing and Community Affairs during an application cycle that begins on or after the effective date of this Act. An application that is submitted during an application cycle that began before the effective date of this Act is governed by the law in effect at the time the application cycle began, and the former law is continued in effect for that purpose.

SECTION 74.09. The change in law made by this article in amending Section 1201.104, Occupations Code, applies only to an application for a license filed with the executive director of the manufactured housing division of the Texas Department of Housing and Community Affairs on or after the effective date of this article. An application for a license filed before that date 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.

Explanation: The changes are necessary to provide for the administration and Sunset Advisory Commission review of the Texas Department of Housing and Community Affairs, including the department's activities related to certain housing tax credits and the regulation of manufactured housing and mobile homes.

(27) House Rule 13, Section 9(a)(4), is suspended to permit the committee in proposed Article 79A of the bill to add text on a matter which is not included in either the house or senate version of the bill to read as follows:

ARTICLE 79A. CONFIDENTIALITY OF
CERTAIN PEACE OFFICER VOUCHERS

SECTION 79A.01. Subchapter H, Chapter 660, Government Code, is amended by adding Section 660.2035 to read as follows:

Sec. 660.2035. CONFIDENTIALITY OF CERTAIN PEACE OFFICER VOUCHERS; QUARTERLY SUMMARIES. (a) A voucher or other expense reimbursement form, and any receipt or other document supporting that voucher or other expense reimbursement form, that is submitted or to be submitted under Section 660.027 is confidential under Chapter 552 for a period of 18 months following the date of travel if the voucher or other expense reimbursement form is submitted or is to be submitted for payment or reimbursement of a travel expense incurred by a peace officer while assigned to provide protection for an elected official of this state or a member of the elected official's family.

(b) At the expiration of the period provided by Subsection (a), the voucher or other expense reimbursement form and any supporting documents become subject to disclosure under Chapter 552 and are not excepted from public disclosure or confidential under that chapter or other law, except that the following provisions of that chapter apply to the information in the voucher, reimbursement form, or supporting documents:

(1) Section 552.117;

- (2) Section 552.1175;
- (3) Section 552.119;
- (4) Section 552.136;
- (5) Section 552.137;
- (6) Section 552.147; and
- (7) Section 552.151.

(c) A state agency that submits vouchers or other expense reimbursement forms described by Subsection (a) shall prepare quarterly a summary of the amounts paid or reimbursed by the comptroller based on those vouchers or other expense reimbursement forms. Each summary must:

(1) list separately for each elected official the final travel destinations and the total amounts paid or reimbursed in connection with protection provided to each elected official and that elected official's family members; and

(2) itemize the amounts listed under Subdivision (1) by the categories of travel, fuel, food, lodging or rent, and other operating expenses.

(d) The itemized amounts under Subsection (c)(2) must equal the total amount listed under Subsection (c)(1) for each elected official for the applicable quarter.

(e) A summary prepared under Subsection (c) may not include:

(1) the number or names of the peace officers or elected official's family members identified in the vouchers, expense reimbursement forms, or supporting documents;

(2) the name of any business or vendor identified in the vouchers, expense reimbursement forms, or supporting documents; or

(3) the locations in which expenses were incurred, other than the city, state, and country in which incurred.

(f) A summary prepared under Subsection (c) is subject to disclosure under Chapter 552, except as otherwise excepted from disclosure under that chapter.

(g) A state agency that receives a request for information described by Subsection (a) during the period provided by that subsection may withhold that information without the necessity of requesting a decision from the attorney general under Subchapter G, Chapter 552. The Supreme Court of Texas has original and exclusive mandamus jurisdiction over any dispute regarding the construction, applicability, or constitutionality of Subsection (a). The supreme court may appoint a master to assist in the resolution of any such dispute as provided by Rule 171, Texas Rules of Civil Procedure, and may adopt additional rules as necessary to govern the procedures for the resolution of any such dispute.

SECTION 79A.02. Section 660.2035, Government Code, as added by this article, applies according to its terms in relation to travel vouchers or other reimbursement form and any supporting documents that pertain to expenses incurred or paid on or after the effective date of this article.

Explanation: The changes are necessary to provide for confidentiality and disclosure requirements for vouchers submitted for expenses incurred by a peace officer while assigned to provide protection for an elected official of this state or a member of the elected official's family.

HR 232 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE PICKETT: On page 20 of your privileged resolution, you talk about this PARIS, Public Assistance Reporting Information System. There was a senate bill, **SB 1739**, and I was asked to carry it on the house side. That was to make sure that the money going into the veterans assistance fund goes only for veterans assistance programs. In your resolution, you're adding language that now takes money out of that to analyze and investigate this PARIS program. Why are you doing this? Did someone in Health and Human Services come to you?

REPRESENTATIVE PITTS: No, this was language that was worked on behalf of Senator Leticia Van de Putte, and let me talk to you about the PARIS program. The PARIS program is a federal program that when a veteran comes into the veterans office, they get put online on the PARIS program to find out what benefits are available to this veteran. And it costs some money to do that. So, we are saying, in **HB 1** that we've already passed, we are saying that the Veterans Commission will be able to get 10 percent of the savings that this program will bring. So, in actuality, Representative Pickett, it's going to give additional money to the Veterans Commission, and to take it away now—it does say that the Veterans Commission has to pay for it. So, it is anticipated that it's going to cost \$500,000 to get on the veterans program, for the PARIS program. The Veterans Commission will pay for that, but they will be reimbursed by the savings first, and then will be able to obtain a 10 percent increase in their assistance program because of the savings of PARIS. And you have to take **SB 1** and **HB 1** together.

PICKETT: And again, I went to you before you got up here so you would go and investigate this.

PITTS: I did. Thank you very much.

PICKETT: So, I'm going to ask that this be reduced to writing and put in the journal in a moment, but at the same time, it doesn't say that here. It doesn't say that in what you have here in the resolution. And what **SB 1739** was doing was exactly to stop this very thing. The veterans assistance program takes in monies, and one of the things that they do is relatively new is, last session, they have their own lottery ticket, and the Legislative Budget Board appropriations. Because new monies are coming in, because of this lottery ticket, there were suggestions to take that money away from the veterans assistance fund because it's a new source of revenue, instead of the money that we appropriate. What you are doing, in my opinion, Jim, should be done with the dollars that are already appropriated in either Health and Human Services or to the veterans administration. But to take this money out of the veterans fund and then say that they're going to get the money back—but I don't see that anywhere.

PITTS: It's in conjunction with **HB 1**.

PICKETT: So, you're telling me and this body, whatever the cost that you're adding to this privileged resolution will be replaced to the veterans assistance program from the savings? You're going to make that commitment to me?

PITTS: I am making that commitment.

PICKETT: Mr. Pitts, one other thing I'd like to ask about. **SB 731** that had to do with fees with the Attorney General's Office. That bill passed, and was signed by the governor, and was effective immediately, June 17th. Why are you duplicating that language again beginning on page 15?

PITTS: The only duplication of the language—we took out the fees—all the fees for the attorney general, except one, which is the electronic filing, is left in this bill. **SB 367** and **SB 731** passed, and took all the other fees from the attorney general they were able to charge, and it's in those bills.

PICKETT: So, you're putting it in, or you're putting it out?

PITTS: I went outside the bounds because we took the language of our fees out of **SB 1**. The only fee that we left in, for **SB 1**, is for electronic filing only.

PICKETT: So, again, I'm not sure you answered the question. We passed **SB 731** that has this identical language. You're putting this identical language in, so you're telling me you are allowing the attorney general to charge fees on reviewing comprehensive development agreements?

PITTS: That is in **SB 731** and **SB 367**.

PICKETT: Okay, so, that's in those bills—

PITTS: It's in those bills, and we are not trying to supersede anything.

PICKETT: So, you are reaffirming that? You're telling us that you're no longer going to let the attorney general collect those fees?

PITTS: No, what I'm saying is that we took out language that has already been passed by this body, that we don't need that language in **SB 1**. So, you know, there is a lot of language in **SB 1** that says contingent on such and such passing—well, they passed. So, we took all that out.

PICKETT: And my last question was the way this begins. What is the purpose of the utility deposits being refunded to whom? In the beginning of your privileged resolution, we talk about utility deposits in the Property Code.

PITTS: You didn't give me that question, Joe. I don't know the answer to that.

PICKETT: Well, does this have anything to do with the State of Texas holding deposits? Because the Property Code, the way this thing looks like is this is something for owners of property that they're leasing to individuals.

HR 232 was adopted by (Record 141): 93 Yeas, 49 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis;

Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Coleman; Cook; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver; Hamilton; Lucio; Taylor, V.

Absent — Anchia; Eiland; Woolley.

SB 1 - MOTION TO ADOPT CONFERENCE COMMITTEE REPORT

Representative Pitts submitted the conference committee report on **SB 1**.

REMARKS ORDERED PRINTED

Representative Pickett moved to print remarks between Representative Pitts and Representative Pickett on **HR 232**.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Anchia on motion of Strama.

SB 1 - (consideration continued)

SB 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE PATRICK: First of all, I sincerely want to thank the conference committee for working to maintain the proration language that we require the state to pay back the school districts in the case of proration beyond the current reduction of \$4 billion. I also would like to thank you for creating the smoothing and evening payments for eligible districts in giving the commissioner the authority to do so. But the third and most important piece of my amendment was modified, and therefore, I have some questions.

REPRESENTATIVE EISSLER: Okay.

PATRICK: In the next session, if the regular program adjustment factor, or the RPAF, were equal to one, would this represent full funding for the regular program formulas under current law?

EISSLER: At 1.0, yes.

PATRICK: And the modification to my amendment sets a floor of .98 for the RPAF. What reduction in funding for the regular program formula does the RPAF equal to .98 represent?

EISLER: That would result in a billion dollar hole in the next biennium—500 million per .01.

PATRICK: So, if it were at one, that would be an additional \$1 billion?

EISLER: One billion dollars.

PATRICK: Over two years?

EISLER: Correct.

PATRICK: So, if the base bill as filed in 2013 has an RPAF equal to less than one, then it would be accurate to say that the state will be reducing funding to the regular program formulas for public schools for the next biennium, '13-'14?

EISLER: Right.

PATRICK: Given this information, is it correct to say that the budget committee will have the authority to make the RPAF equal to one in order to support full funding for the regular program formulas?

EISLER: Yes, they will, and yes.

PATRICK: Is it also correct to say that the 83rd Legislature could pass a bill that would sunset the RPAF in September 2013, which was the intent of my amendment?

EISLER: Yes.

REMARKS ORDERED PRINTED

Representative Patrick moved to print remarks between Representative Eissler and Representative Patrick.

The motion prevailed.

Representative Pitts moved to adopt the conference committee report on **SB 1**.

The motion to adopt the conference committee report on **SB 1** was lost by (Record 142): 64 Yeas, 79 Nays, 1 Present, not voting. (The vote was reconsidered later today, and the conference committee report on **SB 1** was adopted by Record No. 144.)

Yeas — Aliseda; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Burkett; Button; Callegari; Chisum; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Eissler; Elkins; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hancock; Harper-Brown; Hartnett; Howard, C.; Huberty; Hunter; Jackson; Keffer; Kolkhorst; Kuempel; Larson; Legler; Lewis; Madden; Margo; Miller, D.; Miller, S.; Murphy; Nash; Orr; Otto; Parker; Patrick; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Taylor, L.; Torres; Truitt; Woolley; Workman; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anderson, C.; Bonnen; Burnam; Cain; Carter; Castro; Christian; Coleman; Cook; Creighton; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Fletcher; Flynn; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hardcastle; Harless; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Hughes; Isaac; Johnson; King, P.; King, S.; King, T.; Kleinschmidt; Landtroop; Laubenberg; Lavender; Lozano; Lyne; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Morrison; Muñoz; Naishtat; Oliveira; Paxton; Peña; Perry; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Sheets; Simpson; Solomons; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Driver; Hamilton; Lucio; Taylor, V.

Absent — Bohac.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 142. I intended to vote no.

Aliseda

I was shown voting yes on Record No. 142. I intended to vote no.

S. Miller

SB 1 - VOTE RECONSIDERED

Representative P. King moved to suspend all necessary rules and reconsider the vote by which the motion to adopt the conference committee report on **SB 1** was lost.

The motion to suspend all necessary rules and to reconsider the vote prevailed by (Record 143): 96 Yeas, 44 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hochberg; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Howard, D.; Johnson; King, T.; Lozano;

Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C); Miller, D.

Absent, Excused — Anchia; Driver; Hamilton; Lucio; Taylor, V.

Absent — Eiland; Hilderbran; Strama.

STATEMENTS OF VOTE

When Record No. 143 was taken, my vote failed to register. I would have voted no.

Hilderbran

I was shown voting yes on Record No. 143. I intended to vote no.

Landtroop

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Castro on motion of Hernandez Luna.

The following member was granted leave of absence for the remainder of today because of family business:

Strama on motion of Hochberg.

SB 1 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Pitts submitted the conference committee report on **SB 1**.

Representative Pitts moved to adopt the conference committee report on **SB 1**.

The motion to adopt the conference committee report on **SB 1** prevailed by (Record 144): 80 Yeas, 57 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, R.; Aycocck; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Eissler; Elkins; Fletcher; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hancock; Hardcastle; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Legler; Lewis; Madden; Margo; Nash; Orr; Otto; Parker; Patrick; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anderson, C.; Burnam; Cain; Carter; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Harless; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Johnson; King, T.; Landtroop; Lavender;

Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, S.; Morrison; Muñoz; Naishtat; Oliveira; Paxton; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C); Murphy.

Absent, Excused — Anchia; Castro; Driver; Hamilton; Lucio; Strama; Taylor, V.

Absent — Flynn; Laubenberg; Lyne; Miller, D.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 144. I intended to vote no.

Creighton

When Record No. 144 was taken, my vote failed to register. I would have voted yes.

Flynn

When Record No. 144 was taken, my vote failed to register. I would have voted no.

Laubenberg

When Record No. 144 was taken, I was in the house but away from my desk. I would have voted no.

Lyne

When Record No. 144 was taken, my vote failed to register. I would have voted yes.

D. Miller

I was shown voting present, not voting on Record No. 144. I intended to vote yes.

Murphy

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. 2).

RESOLUTIONS ADOPTED

Representative V. Gonzales moved to suspend all necessary rules to take up and consider at this time the following congratulatory resolutions:

HR 11 (by Alonzo), Congratulating Julian Rodriguez on being named the 2011 valedictorian of Adamson High School in Dallas.

HR 12 (by Alonzo), Congratulating Adan Gonzalez on being named the 2011 salutatorian of Adamson High School in Dallas.

HR 13 (by Alonzo), Congratulating Kevin Prado on being named the 2011 valedictorian of Molina High School in Dallas.

HR 14 (by Alonzo), Congratulating Leticia Gallegos on being named the 2011 salutatorian of Molina High School in Dallas.

HR 15 (by Alonzo), Congratulating Gustavo Castillo on being named the 2011 valedictorian of Trini Garza Early College High School in Dallas.

HR 16 (by Alonzo), Congratulating Jocelyn Velasquez on being named the 2011 salutatorian of Trini Garza Early College High School in Dallas.

HR 17 (by Alonzo), Congratulating Xochitl Escobar on being named valedictorian of Sunset High School in Dallas.

HR 18 (by Alonzo), Congratulating Veronica Flores on being named salutatorian of Sunset High School in Dallas.

HR 19 (by Alonzo), Congratulating Kathy T. Do on being named the 2011 valedictorian of Grand Prairie High School.

HR 20 (by Alonzo), Congratulating Juan C. Cerda on being named the 2011 salutatorian of Grand Prairie High School.

HR 21 (by Alonzo), Congratulating Rosa Walker on her induction into the Texas AFL-CIO Hall of Fame.

HR 22 (by Sheffield), Congratulating Ervin and Janice Schwindt of Belton on their 50th wedding anniversary.

HR 23 (by Sheffield), Congratulating Dr. Vernon D. Holleman and Shirley Holleman of Temple on their 50th wedding anniversary.

HR 24 (by Sheffield), Honoring Roy and Eloisa Donoso of Temple on their 50th wedding anniversary.

HR 25 (by Sheffield), Honoring Carl and Patsy Feller of Salado on their 60th wedding anniversary.

HR 26 (by Huberty), Congratulating Matthew Simpson of Huffman on being named valedictorian of the Class of 2011 at Hargrave High School.

HR 27 (by Huberty), Congratulating Paige Alan Sullivan on her graduation from Kingwood High School.

HR 28 (by Workman), Congratulating Lake Travis High School basketball coach Jan Jernberg on his retirement.

HR 31 (by Paxton), Congratulating Burks Elementary School in McKinney on earning recognition as a Healthy Zone School.

HR 32 (by L. Gonzales), Congratulating Patti Jurena Wiggs of Round Rock on her retirement as a teacher at Park Crest Middle School in Pflugerville.

HR 33 (by Torres), Congratulating R. E. "Bob" Parker on his induction into the Corpus Christi Business Hall of Fame.

HR 34 (by Torres), Congratulating the marketing and community relations department of Driscoll Children's Hospital in Corpus Christi on winning three 2011 Aster Awards.

HR 35 (by Torres), Congratulating the Destination ImagiNation teams from Baker Middle School in Corpus Christi for advancing to the 2011 Destination ImagiNation Global Finals.

HR 36 (by Torres), Congratulating David Richter on his induction into the Corpus Christi Business Hall of Fame.

HR 37 (by Torres), Congratulating Dr. Robert R. Furgason on his induction into the Corpus Christi Business Hall of Fame.

HR 38 (by Torres), Congratulating Elizabeth Chu Richter on her induction into the Corpus Christi Business Hall of Fame.

HR 39 (by Dutton), Congratulating Gertrude Jack Lewis of Houston on the occasion of her 100th birthday.

HR 40 (by Cain), Congratulating Second Lieutenant Jermaine Dewayne Wright of Sulphur Springs on his graduation from the United States Military Academy at West Point.

HR 43 (by Guillen), Congratulating Homero Juan Salmon on his retirement as constable of Starr County Precinct 4.

HR 44 (by Dutton), Commemorating EXPO 2011, hosted by the Houston Minority Supplier Development Council.

HR 45 (by Guillen), Commending the Honorable John A. Pope III of McAllen for his distinguished work in the legal profession.

HR 46 (by Guillen), Honoring Lino Canales, Jr., for his contributions to the community as founder of the Starr County Town Crier.

HR 48 (by Guillen), Honoring Immaculate Conception Church in Rio Grande City for its service to the community.

HR 50 (by Schwertner), Congratulating Clarence and Ann Crow of Georgetown on their 60th wedding anniversary.

HR 53 (by V. Gonzales), Honoring Lauro Solis on his installation as governor of Rotary International District 5930.

HR 54 (by V. Gonzales), Congratulating Rachele Grace of McAllen Memorial High School on her receipt of the 2011 H-E-B Excellence in Education Leadership Award in the secondary school category.

HR 55 (by V. Gonzales), Honoring Ernie Madsen for his nearly eight decades of service to Rotary International.

HR 56 (by V. Gonzales), Congratulating Taryn B. Millar on earning her doctorate in psychology from George Washington University.

HR 57 (by V. Gonzales), Commending Judge Rudy Delgado on his selection as the April 2011 Cancer Fighter of the Month by the American Cancer Society of the Rio Grande Valley.

HR 59 (by V. Gonzales), Congratulating Jan Seale on being named Texas Poet Laureate for 2012.

HR 60 (by V. Gonzales), Congratulating Las Palmas Healthcare Center in McAllen on earning the Public Information and Education Award from the Texas Health Care Association.

HR 61 (by V. Gonzales), Congratulating Mariella Gorena on her retirement as principal of Wilson Elementary School in McAllen.

HR 62 (by Guillen), Honoring Lauro L. Lopez of Rio Grande City for his contributions as a business and civic leader and as a member of the armed forces.

HR 63 (by Guillen), Honoring Clemente Garza, Jr., and the staff of the Texas Cafe in Rio Grande City for their hard work and entrepreneurial achievements.

HR 64 (by Guillen), Congratulating Elvia Escobedo, founder of Elvia's Beauty Shop in Rio Grande City.

HR 65 (by Y. Davis), Congratulating former NFL star Tim Brown of DeSoto on being named a North Texas Father of the Year by the Sylvan Landau Foundation.

HR 67 (by Giddings), Commending Katherine Hinton-Rosenberg for her service as a legislative intern in the office of State Representative Helen Giddings.

HR 68 (by Giddings), Commending Clayton Tucker for his service as a legislative intern in the office of State Representative Helen Giddings.

HR 69 (by Workman), Congratulating Will Hoenig of Lake Travis High School on earning first place in extemporaneous persuasive speaking at the 2011 UIL Conference 4A State Academics Spring Meet.

HR 70 (by Workman), Congratulating Lake Travis High School on its receipt of the sweepstakes award in speech at the 2011 UIL Conference 4A State Academics Spring Meet.

HR 71 (by Gooden), Congratulating the Forney High School softball team on its outstanding 2011 season and its appearance in the UIL 4A title game.

HR 73 (by Guillen), Honoring Dr. Mario E. Ramirez on his contributions to health care in South Texas.

HR 75 (by Burkett), Congratulating the first graduating class of Sunnyvale High School.

HR 77 (by Craddick), Congratulating Billie Ann and Kenneth Baker of Midland on their 65th wedding anniversary.

HR 78 (by Workman), Congratulating Neal White on earning first place in extemporaneous informative speaking at the 2011 UIL Conference 4A State Academics Spring Meet.

HR 79 (by Workman), Congratulating James Bounds on earning the top score on the physics portion of the science contest at the 2011 UIL Conference 4A State Academics Spring Meet.

HR 82 (by Guillen), Congratulating Cruz Garza, Jr., on his retirement from Rio Grande City High School.

HR 83 (by Guillen), Honoring Gilberto Amado Hinojosa, Sr., of Benavides, for his service to Duval County.

HR 85 (by Craddick), Congratulating Jack and Barbara Pallick of Midland on their 50th wedding anniversary.

HR 86 (by Craddick), Congratulating L. G. and Willie Atchley on their 70th wedding anniversary.

HR 87 (by Burkett), Congratulating Scott Coulson on his retirement as band director of Poteet High School in Mesquite.

HR 88 (by Rodriguez), Commending Alda Santana for her service as senior legislative assistant in the office of State Representative Eddie Rodriguez.

HR 89 (by Guillen), Honoring Jovita Rebecca Guevara of Jovita's Beauty Salon in Benavides.

HR 90 (by Gooden), Congratulating Hunter Pritchett of Quinlan on attaining the rank of Eagle Scout.

HR 91 (by Y. Davis), Congratulating Patricia Barton of Dallas and LaJuana Barton of DeSoto on the publication of Faithful Remembrances Volume I.

HR 94 (by Craddick), Congratulating Floretta and Wilbern Peden of Midland on their 60th wedding anniversary.

HR 95 (by Craddick), Congratulating Jim and Marilyn Clanahan of Midland on their 60th wedding anniversary.

HR 96 (by Truitt), Congratulating Chief Robert Finn on his retirement from the police services division of the Southlake Department of Public Safety.

HR 100 (by Guillen), Commending the Honorable Jose Benito Canales for more than 30 years of service as justice of the peace of Precinct 4 of Duval County.

HR 101 (by Alonzo), Paying tribute to Rodolfo, Marcos, Alejandro, Vicente, Jose, and Arturo Torres for their service in the armed forces of the United States of America.

HR 103 (by Aliseda), Congratulating Tina Marie Garza on her graduation from The University of Texas at Austin.

HR 108 (by Madden), Commending Harry LaRosiliere for his service as a member of the Plano City Council.

HR 109 (by Madden), Commending Jean Callison for her service on the Plano City Council.

HR 110 (by Button), Congratulating the Methodist Richardson Foundation on the success of its 2011 WildRide! WildRun! Against Cancer.

HR 111 (by Button), Honoring Richland College on its designation as a two-year National Center of Academic Excellence in Information Assurance Education.

HR 112 (by Guillen), Honoring Elida "Lela" Gutierrez Garcia of Benavides for her longtime service to area residents as the owner of Lela's Beauty Shop.

HR 114 (by Guillen), Recognizing Dr. Roberto S. Margo of Rio Grande City for his service as a veterinarian.

HR 119 (by Guillen), Commemorating the 30th anniversary of the Liberty Cafe in Freer.

HR 120 (by Guillen), Commending Edna and Arnolando Cantu of Freer for their contributions to their community.

HR 121 (by Guillen), Honoring Francisco Guerra, Jr., of Starr County for his achievements in business.

HR 122 (by Margo), Honoring Sun Metro on its receipt of a 2011 Outstanding Public Transportation System award by the American Public Transportation Association.

HR 123 (by Margo), Congratulating retired Brigadier General Richard A. Behrenhausen and Elizabeth Behrenhausen of El Paso on their 50th wedding anniversary.

HR 124 (by Burkett), Congratulating the baseball team of Eastfield College in Mesquite on winning the NJCAA Division III World Series.

HR 126 (by Gooden), Congratulating William Noah Bankston on attaining the rank of Eagle Scout.

HR 127 (by Craddick), Honoring Dr. John Mendelsohn for his 15-year tenure as president of The University of Texas M. D. Anderson Cancer Center.

HR 128 (by Lewis), Congratulating Glen Larum on his retirement from the Texas Department of Transportation.

HR 130 (by Guillen), Congratulating Sijifredo "Chacho" and Diana Flores of Benavides on their 50th wedding anniversary.

HR 131 (by Guillen), Honoring Judge Benito V. Garza for his 34 years of service as justice of the peace for Precinct 3 in Duval County.

HR 132 (by Guillen), Honoring Julian F. Stockwell for his years of service to Duval County.

HR 133 (by Peña), Honoring U.S. Marine Corps Sergeant Jacob De la Garza for his service to this nation.

HR 134 (by Peña), Honoring Alma Garza for her service on the Edinburg City Council.

HR 136 (by Schwertner), Congratulating Charlotte Ramsey of Cedar Park on her retirement from Pleasant Hill Elementary School in Leander.

HR 137 (by Schwertner), Congratulating the baseball team of Yoe High School in Cameron on winning the UIL 2A state championship.

HR 140 (by Hughes), Congratulating Don and Linda Rhodes of Mineola on their 50th wedding anniversary.

HR 142 (by Guillen), Honoring Rodolfo Carlos Salinas, Jr., of Rio Grande City for his contributions to his community.

HR 143 (by Guillen), Congratulating Pedro and Estefana Villareal on their 67th wedding anniversary.

HR 144 (by Raymond), Congratulating Juan Francisco "Pancho" Ochoa on being named the 2011 BusinessPerson of the Year by the Laredo Chamber of Commerce.

HR 145 (by Hughes), Congratulating Juan D. and Jerry Nichols of Quitman on their 60th wedding anniversary.

HR 147 (by Lucio, et al.), Commemorating the 2011 CowParade in Austin benefiting the Dell Children's Medical Center of Central Texas.

HR 148 (by V. Gonzales), Congratulating Ruben Longoria Saenz and Matilda Delgado Saenz of Robstown on their 40th wedding anniversary.

HR 151 (by Gooden), Congratulating Captain Kay Langford on her retirement from the Henderson County Sheriff's Office.

HR 152 (by Johnson), Congratulating Lula Beatrice McGough Jordan of Dallas on the occasion of her 100th birthday.

HR 153 (by Guillen), Honoring Martin A. Canales, Jr., of Roma for his contributions to his community.

HR 155 (by Gooden), Commemorating the 30th anniversary of the founding of Cornerstone Baptist Church in Terrell.

HR 156 (by Guillen), Honoring Rudy and Ann Casas for their success as the owners of Freer Iron Works in Duval County.

HR 157 (by Gallego), Congratulating Fred Brockwell of Del Rio on earning a 2010 Spotlight Award from the American Association of Community Theatre.

HR 159 (by Madden), Congratulating James "Bubba" Martin, Jr., on his retirement as chief juvenile probation officer for Jefferson County.

HR 160 (by Johnson), Congratulating Lovie Mae Walker Kazee of Dallas on the occasion of her 95th birthday.

HR 161 (by Huberty), Congratulating Ashley Alspaugh of Atascocita on her graduation from St. Pius X High School.

HR 162 (by Huberty), Honoring William Patrick Barnett, Sr., on his 75th birthday.

HR 164 (by D. Howard), Congratulating Benjamin Mauro of Austin on attaining the rank of Eagle Scout.

HR 165 (by D. Howard), Congratulating Tanner Mauro of Austin on attaining the rank of Eagle Scout.

HR 168 (by McClendon), Congratulating Carlton and Margaret Robinson of San Antonio on their 65th wedding anniversary.

HR 169 (by Guillen), Honoring Rene G. Smith, Jr., of Starr County for his contributions to his community.

HR 170 (by Harper-Brown), Commemorating the Eighth Annual Awareness Banquet hosted by the Dallas/Fort Worth chapter of the Korean American Coalition and extending best wishes to newly elected chapter president Soo Yeon Nam.

HR 172 (by Gallego), Honoring Edelmira Sotelo for her 21 years of service as district director for the Del Rio office of State Representative Pete Gallego.

HR 106 (by V. Taylor), Congratulating Daniel Robnett of Plano on his promotion to the rank of captain in the U.S. Marine Corps and on his receipt of the Navy Marine Corps Commendation Medal.

HR 184 (by Y. Davis), Congratulating the Dallas Baptist University baseball team on its outstanding 2011 season.

HR 185 (by Guillen), Honoring El Valle Bakery in Rio Grande City and its founders, Adolfo Berlanga and Maria del Carmen Berlanga.

HR 188 (by Huberty), Congratulating Kelly Anne Sullivan on her graduation from Kingwood Park High School in 2010.

HR 189 (by Cook), Commemorating the 100th anniversary of the dedication of the First United Methodist Church building in Palestine and 175 years of Methodism in the Palestine area.

HR 190 (by Marquez), Commending Deputy Sergeant Natividad Guerrero of the El Paso County Sheriff's Office for his 25 years of service.

HR 191 (by Marquez), Commending El Paso County Deputy Sheriff Patrick Gailey for helping an elderly woman escape a brush fire.

HR 192 (by Marquez), Honoring Charlie Gomez for his contributions to the El Paso community.

HR 193 (by Marquez), Congratulating the El Paso County Historical Commission on receiving a 2010 Distinguished Service Award from the Texas Historical Commission.

HR 194 (by Marquez), Commemorating the opening of the new indoor farmers' market at Mercado Mayapan in El Paso.

HR 195 (by Marquez), Congratulating the Volar Center for Independent Living on being named the 2011 Center for Independent Living of the Year by the State of Texas.

HR 203 (by Gallego), Congratulating Kiki Luna on her receipt of the J. C. Montgomery, Jr., Child Safety Award from the Texas Office for Prevention of Developmental Disabilities.

HR 204 (by Gallego), Congratulating Alfredo Delgado on his retirement from the Housing Authority of Del Rio.

HR 205 (by Gallego), Honoring U.S. Air Force Colonel Michael R. Frankel, commander of the 47th Flying Training Wing at Laughlin Air Force Base, for his service to this country.

HR 206 (by Gallego), Congratulating Ely Gallego of Alpine High School on being named to the Texas High School Baseball Coaches Association 2A All-State team.

HR 214 (by Y. Davis, et al.), Congratulating Mike Rawlings on his election as mayor of the City of Dallas.

HR 215 (by Muñoz), Commemorating the dedication of the Cali Carranza community gymnasium in Pharr and honoring Mr. Carranza for his achievements and service.

HR 216 (by Gooden), Congratulating Dr. Coy Holcombe, Eustace ISD superintendent, on his designation as 2011 Region 7 Superintendent of the Year.

HR 217 (by Gooden), Congratulating Coy Ellis and the Ellis Motor Company in Chandler on the 40th anniversary of the business.

HR 219 (by Dutton, et al.), Commemorating the 50th anniversary of San Jacinto College and recognizing September 19, 2011, as San Jacinto College Day.

HR 220 (by Y. Davis), Congratulating Michael Quildon on his reelection to the Cedar Hill Independent School District Board of Trustees.

HR 221 (by Y. Davis), Congratulating Dan Hernandez on his reelection to the Cedar Hill Independent School District Board of Trustees.

HR 222 (by Y. Davis), Congratulating Wendy Hodges-Kent on her election to the Cedar Hill Independent School District Board of Trustees.

HR 225 (by Harper-Brown), Congratulating Sergeant Louis C. Felini of the Dallas Police Department on receiving a Professional Achievement Award from the Texas Commission on Law Enforcement Officer Standards and Education.

HR 229 (by Schwertner), Congratulating Alfred and Bernice Vrazel of Buckholts on their 50th wedding anniversary.

HR 230 (by Zerwas), Honoring the Texas Stars Service Unit on the occasion of the centennial of Girl Scouts of the USA.

HR 231 (by Perry), Congratulating the baseball team of Coronado High School in Lubbock on its outstanding 2011 season and its appearance in the UIL 5A state title game.

HR 234 (by Cook), Congratulating the Navarro College baseball team on winning the 2011 NJCAA Division I national championship.

HR 235 (by Schwertner), Commending Patrick M. Reilly and the other members of Chapter 1919 of the Military Order of the Purple Heart for their efforts to bring the Texas Capitol Vietnam War Monument to fruition.

HR 236 (by Carter), Congratulating Sean and Emily Carter of Wylie on their 10th wedding anniversary.

HR 241 (by Harper-Brown), Recognizing Multilayer Technology for receiving its third consecutive Best of Irving Award in the Printed Circuit Board category from the United States Commerce Association.

HR 242 (by Branch), Commemorating the 2011 Fourth of July celebration in the Greenway Parks neighborhood of Dallas and recognizing the rich history of this important community.

HR 243 (by Branch), Congratulating David Chapasko of Preston Hollow Elementary School on being named the Dallas Independent School District 2011 Principal of the Year.

HR 244 (by Guillen), Commending Celia Reilly Saenz for her service to her community.

HR 246 (by Gooden), Congratulating Pauline Bond Baxter on being named grand marshal of the 2011 Fourth of July parade in Kaufman.

HR 248 (by McClendon), Congratulating Emma Jewel Johnson on her retirement from the San Antonio Independent School District.

HR 249 (by Branch), Commemorating the grand opening of the Katy Trail Ice House in Dallas.

HR 250 (by Branch), Congratulating Dr. Ben Coker on his retirement as assistant superintendent of business services for Highland Park Independent School District.

HR 251 (by Branch), Commemorating the groundbreaking for the George W. Bush Presidential Center at Southern Methodist University in Dallas.

HR 252 (by Marquez), Commemorating the 100th anniversary of the Eighth Court of Appeals.

HR 255 (by Margo), Congratulating Dr. Herbert H. Ortega on his receipt of the 2011 Distinguished Service Award from the Rotary Club of El Paso.

HR 257 (by Peña), Congratulating Sally Jaime on being named the 2011 Firefighter of the Year by the Edinburg Volunteer Fire Department.

HR 260 (by Hughes), Congratulating Wendell and Myra Shirley Crist of Yantis on their 50th wedding anniversary.

HR 261 (by S. Davis), Commemorating the 10th anniversary of the Bellaire MENS Club.

HR 262 (by S. Davis), Congratulating Delvin Dennis, district engineer of the Houston District, Texas Department of Transportation, on the occasion of his retirement.

HR 264 (by Thompson), Congratulating Texas Junior State of America on its 20th anniversary.

HR 265 (by Raymond), Honoring Terry Ruskowski for his achievements as coach, general manager, and president of the Laredo Bucks hockey team.

HR 266 (by Hilderbran), Commending the Former Texas Rangers Foundation on its outstanding work.

HR 269 (by Y. Davis), Congratulating the Dallas Baptist University basketball team on winning the 2010-2011 National Christian College Athletic Association Division I national championship.

HR 272 (by Veasey), Commemorating the opening of the Wilbert M. Curtis Texas Prince Hall Library Museum in Fort Worth, which is dedicated to the history of African American Freemasonry in Texas.

HR 273 (by Bonnen), Congratulating the Brazoswood High School Trap and Clay Shooters on their championship performance at the state Clay Trap/Sporting Clays Tournament in San Antonio.

HR 274 (by Bonnen), Congratulating Jenna Pisarski of Brazoswood High School in Clute on becoming the 2010-2011 wrestling state champion in the 110-pound weight class.

HR 275 (by Y. Davis), Congratulating Janet Harris on her election to the Duncanville City Council.

HR 277 (by Gallego), Congratulating Dr. Robert M. Gates on his retirement as the United States secretary of defense.

HR 278 (by Gallego), Honoring Dr. Ismael Sosa, Jr., for his service as president of Southwest Texas Junior College and his contributions to the Uvalde community.

HR 280 (by Harper-Brown), Congratulating Judy Smithey on her retirement as a senior public policy consultant with Dean International, Inc.

HR 281 (by Harper-Brown), Honoring the Irving Art Association on the 55th anniversary of its founding.

HR 283 (by Peña), Recognizing the Just Kauz It's Right nonprofit initiative and its founder, Maricela De Leon, for assisting schoolchildren in the Rio Grande Valley.

HR 284 (by Y. Davis and Reynolds), Congratulating Machree Garrett Gibson on her election as president of the Texas Exes.

HR 285 (by Craddick), Commemorating the 40th anniversary of Southwest Airlines.

HR 286 (by Legler), Honoring the Pasadena Bay-Area Junior Forum on the 50th anniversary of its founding.

HR 289 (by Riddle), Commemorating the dedication of the Spring Fire Department's new fire station and administration building.

HCR 12 (by Dutton), Congratulating country-pop superstar Kenny Rogers on his achievements.

HCR 27 (by Weber, W. Smith, Zerwas, Lavender, Morrison, et al.), Congratulating the nine Texas community colleges named among the nation's top 120 by the Aspen Institute.

The motion to suspend all necessary rules prevailed, and the resolutions were adopted.

RESOLUTIONS ADOPTED

Representative Riddle moved to suspend all necessary rules to take up and consider at this time the following memorial resolutions:

HR 29 (by Patrick), In memory of Ronald Gene Howell of Arlington.

HR 42 (by Guillen), In memory of Eladio Carrera of Rio Grande City.

HR 47 (by Guillen), In memory of Nidia Ann Leal.

HR 51 (by Hilderbran), In memory of Thomas G. Ratcliffe of Kerrville.

HR 52 (by Hilderbran), In memory of Elizabeth Ann Liggett of Kerrville.

HR 58 (by V. Gonzales), In memory of Oscar Raul Cardenas of McAllen.

HR 72 (by Guillen), In memory of Juan Caro of Rio Grande City.

HR 76 (by Quintanilla), In memory of U.S. Army Corporal Eduardo Pedregon of El Paso, who gave his life while fighting in the Korean War.

HR 80 (by Larson), In memory of Steven F. Gehrlein of San Antonio.

HR 81 (by Guillen), Honoring the life and work of Dr. Mamiliano Juan Rodriguez.

HR 84 (by Guillen), In memory of Lino Perez, Jr., of Rio Grande City.

HR 92 (by Hughes), In memory of the Honorable Ed Hunt of Mineola.

HR 93 (by Hughes), In memory of U.S. Army Chief Warrant Officer 2 Bradley Justin Gaudet of Gladewater.

HR 97 (by Larson), In memory of George Vernon Wright, Jr., of San Antonio.

HR 98 (by Guillen), Paying tribute to the lives of Ramiro and Hortencia "Nena" Hinojosa of Starr County.

HR 99 (by Guillen), Honoring the life and legacy of former Starr County sheriff Reymundo Alvarez.

HR 107 (by McClendon), In memory of the Reverend R. A. Callies of San Antonio.

HR 113 (by Guillen), In memory of Manuel P. Guillen of Rio Grande City.

HR 116 (by Guillen), In memory of Javier "J. V." Villanueva of Duval County.

HR 117 (by Guillen), In memory of former Starr County judge Blas Chapa of Mission.

HR 118 (by Guillen), Paying tribute to the life and legacy of Dr. Ramiro Narro of Weslaco.

HR 129 (by Lyne), In memory of the Honorable Graham Boynton Purcell, Jr., of Wichita Falls.

HR 135 (by Guillen), In memory of Rio Grande City police officer Robert A. Ramirez.

HR 139 (by Y. Davis), In memory of Dr. Charles A. Hunter of Dallas.

HR 146 (by Hughes), In memory of James E. Taylor of Marshall.

HR 149 (by Madden, et al.), In memory of Dorothy Edna Schulte "Dot" McCaLpin of Richardson.

HR 150 (by Gooden), In memory of Valerie Evelyn Tumlinson of Athens.

HR 154 (by Callegari), In memory of the Reverend John Brannon Haskins, Sr., of Houston.

HR 158 (by Gallego), In memory of Eugene Russell Watson of Marathon.

HR 163 (by Button), In memory of Antonio Palaganas.

HR 173 (by Gallego), In memory of Moises L. Prieto of Del Rio.

HR 174 (by Guillen), In memory of Jesus Alberto Solis of Starr County.

HR 175 (by Hamilton), In memory of State District Judge Britton E. Plunk of Silsbee.

HR 176 (by Hamilton), In memory of A. J. Leger of Beaumont.

HR 178 (by Madden), In memory of Sharon Elaine Wright of Plano.

HR 183 (by W. Smith), In memory of Lois Elaine Black Couch of Baytown.

HR 186 (by Harper-Brown), In memory of Robert Ochoa Moon of Irving.

HR 187 (by Harper-Brown), In memory of Evelyn T. Clifton of Irving.

HR 210 (by Smithee), In memory of noted Western craftsman Jerry Cates of Amarillo.

HR 211 (by Kolkhorst), In memory of Richard Bruce Duncan, the justice of the peace for Precinct 2 of Walker County.

HR 223 (by McClendon), In memory of civil rights pioneer and political leader Percy Ellis Sutton.

HR 224 (by Margo), In memory of U.S. Army Colonel (Ret.) James Lloyd Hayden of El Paso.

HR 226 (by Harper-Brown), In memory of Lenora Josephine Cavazos of Irving.

HR 227 (by Harper-Brown), In memory of Harold Wayne Cline, Sr., of Irving.

HR 228 (by Harper-Brown), In memory of Jo Ann Okle of Irving.

HR 237 (by Harper-Brown), In memory of Charles Ray Williams of Irving.

HR 238 (by Harper-Brown), In memory of Steve K. Askins of Irving.

HR 239 (by Harper-Brown), In memory of Lola Lenore Ernsting of Irving.

HR 240 (by Harper-Brown), In memory of Shirley Jane Bearden Sweet of Irving.

HR 247 (by McClendon), In memory of Angnet Marie Rice Norman of San Antonio.

HR 253 (by Marquez), In memory of U.S. Army Staff Sergeant Nicholas Price Ballard of El Paso.

HR 254 (by V. Gonzales, et al.), In memory of Rio Grande Valley physician, educator, and civil rights leader Dr. Ramiro Raul Casso.

HR 256 (by Workman), In memory of Johnna Puckett Reynolds of Driftwood.

HR 263 (by Woolley), In memory of Ramsay Gillman of Houston.

HR 267 (by Gallego), In memory of Thomas "Jack" Plyler of Del Rio.

HR 268 (by Gallego), In memory of Margaret Pauline Seward Newbill.

HR 270 (by Cain), In memory of Susan Ann Cassidy of Amarillo.

HR 271 (by Cain), In memory of Joseph Patrick Cassidy of Panhandle.

HR 276 (by Oliveira), In memory of Ricardo A. Arzamendi of Brownsville.

HR 279 (by Carter), In memory of U.S. Army Private Andrew Mark Krippner of Garland.

HR 282 (by Harper-Brown), In memory of Dorothy "Dot" Tapley of Emory.

HCR 23 (by Cain, et al.), In memory of Susan Ann Cassidy of Amarillo.

HCR 24 (by Cain, et al.), In memory of Joseph Patrick Cassidy of Panhandle.

The motion to suspend all necessary rules prevailed, and the resolutions were unanimously adopted by a rising vote.

SCR 5 - ADOPTED
(Pitts - House Sponsor)

The following privileged resolution was laid before the house:

SCR 5, Instructing the enrolling clerk of the senate to make corrections in **SB 1**.

SCR 5 was adopted by (Record 145): 116 Yeas, 19 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Dukes; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; 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; Lync; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Morrison; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Thompson; Torres; Truitt; Villarreal; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Burnam; Davis, Y.; Dutton; Farias; Farrar; Gonzalez; Gutierrez; Johnson; Lozano; Mallory Caraway; Miles; Muñoz; Oliveira; Quintanilla; Reynolds; Veasey; Vo; Walle.

Present, not voting — Mr. Speaker(C); Coleman.

Absent, Excused — Anchia; Castro; Driver; Hamilton; Lucio; Strama; Taylor, V.

Absent — Callegari; Hernandez Luna; Hilderbran; Miller, S.; Raymond; Turner.

STATEMENT OF VOTE

When Record No. 145 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

(Aycock in the chair)

HR 166 - ADOPTED (by Morrison)

Representative Morrison moved to suspend all necessary rules to take up and consider at this time **HR 166**.

The motion prevailed.

The following resolution was laid before the house:

HR 166, In memory of the Honorable Frank Harrington Crain of Victoria.

HR 166 was unanimously adopted by a rising vote.

On motion of Representative Branch, the names of all the members of the house were added to **HR 166** as signers thereof.

(Speaker in the chair)

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. 2).

(Hunter in the chair)

NAMES ADDED

On motion of Representative Hughes, the names of all the members of the house were added to **HR 270** and **HR 271** as signers thereof.

HR 202 - ADOPTED

(by Jackson)

Representative Jackson moved to suspend all necessary rules to take up and consider at this time **HR 202**.

The motion prevailed.

The following resolution was laid before the house:

HR 202, In memory of Jesse Robert Woody of Carrollton.

HR 202 was unanimously adopted by a rising vote.

On motion of Representative Chisum, the names of all the members of the house were added to **HR 202** as signers thereof.

HR 245 - ADOPTED

(by Chisum)

Representative Chisum moved to suspend all necessary rules to take up and consider at this time **HR 245**.

The motion prevailed.

The following resolution was laid before the house:

HR 245, In memory of E. E. "Shelly" Shelhamer of Pampa.

HR 245 was unanimously adopted by a rising vote.

On motion of Representative Simpson, the names of all the members of the house were added to **HR 245** as signers thereof.

NAMES ADDED

On motion of Representative Gallego, the names of all the members of the house were added to **HR 157**, **HR 158**, **HR 172**, **HR 173**, **HR 203**, **HR 204**, **HR 205**, **HR 206**, **HR 207**, **HR 267**, **HR 268**, **HR 277**, and **HR 278** as signers thereof.

(Speaker in the chair)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Gallego requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, at 7:12 p.m. today, in 3W.15, to consider **SB 29**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, 7:12 p.m. today, 3W.15, for a formal meeting, to consider **SB 29**.

HR 290 - ADOPTED
(by Hughes)

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 290**.

The motion prevailed.

The following resolution was laid before the house:

HR 290, Commemorating the 150th anniversary of the founding of Mt. Shiloh Baptist Church in Quitman.

HR 290 was adopted.

ADJOURNMENT

Representative Miles moved that the house adjourn until 10 a.m. tomorrow in memory of Yolanda Evette Williams of Houston.

The motion prevailed.

The house accordingly, at 7:12 p.m., adjourned until 10 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

SB 29 to Criminal Jurisprudence.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 1

HCR 18, HCR 19, HCR 22, HCR 25

House List No. 2

HB 3

Senate List No. 4**SB 2, SB 6, SB 7, SB 8****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

Tuesday, June 28, 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:

HB 79 Lewis SPONSOR: Duncan
Relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government.
(Committee Substitute)

HCR 26 Bonnen SPONSOR: Huffman
Congratulating the baseball team of Brazoswood High School in Clute on winning the 2011 UIL 5A state championship.

SB 29 Patrick SPONSOR: Simpson
Relating to prosecution and punishment for the offense of official oppression by the intrusive touching of persons seeking access to public buildings and transportation; providing penalties.

SCR 5 Duncan
Instructing the enrolling clerk of the senate to make corrections in **SB 1**.

SCR 6 Hegar
Congratulating Melba Glyn Hill Cook on her 80th birthday.

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 3 (18 Yeas, 12 Nays)
SB 1 (21 Yeas, 9 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Tuesday, June 28, 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:

HCR 20 Craddick SPONSOR: Williams
Commemorating the 40th anniversary of Southwest Airlines.Respectfully,
Patsy Spaw
Secretary of the Senate

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

SEVENTEENTH DAY — WEDNESDAY, JUNE 29, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 146).

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; Dukes; Dutton; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; 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; 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; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Driver; Eiland; Giddings; Hernandez Luna; Strama.

The invocation was offered by Representative Sheets.

The speaker recognized Representative Deshotel who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business in the district:

Giddings on motion of Deshotel.

The following member was granted leave of absence for today because of personal business:

Eiland on motion of Madden.

The following member was granted leave of absence for today because of important business:

Hernandez Luna on motion of V. Gonzales.

The following member was granted leave of absence for today because of family business:

Strama on motion of Hochberg.

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, Senate List No. 6).

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. 1).

HB 79 - RULES SUSPENDED

Representative Lewis moved to suspend all necessary rules to consider **HB 79** with senate amendments at this time.

The motion prevailed by (Record 147): 114 Yeas, 19 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Anderson, C.; Anderson, R.; Aycocck; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Eissler; Farias; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pickett; Pitts; Price; Raymond; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Thompson; Torres; Truitt; Villarreal; Woolley; Workman; Zedler; Zerwas.

Nays — Alvarado; Castro; Davis, S.; Dukes; Dutton; Elkins; Farrar; Hilderbran; Hochberg; King, P.; McClendon; Miles; Peña; Quintanilla; Turner; Vo; Walle; Weber; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver; Eiland; Giddings; Hernandez Luna; Strama.

Absent — Allen; Anchia; Chisum; Coleman; Hughes; Keffer; Lucio; Martinez Fischer; Reynolds; Taylor, V.; Veasey.

HB 79 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Lewis called up with senate amendments for consideration at this time,

HB 79, A bill to be entitled An Act relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government.

Representative Lewis moved to concur in the senate amendments to **HB 79**.

The motion to concur in the senate amendments to **HB 79** prevailed by (Record 148): 94 Yeas, 44 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Eissler; Fletcher; Frullo; Garza; Geren; Gonzales, V.; Gooden; Guillen; Hancock; Hardcastle; Harper-Brown; Hartnett; Hopson; Howard, C.; Howard, D.; Hunter; Isaac; Jackson; Keffer; King, S.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lyne; Madden; Margo; Menendez; Miller, D.; Miller, S.; Morrison; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Villarreal; Woolley; Workman; Zerwas.

Nays — Alvarado; Branch; Burnam; Castro; Christian; Coleman; Davis, S.; Dukes; Dutton; Elkins; Farias; Farrar; Flynn; Gallego; Gonzales, L.; Gonzalez; Gutierrez; Hamilton; Harless; Hilderbran; Hochberg; Huberty; Johnson; King, P.; Kolkhorst; Legler; Lozano; Mallory Caraway; Marquez; Martinez Fischer; McClendon; Miles; Muñoz; Oliveira; Paxton; Peña; Quintanilla; Schwertner; Veasey; Vo; Walle; Weber; White; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver; Eiland; Giddings; Hernandez Luna; Strama.

Absent — Allen; Anchia; Hughes; Lucio; Martinez; Turner.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 148. I intended to vote no.

Bonnen

I was shown voting no on Record No. 148. I intended to vote yes.

Gallego

Senate Committee Substitute

CSHB 79, A bill to be entitled An Act relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. FISCAL NECESSITY

SECTION 1.01. The legislature finds that this Act is necessary to the state to offset the effect of the approximately \$30 million budget reduction for the judiciary. The provisions of this Act are designed to allow the judiciary to operate with the least chance of harm to fulfilling the purpose of the judiciary and to allow the operation of the judiciary in the next state fiscal biennium in an efficient manner.

ARTICLE 2. APPELLATE COURT PROVISIONS

SECTION 2.01. Subsection (b), Section 22.002, Government Code, is amended to read as follows:

(b) The supreme court or, in vacation, a justice of the supreme court may issue a writ of mandamus to compel a statutory county court judge, a statutory probate court judge, or a district judge to proceed to trial and judgment in a case ~~[agreeable to the principles and usages of law, returnable to the supreme court on or before the first day of the term, or during the session of the term, or before any justice of the supreme court as the nature of the case requires].~~

SECTION 2.02. (a) Section 24.007, Property Code, is amended to read as follows:

Sec. 24.007. APPEAL. (a) ~~[A final judgment of a county court in an eviction suit may not be appealed on the issue of possession unless the premises in question are being used for residential purposes only.]~~ A judgment of a county court in an eviction suit may not under any circumstances be stayed pending appeal unless, within 10 days of the signing of the judgment, the appellant files a supersedeas bond in an amount set by the county court. In setting the supersedeas bond the county court shall provide protection for the appellee to the same extent as in any other appeal, taking into consideration the value of rents likely to accrue during appeal, damages which may occur as a result of the stay during appeal, and other damages or amounts as the court may deem appropriate.

(b) Notwithstanding any other law, an appeal may be taken from a final judgment of a county court, statutory county court, statutory probate court, or district court in an eviction suit.

(b) The change in law made by this section applies to an appeal of a final judgment rendered on or after the effective date of this section. An appeal of a final judgment rendered before the effective date of this section is governed by the law in effect on the date the judgment was rendered, and the former law is continued in effect for that purpose.

ARTICLE 3. GENERAL PROVISIONS FOR DISTRICT COURTS

SECTION 3.01. Section 24.002, Government Code, is amended to read as follows:

Sec. 24.002. ASSIGNMENT OF JUDGE OR TRANSFER OF CASE ON RECUSAL [SUBSTITUTE JUDGES]. If a district judge determines on the judge's own motion that the judge should not sit in a case pending in the judge's court because the judge is disqualified or otherwise should recuse himself or herself, the judge shall enter a recusal order, request the presiding judge of that administrative judicial region to assign another judge to sit, and take no further action in the case except for good cause stated in the order in which the action is

taken. A change of venue is not necessary because of the disqualification of a district judge in a case or proceeding pending in the judge's [his] court[, but the judge shall immediately certify his disqualification to the governor. The governor shall designate a district judge of another district to exchange benches with the disqualified judge to try the case. The governor shall notify both judges of his designation, and the judges shall exchange benches. If the judges are prevented from exchanging benches, the parties or their counsels may agree on an attorney of the court for the trial of the case. The district judge or special judge shall certify to the governor the fact of a failure of the parties or their counsels to agree on an attorney, and the governor shall appoint a person legally qualified to act as judge in the trial of the case].

SECTION 3.02. Sections 24.003 and 24.007, Government Code, are amended to read as follows:

Sec. 24.003. TRANSFER OF CASES; EXCHANGE OF BENCHES [SUBSTITUTE JUDGES IN CERTAIN COUNTIES]. (a) This section applies only to [civil cases in] counties with two [five] or more district courts.

(b) Unless provided otherwise by the local rules of administration, a district judge in the county may:

(1) transfer any civil or criminal case or proceeding on the court's docket to the docket of another district court in the county;

(2) hear and determine any case or proceeding pending in another district court in the county without having the case transferred;

(3) sit for another district court in the county and hear and determine any case or proceeding pending in that court;

(4) temporarily exchange benches with the judge of another district court in the county;

(5) try different cases in the same court at the same time; and

(6) occupy the judge's own courtroom or the courtroom of another district court in the county.

(c) If a district judge in the county is sick or otherwise absent, another district judge in the county may hold court for the judge.

(d) A district judge in the county may hear and determine any part or question of any case or proceeding pending in any of the district courts, and any other district judge may complete the hearing and render judgment in the case or proceeding. A district judge may hear and determine motions, including motions for new trial, petitions for injunction, applications for the appointment of a receiver, interventions, pleas in abatement, dilatory pleas, and all preliminary matters, questions, and proceedings, and may enter judgment or order on them in the court in which the case or proceeding is pending without transferring the case or proceeding. The district judge in whose court the matter is pending may proceed to hear, complete, and determine the matter, or all or any part of another matter, and render a final judgment. A district judge may issue a restraining order or injunction that is returnable to any other district court.

(e) A judgment or order shall be entered in the minutes of the court in which the case is pending.

(f) This section does not limit the powers of a district judge when acting for another judge by exchange of benches or otherwise [If a district judge is disqualified in a case pending in his court and his disqualification is certified to the governor, the governor may require any other district judge in the county to exchange benches with the disqualified judge.]

[(e) If a district judge is absent, sick, or disqualified, any of the district judges in the county may hold court for him or may transfer a pending case to the court of any other district judge in the county].

Sec. 24.007. JURISDICTION. (a) The district court has the jurisdiction provided by Article V, Section 8, of the Texas Constitution.

(b) A district court has original jurisdiction of a civil matter in which the amount in controversy is more than \$500, exclusive of interest.

SECTION 3.03. Subsection (a), Section 24.012, Government Code, is amended to read as follows:

(a) Notwithstanding any other law, each [Each] district [and criminal district] court holds in each county in the judicial district [at least two] terms that commence on the first Mondays in January and July of [court] each year [in each county in the district]. To the extent of a conflict between this subsection and a specific provision relating to a particular judicial district, this section controls.

SECTION 3.04. Subchapter A, Chapter 24, Government Code, is amended by adding Sections 24.023, 24.024, 24.025, 24.026, 24.027, 24.028, 24.029, 24.030, and 24.031 to read as follows:

Sec. 24.023. OBLIGATIONS; BONDS. (a) When a case is transferred from one court to another, all processes, writs, bonds, recognizances, and other obligations issued by the transferring court are returnable to the court to which the case is transferred as if originally issued by that court.

(b) The obligees in all bonds and recognizances taken in and for a court from which a case is transferred, and all witnesses summoned to appear in a district court from which a case is transferred, are required to appear before the court to which the case is transferred as if the bond, recognizance, or summons was taken in or for that court.

Sec. 24.024. FILING AND DOCKETING CASES. In a county with two or more district courts, the district judges may adopt rules governing the filing and numbering of cases, the assignment of cases for trial, and the distribution of the work of the courts as in their discretion they consider necessary or desirable for the orderly dispatch of the business of the courts.

Sec. 24.025. SUPPLEMENTAL COMPENSATION. (a) Unless otherwise provided by this subchapter, all district judges in a county are entitled to equal amounts of supplemental compensation from the county.

(b) A district judge is entitled to an amount of supplemental compensation for serving on the juvenile board of a county that is equal to the amount other judges serving on the juvenile board receive.

Sec. 24.026. APPOINTMENT OF INITIAL JUDGE. On the creation of a new judicial district, the initial vacancy in the office of district judge is filled in accordance with Section 28, Article V, Texas Constitution.

Sec. 24.027. GRAND AND PETIT JURORS. All grand and petit jurors selected in a county before a new district court is created or the composition of an existing district court is modified by an amendment to this chapter are considered to be selected for the new or modified district court, as applicable.

Sec. 24.028. CASES TRANSFERRED. If by an amendment to this chapter a county is removed from the composition of an existing judicial district and added to another existing or new judicial district, all cases and proceedings from that county that are pending in the district court of the judicial district from which the county was removed are transferred to the district court of the judicial district to which the county is added. The judge of each affected district court shall sign the proper orders in connection with the transfer.

Sec. 24.029. PROCESSES, WRITS, AND OTHER OBLIGATIONS REMAIN VALID. (a) If by an amendment to this chapter a county is removed from the composition of an existing judicial district and added to another existing or new judicial district, or if an amendment to this chapter changes the time or place at which the terms of court are held, all processes, writs, bonds, recognizances, and other obligations issued from and made returnable to that court before the effective date of the transfer or other change are returnable as provided by this subsection. An obligation issued from the affected court is returnable to another district court in the county on the date that court directs, but may not be made returnable on a date that is earlier than the date on which the obligation was originally returnable. The obligations are legal and valid as if the obligations had been made returnable to the issuing court.

(b) The obligees in all appearance bonds and recognizances taken in and for a district court of a county before the effective date of an amendment to this chapter, and all witnesses summoned to appear before that district court under laws existing before the effective date of an amendment to this chapter, are required to appear at another district court in the county on the date that court directs, but may not be required to appear on a date that is earlier than the date on which the obligees or witnesses were originally required to appear.

Sec. 24.030. LOCATION OF COURT. (a) A district court shall sit in the county seat for a jury trial in a civil case. The commissioners court of the county may authorize a district court to sit in any municipality within the county to hear and determine nonjury trials in civil cases and to hear and determine motions, arguments, and other matters not heard before a jury in a civil case that is within the court's jurisdiction.

(b) The district clerk or the clerk's deputy serves as clerk of the court when a court sits in a municipality other than the municipality that is the county seat and may transfer:

(1) all necessary books, minutes, records, and papers to that municipality while the court is in session there; and

(2) the books, minutes, records, and papers back to the clerk's office in the county seat at the end of each session.

(c) If the commissioners court authorizes a district court to sit in a municipality other than the municipality that is the county seat, the commissioners court shall provide suitable facilities for the court in that municipality.

Sec. 24.031. COURT OFFICERS. The prosecuting attorney, the sheriff, the district clerk, the bailiffs, and the other officers serving the other district courts of the county shall serve in their respective capacities for the courts listed in this chapter.

SECTION 3.05. Subsection (g), Section 25.0362, Government Code, is amended to read as follows:

(g) In matters of concurrent jurisdiction, a judge of a county court at law and a judge of a district court in Cass County may transfer cases between the courts in the same manner that judges of district courts may transfer cases under Section 24.003 [~~24.303~~].

SECTION 3.06. Subsection (w), Section 25.0732, Government Code, is amended to read as follows:

(w) In matters of concurrent jurisdiction, a judge of a statutory county court in El Paso County and a judge of a district court or another statutory county court in El Paso County may transfer cases between the courts in the same manner judges of district courts transfer cases under Section 24.003 [~~24.303~~].

SECTION 3.07. Subsection (c), Section 25.1672, Government Code, is amended to read as follows:

(c) In matters of concurrent jurisdiction, judges of the county courts at law and district courts in the county may exchange benches and courtrooms and may transfer cases between their dockets in the same manner that district court judges exchange benches and transfer cases under Section 24.003 [~~24.303~~].

SECTION 3.08. Subsection (v), Section 25.1862, Government Code, is amended to read as follows:

(v) In matters of concurrent jurisdiction, a judge of a county court at law and a judge of a district court or another county court at law may transfer cases between the courts in the same manner judges of district courts transfer cases under Section 24.003 [~~24.303~~].

SECTION 3.09. Subsection (k), Section 25.2512, Government Code, as effective September 1, 2011, is amended to read as follows:

(k) A judge of a county court at law and a judge of a district court or another county court at law with concurrent jurisdiction may transfer cases between the courts in the same manner judges of district courts transfer cases under Section 24.003 [~~24.303~~].

SECTION 3.10. Subsection (k), Section 25.1932, Government Code, is amended to read as follows:

(k) Notwithstanding Section 74.121(b)(1), in matters of concurrent jurisdiction, the judge of a county court at law and the judges of the district courts in the county may exchange benches and courtrooms and may transfer cases between their dockets in the same manner that judges of district courts exchange benches and transfer cases under Section 24.003 [~~24.303~~].

SECTION 3.11. Subdivision (2), Subsection (b), Section 74.121, Government Code, is amended to read as follows:

(2) Notwithstanding Subdivision (1), in matters of concurrent jurisdiction, a judge of a statutory county court in Midland County and a judge of a district court in Midland County may exchange benches and courtrooms with each other and may transfer cases between their dockets in the same manner that judges of district courts exchange benches and transfer cases under Section 24.003 [24.303].

SECTION 3.12. Subsection (d), Section 659.012, Government Code, is amended to read as follows:

(d) Notwithstanding any other provision in this section or other law, in [In] a county with more than five district courts, a district judge who serves as a local administrative district judge under Section 74.091 is entitled to an annual salary from the state that is \$5,000 more than the salary from the state to which the judge is otherwise entitled [under Subsection (a)(1)].

SECTION 3.13. The following provisions of the Government Code are repealed:

- (1) Section 24.013;
- (2) Section 24.302;
- (3) Section 24.303;
- (4) Section 24.304;
- (5) Section 24.305;
- (6) Section 24.307;
- (7) Section 24.308;
- (8) Section 24.309;
- (9) Section 24.311;
- (10) Section 24.312;
- (11) Section 24.313;
- (12) Section 24.314;
- (13) Section 24.525(b);
- (14) Section 24.526(b);
- (15) Section 24.527(b);
- (16) Sections 24.528(b) and (c); and
- (17) Sections 24.529(b) and (c).

ARTICLE 4. STATUTORY COUNTY COURTS

SECTION 4.01. Section 25.0002, Government Code, is amended to read as follows:

Sec. 25.0002. DEFINITIONS [DEFINITION]. In this chapter:

(1) "Criminal law cases and proceedings" includes cases and proceedings for allegations of conduct punishable in part by confinement in the county jail not to exceed one year.

(2) "Family[~~family~~] law cases and proceedings" includes cases and proceedings under Titles 1, 2, 4, and 5, Family Code [involving adoptions, birth records, or removal of disability of minority or coverture; change of names of persons; child welfare, custody, support and reciprocal support, dependency, neglect, or delinquency; paternity; termination of parental rights; divorce and

~~marriage annulment, including the adjustment of property rights, custody and support of minor children involved therein, temporary support pending final hearing, and every other matter incident to divorce or annulment proceedings; independent actions involving child support, custody of minors, and wife or child desertion; and independent actions involving controversies between parent and child, between parents, and between spouses].~~

(3) "Juvenile law cases and proceedings" includes all cases and proceedings brought under Title 3, Family Code.

(4) "Mental health cases and proceedings" includes all cases and proceedings brought under Chapter 462, Health and Safety Code, or Subtitle C or D, Title 7, Health and Safety Code.

SECTION 4.02. Subsection (c), Section 25.0003, Government Code, is amended to read as follows:

(c) In addition to other jurisdiction provided by law, a statutory county court exercising civil jurisdiction concurrent with the constitutional jurisdiction of the county court has concurrent jurisdiction with the district court in:

(1) civil cases in which the matter in controversy exceeds \$500 but does not exceed \$200,000 [~~\$100,000~~], excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs, as alleged on the face of the petition; and

(2) appeals of final rulings and decisions of the division of workers' compensation of the Texas Department of Insurance regarding workers' compensation claims, regardless of the amount in controversy.

SECTION 4.03. Section 25.0004, Government Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) The judge of a statutory county court does not have general supervisory control or appellate review of the commissioners court.

(g) A judge of a statutory county court has the judicial immunity of a district judge.

SECTION 4.04. Section 25.0007, Government Code, is amended to read as follows:

Sec. 25.0007. JURIES; PRACTICE AND PROCEDURE. (a) The drawing of jury panels, selection of jurors, and practice in the statutory county courts must conform to that prescribed by law for county courts.

(b) Practice in a statutory county court is that prescribed by law for county courts, except that practice, procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in the statutory county courts, other than the number of jurors, that involve those matters of concurrent jurisdiction with district courts are governed by the laws and rules pertaining to district courts. This section does not affect local rules of administration adopted under Section 74.093.

SECTION 4.05. Section 25.0010, Government Code, is amended by amending Subsection (b) and adding Subsections (c), (d), (e), and (f) to read as follows:

(b) The county attorney or criminal district attorney [~~and sheriff~~] shall serve each statutory county court as required by law.

(c) A county sheriff shall in person or by deputy attend a statutory county court as required by the court.

(d) The county clerk shall serve as clerk of each statutory county court. The court officials shall perform the duties and responsibilities of their offices and are entitled to the compensation, fees, and allowances prescribed by law for those offices.

(e) The judge of a statutory county court may appoint the personnel necessary for the operation of the court, including a court coordinator or administrative assistant, if the commissioners court has approved the creation of the position.

(f) The commissioners court may authorize the employment of as many additional assistant district attorneys, assistant county attorneys, deputy sheriffs, and clerks as are necessary for a statutory county court.

SECTION 4.06. (a) Section 25.0014, Government Code, is amended to read as follows:

Sec. 25.0014. QUALIFICATIONS OF JUDGE. The judge of a statutory county court must:

(1) be at least 25 years of age;

(2) be a United States citizen and have resided in the county for at least two years before election or appointment; and

(3) be a licensed attorney in this state who has practiced law or served as a judge of a court in this state, or both combined, for the four years preceding election or appointment, unless otherwise provided for by law.

(b) The change in law made by this Act to Section 25.0014, Government Code, does not apply to a person serving as a statutory county court judge immediately before the effective date of this Act who met the qualifications of Section 25.0014, Government Code, as it existed on that date, and the former law is continued in effect for determining that person's qualifications to serve as a statutory county court judge.

SECTION 4.07. (a) Subchapter A, Chapter 25, Government Code, is amended by adding Sections 25.0016 and 25.00161 to read as follows:

Sec. 25.0016. TERMS OF COURT. The commissioners court, by order, shall set at least two terms a year for the statutory county court.

Sec. 25.00161. PRIVATE PRACTICE OF LAW. The regular judge of a statutory county court shall diligently discharge the duties of the office on a full-time basis and may not engage in the private practice of law.

(b) Section 25.00161, Government Code, as added by this Act, applies only to a regular judge serving a term to which the judge is elected on or after the effective date of this Act. A judge serving a term to which the judge was elected before the effective date of this Act is governed by the law in effect on the date the judge was elected, and that law is continued in effect for that purpose.

SECTION 4.08. Subsection (t), Section 25.0022, Government Code, is amended to read as follows:

(t) To be eligible for assignment under this section, a former or retired judge of a statutory probate court must:

(1) not have been removed from office;

(2) certify under oath to the presiding judge, on a form prescribed by the state board of regional judges, that:

(A) the judge has not been publicly reprimanded or censured by the State Commission on Judicial Conduct; and

(B) the judge:

(i) did not resign or retire from office after the State Commission on Judicial Conduct notified the judge of the commencement of a full investigation into an allegation or appearance of misconduct or disability of the judge as provided in Section 33.022 and before the final disposition of that investigation; or

(ii) if the judge did resign from office under circumstances described by Subparagraph (i), was not publicly reprimanded or censured as a result of the investigation;

(3) annually demonstrate that the judge has completed in the past state fiscal year the educational requirements for an active statutory probate court judge;

(4) have served as an active judge for at least 72 [96] months in a district, statutory probate, statutory county, or appellate court; and

(5) have developed substantial experience in the judge's area of specialty.

SECTION 4.09. Section 25.00231, Government Code, is amended by amending Subsection (c) and adding Subsection (e) to read as follows:

(c) In lieu of the bond required by Subsection (b), a county may elect to obtain insurance or to self-insure in the amount required by Subsection (b) against losses caused by the statutory probate court judge's gross negligence in performing the duties of office.

(e) This section does not apply to an assigned or visiting judge sitting by assignment in a statutory probate court.

SECTION 4.10. (a) Subchapter B, Chapter 25, Government Code, is amended by adding Sections 25.0033, 25.0034, and 25.0035 to read as follows:

Sec. 25.0033. QUALIFICATIONS OF JUDGE. The judge of a statutory probate court must:

(1) be at least 25 years of age;

(2) be a United States citizen and have resided in the county for at least two years before election or appointment; and

(3) be a licensed attorney in this state who has practiced law or served as a judge of a court in this state, or both combined, for the five years preceding election or appointment, unless otherwise provided for by law.

Sec. 25.0034. PRIVATE PRACTICE OF LAW. The regular judge of a statutory probate court shall diligently discharge the duties of the office on a full-time basis and may not engage in the private practice of law.

Sec. 25.0035. TERMS OF COURT. The commissioners court, by order, shall set at least two terms a year for the statutory probate court.

(b) Section 25.0033, Government Code, as added by this Act, does not apply to a person serving as a statutory probate court judge immediately before the effective date of this Act. The qualifications of a person serving as a statutory

probate court judge on the effective date of this Act 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 4.11. Subsections (g) and (i), Section 25.0042, Government Code, are amended to read as follows:

(g) The district clerk serves as clerk of a county court at law in all cases arising under the Family Code and Section 23.001 and shall establish a separate docket for a county court at law; the county clerk serves as clerk of the court in all other cases. ~~[The commissioners court may employ as many deputy sheriffs and bailiffs as are necessary to serve the court.]~~

(i) ~~[Practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in a county court at law involving cases under the Family Code and Section 23.001 are governed by this section and the laws and rules pertaining to district courts and county courts.]~~ If a case under the Family Code or Section 23.001 is tried before a jury, the jury shall be composed of 12 members.

SECTION 4.12. Subsection (h), Section 25.0102, Government Code, is amended to read as follows:

(h) ~~[Practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in the county court at law involving family law cases and proceedings shall be governed by this section and the laws and rules pertaining to district courts.]~~ If a family law case or proceeding is tried before a jury, the jury shall be composed of 12 members; in all other cases the jury shall be composed of six members.

SECTION 4.13. Subsections (e) and (f), Section 25.0132, Government Code, are amended to read as follows:

(e) The district clerk serves as clerk of a county court at law in family law cases and proceedings, and the county clerk serves as clerk of the court in all other cases. The district clerk shall establish a separate docket for a county court at law. ~~[The commissioners court may employ as many deputy sheriffs and bailiffs as are necessary to serve a county court at law.]~~

(f) ~~[Practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in a county court at law involving family law cases and proceedings is that prescribed by law for district courts and county courts.]~~ If a family law case or proceeding is tried before a jury, the jury shall be composed of 12 members.

SECTION 4.14. Subsection (a), Section 25.0202, Government Code, is amended to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Bosque County has concurrent jurisdiction with the district court in:

- (1) family law cases and proceedings;

(2) civil cases in which the matter in controversy exceeds \$500 but does not exceed \$200,000 [~~\$100,000~~], excluding interest, court costs, and attorney's fees; and

(3) contested probate matters under Section 4D [~~5(b)~~], Texas Probate Code.

SECTION 4.15. Subsection (b), Section 25.0212, Government Code, is amended to read as follows:

(b) A county court at law does not have [~~general supervisory control or appellate review of the commissioners court or~~] jurisdiction of:

- (1) felony criminal matters;
- (2) suits on behalf of the state to recover penalties or escheated property;
- (3) misdemeanors involving official misconduct;
- (4) contested elections; or
- (5) civil cases in which the matter in controversy exceeds \$200,000 [~~\$100,000~~], excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs, as alleged on the face of the petition.

SECTION 4.16. Subsections (a) and (k), Section 25.0222, Government Code, are amended to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a statutory county court in Brazoria County has concurrent jurisdiction with the district court in:

- (1) civil cases in which the matter in controversy exceeds \$500 but does not exceed \$200,000 [~~\$100,000~~], excluding interest, statutory damages and penalties, and attorney's fees and costs, as alleged on the face of the petition;
- (2) appeals of final rulings and decisions of the division of workers' compensation of the Texas Department of Insurance regarding workers' compensation claims, regardless of the amount in controversy; and
- (3) family law cases and proceedings and juvenile jurisdiction under Section 23.001.

(k) The district clerk serves as clerk of the statutory county courts in cases instituted in the district courts in which the district courts and statutory county courts have concurrent jurisdiction, and the county clerk serves as clerk for all other cases. [~~The commissioners court may employ as many additional assistant criminal district attorneys, deputy sheriffs, and deputy clerks as are necessary to serve the statutory county courts.~~]

SECTION 4.17. Subsections (e) and (f), Section 25.0302, Government Code, are amended to read as follows:

(e) The district clerk serves as clerk of a county court at law in family law cases and proceedings, and the county clerk serves as clerk of the court in all other cases and proceedings. The district clerk shall establish a separate docket for a county court at law. [~~The commissioners court may employ the assistant district attorneys, deputy sheriffs, and bailiffs necessary to serve each county court at law.~~]

(f) ~~[Practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in a county court at law involving family law cases and proceedings shall be governed by this section and the laws and rules pertaining to district courts.]~~ If a family law case or proceeding is tried before a jury, the jury shall be composed of 12 members.

SECTION 4.18. Subsection (b), Section 25.0312, Government Code, is amended to read as follows:

(b) A county court at law does not have ~~[general supervisory control or appellate review of the commissioners court or]~~ jurisdiction of:

- (1) felony cases other than writs of habeas corpus;
- (2) misdemeanors involving official misconduct;
- (3) contested elections; or
- (4) appeals from county court.

SECTION 4.19. Subsection (b), Section 25.0362, Government Code, is amended to read as follows:

(b) A county court at law does not have ~~[general supervisory control or appellate review of the commissioners court or]~~ jurisdiction of:

- (1) misdemeanors involving official misconduct;
- (2) suits on behalf of the state to recover penalties or escheated property;
- (3) contested elections;
- (4) suits in which the county is a party; or
- (5) felony cases involving capital murder.

SECTION 4.20. Subsection (f), Section 25.0482, Government Code, is amended to read as follows:

(f) The district clerk serves as clerk of a county court at law for family law cases and proceedings, and the county clerk serves as clerk for all other cases and proceedings. ~~[The district clerk shall establish a separate docket for a county court at law. The commissioners court may employ as many assistant county attorneys, deputy sheriffs, and bailiffs as are necessary to serve the county courts at law.]~~

SECTION 4.21. Subsection (g), Section 25.0632, Government Code, is amended to read as follows:

(g) ~~[Jurors regularly impaneled for the week by the district courts of Denton County must include sufficient numbers to serve in the statutory county courts and statutory probate courts as well as the district courts. The jurors shall be made available by the district judge as necessary.]~~ The jury in a statutory county court or statutory probate court in all civil or criminal matters is composed of 12 members, except that in misdemeanor criminal cases and any other case in which the court has jurisdiction that under general law would be concurrent with the county court, the jury is composed of six members.

SECTION 4.22. Subsection (r), Section 25.0732, Government Code, is amended to read as follows:

(r) Section ~~[Sections]~~ 25.0006(b) does ~~[and 25.0007 do]~~ not apply to County Court at Law No. 2, 3, 4, 5, 6, or 7 of El Paso County, Texas.

SECTION 4.23. Subsection (a), Section 25.0733, Government Code, is amended to read as follows:

(a) Sections 25.0732(q) and ~~[25.0732(d), (h), (i), (j), (m), (n), (o), (p), (q),]~~ (r)~~[- and (v)]~~, relating to county courts at law in El Paso County, apply to a statutory probate court in El Paso County.

SECTION 4.24. Subsections (i) and (l), Section 25.0862, Government Code, are amended to read as follows:

(i) ~~[The clerk of the statutory county courts and statutory probate court shall keep a separate docket for each court.]~~ The clerk shall tax the official court reporter's fees as costs in civil actions in the same manner as the fee is taxed in civil cases in the district courts. ~~[The district clerk serves as clerk of the county courts in a cause of action arising under the Family Code and an appeal of a final ruling or decision of the division of workers' compensation of the Texas Department of Insurance regarding workers' compensation claims, and the county clerk serves as clerk of the court in all other cases.]~~

(l) Each reporter may be made available when not engaged in proceedings in their court to report proceedings in all other courts. ~~[Practice, appeals, and writs of error in a statutory county court are as prescribed by law for county courts and county courts at law.]~~ Appeals and writs of error may be taken from judgments and orders of the County Courts Nos. 1, 2, and 3 of Galveston County and the judges, in civil and criminal cases, in the manner prescribed by law for appeals and writs of error. Appeals from interlocutory orders of the County Courts Nos. 1, 2, and 3 appointing a receiver or overruling a motion to vacate or appoint a receiver may be taken and are governed by the laws relating to appeals from similar orders of district courts.

SECTION 4.25. Subsection (f), Section 25.0962, Government Code, is amended to read as follows:

(f) ~~[Practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in a county court at law involving cases in the court's concurrent jurisdiction with the district court shall be governed by this section and the laws and rules pertaining to district courts as well as county courts.]~~ If a case in the court's concurrent jurisdiction with the district court is tried before a jury, the jury shall be composed of 12 members.

SECTION 4.26. Subsection (a), Section 25.1033, Government Code, is amended to read as follows:

(a) A county criminal court at law in Harris County has the criminal jurisdiction provided by law for county courts, concurrent jurisdiction with civil statutory county courts for Harris County to hear appeals of the suspension of a driver's license and original proceedings regarding occupational driver's licenses, and appellate jurisdiction in appeals of criminal cases from justice courts and municipal courts in the county.

SECTION 4.27. Subsection (g), Section 25.1042, Government Code, is amended to read as follows:

(g) The criminal district attorney is entitled to the same fees prescribed by law for prosecutions in the county court. ~~[The commissioners court may employ as many additional deputy sheriffs and clerks as are necessary to serve a county court at law.]~~

SECTION 4.28. Subsections (e) and (f), Section 25.1072, Government Code, are amended to read as follows:

(e) The county clerk serves as clerk of a county court at law, except that the district clerk serves as clerk of the court in family law cases and proceedings. The district clerk shall establish a separate docket for a county court at law. ~~[The commissioners court may employ as many assistant district attorneys, deputy sheriffs, and bailiffs as are necessary to serve the court.]~~

(f) ~~[Practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and other matters pertaining to the conduct of trials and hearings in a county court at law involving family law cases and proceedings are governed by this section and the laws and rules pertaining to district courts, as well as county courts.]~~ If a family law case or proceeding is tried before a jury, the jury shall be composed of 12 members.

SECTION 4.29. Subsection (b), Section 25.1142, Government Code, is amended to read as follows:

(b) A county court at law does not have ~~[general supervisory control or appellate review of the commissioners court or]~~ jurisdiction of:

- (1) civil cases in which the amount in controversy exceeds \$200,000 ~~[\$100,000]~~, excluding interest;
- (2) felony jury trials;
- (3) suits on behalf of the state to recover penalties or escheated property;
- (4) misdemeanors involving official misconduct; or
- (5) contested elections.

SECTION 4.30. Subsection (b), Section 25.1182, Government Code, is amended to read as follows:

(b) A county court at law's civil jurisdiction concurrent with the district court in civil cases is limited to cases in which the matter in controversy does not exceed \$200,000. A county court at law does not have ~~[general supervisory control or appellate review of the commissioners court or]~~ jurisdiction of:

- (1) suits on behalf of this state to recover penalties or escheated property;
- (2) felony cases involving capital murder;
- (3) misdemeanors involving official misconduct; or
- (4) contested elections.

SECTION 4.31. Subsection (b), Section 25.1312, Government Code, is amended to read as follows:

(b) A statutory county court in Kaufman County does not have [~~general supervisory control or appellate review of the commissioners court or~~] jurisdiction of:

- (1) felony cases involving capital murder;
- (2) suits on behalf of the state to recover penalties or escheated property;
- (3) misdemeanors involving official misconduct; or
- (4) contested elections.

SECTION 4.32. Subsection (m), Section 25.1542, Government Code, is amended to read as follows:

(m) [~~Practice and procedure and rules of evidence governing trials in and appeals from a county court apply to a county court at law, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings involving family law cases and proceedings shall be governed by this section and the laws and rules pertaining to district courts as well as county courts.~~] In family law cases, juries shall be composed of 12 members.

SECTION 4.33. Subsection (g), Section 25.1652, Government Code, is amended to read as follows:

(g) [~~Practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings involving family law matters and proceedings shall be governed by this section and the laws and rules pertaining to district courts.~~] If a family law case is tried before a jury, the jury shall be composed of 12 members.

SECTION 4.34. Subsection (i), Section 25.1762, Government Code, is amended to read as follows:

(i) [~~The laws governing the drawing, selection, service, and pay of jurors for county courts apply to a county court at law. Jurors regularly impaneled for a week by a district court may, at the request of the judge of a county court at law, be made available by the district judge in the numbers requested and shall serve for the week in the county court at law.~~] In matters of concurrent jurisdiction with the district court, if a party to a suit files a written request for a 12-member jury with the clerk of the county court at law at a reasonable time that is not later than 30 days before the date the suit is set for trial, the jury shall be composed of 12 members.

SECTION 4.35. Subsection (b), Section 25.1772, Government Code, is amended to read as follows:

(b) A county court at law does not have [~~general supervisory control or appellate review of the commissioners court or~~] jurisdiction of:

- (1) suits on behalf of this state to recover penalties or escheated property;
- (2) felony cases involving capital murder;
- (3) misdemeanors involving official misconduct; or
- (4) contested elections.

SECTION 4.36. Subsection (e), Section 25.1892, Government Code, is amended to read as follows:

(e) ~~[The county attorney or district attorney serves a county court at law as required by the judge.]~~ The district clerk serves as clerk of a county court at law in cases enumerated in Subsection (a)(2), and the county clerk serves as clerk in all other cases. The district clerk shall establish a separate docket for a county court at law. ~~[The commissioners court may employ as many additional assistant county attorneys, deputy sheriffs, and clerks as are necessary to serve a county court at law.]~~

SECTION 4.37. Subsection (i), Section 25.1932, Government Code, is amended to read as follows:

(i) ~~[Practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in a county court at law involving cases in the court's concurrent jurisdiction with the district court shall be governed by this section and the laws and rules pertaining to district courts as well as county courts.]~~ If a case in the court's concurrent jurisdiction with the district court is tried before a jury, the jury shall be composed of 12 members.

SECTION 4.38. Subsection (b), Section 25.2012, Government Code, is amended to read as follows:

(b) A county court at law does not have ~~[general supervisory control or appellate review of the commissioners court or]~~ jurisdiction of:

- (1) felony cases involving capital murder;
- (2) suits on behalf of the state to recover penalties or escheated property;
- (3) misdemeanors involving official misconduct; or
- (4) contested elections.

SECTION 4.39. Subsection (n), Section 25.2142, Government Code, is amended to read as follows:

(n) ~~[A special judge of a county court at law is entitled to receive for services actually performed the same amount of compensation as the regular judge.]~~ A former judge sitting as a visiting judge of a county court at law is entitled to receive for services performed the same amount of compensation that the regular judge receives, less an amount equal to the pro rata annuity received from any state, district, or county retirement fund. An active judge sitting as a visiting judge of a county court at law is entitled to receive for services performed the same amount of compensation that the regular judge receives, less an amount equal to the pro rata compensation received from state or county funds as salary, including supplements.

SECTION 4.40. (a) Subsection (b), Section 25.2222, Government Code, as amended by Chapter 22 (**SB 124**), Acts of the 72nd Legislature, Regular Session, 1991, and Chapter 265 (**HB 7**), Acts of the 79th Legislature, Regular Session, 2005, is reenacted and amended to read as follows:

(b) A county court at law has concurrent jurisdiction with the district court in:

- (1) civil cases in which the matter in controversy exceeds \$500 and does not exceed \$200,000 [~~\$100,000~~], excluding mandatory damages and penalties, attorney's fees, interest, and costs;
- (2) nonjury family law cases and proceedings;
- (3) final rulings and decisions of the division of workers' compensation of the Texas Department of Insurance regarding workers' compensation claims, regardless of the amount in controversy;
- (4) eminent domain proceedings, both statutory and inverse, regardless of the amount in controversy;
- (5) suits to decide the issue of title to real or personal property;
- (6) suits to recover damages for slander or defamation of character;
- (7) suits for the enforcement of a lien on real property;
- (8) suits for the forfeiture of a corporate charter;
- (9) suits for the trial of the right to property valued at \$200 or more that has been levied on under a writ of execution, sequestration, or attachment; and
- (10) suits for the recovery of real property.

(b) Subsection (b), Section 25.2222, Government Code, as amended by Chapter 746 (**HB 66**), Acts of the 72nd Legislature, Regular Session, 1991, is repealed as duplicative of Subsection (b), Section 25.2222, Government Code, as amended by Subsection (a) of this section.

SECTION 4.41. Subsection (a), Section 25.2232, Government Code, is amended to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Taylor County has:

- (1) concurrent jurisdiction with the county court in the trial of cases involving insanity and approval of applications for admission to state hospitals and special schools if admission is by application; and
- (2) concurrent jurisdiction with the district court in civil cases in which the matter in controversy exceeds \$500 but does not exceed \$200,000 [~~\$100,000~~], excluding interest.

SECTION 4.42. Subsection (i), Section 25.2352, Government Code, is amended to read as follows:

(i) [~~Practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings involving family law cases and proceedings shall be governed by this section and the laws and rules pertaining to district courts.~~] If a family law case is tried before a jury, the jury shall be composed of 12 members.

SECTION 4.43. Subsection (i), Section 25.2382, Government Code, is amended to read as follows:

(i) [~~Practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in a county court at law involving matters enumerated in Subsection (a)(2)(B) or (C)~~]

~~shall be governed by this section and the laws and rules pertaining to district courts.]~~ If a family law case ~~[in Subsection (a)(2)(B) or (C)]~~ is tried before a jury, the jury shall be composed of 12 members.

SECTION 4.44. (a) Subsection (a), Section 25.2421, Government Code, is amended to read as follows:

- (a) Webb County has the following statutory county courts:
 - (1) the County Court at Law No. 1 of Webb County; ~~[and]~~
 - (2) the County Court at Law No. 2 of Webb County; and
 - (3) the County Court at Law No. 3 of Webb County.

(b) ~~Notwithstanding Subsection (a), Section 25.2421, Government Code, as amended by this Act, the County Court at Law No. 3 of Webb County is created January 1, 2031, or on an earlier date determined by the Commissioners Court of Webb County by an order entered in its minutes.~~

SECTION 4.45. Subsections (g) and (h), Section 25.2422, Government Code, are amended to read as follows:

(g) The district attorney of the 49th Judicial District serves as district attorney of a county court at law, except that the county attorney of Webb County prosecutes all juvenile, child welfare, mental health, and other civil cases in which the state is a party. The district clerk serves as clerk of a county court at law in the cases enumerated in Subsection (a)(2), and the county clerk serves as clerk of a county court at law in all other cases. ~~[The commissioners court may employ as many deputy sheriffs and bailiffs as are necessary to serve the court.]~~

(h) ~~[Practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in a county court at law involving those matters of concurrent jurisdiction enumerated in Subsection (a)(2)(B) or (C) are governed by this section and the laws and rules pertaining to district courts, as well as county courts.]~~ If a family law case ~~[enumerated in Subsection (a)(2)(B) or (C)]~~ is tried before a jury, the jury shall be composed of 12 members.

SECTION 4.46. Subsections (d) and (k), Section 25.2452, Government Code, are amended to read as follows:

(d) A county court at law does not have jurisdiction of:

- (1) a case under:
 - (A) the Alcoholic Beverage Code;
 - (B) the Election Code; or
 - (C) the Tax Code;

(2) a matter over which the district court has exclusive jurisdiction; or

(3) a civil case, other than a case under the Family Code or the Texas Probate Code, in which the amount in controversy is:

(A) less than the maximum amount in controversy allowed the justice court in Wichita County; or

(B) more than \$200,000 ~~[\$100,000]~~, exclusive of punitive or exemplary damages, penalties, interest, costs, and attorney's fees.

(k) Except as otherwise required by law, if a case is tried before a jury, the jury shall be composed of six members and may render verdicts by a five to one margin in civil cases and a unanimous verdict in criminal cases. ~~[The laws~~

~~governing the drawing, selection, service, and pay of jurors for county courts apply to the county courts at law. Jurors regularly impaneled for a week by a district court may, on request of the county judge exercising the jurisdiction provided by this section or a county court at law judge, be made available and shall serve for the week in the county court or county court at law.]~~

SECTION 4.47. Subsection (h), Section 25.2462, Government Code, is amended to read as follows:

(h) ~~[The county attorney and the county sheriff shall attend a county court at law as required by the judge.]~~ The district clerk serves as clerk of a county court at law in family law cases and proceedings, and the county clerk serves as clerk of the court in all other cases and proceedings.

SECTION 4.48. Subsection (i), Section 25.2482, Government Code, is amended to read as follows:

(i) ~~[The county attorney and the county sheriff shall attend a county court at law as required by the judge.]~~ The district clerk serves as clerk of a county court at law in family law cases and proceedings, and the county clerk serves as clerk of the court in all other cases and proceedings.

SECTION 4.49. Subsection (e), Section 25.2512, Government Code, as effective September 1, 2011, is amended to read as follows:

(e) In addition to the qualifications required by Section 25.0014, a regular judge of a county court at law must have the qualifications of a district judge as required by Section 7, Article V, Texas Constitution. ~~[A special judge of a county court at law with the same qualifications as the regular judge may be appointed in the manner provided by law for the appointment of a special county judge. A special judge is entitled to the same rate of compensation as the regular judge.]~~

SECTION 4.50. (a) The following provisions of the Government Code are repealed:

- (1) Subsections (b), (d), (f), and (j), Section 25.0042;
- (2) Subsections (b), (f), (g), and (h), Section 25.0052;
- (3) Subsections (b), (d), (f), and (i), Section 25.0102;
- (4) Subsections (d), (g), and (h), Section 25.0132;
- (5) Subsections (c) and (e), Section 25.0152;
- (6) Subsections (b), (f), (g), (h), and (i), Section 25.0162;
- (7) Subsections (d), (k), (l), (m), (n), (o), (q), (s), and (t), Section 25.0172;
- (8) Subsections (c), (d), (h), (i), and (k), Section 25.0173;
- (9) Subsections (c), (d), and (g), Section 25.0202;
- (10) Subsections (c), (e), and (g), Section 25.0212;
- (11) Subsections (d), (e), (i), (j), and (n), Section 25.0222;
- (12) Subsections (b), (d), (f), (h), and (i), Section 25.0232;
- (13) Subsections (b), (c), and (e), Section 25.0272;
- (14) Subsections (b), (c), (g), (h), and (i), Section 25.0292;
- (15) Subsections (b), (d), and (g), Section 25.0302;
- (16) Subsections (c), (e), and (j), Section 25.0312;
- (17) Subsections (e), (g), (i), (k), (l), and (m), Section 25.0332;
- (18) Subsection (c), Section 25.0362;

- (19) Subsections (b), (d), (f), (i), (j), and (k), Section 25.0392;
- (20) Subsections (b), (c), and (d), Section 25.0452;
- (21) Subsections (a), (c), (d), and (e), Section 25.0453;
- (22) Subsections (b), (d), (e), (g), and (h), Section 25.0482;
- (23) Subsections (a), (b), (d), (g), and (h), Section 25.0512;
- (24) Subsections (b), (d), (f), and (g), Section 25.0522;
- (25) Subsections (b), (h), (i), (j), and (k), Section 25.0592;
- (26) Subsections (d), (f), (g), (h), (i), and (j), Section 25.0593;
- (27) Subsections (d), (e), (g), (h), (i), (j), and (k), Section 25.0594;
- (28) Subsections (c), (d), (f), and (g), Section 25.0595;
- (29) Section 25.0596;
- (30) Subsections (a), (b), and (d), Section 25.0632;
- (31) Subsections (b), (g), (h), (j), (k), and (l), Section 25.0702;
- (32) Subsections (b), (d), (f), (j), and (k), Section 25.0722;
- (33) Subsections (d), (g), (h), (i), (j), (m), (n), (o), (p), (s), and (v),

Section 25.0732;

- (34) Subsections (c), (d), and (f), Section 25.0733;
- (35) Subsection (b), Section 25.0742;
- (36) Subsections (d), (f), (h), (j), and (l), Section 25.0812;
- (37) Subsections (f) and (j), Section 25.0862;
- (38) Subsections (e), (f), and (i), Section 25.0932;
- (39) Subsections (c), (f), (g), (j), and (k), Section 25.0942;
- (40) Subsections (d), (e), and (g), Section 25.0962;
- (41) Subsections (d), (e), (g), (h), and (k), Section 25.1032;
- (42) Subsections (d), (e), (f), (m), and (o), Section 25.1033;
- (43) Subsections (c), (h), (k), and (l), Section 25.1034;
- (44) Subsections (b), (d), (f), (h), and (i), Section 25.1042;
- (45) Subsections (b), (d), (g), and (h), Section 25.1072;
- (46) Subsections (e), (f), (l), and (o), Section 25.1092;
- (47) Subsections (d), (e), (h), (i), (j), and (l), Section 25.1102;
- (48) Section 25.1103;
- (49) Subsections (b), (c), (f), and (k), Section 25.1112;
- (50) Subsections (f), (g), (h), (j), (l), (m), and (p), Section 25.1132;
- (51) Subsections (c), (e), and (g), Section 25.1142;
- (52) Subsections (b), (e), (f), (h), and (i), Section 25.1152;
- (53) Subsections (c), (e), and (h), Section 25.1182;
- (54) Subsections (c), (g), and (i), Section 25.1252;
- (55) Subsections (b), (d), (f), (h), and (i), Section 25.1282;
- (56) Subsections (d), (e), (i), (k), (l), and (n), Section 25.1312;
- (57) Subsections (d), (e), (f), (i), and (j), Section 25.1322;
- (58) Subsections (d) and (h), Section 25.1352;
- (59) Subsections (e), (g), and (i), Section 25.1392;
- (60) Subsections (b), (c), (e), (h), (i), and (k), Section 25.1412;
- (61) Subsections (d), (g), (h), (l), and (m), Section 25.1482;
- (62) Subsections (f), (i), (k), and (n), Section 25.1542;
- (63) Subsections (e), (f), and (g), Section 25.1572;

- (64) Subsections (d), (f), and (h), Section 25.1652;
- (65) Subsections (b) and (f), Section 25.1672;
- (66) Subsections (b), (c), and (g), Section 25.1722;
- (67) Subsections (d), (e), (f), (h), and (i), Section 25.1732;
- (68) Subsections (b), (e), (f), and (h), Section 25.1762;
- (69) Subsections (c), (e), and (h), Section 25.1772;
- (70) Subsections (e), (f), (h), (i), and (j), Section 25.1792;
- (71) Subsections (c), (h), (i), (j), (k), (l), and (q), Section 25.1802;
- (72) Subsections (b), (d), and (j), Section 25.1832;
- (73) Subsections (e), (f), and (i), Section 25.1852;
- (74) Subsections (c), (f), (h), (i), (j), (m), (n), (p), (q), and (u), Section 25.1862;
- (75) Subsection (d), Section 25.1892;
- (76) Subsections (e), (g), (i), (j), and (k), Section 25.1902;
- (77) Subsections (b), (c), (f), (h), and (j), Section 25.1932;
- (78) Subsections (b), (d), (f), (h), and (j), Section 25.1972;
- (79) Subsections (d), (e), (i), (k), (l), and (n), Section 25.2012;
- (80) Subsections (c), (e), and (h), Section 25.2032;
- (81) Subsections (c), (e), (f), (h), and (i), Section 25.2072;
- (82) Subsections (c), (e), (i), (r), (t), and (u), Section 25.2142;
- (83) Subsections (d), (f), (h), (j), and (k), Section 25.2162;
- (84) Subsections (c), (g), (h), (i), (k), and (n), Section 25.2222;
- (85) Subsections (c), (e), (g), and (h), Section 25.2223;
- (86) Subsections (b), (c), (f), (g), (i), and (j), Section 25.2224;
- (87) Subsections (b), (e), (f), and (g), Section 25.2232;
- (88) Subsections (b), (d), (f), (g), (i), and (j), Section 25.2282;
- (89) Subsections (b), (e), (i), (k), and (l), Section 25.2292;
- (90) Subsections (e), (f), (g), (k), and (l), Section 25.2293;
- (91) Subsections (b), (d), (f), (g), and (j), Section 25.2352;
- (92) Subsections (c), (e), and (h), Section 25.2362;
- (93) Subsections (c), (f), (g), (h), and (i), Section 25.2372;
- (94) Subsections (b), (d), (f), and (j), Section 25.2382;
- (95) Subsections (b), (d), (f), and (j), Section 25.2392;
- (96) Subsections (b), (d), (f), (i), and (k), Section 25.2412;
- (97) Subsections (b), (d), (f), (i), and (j), Section 25.2422;
- (98) Subsections (f), (h), and (j), Section 25.2452;
- (99) Subsections (c), (d), (e), (g), (i), and (j), Section 25.2462;
- (100) Subsections (d), (e), (f), (h), (j), and (k), Section 25.2482; and
- (101) Subsections (b) and (i), Section 25.2512.

(b) The repeal of Subsection (d), Section 25.1042, and Subsection (d), Section 25.2162, Government Code, apply only to a regular judge serving a term for which the judge is elected on or after the effective date of this Act. A judge serving a term for which the judge was elected before the effective date of this Act is governed by the law in effect on the date the judge was elected, and that law is continued in effect for that purpose.

ARTICLE 5. PROVISIONS RELATING TO JUSTICE AND SMALL CLAIMS COURTS

SECTION 5.01. (a) Subsection (a), Section 27.005, Government Code, is amended to read as follows:

(a) For purposes of removal under Chapter 87, Local Government Code, "incompetency" in the case of a justice of the peace includes the failure of the justice to successfully complete:

(1) within one year after the date the justice is first elected, an 80-hour course in the performance of the justice's duties; and

(2) each following year, a 20-hour course in the performance of the justice's duties, including not less than 10 hours of instruction regarding substantive, procedural, and evidentiary law in civil matters.

(b) Subsection (a), Section 27.005, Government Code, as amended by this section, applies to a justice of the peace serving on or after the effective date of this article, regardless of the date the justice was elected or appointed.

SECTION 5.02. Subchapter C, Chapter 27, Government Code, is amended by adding Section 27.060 to read as follows:

Sec. 27.060. SMALL CLAIMS. (a) A justice court shall conduct proceedings in a small claims case, as that term is defined by the supreme court, in accordance with rules of civil procedure promulgated by the supreme court to ensure the fair, expeditious, and inexpensive resolution of small claims cases.

(b) Except as provided by Subsection (c), rules of the supreme court must provide that:

(1) if both parties appear, the judge shall proceed to hear the case;

(2) formal pleadings other than the statement are not required;

(3) the judge shall hear the testimony of the parties and the witnesses that the parties produce and shall consider the other evidence offered;

(4) the hearing is informal, with the sole objective being to dispense speedy justice between the parties;

(5) discovery is limited to that considered appropriate and permitted by the judge; and

(6) the judge shall develop the facts of the case, and for that purpose may question a witness or party and may summon any party to appear as a witness as the judge considers necessary to a correct judgment and speedy disposition of the case.

(c) The rules of the supreme court must provide specific procedures for an action by:

(1) an assignee of a claim or other person seeking to bring an action on an assigned claim;

(2) a person primarily engaged in the business of lending money at interest; or

(3) a collection agency or collection agent.

(d) The rules adopted by the supreme court may not:

(1) require that a party in a case be represented by an attorney;

(2) be so complex that a reasonable person without legal training would have difficulty understanding or applying the rules; or

(3) require that discovery rules adopted under the Texas Rules of Civil Procedure or the Texas Rules of Evidence be applied except to the extent the justice of the peace hearing the case determines that the rules must be followed to ensure that the proceeding is fair to all parties.

(e) A committee established by the supreme court to recommend rules to be adopted under this section must include justices of the peace.

SECTION 5.03. Subchapter C, Chapter 27, Government Code, is amended by adding Section 27.061 to read as follows:

Sec. 27.061. RULES OF ADMINISTRATION. The justices of the peace in each county shall, by majority vote, adopt local rules of administration.

SECTION 5.04. Subchapter E, Chapter 15, Civil Practice and Remedies Code, is amended by adding Section 15.0821 to read as follows:

Sec. 15.0821. ADMINISTRATIVE RULES FOR TRANSFER. The justices of the peace in each county shall, by majority vote, adopt local rules of administration regarding the transfer of a pending case from one precinct to a different precinct.

SECTION 5.05. Article 4.12, Code of Criminal Procedure, is amended by adding Subsection (e) to read as follows:

(e) The justices of the peace in each county shall, by majority vote, adopt local rules of administration regarding the transfer of a pending misdemeanor case from one precinct to a different precinct.

SECTION 5.06. (a) Chapter 28, Government Code, is repealed.

(b) On the effective date of this section, each small claims court under Chapter 28, Government Code, is abolished.

SECTION 5.07. Not later than May 1, 2013, the Texas Supreme Court shall promulgate:

- (1) rules to define cases that constitute small claims cases;
- (2) rules of civil procedure applicable to small claims cases as required by Section 27.060, Government Code, as added by this article; and
- (3) rules for eviction proceedings.

SECTION 5.08. (a) Immediately before the date the small claims court in a county is abolished in accordance with this article, the justice of the peace sitting as judge of that court shall transfer all cases pending in the court to a justice court in the county.

(b) When a case is transferred as provided by Subsection (a) of this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. The obligees on all bonds and recognizances taken in and for the transferring court and all witnesses summoned to appear in the transferring court are required to appear before the court to which the case is transferred as if originally required to appear before that court.

SECTION 5.09. Sections 5.02 and 5.06 of this article take effect May 1, 2013.

ARTICLE 6. ASSOCIATE JUDGES

SECTION 6.01. Subtitle D, Title 2, Government Code, is amended by adding Chapter 54A to read as follows:

CHAPTER 54A. ASSOCIATE JUDGES
SUBCHAPTER A. CRIMINAL ASSOCIATE JUDGES

Sec. 54A.001. APPLICABILITY. This subchapter applies to a district court or a statutory county court that hears criminal cases.

Sec. 54A.002. APPOINTMENT. (a) A judge of a court subject to this subchapter may appoint a full-time or part-time associate judge to perform the duties authorized by this subchapter if the commissioners court of the county in which the court has jurisdiction has authorized the creation of an associate judge position.

(b) If a court has jurisdiction in more than one county, an associate judge appointed by that court may serve only in a county in which the commissioners court has authorized the appointment.

(c) If more than one court in a county is subject to this subchapter, the commissioners court may authorize the appointment of an associate judge for each court or may authorize one or more associate judges to share service with two or more courts.

(d) If an associate judge serves more than one court, the associate judge's appointment must be made as established by local rule, but in no event by less than a vote of two-thirds of the judges under whom the associate judge serves.

Sec. 54A.003. QUALIFICATIONS. To qualify for appointment as an associate judge under this subchapter, a person must:

(1) be a resident of this state and one of the counties the person will serve;

(2) have been licensed to practice law in this state for at least four years;

(3) not have been removed from office by impeachment, by the supreme court, by the governor on address to the legislature, by a tribunal reviewing a recommendation of the State Commission on Judicial Conduct, or by the legislature's abolition of the judge's court; and

(4) not have resigned from office after having received notice that formal proceedings by the State Commission on Judicial Conduct had been instituted as provided by Section 33.022 and before final disposition of the proceedings.

Sec. 54A.004. COMPENSATION. (a) An associate judge shall be paid a salary determined by the commissioners court of the county in which the associate judge serves.

(b) If an associate judge serves in more than one county, the associate judge shall be paid a salary as determined by agreement of the commissioners courts of the counties in which the associate judge serves.

(c) The associate judge's salary is paid from the county fund available for payment of officers' salaries.

Sec. 54A.005. TERMINATION. (a) An associate judge who serves a single court serves at the will of the judge of that court.

(b) The employment of an associate judge who serves more than two courts may only be terminated by a majority vote of all the judges of the courts the associate judge serves.

(c) The employment of an associate judge who serves two courts may be terminated by either of the judges of the courts the associate judge serves.

(d) To terminate an associate judge's employment, the appropriate judges must sign a written order of termination. The order must state:

- (1) the associate judge's name and state bar identification number;
- (2) each court ordering termination; and
- (3) the date the associate judge's employment ends.

Sec. 54A.006. PROCEEDINGS THAT MAY BE REFERRED. (a) A judge may refer to an associate judge any matter arising out of a criminal case involving:

- (1) a negotiated plea of guilty or no contest before the court;
- (2) a bond forfeiture;
- (3) a pretrial motion;
- (4) a writ of habeas corpus;
- (5) an examining trial;
- (6) an occupational driver's license;
- (7) an appeal of an administrative driver's license revocation hearing;
- (8) a civil commitment matter under Subtitle C, Title 7, Health and

Safety Code;

- (9) setting, adjusting, or revoking bond;

(10) the issuance of search warrants, including a search warrant under Article 18.02(10), Code of Criminal Procedure, notwithstanding Article 18.01(c), Code of Criminal Procedure; and

- (11) any other matter the judge considers necessary and proper.

(b) An associate judge may accept an agreed plea of guilty or no contest from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses and may assess punishment if a plea agreement is announced on the record between the defendant and the state.

(c) An associate judge has all of the powers of a magistrate under the laws of this state and may administer an oath for any purpose.

(d) An associate judge may select a jury. Except as provided in Subsection (b), an associate judge may not preside over a trial on the merits, whether or not the trial is before a jury.

Sec. 54A.007. ORDER OF REFERRAL. (a) To refer one or more cases to an associate judge, a judge must issue a written order of referral that specifies the associate judge's duties.

(b) An order of referral may:

(1) limit the powers of the associate judge and direct the associate judge to report only on specific issues, do particular acts, or receive and report on evidence only;

- (2) set the time and place for the hearing;

- (3) prescribe a closing date for the hearing;

- (4) provide a date for filing the associate judge's findings;

(5) designate proceedings for more than one case over which the associate judge shall preside;

- (6) direct the associate judge to call the court's docket; and

(7) set forth general powers and limitations or authority of the associate judge applicable to any case referred.

Sec. 54A.008. POWERS. (a) Except as limited by an order of referral, an associate judge to whom a case is referred may:

(1) conduct hearings;

(2) hear evidence;

(3) compel production of relevant evidence;

(4) rule on the admissibility of evidence;

(5) issue summons for the appearance of witnesses;

(6) examine a witness;

(7) swear a witness for a hearing;

(8) make findings of fact on evidence;

(9) formulate conclusions of law;

(10) rule on pretrial motions;

(11) recommend the rulings, orders, or judgment to be made in a case;

(12) regulate proceedings in a hearing;

(13) order the attachment of a witness or party who fails to obey a subpoena;

(14) accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses;

(15) select a jury;

(16) notwithstanding Article 18.01(c), Code of Criminal Procedure, issue a search warrant, including a search warrant under Article 18.02(10), Code of Criminal Procedure; and

(17) take action as necessary and proper for the efficient performance of the duties required by the order of referral.

(b) An associate judge may not enter a ruling on any issue of law or fact if that ruling could result in dismissal or require dismissal of a pending criminal prosecution, but the associate judge may make findings, conclusions, and recommendations on those issues.

(c) Except as limited by an order of referral, an associate judge who is appointed by a district or statutory county court judge and to whom a case is referred may accept a plea of guilty or nolo contendere in a misdemeanor case for a county criminal court. The associate judge shall forward any fee or fine collected for the misdemeanor offense to the county clerk.

(d) An associate judge may, in the interest of justice, refer a case back to the referring court regardless of whether a timely objection to the associate judge hearing the trial on the merits or presiding at a jury trial has been made by any party.

Sec. 54A.009. ATTENDANCE OF BAILIFF. A bailiff shall attend a hearing by an associate judge if directed by the referring court.

Sec. 54A.010. COURT REPORTER. At the request of a party, the court shall provide a court reporter to record the proceedings before the associate judge.

Sec. 54A.011. WITNESS. (a) A witness appearing before an associate judge is subject to the penalties for perjury provided by law.

(b) A referring court may issue attachment against and may fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court.

Sec. 54A.012. PAPERS TRANSMITTED TO JUDGE. At the conclusion of the proceedings, an associate judge shall transmit to the referring court any papers relating to the case, including the associate judge's findings, conclusions, orders, recommendations, or other action taken.

Sec. 54A.013. JUDICIAL ACTION. (a) Not later than the 30th day after the date an action is taken by an associate judge, a referring court may modify, correct, reject, reverse, or recommit for further information the action taken by the associate judge.

(b) If the court does not modify, correct, reject, reverse, or recommit an action to the associate judge, the action becomes the decree of the court.

Sec. 54A.014. JUDICIAL IMMUNITY. An associate judge has the same judicial immunity as a district judge.

[Sections 54A.015-54A.100 reserved for expansion]

SUBCHAPTER B. CIVIL ASSOCIATE JUDGES

Sec. 54A.101. APPLICABILITY. This subchapter applies to a district court or a statutory county court that is assigned civil cases.

Sec. 54A.102. APPOINTMENT. (a) A judge of a court subject to this subchapter may appoint a full-time or part-time associate judge to perform the duties authorized by this subchapter if the commissioners court of the county in which the court has jurisdiction has authorized the creation of an associate judge position.

(b) If a district court has jurisdiction in more than one county, an associate judge appointed by that court may serve only in a county in which the commissioners court has authorized the appointment.

(c) If more than one court in a county is subject to this subchapter, the commissioners court may authorize the appointment of an associate judge for each court or may authorize one or more associate judges to share service with two or more courts.

(d) If an associate judge serves more than one court, the associate judge's appointment must be made as established by local rule, but in no event by less than a vote of two-thirds of the judges under whom the associate judge serves.

Sec. 54A.103. QUALIFICATIONS. To qualify for appointment as an associate judge under this subchapter, a person must:

(1) be a resident of this state and one of the counties the person will serve;

(2) have been licensed to practice law in this state for at least four years;

(3) not have been removed from office by impeachment, by the supreme court, by the governor on address to the legislature, by a tribunal reviewing a recommendation of the State Commission on Judicial Conduct, or by the legislature's abolition of the judge's court; and

(4) not have resigned from office after having received notice that formal proceedings by the State Commission on Judicial Conduct had been instituted as provided in Section 33.022 and before final disposition of the proceedings.

Sec. 54A.104. COMPENSATION. (a) An associate judge shall be paid a salary determined by the commissioners court of the county in which the associate judge serves.

(b) If an associate judge serves in more than one county, the associate judge shall be paid a salary as determined by agreement of the commissioners courts of the counties in which the associate judge serves.

(c) The associate judge's salary is paid from the county fund available for payment of officers' salaries.

Sec. 54A.105. TERMINATION. (a) An associate judge who serves a single court serves at the will of the judge of that court.

(b) The employment of an associate judge who serves more than two courts may only be terminated by a majority vote of all the judges of the courts the associate judge serves.

(c) The employment of an associate judge who serves two courts may be terminated by either of the judges of the courts the associate judge serves.

(d) To terminate an associate judge's employment, the appropriate judges must sign a written order of termination. The order must state:

(1) the associate judge's name and state bar identification number;

(2) each court ordering termination; and

(3) the date the associate judge's employment ends.

Sec. 54A.106. CASES THAT MAY BE REFERRED. (a) Except as provided by this section, a judge of a court may refer any civil case or portion of a civil case to an associate judge for resolution.

(b) Unless a party files a written objection to the associate judge hearing a trial on the merits, the judge may refer the trial to the associate judge. A trial on the merits is any final adjudication from which an appeal may be taken to a court of appeals.

(c) A party must file an objection to an associate judge hearing a trial on the merits or presiding at a jury trial not later than the 10th day after the date the party receives notice that the associate judge will hear the trial. If an objection is filed, the referring court shall hear the trial on the merits or preside at a jury trial.

Sec. 54A.107. METHODS OF REFERRAL. (a) A case may be referred to an associate judge by an order of referral in a specific case or by an omnibus order.

(b) The order of referral may limit the powers or duties of an associate judge.

Sec. 54A.108. POWERS. (a) Except as limited by an order of referral, an associate judge may:

(1) conduct hearings;

(2) hear evidence;

(3) compel production of relevant evidence;

(4) rule on the admissibility of evidence;

- (5) issue summons for the appearance of witnesses;
- (6) examine a witness;
- (7) swear a witness for a hearing;
- (8) make findings of fact on evidence;
- (9) formulate conclusions of law;
- (10) rule on pretrial motions;
- (11) recommend the rulings, orders, or judgment to be made in a case;
- (12) regulate proceedings in a hearing;
- (13) order the attachment of a witness or party who fails to obey a subpoena; and
- (14) take action as necessary and proper for the efficient performance of the duties required by the order of referral.

(b) An associate judge may, in the interest of justice, refer a case back to the referring court regardless of whether a timely objection to the associate judge hearing the trial on the merits or presiding at a jury trial has been made by any party.

Sec. 54A.109. WITNESS. (a) A witness appearing before an associate judge is subject to the penalties for perjury provided by law.

(b) A referring court may fine or imprison a witness who:

- (1) failed to appear before an associate judge after being summoned; or
- (2) improperly refused to answer questions if the refusal has been certified to the court by the associate judge.

Sec. 54A.110. COURT REPORTER; RECORD. (a) A court reporter may be provided during a hearing held by an associate judge appointed under this subchapter. A court reporter is required to be provided when the associate judge presides over a jury trial.

(b) A party, the associate judge, or the referring court may provide for a reporter during the hearing if one is not otherwise provided.

(c) Except as provided by Subsection (a), in the absence of a court reporter or on agreement of the parties, the record may be preserved by any means approved by the associate judge.

(d) The referring court or associate judge may assess the expense of preserving the record under Subsection (c) as costs.

(e) On appeal of the associate judge's report or proposed order, the referring court may consider testimony or other evidence in the record if the record is taken by a court reporter.

Sec. 54A.111. NOTICE OF DECISION; APPEAL. (a) After hearing a matter, an associate judge shall notify each attorney participating in the hearing of the associate judge's decision. An associate judge's decision has the same force and effect as an order of the referring court unless a party appeals the decision as provided by Subsection (b).

(b) To appeal an associate judge's decision, other than the issuance of a temporary restraining order or temporary injunction, a party must file an appeal in the referring court not later than the seventh day after the date the party receives notice of the decision under Subsection (a).

(c) A temporary restraining order issued by an associate judge is effective immediately and expires on the 15th day after the date of issuance unless, after a hearing, the order is modified or extended by the associate judge or referring judge.

(d) A temporary injunction issued by an associate judge is effective immediately and continues during the pendency of a trial unless, after a hearing, the order is modified by a referring judge.

(e) A matter appealed to the referring court shall be tried de novo and is limited to only those matters specified in the appeal. Except on leave of court, a party may not submit on appeal any additional evidence or pleadings.

Sec. 54A.112. NOTICE OF RIGHT TO DE NOVO HEARING; WAIVER.

(a) Notice of the right to a de novo hearing before the referring court shall be given to all parties.

(b) The notice may be given:

(1) by oral statement in open court;

(2) by posting inside or outside the courtroom of the referring court; or

(3) as otherwise directed by the referring court.

(c) Before the start of a hearing by an associate judge, a party may waive the right of a de novo hearing before the referring court in writing or on the record.

Sec. 54A.113. ORDER OF COURT. (a) Pending a de novo hearing before the referring court, a proposed order or judgment of the associate judge is in full force and effect and is enforceable as an order or judgment of the referring court, except for an order providing for the appointment of a receiver.

(b) If a request for a de novo hearing before the referring court is not timely filed or the right to a de novo hearing before the referring court is waived, the proposed order or judgment of the associate judge becomes the order or judgment of the referring court only on the referring court's signing the proposed order or judgment.

(c) An order by an associate judge for the temporary detention or incarceration of a witness or party shall be presented to the referring court on the day the witness or party is detained or incarcerated. The referring court, without prejudice to the right to a de novo hearing provided by Section 54A.115, may approve the temporary detention or incarceration or may order the release of the party or witness, with or without bond, pending a de novo hearing. If the referring court is not immediately available, the associate judge may order the release of the party or witness, with or without bond, pending a de novo hearing or may continue the person's detention or incarceration for not more than 72 hours.

Sec. 54A.114. JUDICIAL ACTION ON ASSOCIATE JUDGE'S PROPOSED ORDER OR JUDGMENT. Unless a party files a written request for a de novo hearing before the referring court, the referring court may:

(1) adopt, modify, or reject the associate judge's proposed order or judgment;

(2) hear additional evidence; or

(3) recommit the matter to the associate judge for further proceedings.

Sec. 54A.115. DE NOVO HEARING. (a) A party may request a de novo hearing before the referring court by filing with the clerk of the referring court a written request not later than the seventh working day after the date the party receives notice of the substance of the associate judge's decision as provided by Section 54A.111.

(b) A request for a de novo hearing under this section must specify the issues that will be presented to the referring court. The de novo hearing is limited to the specified issues.

(c) Notice of a request for a de novo hearing before the referring court shall be given to the opposing attorney in the manner provided by Rule 21a, Texas Rules of Civil Procedure.

(d) If a request for a de novo hearing before the referring court is filed by a party, any other party may file a request for a de novo hearing before the referring court not later than the seventh working day after the date the initial request was filed.

(e) The referring court, after notice to the parties, shall hold a de novo hearing not later than the 30th day after the date the initial request for a de novo hearing was filed with the clerk of the referring court.

(f) In the de novo hearing before the referring court, the parties may present witnesses on the issues specified in the request for hearing. The referring court may also consider the record from the hearing before the associate judge, including the charge to and verdict returned by a jury, if the record was taken by a court reporter.

(g) The denial of relief to a party after a de novo hearing under this section or a party's waiver of the right to a de novo hearing before the referring court does not affect the right of a party to file a motion for new trial, a motion for judgment notwithstanding the verdict, or other posttrial motions.

(h) A party may not demand a second jury in a de novo hearing before the referring court if the associate judge's proposed order or judgment resulted from a jury trial.

Sec. 54A.116. APPELLATE REVIEW. (a) A party's failure to request a de novo hearing before the referring court or a party's waiver of the right to request a de novo hearing before the referring court does not deprive the party of the right to appeal to or request other relief from a court of appeals or the supreme court.

(b) Except as provided by Subsection (c), the date an order or judgment by the referring court is signed is the controlling date for the purposes of appeal to or request for other relief from a court of appeals or the supreme court.

(c) The date an agreed order or a default order is signed by an associate judge is the controlling date for the purpose of an appeal to, or a request for other relief relating to the order from, a court of appeals or the supreme court.

Sec. 54A.117. JUDICIAL ACTION. (a) Not later than the 30th day after the date an action is taken by an associate judge, a referring court may modify, correct, reject, reverse, or recommit for further information the action taken by the associate judge.

(b) If the court does not modify, correct, reject, reverse, or recommit an action to the associate judge, the action becomes the decree of the court.

Sec. 54A.118. JUDICIAL IMMUNITY. An associate judge appointed under this subchapter has the judicial immunity of a district judge.

SECTION 6.02. Subchapter G, Chapter 54, Government Code, is transferred to Chapter 54A, Government Code, as added by this Act, redesignated as Subchapter C, Chapter 54A, Government Code, and amended to read as follows:

SUBCHAPTER C [G]. STATUTORY PROBATE COURT ASSOCIATE JUDGES

Sec. 54A.201 [54.601]. DEFINITION. In this subchapter, "statutory probate court" has the meaning assigned by Section 3, Texas Probate Code.

Sec. 54A.202. APPLICABILITY. This subchapter applies to a statutory probate court.

Sec. 54A.203 [54.603]. APPOINTMENT. (a) After obtaining the approval of the commissioners court to create an associate judge position, the judge of a statutory probate court by order may appoint one or more full-time or part-time [a person to act as] associate judges to perform the duties authorized by this subchapter [judge for the statutory probate court].

(b) If a statutory probate court has jurisdiction in more than one county, an associate judge appointed by that court may serve only in a county in which the commissioners court has authorized the appointment.

(c) The commissioners court may authorize the appointment of an associate judge for each court or may authorize one or more associate judges to share service with two or more courts, if more than one statutory probate court exists in a county.

(d) [(e)] If an associate judge serves more than one court, the associate judge's appointment must be made with the unanimous approval of all the judges under whom the associate judge serves.

[(d) An associate judge must meet the qualifications to serve as a judge of the court to which the associate judge is appointed.]

(e) An associate judge appointed under this subchapter may serve as an associate judge appointed under Section 574.0085, Health and Safety Code.

Sec. 54A.204. QUALIFICATIONS. To qualify for appointment as an associate judge under this subchapter, a person must:

(1) be a resident of this state and one of the counties the person will serve;

(2) have been licensed to practice law in this state for at least five years;

(3) not have been removed from office by impeachment, by the supreme court, by the governor on address to the legislature, by a tribunal reviewing a recommendation of the State Commission on Judicial Conduct, or by the legislature's abolition of the judge's court; and

(4) not have resigned from office after having received notice that formal proceedings by the State Commission on Judicial Conduct had been instituted as provided in Section 33.022 and before final disposition of the proceedings.

Sec. 54A.205 [~~54.605~~]. COMPENSATION. (a) An associate judge is entitled to the compensation set by the appointing judge and approved by the commissioners court or commissioners courts of the counties in which the associate judge serves. ~~[The salary of the associate judge may not exceed the salary of the appointing judge.]~~

(b) If an associate judge serves in more than one county, the associate judge shall be paid a salary as determined by agreement of the commissioners courts of the counties in which the associate judge serves.

(c) Except as provided by Subsection (d) [~~(e)~~], the compensation of the associate judge shall be paid by the county from the county general fund. The compensation must be paid in the same manner that the appointing judge's salary is paid.

(d) [~~(e)~~] On the recommendation of the statutory probate court judges in the county and subject to the approval of the county commissioners court, the county may pay all or part of the compensation of the associate judge from the excess contributions remitted to the county under Section 25.00212 and deposited in the contributions fund created under Section 25.00213.

Sec. 54A.206 [~~54.604~~]. TERMINATION OF ASSOCIATE JUDGE. (a) An associate judge who serves a single court serves at the will of the judge of that court.

(b) The employment of an associate judge who serves more than two courts may only be terminated by a majority vote of all the judges of the courts that the associate judge serves.

(c) The employment of an associate judge who serves two courts may be terminated by either of the judges of the courts that the associate judge serves.

(d) The appointment of the associate judge terminates if:

(1) the associate judge becomes a candidate for election to public office; or

(2) the commissioners court does not appropriate funds in the county's budget to pay the salary of the associate judge.

(e) If an associate judge serves a single court and the appointing judge vacates the judge's office, the associate judge's employment continues, subject to Subsections (d) and (h), unless the successor appointed or elected judge terminates that employment.

(f) If an associate judge serves two courts and one of the appointing judges vacates the judge's office, the associate judge's employment continues, subject to Subsections (d) and (h), unless the successor appointed or elected judge terminates that employment or the judge of the other court served by the associate judge terminates that employment as provided by Subsection (c).

(g) If an associate judge serves more than two courts and an appointing judge vacates the judge's office, the associate judge's employment continues, subject to Subsections (d) and (h), unless:

(1) if no successor judge has been elected or appointed, the majority of the judges of the other courts the associate judge serves vote to terminate that employment; or

(2) if a successor judge has been elected or appointed, the majority of the judges of the courts the associate judge serves, including the successor judge, vote to terminate that employment as provided by Subsection (b).

(h) Notwithstanding the powers of an associate judge provided by Section 54A.209 ~~[54.610]~~, an associate judge whose employment continues as provided by Subsection (e), (f), or (g) after the judge of a court served by the associate judge vacates the judge's office may perform administrative functions with respect to that court, but may not perform any judicial function, including any power prescribed by Section 54A.209 ~~[54.610]~~, with respect to that court until a successor judge is appointed or elected.

Sec. 54A.207 ~~[54.608]~~. CASES THAT MAY BE REFERRED. (a) Except as provided by this section, a judge of a court may refer to an associate judge any aspect of a suit over which the probate court has jurisdiction, including any matter ancillary to the suit.

(b) Unless a party files a written objection to the associate judge hearing a trial on the merits, the judge may refer the trial to the associate judge. A trial on the merits is any final adjudication from which an appeal may be taken to a court of appeals.

(c) A party must file an objection to an associate judge hearing a trial on the merits or presiding at a jury trial not later than the 10th day after the date the party receives notice that the associate judge will hear the trial. If an objection is filed, the referring court shall hear the trial on the merits or preside at a jury trial.

Sec. 54A.2071 ~~[54.606]~~. OATH. An associate judge must take the constitutional oath of office required of appointed officers of this state.

~~[Sec. 54.607. MAGISTRATE. An associate judge appointed under this subchapter is a magistrate.]~~

Sec. 54A.208 ~~[54.609]~~. METHODS ~~[ORDER]~~ OF REFERRAL. (a) A case may be referred to an associate judge by an order of referral in a specific case or by an omnibus order ~~[In referring a case to an associate judge, the judge of the referring court shall render:~~

~~(1) an individual order of referral; or~~

~~(2) a general order of referral]~~ specifying the class and type of cases to be referred ~~[heard by the associate judge].~~

(b) The order of referral may limit the power or duties of an associate judge.

Sec. 54A.209 ~~[54.610]~~. POWERS OF ASSOCIATE JUDGE. (a) Except as limited by an order of referral, an associate judge may:

(1) conduct a hearing;

(2) hear evidence;

(3) compel production of relevant evidence;

(4) rule on the admissibility of evidence;

(5) issue a summons for the appearance of witnesses;

(6) examine a witness;

(7) swear a witness for a hearing;

(8) make findings of fact on evidence;

(9) formulate conclusions of law;

(10) rule on pretrial motions;

(11) recommend the rulings, orders, or judgment [~~an order~~] to be made [~~rendered~~] in a case;

(12) [~~(11)~~] regulate all proceedings in a hearing before the associate judge;

(13) [~~(12)~~] take action as necessary and proper for the efficient performance of the [~~associate judge's~~] duties required by the order of referral;

(14) [~~(13)~~] order the attachment of a witness or party who fails to obey a subpoena;

(15) [~~(14)~~] order the detention of a witness or party found guilty of contempt, pending approval by the referring court as provided by Section 54A.214 [~~54.616~~];

(16) [~~(15)~~] without prejudice to the right to a de novo hearing under Section 54A.216 [~~54.618~~], render and sign:

(A) a final order agreed to in writing as to both form and substance by all parties;

(B) a final default order;

(C) a temporary order;

(D) a final order in a case in which a party files an unrevoked waiver made in accordance with Rule 119, Texas Rules of Civil Procedure, that waives notice to the party of the final hearing or waives the party's appearance at the final hearing;

(E) an order specifying that the court clerk shall issue:

(i) letters testamentary or of administration; or

(ii) letters of guardianship; or

(F) an order for inpatient or outpatient mental health, mental retardation, or chemical dependency services or an order authorizing psychoactive medications; and

(17) [~~(16)~~] sign a final order that includes a waiver of the right to a de novo hearing in accordance with Section 54A.216 [~~54.618~~].

(b) An associate judge may, in the interest of justice, refer a case back to the referring court regardless of whether a timely objection to the associate judge hearing the trial on the merits or presiding at a jury trial has been made by any party.

(c) An order described by Subsection (a)(16) [~~(a)(15)~~] that is rendered and signed by an associate judge constitutes an order of the referring court. The judge of the referring court shall sign the order not later than the 30th day after the date the associate judge signs the order.

(d) An answer filed by or on behalf of a party who previously filed a waiver described in Subsection (a)(16)(D) [~~(a)(15)(D)~~] revokes that waiver.

Sec. 54A.2091 [~~54.611~~]. ATTENDANCE OF BAILIFF. A bailiff shall attend a hearing conducted by an associate judge if directed to attend by the referring court.

[~~Sec. 54.612. COURT REPORTER. (a) A court reporter may be provided during a hearing held by an associate judge appointed under this subchapter unless required by other law. A court reporter is required to be provided when the associate judge presides over a jury trial.~~]

~~[(b) A party, the associate judge, or the referring court may provide for a reporter during the hearing, if one is not otherwise provided.]~~

~~[(c) Except as provided by Subsection (a), in the absence of a court reporter or on agreement of the parties, the record may be preserved by any means approved by the referring court.]~~

~~[(d) The referring court or associate judge may impose on a party the expense of preserving the record as a court cost.]~~

~~[(e) On a request for a de novo hearing, the referring court may consider testimony or other evidence in the record, if the record is taken by a court reporter, in addition to witnesses or other matters presented under Section 54.618.]~~

Sec. 54A.210 [54.613]. WITNESS. (a) A witness appearing before an associate judge is subject to the penalties for perjury provided by law.

(b) A referring court may issue attachment against and may fine or imprison a witness whose failure [who:

~~[(1) fails] to appear [before an associate judge] after being summoned or whose refusal to answer questions has been certified to the court[; or~~

~~[(2) improperly refuses to answer a question if the refusal has been certified to the court by the associate judge].~~

Sec. 54A.211. COURT REPORTER; RECORD. (a) A court reporter may be provided during a hearing held by an associate judge appointed under this subchapter. A court reporter is required to be provided when the associate judge presides over a jury trial.

(b) A party, the associate judge, or the referring court may provide for a reporter during the hearing if one is not otherwise provided.

(c) Except as provided by Subsection (a), in the absence of a court reporter or on agreement of the parties, the record may be preserved by any means approved by the associate judge.

(d) The referring court or associate judge may assess the expense of preserving the record as court costs.

(e) On appeal of the associate judge's report or proposed order, the referring court may consider testimony or other evidence in the record if the record is taken by a court reporter.

Sec. 54A.212 [54.614]. REPORT. (a) The associate judge's report may contain the associate judge's findings, conclusions, or recommendations and may be in the form of a proposed order.

(b) The associate judge shall prepare a [written] report in the form directed by the referring court, including in the form of:

(1) a notation on the referring court's docket sheet or in the court's jacket; or

(2) a proposed order.

(c) [(b)] After a hearing, the associate judge shall provide the parties participating in the hearing notice of the substance of the associate judge's report, including any proposed order.

(d) [(e)] Notice may be given to the parties:

- (1) in open court, by an oral statement, or by providing a copy of the associate judge's written report, including any proposed order;
- (2) by certified mail, return receipt requested;
- (3) by facsimile transmission; or
- (4) by electronic mail.

(e) ~~(d)~~ There is a rebuttable presumption that notice is received on the date stated on:

- (1) the signed return receipt, if notice was provided by certified mail;
- (2) the confirmation page produced by the facsimile machine, if notice was provided by facsimile transmission; or
- (3) a printout evidencing submission of the electronic mail message, if notice was provided by electronic mail.

(f) ~~(e)~~ After a hearing conducted by an associate judge, the associate judge shall send the associate judge's signed and dated report, including any proposed order, and all other papers relating to the case to the referring court.

Sec. 54A.213 ~~[54.615]~~. NOTICE OF RIGHT TO DE NOVO HEARING BEFORE REFERRING COURT. (a) An associate judge shall give all parties notice of the right to a de novo hearing before the referring court.

(b) The notice may be given:

- (1) by oral statement in open court;
- (2) by posting inside or outside the courtroom of the referring court; or
- (3) as otherwise directed by the referring court.

(c) Before the start of a hearing by an associate judge, a party may waive the right to a de novo hearing before the referring court in writing or on the record.

Sec. 54A.214 ~~[54.616]~~. ORDER OF COURT. (a) Pending a de novo hearing before the referring court, the decisions and recommendations of the associate judge or a proposed order or judgment of the associate judge has the full force and effect, and is enforceable as, an order or judgment of the referring court, except for an order providing for the appointment of a receiver.

(b) Except as provided by Section 54A.209(c) [54.610(e)], if a request for a de novo hearing before the referring court is not timely filed or the right to a de novo hearing before the referring court is waived, the decisions and recommendations of the associate judge or the proposed order or judgment of the associate judge becomes the order or judgment of the referring court at the time the judge of the referring court signs the proposed order or judgment.

(c) An order by an associate judge for the temporary detention or incarceration of a witness or party shall be presented to the referring court on the day the witness or party is detained or incarcerated. The referring court, without prejudice to the right to a de novo hearing provided by Section 54A.216, may approve the temporary detention or incarceration or may order the release of the party or witness, with or without bond, pending a de novo hearing. If the referring court is not immediately available, the associate judge may order the release of the party or witness, with or without bond, pending a de novo hearing or may continue the person's detention or incarceration for not more than 72 hours.

Sec. 54A.215 [~~54.617~~]. JUDICIAL ACTION ON ASSOCIATE JUDGE'S PROPOSED ORDER OR JUDGMENT. (a) Unless a party files a written request for a de novo hearing before the referring court, the referring court may:

(1) adopt, modify, or reject the associate judge's proposed order or judgment;

(2) hear further evidence; or

(3) recommit the matter to the associate judge for further proceedings.

(b) The judge of the referring court shall sign a proposed order or judgment the court adopts as provided by Subsection (a)(1) not later than the 30th day after the date the associate judge signed the order or judgment.

Sec. 54A.216 [~~54.618~~]. DE NOVO HEARING BEFORE REFERRING COURT. (a) A party may request a de novo hearing before the referring court by filing with the clerk of the referring court a written request not later than the seventh working day after the date the party receives notice of the substance of the associate judge's report as provided by Section 54A.212 [~~54.614~~].

(b) A request for a de novo hearing under this section must specify the issues that will be presented to the referring court. The de novo hearing is limited to the specified issues.

(c) In the de novo hearing before the referring court, the parties may present witnesses on the issues specified in the request for hearing. The referring court may also consider the record from the hearing before the associate judge, including the charge to and verdict returned by a jury, if the record was taken by a court reporter.

(d) Notice of a request for a de novo hearing before the referring court must be given to the opposing attorney in the manner provided by Rule 21a, Texas Rules of Civil Procedure.

(e) If a request for a de novo hearing before the referring court is filed by a party, any other party may file a request for a de novo hearing before the referring court not later than the seventh working day after the date of filing of the initial request.

(f) The referring court, after notice to the parties, shall hold a de novo hearing not later than the 30th day after the date on which the initial request for a de novo hearing was filed with the clerk of the referring court[~~, unless all of the parties agree to a later date~~].

(g) Before the start of a hearing conducted by an associate judge, the parties may waive the right of a de novo hearing before the referring court. The waiver may be in writing or on the record.

(h) The denial of relief to a party after a de novo hearing under this section or a party's waiver of the right to a de novo hearing before the referring court does not affect the right of a party to file a motion for new trial, motion for judgment notwithstanding the verdict, or other post-trial motion.

(i) A party may not demand a second jury in a de novo hearing before the referring court if the associate judge's proposed order or judgment resulted from a jury trial.

Sec. 54A.217 [~~54.619~~]. APPELLATE REVIEW. (a) A party's failure to request a de novo hearing before the referring court or a party's waiver of the right to request a de novo hearing before the referring court does not deprive the party of the right to appeal to or request other relief from a court of appeals or the supreme court.

(b) Except as provided by Subsection (c), the date the judge of a referring court signs an order or judgment is the controlling date for the purposes of appeal to or request for other relief from a court of appeals or the supreme court.

(c) The date an order described by Section 54A.209(a)(16) [~~54.610(a)(15)~~] is signed by an associate judge is the controlling date for the purpose of an appeal to, or a request for other relief relating to the order from, a court of appeals or the supreme court.

Sec. 54A.218 [~~54.620~~]. IMMUNITY. An associate judge appointed under this subchapter has the judicial immunity of a probate judge. All existing immunity granted an associate judge by law, express or implied, continues in full force and effect.

SECTION 6.03. Chapter 201, Family Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. ASSOCIATE JUDGE FOR JUVENILE MATTERS

Sec. 201.301. APPLICABILITY. This subchapter applies only to an associate judge appointed under this subchapter and does not apply to a juvenile court master appointed under Subchapter K, Chapter 54, Government Code.

Sec. 201.302. APPOINTMENT. (a) A judge of a court that is designated as a juvenile court may appoint a full-time or part-time associate judge to perform the duties authorized by this chapter if the commissioners court of a county in which the court has jurisdiction has authorized creation of an associate judge position.

(b) If a court has jurisdiction in more than one county, an associate judge appointed by that court may serve only in a county in which the commissioners court has authorized the appointment.

(c) If more than one court in a county has been designated as a juvenile court, the commissioners court may authorize the appointment of an associate judge for each court or may authorize one or more associate judges to share service with two or more courts.

(d) If an associate judge serves more than one court, the associate judge's appointment must be made as established by local rule, but in no event by less than a vote of two-thirds of the judges under whom the associate judge serves.

Sec. 201.303. QUALIFICATIONS. To qualify for appointment as an associate judge under this subchapter, a person must:

(1) be a resident of this state and one of the counties the person will serve;

(2) have been licensed to practice law in this state for at least four years;

(3) not have been removed from office by impeachment, by the supreme court, by the governor on address to the legislature, by a tribunal reviewing a recommendation of the State Commission on Judicial Conduct, or by the legislature's abolition of the judge's court; and

(4) not have resigned from office after having received notice that formal proceedings by the State Commission on Judicial Conduct had been instituted as provided in Section 33.022, Government Code, and before final disposition of the proceedings.

Sec. 201.304. COMPENSATION. (a) An associate judge shall be paid a salary determined by the commissioners court of the county in which the associate judge serves.

(b) If an associate judge serves in more than one county, the associate judge shall be paid a salary as determined by agreement of the commissioners courts of the counties in which the associate judge serves.

(c) The associate judge's salary is paid from the county fund available for payment of officers' salaries.

Sec. 201.305. TERMINATION. (a) An associate judge who serves a single court serves at the will of the judge of that court.

(b) The employment of an associate judge who serves more than two courts may only be terminated by a majority vote of all the judges of the courts which the associate judge serves.

(c) The employment of an associate judge who serves two courts may be terminated by either of the judges of the courts which the associate judge serves.

(d) To terminate an associate judge's employment, the appropriate judges must sign a written order of termination. The order must state:

(1) the associate judge's name and state bar identification number;

(2) each court ordering termination; and

(3) the date the associate judge's employment ends.

Sec. 201.306. CASES THAT MAY BE REFERRED. (a) Except as provided by this section, a judge of a juvenile court may refer to an associate judge any aspect of a juvenile matter brought:

(1) under this title or Title 3; or

(2) in connection with Rule 308a, Texas Rules of Civil Procedure.

(b) Unless a party files a written objection to the associate judge hearing a trial on the merits, the judge may refer the trial to the associate judge. A trial on the merits is any final adjudication from which an appeal may be taken to a court of appeals.

(c) A party must file an objection to an associate judge hearing a trial on the merits or presiding at a jury trial not later than the 10th day after the date the party receives notice that the associate judge will hear the trial. If an objection is filed, the referring court shall hear the trial on the merits or preside at a jury trial.

(d) The requirements of Subsections (b) and (c) apply when a judge has authority to refer the trial of a suit under this title, Title 1, or Title 4 to an associate judge, master, or other assistant judge regardless of whether the assistant judge is appointed under this subchapter.

Sec. 201.307. METHODS OF REFERRAL. (a) A case may be referred to an associate judge by an order of referral in a specific case or by an omnibus order.

(b) The order of referral may limit the power or duties of an associate judge.

Sec. 201.308. POWERS OF ASSOCIATE JUDGE. (a) Except as limited by an order of referral, an associate judge may:

- (1) conduct a hearing;
- (2) hear evidence;
- (3) compel production of relevant evidence;
- (4) rule on the admissibility of evidence;
- (5) issue a summons for:

(A) the appearance of witnesses; and

(B) the appearance of a parent who has failed to appear before an agency authorized to conduct an investigation of an allegation of abuse or neglect of a child after receiving proper notice;

(6) examine a witness;

(7) swear a witness for a hearing;

(8) make findings of fact on evidence;

(9) formulate conclusions of law;

(10) recommend an order to be rendered in a case;

(11) regulate proceedings in a hearing;

(12) order the attachment of a witness or party who fails to obey a subpoena;

(13) order the detention of a witness or party found guilty of contempt, pending approval by the referring court; and

(14) take action as necessary and proper for the efficient performance of the associate judge's duties.

(b) An associate judge may, in the interest of justice, refer a case back to the referring court regardless of whether a timely objection to the associate judge hearing the trial on the merits or presiding at a jury trial has been made by any party.

Sec. 201.309. REFEREES. (a) An associate judge appointed under this subchapter may serve as a referee as provided by Sections 51.04(g) and 54.10.

(b) A referee appointed under Section 51.04(g) may be appointed to serve as an associate judge under this subchapter.

Sec. 201.310. ATTENDANCE OF BAILIFF. A bailiff may attend a hearing by an associate judge if directed by the referring court.

Sec. 201.311. WITNESS. (a) A witness appearing before an associate judge is subject to the penalties for perjury provided by law.

(b) A referring court may fine or imprison a witness who:

(1) failed to appear before an associate judge after being summoned; or

(2) improperly refused to answer questions if the refusal has been certified to the court by the associate judge.

Sec. 201.312. COURT REPORTER; RECORD. (a) A court reporter may be provided during a hearing held by an associate judge appointed under this subchapter. A court reporter is required to be provided when the associate judge presides over a jury trial or a contested final termination hearing.

(b) A party, the associate judge, or the referring court may provide for a reporter during the hearing if one is not otherwise provided.

(c) Except as provided by Subsection (a), in the absence of a court reporter or on agreement of the parties, the record may be preserved by any means approved by the associate judge.

(d) The referring court or associate judge may assess the expense of preserving the record as costs.

(e) On a request for a de novo hearing, the referring court may consider testimony or other evidence in the record, if the record is taken by a court reporter, in addition to witnesses or other matters presented under Section 201.317.

Sec. 201.313. REPORT. (a) The associate judge's report may contain the associate judge's findings, conclusions, or recommendations and may be in the form of a proposed order. The associate judge's report must be in writing and in the form directed by the referring court.

(b) After a hearing, the associate judge shall provide the parties participating in the hearing notice of the substance of the associate judge's report, including any proposed order.

(c) Notice may be given to the parties:

(1) in open court, by an oral statement or by providing a copy of the associate judge's written report, including any proposed order;

(2) by certified mail, return receipt requested; or

(3) by facsimile.

(d) A rebuttable presumption exists that notice is received on the date stated on:

(1) the signed return receipt, if notice was provided by certified mail; or

(2) the confirmation page produced by the facsimile machine, if notice was provided by facsimile.

(e) After a hearing conducted by an associate judge, the associate judge shall send the associate judge's signed and dated report, including any proposed order, and all other papers relating to the case to the referring court.

Sec. 201.314. NOTICE OF RIGHT TO DE NOVO HEARING; WAIVER.

(a) An associate judge shall give all parties notice of the right to a de novo hearing to the judge of the referring court.

(b) The notice may be given:

(1) by oral statement in open court;

(2) by posting inside or outside the courtroom of the referring court; or

(3) as otherwise directed by the referring court.

(c) Before the start of a hearing by an associate judge, a party may waive the right of a de novo hearing before the referring court in writing or on the record.

Sec. 201.315. ORDER OF COURT. (a) Pending a de novo hearing before the referring court, a proposed order or judgment of the associate judge is in full force and effect and is enforceable as an order or judgment of the referring court, except for an order providing for the appointment of a receiver.

(b) If a request for a de novo hearing before the referring court is not timely filed or the right to a de novo hearing before the referring court is waived, the proposed order or judgment of the associate judge becomes the order or judgment of the referring court only on the referring court's signing the proposed order or judgment.

(c) An order by an associate judge for the temporary detention or incarceration of a witness or party shall be presented to the referring court on the day the witness or party is detained or incarcerated. The referring court, without prejudice to the right to a de novo hearing provided by Section 201.317, may approve the temporary detention or incarceration or may order the release of the party or witness, with or without bond, pending a de novo hearing. If the referring court is not immediately available, the associate judge may order the release of the party or witness, with or without bond, pending a de novo hearing or may continue the person's detention or incarceration for not more than 72 hours.

Sec. 201.316. JUDICIAL ACTION ON ASSOCIATE JUDGE'S PROPOSED ORDER OR JUDGMENT. Unless a party files a written request for a de novo hearing before the referring court, the referring court may:

(1) adopt, modify, or reject the associate judge's proposed order or judgment;

(2) hear additional evidence; or

(3) recommit the matter to the associate judge for further proceedings.

Sec. 201.317. DE NOVO HEARING. (a) A party may request a de novo hearing before the referring court by filing with the clerk of the referring court a written request not later than the seventh working day after the date the party receives notice of the substance of the associate judge's report as provided by Section 201.313.

(b) A request for a de novo hearing under this section must specify the issues that will be presented to the referring court. The de novo hearing is limited to the specified issues.

(c) Notice of a request for a de novo hearing before the referring court shall be given to the opposing attorney in the manner provided by Rule 21a, Texas Rules of Civil Procedure.

(d) If a request for a de novo hearing before the referring court is filed by a party, any other party may file a request for a de novo hearing before the referring court not later than the seventh working day after the date the initial request was filed.

(e) The referring court, after notice to the parties, shall hold a de novo hearing not later than the 30th day after the date the initial request for a de novo hearing was filed with the clerk of the referring court.

(f) In the de novo hearing before the referring court, the parties may present witnesses on the issues specified in the request for hearing. The referring court may also consider the record from the hearing before the associate judge, including the charge to and verdict returned by a jury, if the record was taken by a court reporter.

(g) The denial of relief to a party after a de novo hearing under this section or a party's waiver of the right to a de novo hearing before the referring court does not affect the right of a party to file a motion for new trial, a motion for judgment notwithstanding the verdict, or other posttrial motions.

(h) A party may not demand a second jury in a de novo hearing before the referring court if the associate judge's proposed order or judgment resulted from a jury trial.

Sec. 201.318. APPELLATE REVIEW. (a) A party's failure to request a de novo hearing before the referring court or a party's waiver of the right to request a de novo hearing before the referring court does not deprive the party of the right to appeal to or request other relief from a court of appeals or the supreme court.

(b) Except as provided by Subsection (c), the date an order or judgment by the referring court is signed is the controlling date for the purposes of appeal to or request for other relief from a court of appeals or the supreme court.

(c) The date an agreed order or a default order is signed by an associate judge is the controlling date for the purpose of an appeal to, or a request for other relief relating to the order from, a court of appeals or the supreme court.

Sec. 201.319. JUDICIAL IMMUNITY. An associate judge appointed under this subchapter has the judicial immunity of a district judge.

Sec. 201.320. VISITING ASSOCIATE JUDGE. (a) If an associate judge appointed under this subchapter is temporarily unable to perform the judge's official duties because of absence or illness, injury, or other disability, a judge of a court having jurisdiction of a suit under this title or Title 1 or 4 may appoint a visiting associate judge to perform the duties of the associate judge during the period of the associate judge's absence or disability if the commissioners court of a county in which the court has jurisdiction authorizes the employment of a visiting associate judge.

(b) To be eligible for appointment under this section, a person must have served as an associate judge for at least two years.

(c) Sections 201.001 through 201.017 apply to a visiting associate judge appointed under this section.

SECTION 6.04. Subsection (b), Section 22.110, Government Code, is amended to read as follows:

(b) The court of criminal appeals shall adopt the rules necessary to accomplish the purposes of this section. The rules must require each district judge, judge of a statutory county court, associate judge appointed under Chapter 54A [54] of this code or Chapter 201, Family Code, master, referee, and magistrate to complete at least 12 hours of the training within the judge's first term of office or the judicial officer's first four years of service and provide a method for certification of completion of that training. At least four hours of the training must be dedicated to issues related to child abuse and neglect and must

cover at least two of the topics described in Subsections (d)(8)-(12). At least six hours of the training must be dedicated to the training described by Subsections (d)(5), (6), and (7). The rules must require each judge and judicial officer to complete an additional five hours of training during each additional term in office or four years of service. At least two hours of the additional training must be dedicated to issues related to child abuse and neglect. The rules must exempt from the training requirement of this subsection each judge or judicial officer who files an affidavit stating that the judge or judicial officer does not hear any cases involving family violence, sexual assault, or child abuse and neglect.

SECTION 6.05. Section 602.002, Government Code, is amended to read as follows:

Sec. 602.002. OATH MADE IN TEXAS. An oath made in this state may be administered and a certificate of the fact given by:

- (1) a judge, retired judge, or clerk of a municipal court;
- (2) a judge, retired judge, senior judge, clerk, or commissioner of a court of record;
- (3) a justice of the peace or a clerk of a justice court;
- (4) an associate judge, magistrate, master, referee, or criminal law hearing officer;
- (5) a notary public;
- (6) [~~5~~] a member of a board or commission created by a law of this state, in a matter pertaining to a duty of the board or commission;
- (7) [~~6~~] a person employed by the Texas Ethics Commission who has a duty related to a report required by Title 15, Election Code, in a matter pertaining to that duty;
- (8) [~~7~~] a county tax assessor-collector or an employee of the county tax assessor-collector if the oath relates to a document that is required or authorized to be filed in the office of the county tax assessor-collector;
- (9) [~~8~~] the secretary of state or a former secretary of state;
- (10) [~~9~~] an employee of a personal bond office, or an employee of a county, who is employed to obtain information required to be obtained under oath if the oath is required or authorized by Article 17.04 or by Article 26.04(n) or (o), Code of Criminal Procedure;
- (11) [~~10~~] the lieutenant governor or a former lieutenant governor;
- (12) [~~11~~] the speaker of the house of representatives or a former speaker of the house of representatives;
- (13) [~~12~~] the governor or a former governor;
- (14) [~~13~~] a legislator or retired legislator;
- (15) [~~14~~] the attorney general or a former attorney general;
- (16) [~~15~~] the secretary or clerk of a municipality in a matter pertaining to the official business of the municipality; or
- (17) [~~16~~] a peace officer described by Article 2.12, Code of Criminal Procedure, if:
 - (A) the oath is administered when the officer is engaged in the performance of the officer's duties; and
 - (B) the administration of the oath relates to the officer's duties.

SECTION 6.06. Article 2.09, Code of Criminal Procedure, is amended to read as follows:

Art. 2.09. WHO ARE MAGISTRATES. Each of the following officers is a magistrate within the meaning of this Code: The justices of the Supreme Court, the judges of the Court of Criminal Appeals, the justices of the Courts of Appeals, the judges of the District Court, the magistrates appointed by the judges of the district courts of Bexar County, Dallas County, or Tarrant County that give preference to criminal cases, the criminal law hearing officers for Harris County appointed under Subchapter L, Chapter 54, Government Code, the criminal law hearing officers for Cameron County appointed under Subchapter BB, Chapter 54, Government Code, the magistrates or associate judges appointed by the judges of the district courts of Lubbock County, Nolan County, or Webb County, the magistrates appointed by the judges of the criminal district courts of Dallas County or Tarrant County, the associate judges [~~masters~~] appointed by the judges of the district courts and the county courts at law that give preference to criminal cases in Jefferson County, the associate judges [~~magistrates~~] appointed by the judges of the district courts and the statutory county courts of Brazos County, Nueces County, or Williamson County, the magistrates appointed by the judges of the district courts and statutory county courts that give preference to criminal cases in Travis County, the criminal magistrates appointed by the Brazoria County Commissioners Court, the criminal magistrates appointed by the Burnet County Commissioners Court, the county judges, the judges of the county courts at law, judges of the county criminal courts, the judges of statutory probate courts, the associate judges appointed by the judges of the statutory probate courts under [~~Subchapter G,~~] Chapter 54A [~~54~~], Government Code, the associate judges appointed by the judge of a district court under Chapter 54A [~~Subchapter H, Chapter 54~~], Government Code, the magistrates appointed under Subchapter JJ, Chapter 54, Government Code, as added by **HB 2132**, Acts of the 82nd Legislature, Regular Session, 2011, the justices of the peace, and the mayors and recorders and the judges of the municipal courts of incorporated cities or towns.

SECTION 6.07. Subsection (d), Article 102.017, Code of Criminal Procedure, is amended to read as follows:

(d) Except as provided by Subsection (d-2), the clerks of the respective courts shall collect the costs and pay them to the county or municipal treasurer, as appropriate, or to any other official who discharges the duties commonly delegated to the county or municipal treasurer, as appropriate, for deposit in a fund to be known as the courthouse security fund or a fund to be known as the municipal court building security fund, as appropriate. Money deposited in a courthouse security fund may be used only for security personnel, services, and items related to buildings that house the operations of district, county, or justice courts, and money deposited in a municipal court building security fund may be used only for security personnel, services, and items related to buildings that house the operations of municipal courts. For purposes of this subsection, operations of a district, county, or justice court include the activities of associate judges, masters, magistrates, referees, hearing officers, criminal law magistrate court judges, and masters in chancery appointed under:

- (1) Section 61.311, Alcoholic Beverage Code;
- (2) Section 51.04(g) or Chapter 201, Family Code;
- (3) Section 574.0085, Health and Safety Code;
- (4) Section 33.71, Tax Code;
- (5) Chapter 54A [~~Chapter 54~~], Government Code; or
- (6) Rule 171, Texas Rules of Civil Procedure.

SECTION 6.08. Subsection (a), Section 54.10, Family Code, is amended to read as follows:

(a) Except as provided by Subsection (e), a hearing under Section 54.03, 54.04, or 54.05, including a jury trial, a hearing under Chapter 55, including a jury trial, or a hearing under the Interstate Compact for Juveniles (Chapter 60) may be held by a referee appointed in accordance with Section 51.04(g) or an associate judge [~~a master~~] appointed under Chapter 54A [~~54~~], Government Code, provided:

(1) the parties have been informed by the referee or associate judge [~~master~~] that they are entitled to have the hearing before the juvenile court judge; and

(2) after each party is given an opportunity to object, no party objects to holding the hearing before the referee or associate judge [~~master~~].

SECTION 6.09. A magistrate, master, referee, associate judge, or hearing officer appointed as provided by Subchapters A, B, C, E, F, I, O, P, S, T, U, V, X, CC, FF, and II, Chapter 54, Government Code, before the effective date of this Act, continues to serve as an associate judge under Chapter 54A, Government Code, as added by this article, with the powers and duties provided by that chapter, provided the court for which the magistrate, master, referee, associate judge, or hearing officer serves has authority to appoint an associate judge under Chapter 54A, Government Code.

SECTION 6.10. The changes in law made by this article apply to a matter referred to an associate judge on or after the effective date of this article. A matter referred to an associate judge before the effective date of this article is governed by the law in effect on the date the matter was referred to the associate judge, and the former law is continued in effect for that purpose.

SECTION 6.11. The following subchapters of Chapter 54, Government Code, are repealed:

- (1) Subchapter A;
- (2) Subchapter B;
- (3) Subchapter C;
- (4) Subchapter E;
- (5) Subchapter F;
- (6) Subchapter I;
- (7) Subchapter O;
- (8) Subchapter P;
- (9) Subchapter S;
- (10) Subchapter T;
- (11) Subchapter U;
- (12) Subchapter V;

- (13) Subchapter X;
- (14) Subchapter CC;
- (15) Subchapter FF; and
- (16) Subchapter II.

ARTICLE 7. COURT ADMINISTRATION

SECTION 7.01. Section 74.005, Government Code, is amended to read as follows:

Sec. 74.005. APPOINTMENT OF ~~[REGIONAL]~~ PRESIDING JUDGES OF ADMINISTRATIVE JUDICIAL REGIONS. (a) The governor, with the advice and consent of the senate, shall appoint one judge in each administrative judicial region as presiding judge of the region.

(b) On the death, resignation, removal, or expiration of the term of office of a presiding judge, the governor immediately shall appoint or reappoint a presiding judge.

SECTION 7.02. Section 74.050, Government Code, is amended to read as follows:

Sec. 74.050. SUPPORT STAFF ~~[ADMINISTRATIVE ASSISTANT]~~. (a) The presiding judge may employ, directly or through a contract with another governmental entity, a full-time or part-time administrative assistant.

(b) An administrative assistant ~~[must have the qualifications established by rule of the supreme court.~~

~~[(c) An administrative assistant]~~ shall aid the presiding judge in carrying out the judge's duties under this chapter. The administrative assistant shall:

(1) perform the duties that are required by the presiding judge and by the rules of administration;

(2) conduct correspondence for the presiding judge;

(3) under the direction of the presiding judge, make an annual report of the activities of the administrative region and special reports as provided by the rules of administration to the supreme court, which shall be made in the manner directed by the supreme court; and

(4) attend to other matters that are prescribed by the council of judges.

(c) ~~[(d)]~~ An administrative assistant, with the approval of the presiding judge, may purchase the necessary office equipment, stamps, stationery, and supplies and employ additional personnel as authorized by the presiding judge.

(d) ~~[(e)]~~ An administrative assistant is entitled to receive the compensation from the state provided by the General Appropriations Act, from county funds, or from any public or private grant.

SECTION 7.03. Subsection (c), Section 74.093, Government Code, is amended to read as follows:

(c) The rules may provide for:

(1) the selection and authority of a presiding judge of the courts giving preference to a specified class of cases, such as civil, criminal, juvenile, or family law cases;

(2) other strategies for managing cases that require special judicial attention;

(3) [(2)] a coordinated response for the transaction of essential judicial functions in the event of a disaster; and

(4) [(3)] any other matter necessary to carry out this chapter or to improve the administration and management of the court system and its auxiliary services.

SECTION 7.04. Chapter 74, Government Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. ADDITIONAL RESOURCES FOR CERTAIN CASES

Sec. 74.251. APPLICABILITY OF SUBCHAPTER. This subchapter does not apply to:

(1) a criminal matter;

(2) a case in which judicial review is sought under Subchapter G, Chapter 2001; or

(3) a case that has been transferred by the judicial panel on multidistrict litigation to a district court for consolidated or coordinated pretrial proceedings under Subchapter H.

Sec. 74.252. RULES TO GUIDE DETERMINATION OF WHETHER CASE REQUIRES ADDITIONAL RESOURCES. (a) The supreme court shall adopt rules under which courts, presiding judges of the administrative judicial regions, and the judicial committee for additional resources may determine whether a case requires additional resources to ensure efficient judicial management of the case.

(b) In developing the rules, the supreme court shall include considerations regarding whether a case involves or is likely to involve:

(1) a large number of parties who are separately represented by counsel;

(2) coordination with related actions pending in one or more courts in other counties of this state or in one or more United States district courts;

(3) numerous pretrial motions that present difficult or novel legal issues that will be time-consuming to resolve;

(4) a large number of witnesses or substantial documentary evidence;

(5) substantial postjudgment supervision;

(6) a trial that will last more than four weeks; and

(7) a substantial additional burden on the trial court's docket and the resources available to the trial court to hear the case.

Sec. 74.253. JUDICIAL DETERMINATION. (a) On the motion of a party in a case, or on the court's own motion, the judge of the court in which the case is pending shall review the case and determine whether, under rules adopted by the supreme court under Section 74.252, the case will require additional resources to ensure efficient judicial management. The judge is not required to conduct an evidentiary hearing for purposes of making the determination but may, in the judge's discretion, direct the attorneys for the parties to the case and the parties to appear before the judge for a conference to provide information to assist the judge in making the determination.

(b) On determining that a case will require additional resources as provided by Subsection (a), the judge shall:

(1) notify the presiding judge of the administrative judicial region in which the court is located about the case; and

(2) request any specific additional resources that are needed, including the assignment of a judge under this chapter.

(c) If the presiding judge of the administrative judicial region agrees that, in accordance with the rules adopted by the supreme court under Section 74.252, the case will require additional resources to ensure efficient judicial management, the presiding judge shall:

(1) use resources previously allotted to the presiding judge; or

(2) submit a request for specific additional resources to the judicial committee for additional resources.

Sec. 74.254. JUDICIAL COMMITTEE FOR ADDITIONAL RESOURCES. (a) The judicial committee for additional resources is composed of:

(1) the chief justice of the supreme court; and

(2) the nine presiding judges of the administrative judicial regions.

(b) The chief justice of the supreme court serves as presiding officer. The office of court administration shall provide staff support to the committee.

(c) On receipt of a request for additional resources from a presiding judge of an administrative judicial region under Section 74.253, the committee shall determine whether the case that is the subject of the request requires additional resources in accordance with the rules adopted under Section 74.252. If the committee determines that the case does require additional resources, the committee shall make available the resources requested by the trial judge to the extent funds are available for those resources under the General Appropriations Act and to the extent the committee determines the requested resources are appropriate to the circumstances of the case.

(d) Subject to Subsections (c) and (f), additional resources the committee may make available under this section include:

(1) the assignment of an active or retired judge under this chapter, subject to the consent of the judge of the court in which the case for which the resources are provided is pending;

(2) additional legal, administrative, or clerical personnel;

(3) information and communication technology, including case management software, video conferencing, and specially designed courtroom presentation hardware or software to facilitate presentation of the evidence to the trier of fact;

(4) specialized continuing legal education;

(5) an associate judge;

(6) special accommodations or furnishings for the parties;

(7) other services or items determined necessary to try the case; and

(8) any other resources the committee considers appropriate.

(e) Notwithstanding any provision of Subchapter C, a justice or judge to whom Section 74.053(d) applies may not be assigned under Subsection (d).

(f) The judicial committee for additional resources may not provide additional resources under this subchapter in an amount that is more than the amount appropriated for this purpose.

Sec. 74.255. COST OF ADDITIONAL RESOURCES. The cost of additional resources provided for a case under this subchapter shall be paid by the state and may not be taxed against any party in the case for which the resources are provided or against the county in which the case is pending.

Sec. 74.256. NO STAY OR CONTINUANCE PENDING DETERMINATION. The filing of a motion under Section 74.253 in a case is not grounds for a stay or continuance of the proceedings in the case in the court in which the case is pending during the period the motion or request is being considered by:

- (1) the judge of that court;
- (2) the presiding judge of the administrative judicial region; or
- (3) the judicial committee for additional resources.

Sec. 74.257. APPELLATE REVIEW. A determination made by a trial court judge, the presiding judge of an administrative judicial region, or the judicial committee for additional resources under this subchapter is not appealable or subject to review by mandamus.

SECTION 7.05. (a) The Texas Supreme Court shall request the president of the State Bar of Texas to appoint a task force to consider and make recommendations regarding the rules for determining whether civil cases pending in trial courts require additional resources for efficient judicial management required by Section 74.252, Government Code, as added by this article. The president of the State Bar of Texas shall ensure that the task force has diverse representation and includes judges of trial courts and attorneys licensed to practice law in this state who regularly appear in civil cases before courts in this state. The task force shall provide recommendations on the rules to the Texas Supreme Court not later than March 1, 2012.

(b) The Texas Supreme Court shall:

- (1) consider the recommendations of the task force provided as required by Subsection (a) of this section; and
- (2) adopt the rules required by Section 74.252, Government Code, as added by this article, not later than May 1, 2012.

SECTION 7.06. The changes in law made by this article apply to cases pending on or after May 1, 2012.

ARTICLE 8. GRANT PROGRAMS

SECTION 8.01. Subchapter C, Chapter 72, Government Code, is amended by adding Section 72.029 to read as follows:

Sec. 72.029. GRANTS FOR COURT SYSTEM ENHANCEMENTS. (a) The office shall develop and administer, except as provided by Subsection (c), a program to provide grants from available funds to counties for initiatives that will enhance their court systems or otherwise carry out the purposes of this chapter.

(b) To be eligible for a grant under this section, a county must:

(1) use the grant money to implement initiatives that will enhance the county's court system, including initiatives to develop programs to more efficiently manage cases that require special judicial attention, or otherwise carry out the purposes of this chapter; and

(2) apply for the grant in accordance with procedures developed by the office and comply with any other requirements of the office.

(c) The judicial committee for additional resources shall determine whether to award a grant to a county that meets the eligibility requirements prescribed by Subsection (b).

(d) If the judicial committee for additional resources awards a grant to a county, the office shall:

(1) direct the comptroller to distribute the grant money to the county;
and

(2) monitor the county's use of the grant money.

(e) The office may accept gifts, grants, and donations for purposes of this section. The office may not use state funds to provide a grant under this section or to administer the grant program.

SECTION 8.02. Subchapter A, Chapter 22, Government Code, is amended by adding Section 22.017 to read as follows:

Sec. 22.017. GRANTS FOR CHILD PROTECTION. (a) In this section, "commission" means the Permanent Judicial Commission for Children, Youth and Families established by the supreme court.

(b) The commission shall develop and administer a program to provide grants from available funds for initiatives that will improve safety and permanency outcomes, enhance due process, or increase the timeliness of resolution in child protection cases.

(c) To be eligible for a grant under this section, a prospective recipient must:

(1) use the grant money to improve safety or permanency outcomes, enhance due process, or increase timeliness of resolution in child protection cases; and

(2) apply for the grant in accordance with procedures developed by the commission and comply with any other requirements of the supreme court.

(d) If the commission awards a grant, the commission shall:

(1) direct the comptroller to distribute the grant money; and

(2) monitor the use of the grant money.

(e) The commission may accept gifts, grants, and donations for purposes of this section. The commission may not use state funds to provide a grant under this section or to administer the grant program.

ARTICLE 9. VEXATIOUS LITIGANTS

SECTION 9.01. Subdivision (3), Section 11.001, Civil Practice and Remedies Code, is amended to read as follows:

(3) "Local administrative judge" means a local administrative district judge, a local administrative statutory probate court judge, or a local administrative statutory county court judge.

SECTION 9.02. Section 11.101, Civil Practice and Remedies Code, is amended by adding Subsection (c) to read as follows:

(c) A litigant may appeal from a prefiling order entered under Subsection (a) designating the person a vexatious litigant.

SECTION 9.03. Section 11.102, Civil Practice and Remedies Code, is amended by adding Subsection (c) to read as follows:

(c) A decision of a local administrative judge denying a litigant permission to file a litigation under Subsection (a), or conditioning permission to file a litigation on the furnishing of security under Subsection (b), is not grounds for appeal, except that the litigant may apply for a writ of mandamus with the court of appeals not later than the 30th day after the date of the decision. The denial of a writ of mandamus by the court of appeals is not grounds for appeal to the supreme court or court of criminal appeals.

SECTION 9.04. Section 11.103, Civil Practice and Remedies Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsection (d), a [A] clerk of a court may not file a litigation, original proceeding, appeal, or other claim presented by a vexatious litigant subject to a prefiling order under Section 11.101 unless the litigant obtains an order from the local administrative judge permitting the filing.

(d) A clerk of a court of appeals may file an appeal from a prefiling order entered under Section 11.101 designating a person a vexatious litigant or a timely filed writ of mandamus under Section 11.102(c).

SECTION 9.05. Section 11.104, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 11.104. NOTICE TO OFFICE OF COURT ADMINISTRATION; DISSEMINATION OF LIST. (a) A clerk of a court shall provide the Office of Court Administration of the Texas Judicial System a copy of any prefiling order issued under Section 11.101 not later than the 30th day after the date the prefiling order is signed.

(b) The Office of Court Administration of the Texas Judicial System shall post on the agency's Internet website [maintain] a list of vexatious litigants subject to prefiling orders under Section 11.101 [and shall annually send the list to the clerks of the courts of this state]. On request of a person designated a vexatious litigant, the list shall indicate whether the person designated a vexatious litigant has filed an appeal of that designation.

SECTION 9.06. The posting, before the effective date of this article, of the name of a person designated a vexatious litigant under Chapter 11, Civil Practice and Remedies Code, on a list of vexatious litigants on the Internet website of the Office of Court Administration of the Texas Judicial System is not:

- (1) grounds for a cause of action;
- (2) a defense against a finding that a plaintiff is a vexatious litigant under Chapter 11, Civil Practice and Remedies Code; or
- (3) grounds for relief or appeal from a stay, order, or dismissal or any other action taken by a court or a clerk of a court under Chapter 11, Civil Practice and Remedies Code.

ARTICLE 10. STUDY BY OFFICE OF COURT ADMINISTRATION OF
TEXAS JUDICIAL SYSTEM

SECTION 10.01. In this article, "office of court administration" means the Office of Court Administration of the Texas Judicial System.

SECTION 10.02. (a) The office of court administration shall study the district courts and statutory county courts of this state to determine overlapping jurisdiction in civil cases in which the amount in controversy is more than \$200,000. The study must determine the feasibility, efficiency, and potential cost of converting to district courts those statutory county courts with jurisdiction in civil cases in which the amount in controversy is more than \$200,000.

(b) Not later than January 1, 2013, the office of court administration shall submit a report regarding the determinations made by the office relating to statutory county courts to the governor, the lieutenant governor, the speaker of the house of representatives, the chairs of the standing committees of the senate and house of representatives with primary jurisdiction over the judicial system, and the commissioners court of any county with a statutory county court with jurisdiction in civil cases in which the amount in controversy is more than \$200,000.

(c) The office of court administration may accept gifts, grants, and donations to conduct the study under this section. The office of court administration may not use state funds to conduct the study and, notwithstanding Subsection (a) of this section, is required to conduct the study only to the extent gifts, grants, and donations are available for that purpose.

ARTICLE 11. SUITS AFFECTING THE PARENT-CHILD RELATIONSHIP

SECTION 11.01. Section 263.601, Family Code, is amended by amending Subdivision (1) and adding Subdivision (3-a) to read as follows:

(1) "Foster care" means a voluntary residential living arrangement with a foster parent or other residential child-care provider that is:

(A) licensed or approved by the department or verified by a licensed child-placing agency; and

(B) paid under a contract with the department.

(3-a) "Trial independence period" means a period of not less than six months, or a longer period as a court may order not to exceed 12 months, during which a young adult exits foster care with the option to return to foster care under the continuing extended jurisdiction of the court.

SECTION 11.02. Section 263.602, Family Code, is amended to read as follows:

Sec. 263.602. EXTENDED JURISDICTION. (a) A court that had continuing, exclusive jurisdiction over a young adult on the day before [may, at] the young adult's 18th birthday continues to have extended [request, render an order that extends the court's] jurisdiction over the young adult and shall retain the case on the court's docket while the young adult remains in extended foster care and during a trial independence period described [as provided] by this section [subchapter].

(b) A court with extended jurisdiction over a young adult who remains in extended foster care shall conduct extended foster care review hearings every six months for the purpose of reviewing and making findings regarding:

(1) whether the young adult's living arrangement is safe and appropriate and whether the department has made reasonable efforts to place the young adult in the least restrictive environment necessary to meet the young adult's needs;

(2) whether the department is making reasonable efforts to finalize the permanency plan that is in effect for the young adult, including a permanency plan for independent living;

(3) whether, for a young adult whose permanency plan is independent living:

(A) the young adult participated in the development of the plan of service;

(B) the young adult's plan of service reflects the independent living skills and appropriate services needed to achieve independence by the projected date; and

(C) the young adult continues to make reasonable progress in developing the skills needed to achieve independence by the projected date; and

(4) whether additional services that the department is authorized to provide are needed to meet the needs of the young adult [~~The extended jurisdiction of the court terminates on the earlier of:~~

~~(1) the young adult's 21st birthday; or~~

~~(2) the date the young adult withdraws consent to the extension of the court's jurisdiction in writing or in court].~~

(c) Not later than the 10th day before the date set for a hearing under this section, the department shall file with the court a copy of the young adult's plan of service and a report that addresses the issues described by Subsection (b).

(d) Notice of an extended foster care review hearing shall be given as provided by Rule 21a, Texas Rules of Civil Procedure, to the following persons, each of whom has a right to present evidence and be heard at the hearing:

(1) the young adult who is the subject of the suit;

(2) the department;

(3) the foster parent with whom the young adult is placed and the administrator of a child-placing agency responsible for placing the young adult, if applicable;

(4) the director of the residential child-care facility or other approved provider with whom the young adult is placed, if applicable;

(5) each parent of the young adult whose parental rights have not been terminated and who is still actively involved in the life of the young adult;

(6) a legal guardian of the young adult, if applicable; and

(7) the young adult's attorney ad litem, guardian ad litem, and volunteer advocate, the appointment of which has not been previously dismissed by the court.

(e) If, after reviewing the young adult's plan of service and the report filed under Subsection (c), and any additional testimony and evidence presented at the review hearing, the court determines that the young adult is entitled to additional services, the court may order the department to take appropriate action to ensure that the young adult receives those services.

(f) A court with extended jurisdiction over a young adult as described in Subsection (a) shall continue to have jurisdiction over the young adult and shall retain the case on the court's docket until the earlier of:

(1) the last day of the:

(A) sixth month after the date the young adult leaves foster care; or

(B) 12th month after the date the young adult leaves foster care if specified in a court order, for the purpose of allowing the young adult to pursue a trial independence period; or

(2) the young adult's 21st birthday.

(g) A court with extended jurisdiction described by this section is not required to conduct periodic hearings for a young adult during a trial independence period and may not compel a young adult who has exited foster care to attend a court hearing.

SECTION 11.03. Subchapter G, Chapter 263, Family Code, is amended by adding Section 263.6021 to read as follows:

Sec. 263.6021. VOLUNTARY EXTENDED JURISDICTION FOR YOUNG ADULT RECEIVING TRANSITIONAL LIVING SERVICES.

(a) Notwithstanding Section 263.602, a court that had continuing, exclusive jurisdiction over a young adult on the day before the young adult's 18th birthday may, at the young adult's request, render an order that extends the court's jurisdiction beyond the end of a trial independence period if the young adult receives transitional living services from the department.

(b) The extended jurisdiction of the court under this section terminates on the earlier of:

(1) the young adult's 21st birthday; or

(2) the date the young adult withdraws consent to the extension of the court's jurisdiction in writing or in court.

(c) At the request of a young adult who is receiving transitional living services from the department and who consents to voluntary extension of the court's jurisdiction under this section, the court may hold a hearing to review the services the young adult is receiving.

(d) Before a review hearing scheduled under this section, the department must file with the court a report summarizing the young adult's transitional living services plan, services being provided to the young adult under that plan, and the young adult's progress in achieving independence.

(e) If, after reviewing the report and any additional testimony and evidence presented at the hearing, the court determines that the young adult is entitled to additional services, the court may order the department to take appropriate action to ensure that the young adult receives those services.

SECTION 11.04. Subsections (a) and (c), Section 263.603, Family Code, are amended to read as follows:

(a) Notwithstanding Section 263.6021 ~~[263.602]~~, if the court believes that a young adult may be incapacitated as defined by Section 601(14)(B), Texas Probate Code, the court may extend its jurisdiction on its own motion without the young adult's consent to allow the department to refer the young adult to the Department of Aging and Disability Services for guardianship services as required by Section 48.209, Human Resources Code.

(c) If the Department of Aging and Disability Services determines a guardianship is not appropriate, or the court with probate jurisdiction denies the application to appoint a guardian, the court under Subsection (a) may continue to extend its jurisdiction over the young adult only as provided by Section 263.602 or 263.6021.

SECTION 11.05. Section 263.609, Family Code, is repealed.

SECTION 11.06. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect on the 91st day after the last day of the legislative session.

ARTICLE 12. INMATE LITIGATION

SECTION 12.01. Subsection (a), Section 14.002, Civil Practice and Remedies Code, is amended to read as follows:

(a) This chapter applies only to an action, including an appeal or original proceeding, [a suit] brought by an inmate in a district, county, justice of the peace, or small claims court or an appellate court, including the supreme court or the court of criminal appeals, in which an affidavit or unsworn declaration of inability to pay costs is filed by the inmate.

SECTION 12.02. Subsections (a) and (b), Section 14.004, Civil Practice and Remedies Code, are amended to read as follows:

(a) An inmate who files an affidavit or unsworn declaration of inability to pay costs shall file a separate affidavit or declaration:

(1) identifying each action [suit], other than an action [a suit] under the Family Code, previously brought by the person and in which the person was not represented by an attorney, without regard to whether the person was an inmate at the time the action [suit] was brought; and

(2) describing each action [suit] that was previously brought by:

(A) stating the operative facts for which relief was sought;

(B) listing the case name, cause number, and the court in which the action [suit] was brought;

(C) identifying each party named in the action [suit]; and

(D) stating the result of the action [suit], including whether the action or a claim that was a basis for the action [suit] was dismissed as frivolous or malicious under Section 13.001 or Section 14.003 or otherwise.

(b) If the affidavit or unsworn declaration filed under this section states that a previous action or claim [suit] was dismissed as frivolous or malicious, the affidavit or unsworn declaration must state the date of the final order affirming the dismissal.

SECTION 12.03. Subsection (a), Section 14.007, Civil Practice and Remedies Code, is amended to read as follows:

(a) An order of a court under Section 14.006(a) shall include the costs described by Subsection (b) if the court finds that:

(1) the inmate has previously filed an action to which this chapter applies ~~[in a district, county, justice of the peace, or small claims court]~~; and

(2) a final order has been issued that affirms that the action was dismissed as frivolous or malicious under Section 13.001 or Section 14.003 or otherwise.

SECTION 12.04. The change in law made by this article applies only to an action brought on or after the effective date of this Act. An action brought 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.

ARTICLE 13. PROVISIONS RELATED TO EXEMPTING CERTAIN JUDICIAL OFFICERS FROM CERTAIN CONCEALED HANDGUN LICENSING REQUIREMENTS

SECTION 13.01. Subdivision (1), Subsection (a), Section 411.201, Government Code, is amended to read as follows:

(1) "Active judicial officer" means:

(A) a person serving as a judge or justice of the supreme court, the court of criminal appeals, a court of appeals, a district court, a criminal district court, a constitutional county court, a statutory county court, a justice court, or a municipal court; ~~[or]~~

(B) a federal judge who is a resident of this state; or

(C) a person appointed and serving as an associate judge under Chapter 201, Family Code.

SECTION 13.02. Subsection (a), Section 46.15, Penal Code, is amended to read as follows:

(a) Sections 46.02 and 46.03 do not apply to:

(1) peace officers or special investigators under Article 2.122, Code of Criminal Procedure, and neither section prohibits a peace officer or special investigator from carrying a weapon in this state, including in an establishment in this state serving the public, regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon;

(2) parole officers and neither section prohibits an officer from carrying a weapon in this state if the officer is:

(A) engaged in the actual discharge of the officer's duties while carrying the weapon; and

(B) in compliance with policies and procedures adopted by the Texas Department of Criminal Justice regarding the possession of a weapon by an officer while on duty;

(3) community supervision and corrections department officers appointed or employed under Section 76.004, Government Code, and neither section prohibits an officer from carrying a weapon in this state if the officer is:

(A) engaged in the actual discharge of the officer's duties while carrying the weapon; and

(B) authorized to carry a weapon under Section 76.0051, Government Code;

(4) an active judicial officer as defined by Section 411.201, Government Code, [a judge or justice of a federal court, the supreme court, the court of criminal appeals, a court of appeals, a district court, a criminal district court, a constitutional county court, a statutory county court, a justice court, or a municipal court] who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;

(5) an honorably retired peace officer or federal criminal investigator who holds a certificate of proficiency issued under Section 1701.357, Occupations Code, and is carrying a photo identification that:

(A) verifies that the officer honorably retired after not less than 15 years of service as a commissioned officer; and

(B) is issued by a state or local law enforcement agency;

(6) a district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;

(7) an assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;

(8) a bailiff designated by an active judicial officer as defined by Section 411.201, Government Code, who is:

(A) licensed to carry a concealed handgun under Chapter 411, Government Code; and

(B) engaged in escorting the judicial officer; or

(9) a juvenile probation officer who is authorized to carry a firearm under Section 142.006, Human Resources Code.

SECTION 13.03. The change in law made by this article to Section 46.15, Penal Code, applies only to an offense committed on or after the effective date of this article. An offense committed before the effective date of this article 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 article if any element of the offense occurred before that date.

SECTION 13.04. This article takes effect on the 91st day after the last day of the legislative session.

ARTICLE 14. COURT COSTS

SECTION 14.01. Subsection (b), Section 51.005, Government Code, is amended to read as follows:

(b) The fees are:

(1) application for petition for review [~~writ of error~~] \$ 50

(2) additional fee if application for petition for review [~~writ of error~~] is granted \$ 75

- (3) motion for leave to file petition for writ of mandamus, prohibition, injunction, and other similar proceedings originating in the supreme court . . . \$ 50
- (4) additional fee if a motion under Subdivision (3) is granted. . . . \$ 75
- (5) certified question from a federal court of appeals to the supreme court \$ 75
- (6) case appealed to the supreme court from the district court by direct appeal \$100
- (7) any other proceeding filed in the supreme court \$ 75.

SECTION 14.02. Subsection (a), Section 51.207, Government Code, is amended to read as follows:

(a) The clerk of a court of appeals shall collect the fees described in Subsection (b) in a civil case before the court for the following services:

- (1) filing records, applications, motions, briefs, and other necessary and proper papers;
- (2) docketing and making docket and minute book entries;
- (3) issuing notices, citations, processes, and mandates;
- (4) preparing transcripts on application for petition for review [~~writ of error~~] to the supreme court; and
- (5) performing other necessary clerical duties.

SECTION 14.03. Section 101.021, Government Code, is amended to read as follows:

Sec. 101.021. SUPREME COURT FEES AND COSTS: GOVERNMENT CODE. The clerk of the supreme court shall collect fees and costs as follows:

- (1) application for petition for review [~~writ of error~~] (Sec. 51.005, Government Code) \$50;
- (2) additional fee if application for petition for review [~~writ of error~~] is granted (Sec. 51.005, Government Code) \$75;
- (3) motion for leave to file petition for writ of mandamus, prohibition, injunction, and other similar proceedings originating in the supreme court (Sec. 51.005, Government Code) \$50;
- (4) additional fee if a motion under Subdivision (3) is granted (Sec. 51.005, Government Code) \$75;
- (5) certified question from a federal court of appeals to the supreme court (Sec. 51.005, Government Code) \$75;
- (6) case appealed to the supreme court from the district court by direct appeal (Sec. 51.005, Government Code) \$100;
- (7) any other proceeding filed in the supreme court (Sec. 51.005, Government Code) \$75;
- (8) administering an oath and giving a sealed certificate of the oath (Sec. 51.005, Government Code) \$5;
- (9) making certain copies, including certificate and seal (Sec. 51.005, Government Code) . . . \$5, or \$0.50 per page if more than 10 pages;
- (10) any official service performed by the clerk for which a fee is not otherwise provided (Sec. 51.005, Government Code) . . . reasonable amount set by order or rule of supreme court;

(10-a) supreme court support account filing fee (Sec. 51.0051, Government Code) . . . amount set by the supreme court, not to exceed \$50;

(11) issuance of attorney's license or certificate (Sec. 51.006, Government Code) . . . \$10; and

(12) additional filing fee to fund civil legal services for the indigent (Sec. 51.941, Government Code) . . . \$25.

ARTICLE 15. COMPOSITION OF CERTAIN COUNTY JUVENILE BOARDS

SECTION 15.01. Subsection (a), Section 152.2051, Human Resources Code, is amended to read as follows:

(a) The Rockwall County Juvenile Board is composed of:

(1) the judge of the County Court at Law of Rockwall County;

(2) the district judges [~~judge~~] in Rockwall County;

(3) one county commissioner appointed by the commissioners court;

(4) one member of the board of trustees of the Rockwall Independent School District selected by the board of trustees of the Rockwall Independent School District; and

(5) one member of the board of trustees of the Royse City Independent School District selected by the board of trustees of the Royse City Independent School District.

ARTICLE 16. NO APPROPRIATION; EFFECTIVE DATE

SECTION 16.01. This Act does not make an appropriation. A provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

SECTION 16.02. Except as otherwise provided by this Act, this Act takes effect January 1, 2012.

HB 41 - REMARKS

REPRESENTATIVE SIMPSON: I'd like to make a motion to suspend the rules to reconsider the vote on **HB 41**, and in this motion I also want to include the normal waiting, for the sake of the body, one hour's time. If there's no objection, then we'll include that in the motion.

REPRESENTATIVE PHILLIPS: Mr. Simpson, from what I understand you're doing, you're going to reconsider the vote by which we passed it on second reading, correct?

SIMPSON: That's correct.

PHILLIPS: And so what that will mean, that will bring it back before us on second reading, and then you could call up the senate bill—

SIMPSON: That's right.

PHILLIPS: —which has already passed over there. You're going to accept the senate version—the senate version will be what we're voting for, and you would move to lay the house bill on the table subject to call, which we probably wouldn't get to, and then pass the senate bill. I just wanted to know—

SIMPSON: Thank you, that's correct. That's exactly where we're headed.

PHILLIPS: And so that will afford us the opportunity to vote on that bill.

SIMPSON: Yes, **SB 29**.

PHILLIPS: And again—

SIMPSON: And we're not waiting one hour.

PHILLIPS: Right, we don't want to wait an hour just to do what we could do in an hour. There's no other business to take care of, in other words.

SIMPSON: That's right.

PHILLIPS: As far as you know, there's no remaining business? This is the only remaining business.

SIMPSON: That's correct.

REPRESENTATIVE KEFFER: All right, yesterday we were talking—you heard my conversation with Chairman Gallego. We had, on your bill, on the day before, had an attorney general's letter saying that with the amendments that had been included in **HB 41**, that they were comfortable with the bill as it was amended. Now we are not going to be—we are going to be accepting the senate version now, and in the negotiation and the evolution of this senate bill, has the attorney general's office also accepted the senate language as defensible, as they did **HB 41**?

SIMPSON: I wasn't there in all the debates. There was much debate about the wisdom of incorporating the AG's suggestions. That's what they termed them. I worked with the attorney general from the very beginning, prior to even filing this legislation. I've included language that they've asked for at every step of the way—

KEFFER: Now, I'm not talking about what you have done. I know what you have done. I'm talking about now that the senate has sent over a bill that we have to take or leave, and I want to be sure, and this house needs to be sure, that when we were having to do that, now, that we have the same effect, that the attorney general has the same comfort with this bill as they did with **HB 41**, as amended.

SIMPSON: I can't speak for them. I can say this: I've consulted them and worked with them, and this is very close to the original bill, although it only applies to the TSA. The lieutenant governor, who had requested these suggestions from the attorney general, was there during the debate, to my knowledge. I wasn't there myself, but I did learn—

KEFFER: But you can understand there's a little angst and concern about what the senate and lieutenant governor have done in this regard, and it's put us in the situation here of having to accept this bill that—

SIMPSON: One thing I want to make very clear is that this is the legislature. This is not the judiciary.

KEFFER: No, no, no. You understand what I'm saying? I'm not saying anything about that. I'm saying now we've been put into a position to accept a bill, coming over from the senate, that we did not have full debate on, as we did on yours, and we were all comfortable with **HB 41**, and now we have to accept this senate bill. I want to be sure, and the house needs to be sure, that the attorney general is comfortable with the wording in this bill.

SIMPSON: I do believe the AG—the attorney general—is comfortable with this bill. I do not have a formal letter, but we have consulted with them throughout this whole process—

KEFFER: Did I ask you yesterday to get a letter—that it would be good to get a letter from the attorney general on this senate bill version?

SIMPSON: Well, I don't have a letter, but I do believe they approve of this bill and will defend it.

KEFFER: Can we have Chairman Gallego come up and go through what we did yesterday in the committee? He said he was going to converse with the attorney general's office. Can we have Chairman Gallego come up?

REPRESENTATIVE GALLEGO: I'm sorry, Mr. Keffer, I was—

KEFFER: You remember our conversation yesterday when you were going to be bringing up the senate bill in your committee for consideration?

GALLEGO: Yes, sir.

KEFFER: And our conversation was that one of the major things we had on **HB 41** was a letter from the attorney general's office saying that, as amended, **HB 41** met their criteria of defense. Now we don't have that bill before us in the house anymore. We are forced to look at a senate bill that was sent over to us because of the way they did their business yesterday, and now I was wondering—you said you were going to contact the attorney general's office and go over the wording in this senate bill that was brought over to us. And I was just wondering if you were able to do that, and what you found in your conversation.

GALLEGO: I spent some time yesterday, Chairman Keffer, with three groups of folks. The attorney general's office had two of its representatives talk to me as we went through the bill. In the final analysis, the Office of the Attorney General indicated to me that it was their position that they would have to defend the statute either way, so they weren't going to take a position, pro or con, on the bill. Their conversation with me was—there was some stuff in the bill that they had put in that was still there, and there was stuff in the bill that they'd asked for that wasn't in there. And so, their position was that they would defend the statute either way, so they were not going to opine in advance as to whether this was good policy or bad policy, or whether it was defensible or indefensible. My next conversation was with some of the district attorneys.

KEFFER: That was another group—on the amendments on **HB 41** that we worked on to relieve a concern—

GALLEGO: Well, I will tell you that my conversation with the district attorneys is—they're still opposed to the bill. Their perception is that it would still be very difficult to prosecute, and it puts them in a bad spot where, essentially, the argument is that you're potentially punishing a line employee for doing something he was ordered to do by somebody else way on high. The idea that you'd have to do this—the proof problems and those kinds of things—they were uncomfortable with. The third group that I spoke with was the law enforcement—essentially, the police officers. Mr. Fletcher had indicated to me that there was some concern, and the police officers came to me and said, "Look, if an officer, for example, makes a mistake when he executes a warrant, and the warrant turns out to be a bad warrant, you don't put that officer in jail for a year because he executed a bad warrant." In this case, you're potentially putting an officer in jail for a year for doing something wrong that he didn't necessarily know was wrong, but he was told to do it. And so the law enforcement community, the police officers, are still uncomfortable with the idea. It did come out of committee. It had not quite unanimous support, and the theory was that it was narrowly tailored in scope, so that it just applied to, essentially, actual or contractual employees of the federal government. I had anticipated that because it was only now aimed at federal agencies that the state law enforcement community would not be opposed. That was incorrect because they're still opposed. They feel like it's still not good for the law enforcement community.

KEFFER: So we had a bill, **HB 41**, that we amended here on this floor to alleviate concerns of these three important groups to a bill such as this—

GALLEGO: Yes, and as you know, I had an amendment on that.

KEFFER: I realize that. You had an amendment also, and now we are looking at a senate bill that was forced over here because they sine die'd, they wouldn't work with the house sponsor—

GALLEGO: Yes, they put us in a take it or leave it spot.

KEFFER: A take it or leave it situation on a bill that two of those three—well, actually, three of those three, because the attorney general is going to have to defend, as you said—so three of the three groups that we tried to work with, for whom we did amend Representative Simpson's bill, **HB 41**, are against this senate bill that we are having to look at and vote on later today. But because of the situation we have to have in this state, or the situation we are looking at nationally, we're going to have to take action on a bill that is less than what we had on a good house bill that we would have sent over to the senate if they had not sine die'd yesterday.

GALLEGO: Well, Chairman Keffer, obviously, if you give me the choice between the house bill or the senate bill, I would take the house bill every time. We don't have, as you indicated, we don't have that opportunity. There is only the senate bill. It was an issue that Mr. Simpson, as you know, as I think all of us know, is very passionate about, so that's why we find ourselves in this posture. But it is—this is a situation where you take it or leave it, and the amendments that the house put on are not on this bill.

KEFFER: Well, it's insulting to this house.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

V. Taylor on motion of Lewis.

HB 41 - RULES SUSPENDED

Representative Simpson moved to suspend all necessary rules to reconsider the vote by which **HB 41**, as amended, passed to engrossment at this time.

REPRESENTATIVE COLEMAN: I appreciate the questions that the chairman just asked. I believe, if I'm not mistaken, that there are probably more than 100 people who will be voting for this bill on—voting to suspend the rules to take it to second reading. Maybe eight more than that, maybe there are 108 that will be doing that, but I still want to rise to ask people who understand that playing politics and playing gamesmanship between two chambers is not the way to end our special session, and I just request that you vote no on this motion to suspend.

SIMPSON: I don't want to keep you long here. I just want to make very clear that I respect greatly Representative Coleman and the reason why he's not going to support this motion or vote for the bill. And I want to make it very clear that this was not promoted to bash our president. It was intended to protect the dignity and the liberty of our citizens here and those who travel and come into this state. These practices actually began under a republican president, President Bush, and many of these policies have been protected and promulgated by the Patriot Act, which I think is very unpatriotic. But I will leave that for right now. I don't think this is a partisan issue. This is an issue about dignity. It's about freedom of every individual. Man, woman, child, infant, grandmother, that they might not fear being molested when they seek access to public transportation and buildings. I encourage you to vote in favor of the suspension of the rules and to waive the hour wait.

The motion to suspend rules prevailed by (Record 149): 100 Yeas, 23 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Raymond; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Taylor, L.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Castro; Coleman; Deshotel; Dukes; Farias; Farrar; Gonzales, V.; Gonzalez; Hochberg; Howard, D.; Lozano; Mallory Caraway; McClendon; Muñoz; Naishtat; Quintanilla; Rodriguez; Thompson; Veasey; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver; Eiland; Giddings; Hernandez Luna; Strama; Taylor, V.

Absent — Allen; Anchia; Burnam; Chisum; Davis, Y.; Dutton; Gutierrez; Harper-Brown; Johnson; Lucio; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Oliveira; Reynolds; Solomons; Turner; Villarreal.

STATEMENT OF VOTE

When Record No. 149 was taken, I was temporarily out of the house chamber. I would have voted no.

Marquez

HB 41 - VOTE RECONSIDERED

Representative Simpson moved to reconsider the vote by which **HB 41**, as amended, was passed to engrossment on June 27.

The motion to reconsider prevailed.

SB 29 ON SECOND READING (Simpson - House Sponsor)

SB 29, A bill to be entitled An Act relating to prosecution and punishment for the offense of official oppression by the intrusive touching of persons seeking access to public buildings and transportation; providing penalties.

SB 29 was considered in lieu of **HB 41**.

SB 29 was read second time.

SB 29 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ISAAC: Mr. Simpson, I have a couple of questions for legislative intent. Are TSA agents law enforcement officials?

REPRESENTATIVE SIMPSON: Not to my knowledge. There may be some that are.

ISAAC: If someone doesn't want their private parts touched, will that provide reasonable suspicion or probable cause for a search?

SIMPSON: This law makes it very clear that the reasonable suspicion must be for an object either unknown, or unlawful, or prohibited to allow that to go on—where they could touch those areas. They could touch the other areas of the body in a pat down, but this prohibits it, without reasonable suspicion, that an object exists in those places.

ISAAC: So pat downs will still be allowed?

SIMPSON: It does not stop all pat downs, just the touching of private parts without reasonable suspicion—an unknown, prohibited, or unlawful object would be in those places.

ISAAC: Which is in line with the Fourth Amendment of the United States Constitution?

SIMPSON: I think it certainly is.

REMARKS ORDERED PRINTED

Representative Isaac moved to print remarks between Representative Simpson and Representative Isaac.

The motion prevailed.

REPRESENTATIVE BONNEN: Mr. Simpson, I've had calls into my office about this bill, and with the parliamentary moves you just made, I'm very concerned, because of the calls I've received in my office. This bill is very important to people, but they believe the senate version is very watered down. And when I asked those individuals specifically, or my staff did, would you soon pass this version or not, the answer was no. So what would you say to that, Mr. Simpson?

SIMPSON: Actually, the senate version is the strongest version. It's the closest to the very bill that we passed out of this house during the regular session unanimously on second and third reading.

BONNEN: So, you would tell those grassroots individuals that have been calling into my office saying they are upset about the senate version—I imagine they may have been a part of the groups protesting outside the senate doors earlier this week.

SIMPSON: I think they were actually those people—I don't know, but this is my understanding. From what's been reported to me, they were protesting our bill that was loaded up with the AG's amendments that they thought really gutted the prosecution of the bill. The senate actually took those out after they heard consideration from many people, the District and County Attorneys Association.

BONNEN: So, you think those protestors and those calls to my office were confused as to whether the senate bill was weakened, or our bill was weakened?

SIMPSON: I can't say, but I've heard those people came to this house thinking it was the senate one time, and so I'm not sure. I can tell you the grassroots supporters that I've been involved with were very concerned about the house bill that I passed. And I had to work very hard to say that I thought this was the only way we could get it through the senate, because the lieutenant governor had requested these, and so I added them.

BONNEN: I want to be clear. So, Mr. Simpson, you feel strongly about this bill. You feel this is a strong bill, and for those of us who choose to support it, you believe it is appropriate. And for those who may have told us this isn't the best action, you believe this is the best that could have been done?

SIMPSON: I do.

BONNEN: And you believe frankly, not to put words in your mouth, it's not simply the best that could have been done, you actually think it's pretty darn good, is that fair to say?

SIMPSON: I do. It will stop the routine touching of people's private parts for merely refusing to go through a scanner, because they don't want to be irradiated, don't want to be viewed naked. And those are the only alternatives people are receiving instead of sending them back to the metal detector. And that is my hope of what will happen. Most, about 97 percent, of the people go through the metal detectors anyway.

REPRESENTATIVE LARSON: David, I know you've worked on this throughout the session, and you've been very diligent about trying to get all the stakeholders together. I'm going to ask you some questions regarding how do you think this will affect what's going on in airports in Texas, in reality? I mean, I voted for it the first time. I intend to vote for it, but I'd like to know, once this bill passes and then the governor signs it, do you think the federal government is going to stop, cease, and desist all their activities at Texas airports?

SIMPSON: That is my hope. We've begun to see some movement about that already just by the debate that's been going on not only here in Texas, but across the United States. I can't tell you what they're going to do. What we did in this bill that's different from the regular session is delay the enactment of this legislation until the 91st day, so that will give the federal government and others in the state time to work through it. Hopefully, they'll change their procedures. That would be the best outcome.

LARSON: Have you had any indication of it? Have you talked directly to the TSA folks or the U.S. Attorney General about what we're trying to get accomplished here?

SIMPSON: No, they have never contacted my office. I've heard reports, but the first time that the DOJ and the TSA showed up was during the regular session when the bill came up over there, and they made their threat to either make a stay of the legislation or to cancel a flight or series of flights.

LARSON: Okay, so I'm just trying to figure out the logistics of this. So, once we pass this, then who is going to go inform TSA that they've got to stop the activities that is laid out in your bill?

SIMPSON: I think they're keenly aware of this legislation. They've already begun to change their practices. And speaking of the individual, I think the best thing now is just to explain without reasonable suspicion that an object was present, an unknown object, unlawful, or prohibited—they wouldn't touch those private parts.

LARSON: In federal preemption, is there anything that we can do to circumvent—

SIMPSON: There's language in the bill that the attorney general gave us that would preserve any part of the bill that was found unconstitutional, and that would preserve its spacial challenge, and our ability to prosecute as much as we could under the—

LARSON: This current bill, is it using reasonable suspicion or probable cause?

SIMPSON: It's using reasonable suspicion.

LARSON: Okay, explain to me your take on that, because I've heard a number of folks in my community who have asked that. They felt like it was a watering down versus the probable cause.

SIMPSON: Well, I do think it is, and I did resist that. I was going to have us, last Friday, lay it up before the will of the house, and let y'all make that decision. I wasn't given that opportunity. Then it became clear that the senate wouldn't accept that. There was some lobbying from here in the house to do that. I do think it will change the routine groping of private parts.

LARSON: Overall, you support the bill, whether it be probable cause or reasonable suspicion?

SIMPSON: That's right. Some have said that to convict someone, it would be like 99 percent certainty, beyond reasonable doubt, and the probable cause would be like 51 percent. And reasonable suspicion would be anywhere between 10 to 25 percent that a criminal act is taking place, or could be taking place, enough to give suspicious—to interrogate and to talk to people.

REPRESENTATIVE WORKMAN: David, I got a call from one of my more elderly constituents last night who asked me to vote against this because the only time he gets groped is when he goes to the airport now. Would you consider an opt-in provision to this bill?

SIMPSON: Within a covenant relationship at home.

REPRESENTATIVE FARRAR: Mr. Simpson, in this version of the bill, is it true that local and state police are exempted?

SIMPSON: This applies only to federal employees and contracted officers. That portion of the bill was taken out.

FARRAR: So, you're saying that it's okay for state and local police to do this groping, but it's—

SIMPSON: No.

FARRAR: Why is it okay for them and not the feds?

SIMPSON: It's not okay, in my judgment, but right now, they are covered, the peace officers of this state, with reasonable suspicion already. They don't do it, like here at the Capitol. And that was the main reason why the senate took it—

FARRAR: But they could.

SIMPSON: They could, and that's why I left it in there. I would have preferred that.

FARRAR: I'm just wondering why there's a different standard for federal agents.

SIMPSON: I don't believe there should be.

FARRAR: But in the bill there is, as you've just said.

SIMPSON: Well, it's not a different standard. We didn't address that in this version of the bill.

FARRAR: The effect is an inconsistency by not addressing it, correct?

SIMPSON: Well, no. I don't think so, because the police officers in this state have to have reasonable suspicion before they can do those things.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of family business:

Solomons on motion of Truitt.

The following member was granted leave of absence for the remainder of today because of illness in the family:

Menendez on motion of Pickett.

The following member was granted leave of absence for the remainder of today because of important business in the district:

Miles on motion of Farrar.

SB 29 - (consideration continued)

REPRESENTATIVE COLEMAN: I ask people to vote no on this legislation.

REPRESENTATIVE BERMAN: Once again, the eyes of every state in the United States is on Texas. This bill has been in every major newspaper in the United States, and as a result of David bringing this bill, the TSA has already drastically reduced touching children. I think children can go through now unmolested. So I think by the passage of this bill Texas will lead the states again, and I urge you to vote for the bill. It was unfortunate, the language that came out of the senate. This has nothing to do with politics. It has nothing to do with the president of the United States. As David indicated, it just has to do with our own freedom, freedom from being groped and touched by people who are actively working for the federal government. Please vote for the bill.

SB 29 was passed to third reading by (Record 150): 106 Yeas, 27 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender;

Legler; Lewis; Lozano; Lyne; Madden; Margo; Martinez; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Raymond; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Taylor, L.; Torres; Truitt; Villarreal; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Castro; Coleman; Deshotel; Dukes; Dutton; Farias; Farrar; Gonzales, V.; Gonzalez; Gutierrez; Howard, D.; Johnson; Mallory Caraway; Marquez; Martinez Fischer; McClendon; Muñoz; Naishtat; Oliveira; Quintanilla; Rodriguez; Thompson; Veasey; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver; Eiland; Giddings; Hernandez Luna; Menendez; Miles; Solomons; Strama; Taylor, V.

Absent — Allen; Anchia; Burnam; Davis, Y.; Lucio; Reynolds; Turner.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Marquez on motion of Gonzalez.

Oliveira on motion of Lozano.

The following member was granted leave of absence for the remainder of today because of important business:

Martinez on motion of Gallego.

SB 29 - MOTION TO SUSPEND CONSTITUTIONAL RULE

SIMPSON: I'd like to make a motion that we suspend the constitutional rule that requires third reading being on another day. As a freshman, I'd just like to explain. The first several times when I voted on that, I didn't know that the constitution made for a provision for suspending that rule. And so I actually thought it was—because all it says up here is "suspending the constitution," and I didn't think that was a good thing to do, but it does make for a provision to do that, and we've often done that on circumstances such as this.

REPRESENTATIVE GEREN: So, Mr. Simpson, what you're telling us is that it is only okay to suspend the constitution if you want to suspend it? Because I've got your votes here. You have not voted to suspend the constitution.

SIMPSON: I thought I had, at least once or twice.

GEREN: So when it fits your needs, it's okay to do it, is that what—

SIMPSON: I just explained, Mr. Geren—

GEREN: Thank you, Mr. Simpson.

SIMPSON: —what my original votes were, because I—when it said up there we're suspending the constitution, that's what we're doing. I didn't want to be like the senate. And so when I read there that it didn't make—that the constitution

made for a provision for suspending that rule—there are times to do that, and so I thought I had done that, and there is an appropriate time.

REPRESENTATIVE HARTNETT: David, we all learn as we work here, don't we?

SIMPSON: We certainly do. I've learned a lot.

HARTNETT: And lots of us have misunderstandings that get cleared up, right?

SIMPSON: That's exactly right.

HARTNETT: A good part of this process is that we become wiser.

SIMPSON: Members, this is essentially a vote on the bill, because if we don't pass this, to suspend the constitutional rule, we will not have the opportunity to pass this legislation, which the people of Texas have repeatedly asked for in the regular session and the special session. So much so that the governor ultimately added it to the call.

One thing I want to point out, too, is that we could have taken the second reading vote last night after the bill—the senate bill was voted out of the committee. But the decision of the leadership of this house, I believe, deliberately adjourned so that we would be forced into this situation. And I would ask that you seriously consider voting in favor of this bill so that we can get it to third reading.

REPRESENTATIVE HOCHBERG: Mr. Speaker, if a bill is read the first time, when it is referred to committee, doesn't the same constitutional provision, that requires four-fifths now, wouldn't it also require four-fifths if you attempt to do a second reading on the same day that the bill is first read and referred to committee?

SPEAKER STRAUS: Mr. Simpson would have had the same vote requirement yesterday as he does today.

SIMPSON: I apologize, I misunderstood.

COLEMAN: I'm going to be very brief. I understand wanting to change the world because I'd like to do that every day. And Mr. Simpson came to this legislature bringing what he believed was extremely important to this house. And then he brought it twice. He even got the governor to put it on the call. And then Lieutenant Governor Dewhurst decided he wanted to turn this senate bill—whatever it is, 29, 28—into a political issue, and that's the reason this bill is going to go down. The reason why everyone else supported this bill, and why I signed on, it still exists. But the reality of it is that this shouldn't be how we're conducting ourselves when it comes to our national security, that the president of the United States is using TSA to intimidate Americans, and I think that's a good reason why we should vote no on this senate bill.

KEFFER: Mr. Speaker, I would suggest that the author of this bill give the house—know his message and know the rules before he starts popping off and making accusations. I think that's very insulting, as insulting as the senate sending this stupid bill over here in the damn first place.

Representative Simpson moved to suspend the constitutional rule requiring bills to be read on three several days and to place **SB 29** on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by (Record 151): 96 Yeas, 26 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Raymond; Riddle; Schwertner; Scott; Sheets; Sheffield; Simpson; Smith, T.; Smith, W.; Smithee; Taylor, L.; Torres; Truitt; Weber; White; Workman; Zedler.

Nays — Alonzo; Alvarado; Castro; Coleman; Deshotel; Dukes; Dutton; Farias; Farrar; Gonzales, V.; Gonzalez; Hochberg; Howard, D.; Mallory Caraway; McClendon; Muñoz; Naishtat; Quintanilla; Reynolds; Ritter; Rodriguez; Thompson; Veasey; Vo; Walle; Zerwas.

Present, not voting — Mr. Speaker(C); Miller, D.

Absent, Excused — Driver; Eiland; Giddings; Hernandez Luna; Marquez; Martinez; Menendez; Miles; Oliveira; Solomons; Strama; Taylor, V.

Absent — Allen; Anchia; Bohac; Burnam; Davis, Y.; Geren; Gutierrez; Johnson; Lucio; Martinez Fischer; Shelton; Turner; Villarreal; Woolley.

STATEMENT OF VOTE

When Record No. 151 was taken, I was temporarily out of the house chamber. I would have voted yes.

Bohac

ADDRESS BY REPRESENTATIVE SIMPSON ON A MATTER OF PERSONAL PRIVILEGE

The chair recognized Representative Simpson who addressed the house on a matter of personal privilege, speaking as follows:

Mr. Speaker and members, I offered to give this speech last night to save this body time after it was explained that it would be extremely doubtful that the anti-groping bill would get passed out of this house and sent to the governor. However, now that this legislation can go no farther, I believe it important to leave an honest assessment of what has occurred on the record. I want to set everyone at ease. The goal of this speech is to speak the truth in love. I want to begin with a quotation from Winston Churchill. He said 70 years ago, "Never give in—never, never, never, never, in nothing great or small, large or petty, never

give in except to convictions of honor and good sense. Never yield to force; never yield to the apparently overwhelming might of the enemy." This is not the last of the effort to stop unreasonable searches of our person. I am not giving up, and even if I did, I do not think the people are going to allow the violating of their rights to persist.

Providence and the people brought me to the legislature. My race started without me. I was sought out by the people when they wanted a representative who would not only represent their values, but endeavor to keep the oath to the constitution of the U.S. and of this state, which as Jefferson once said, are like chains that bind down elected officials to keep them from mischief. I came to do what is right for the people—the people of my district and the people of the State of Texas. I did not come for special interests. I have sought to do what former Speaker Pete Laney told me early in the session: "Do what's right, explain it, and you will be okay." He also said, "Don't do anything you don't want your wife or your mother to know about."

Today, ladies and gentlemen, our greatest enemy is not terrorists that may lurk and destroy from time to time; our greatest enemy is ourselves. It is the seeds of anarchy and tyranny that reside in each of our own hearts that, if given opportunity and left unchecked, like weeds, will overtake and destroy the garden of the rule of law. We must restrain ourselves from using the law for ourselves or our team rather than for the general welfare of our citizens. What I am getting at is the idea that it is wrong to cheat, unless of course you are cheating for yourself or for the team. We all no doubt were aware that when we came to these grand halls that there also would be within them duplicity and deceit. The challenge though is not to succumb to it; not to go along to get along in order to be re-elected; not to be complicit with its corruption.

To apply this to the legislature let me give you several examples: In one sense this first example is insignificant, but in another it is symptomatic and indicative of why the people do not trust politicians. Now, all of us freshman have learned that we do not have to hurry to the chamber because it is likely time will stand still. I had never seen a legislative clock before so this amazed me as a freshman. It stands still every morning until the speaker calls the house to order. Sometimes it's a few minutes and sometimes it is a great while. Why is that? It is because the house rules dictate that the speaker shall take the chair on each calendar day precisely at the hour to which the house adjourned or recessed at its last sitting and shall immediately call the members to order. So, because of this special legislative clock, the journal records that we all come to order precisely at the appointed time. We appear to be keeping the rules by stopping the clock. However, in order to appear to keep the rule, we bear false witness and break the ninth commandment. Which is more important?

I am not only fed up with the TSA and its humiliation of travelers. I am also fed up with phonies, especially phony politicians who seek to take credit for legislation that they are at the same time seeking to kill. As a second illustration, the most disappointing day of the session for me was when I heard the ruling from the parliamentarian and speaker concerning the local and consent rule restricting the placement of items on the calendar which involve the expenditure

of state funds. A bill that grows government by 14 full-time equivalents was purported to not expend state funds. At that moment, I thought I was in D.C. You could, by this ruling, and the Legislative Budget Boards' statement of "no fiscal impact" because the cost is covered by fees, place the whole budget on the local and consent calendar, because it has to be balanced and bring in as much as we spend.

Closely aligned with this is our rhetoric about our "conservative budget." Now, I wholeheartedly support not raising taxes and shrinking the size and scope of civil government. But let's tell the truth about the budget. Methinks we boast too much. Some are touting that we have not raised taxes and have not used the rainy day fund. But let's be honest about it. Is deferring \$4 billion to the next biennium conservative? Is using tax speedups conservative? On a normalized basis, we actually increased the budget. How can it be right to preserve approximately one or \$2 billion of handouts to special interests, including commercials for Fortune 500 companies, and decrease the funding on a per capita basis for students?

When I supported the abolishment of the Emerging Technology Fund, I was scolded and told that, if I wanted to come back, that I better keep taking pork back to my district. Well, the majority in my district do not want handouts. They want us to enforce the rules on a level playing field, punish the wrongdoer, and get out of the way of individual freedom and responsibility.

As long as there is tyranny, we must never cease to oppose it—first in ourselves, then our own state government, and finally, our federal government. Let's tell the truth about the budget, about the bills on the local and consent calendar, about the funding of commercials instead of our teachers and students. Laws should be difficult to pass. I am not dismayed at the failure of this bill to become law. I am grateful to have gotten to know many of you as I have knelt beside your desk to talk to you about the need for protecting the dignity of individuals as they travel. I think most of you are thoroughly convinced that this tyranny needs to stop. Let me pause here to say, you know my heart on this matter. Tyranny is not a political issue. It is unfortunate this legislation has been used as political fodder by anybody to attack the Obama Administration. The Patriot Act, which I don't think is very patriotic, and the TSA with its policies that were initiated by the Bush Administration, and without restraint, they are likely to be in place in any administration that follows.

Now, I would like to talk about a story simple enough for children to understand. It is the story of *The Emperor's New Clothes*. Our "emperors" in Texas still have clothes. However, I think they may be going through a body scan. Politics has a lot in common with fairy tales. In both arenas, you have to suspend your rational faculties in order to comprehend what is going on. What is portrayed and what is actually happening are often very different.

On Friday, after calling the Texas House of Representatives to order, declaring a quorum, and making a few brief announcements, the house was adjourned without opportunity to lay before the house its scheduled business, specifically the legislation, **HB 41**, recently added by the governor to the call for the special session that prohibits the intrusive touching of persons seeking access

to public buildings and transportation. This is the same legislation requested by the lieutenant governor, the State Republican Executive Committee, and a deluge of grassroots activists to be added to the call. A nearly identical bill, **HB 1937**, was passed unanimously through the house during the regular session. The bill has had over 100 coauthors in the house. It was passed out of committee, and was placed again on the house calendar by the leadership team the speaker has chosen.

What is the objection of some? They object to the words used in the legislation to describe the private parts of the body. Specifically, the legislation prohibits the touching of the anus, the sexual organ, the breasts, or the buttocks of an individual as part of a screening search without probable cause. There is a specific reason those words are in the legislation. They happen to be those sensitive and private body parts of a traveler that the Transportation Security Administration agents are routinely groping, and sometimes in retaliation for simply opting out of a virtual naked body scan. The bill could prohibit the touching of your nose, ear, or kneecap, and those would be easier body parts to discuss in public, but it wouldn't solve the problem. I fear the emperors in our state government, at least at times, are people who would rather allow despicable behavior to continue than speak out loud the necessary words to describe it. In the name of security, travelers are being required to submit to a virtual naked strip by use of a scanner. Should one oppose the scanner based on modesty or for health reasons, then the result is a humiliating groping hand search which includes touching, and sometimes hitting or hard pressing, of the most private parts of an individual's body. But will it stop here? The TSA claims in public records to have the authority to require a strip search as a condition of travel. In fulfillment of that belief, this last week the TSA forced a 95-year-old cancer-stricken woman to remove her diaper in an extensive and extremely intrusive search.

Fifteen years ago, would you have believe that allowing a government agent to put their hand inside your underwear would ever be a condition of travel? If we do not stop now, what will our children be required to endure? A delicate matter? Yes, certainly, but is it better to define what is indecent government behavior and to prohibit it by legislation, or to be "discreet" and allow the official oppression of travelers to continue?

Rarely in the history of this legislature has the state's leadership so masterfully worked against the will of its members and the people they represent. Leadership managed to arrange it so that every member could cast a vote in support of a bill which they ensured would not pass. No doubt this deception will confound many Texans. But the people of Texas should not be confused. The explanation is simple and clear. The defeat of this bill can only be laid at the feet of the leadership of this state.

However, this is a victory speech. The people in support of this bill have succeeded in shining the light on those who collaborate with the growing tyranny of our federal government. I am grateful to my colleagues, my constituents, and the people all over this state, and even the nation, that providence has used to bring this bill this far. It's defeat only propels the liberty movement in this state.

The people now know that it is possible to fight back. In this sense, there was a great victory at Goliad and the Alamo. In this sense, there is a great victory today. May God help us to restore the Texas that Sam Houston fought for and governed, a Texas that will not submit to any tyranny, come from what source it may. Not to the tyranny of an out of control republican or democrat federal bureaucracy such as the TSA, and not to the subtle or overt violations of the rules of morality in its own state government. We need a Texas that will lead by example. May God grant us another San Jacinto, first in our own hearts and families, then in our state and nation.

REMARKS ORDERED PRINTED

Representative Simpson moved to print his remarks and debate regarding **SB 29**.

The motion prevailed.

**ADDRESS BY REPRESENTATIVE BROWN
ON A MATTER OF PERSONAL PRIVILEGE**

The chair recognized Representative Brown who addressed the house on a matter of personal privilege, speaking as follows:

This is real difficult for me because I love this chamber. I love the fact that we all come in here every session to stand up for our constituents in this very diverse state. Even though Mr. Simpson says that there are a lot of problems, it's still the best system in the world, and I've been proud to be a part of it. For the last twelve and a half years, I've been very fortunate to have the best chief of staff that I could possibly have, and I've had the smartest legislative director that I think is out there. But as all of you know, when we come here, we have to make great sacrifices. We sacrifice seeing our families, and we sacrifice financially. The financial sacrifice can be great, and it's because of this that my former partner in the car business has offered me a position, and my wife and I have bought a home in Salado. We're moving back to Salado, and I'll be working in Temple. And it's with a lot of sadness that tomorrow, I'm going to resign from the Texas House.

I didn't want to do this until I had the chance to come and thank all of you for your friendship, for your kindness to me, for the respect that you've shown me, and for the support that you've given me. I just want you to know that I'll be forever grateful, because you've given me an education I could get nowhere else, and I love you for it. I'll be praying for you in the future. God bless you, and God bless Texas.

REMARKS ORDERED PRINTED

Representative Gallego moved to print remarks by Representative Brown.

The motion prevailed.

PARLIAMENTARY INQUIRY

REPRESENTATIVE KOLKHORST: I want to kind of just go back to chair Gallego's comments. This bill was very important to my district, and I want to ask another question because it seemed very fluid. Yesterday, we had **HB 41** on the floor for third reading, correct?

SPEAKER STRAUS: That is correct.

KOLKHORST: We could have passed that bill and it could have gone to the senate?

SPEAKER: That's correct.

KOLKHORST: Then they could have taken that bill up, am I correct?

SPEAKER: Yesterday, yes, they could have.

KOLKHORST: When did they sine die?

SPEAKER: Yesterday afternoon, I'm not sure what time.

KOLKHORST: Was that the 29th day?

SPEAKER: That was the 29th day.

KOLKHORST: Are there 30 days in a special session?

SPEAKER: Today would be the 30th day.

KOLKHORST: So, when we lay blame at the feet of people, and we are all elected—I want to ask another parliamentary inquiry.

SPEAKER: State your inquiry.

KOLKHORST: Today, Judge Lewis had a bill that Leo Berman had a very important amendment to, I think it dealt with Sharia law. Am I correct in saying that that amendment was stripped by the senate and was not allowed into the bill? Is that what Judge Lewis said, Mr. Speaker?

SPEAKER: That is correct, Ms. Kolkhorst.

KOLKHORST: May I continue to **SB 1**, which at one point had inserted in it sanctuary cities, which was a part of the call—that language was inserted, and was agreed on, as I understand it, by the speaker of the house, the lieutenant governor, and the governor of the State of Texas?

SPEAKER: That's correct.

KOLKHORST: When that bill came to this floor, it was no longer in the bill. Am I correct?

SPEAKER: That's correct.

KOLKHORST: Am I proper in saying that the governor has done a press release saying that that was taken out because of senate members?

SPEAKER: He has.

KOLKHORST: So, I think that I'm seeing something very systemic here. That I would just like to point out, if we are going to start getting into a circular firing squad, I think we ought to point our guns a little bit east, here.

REMARKS ORDERED PRINTED

Representative Morrison moved to print remarks by Representative Kolkhorst.

The motion prevailed.

RESOLUTIONS ADOPTED

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 287**, **HR 288**, **HR 291 - HR 295**, and **SCR 6**.

The motion prevailed.

The following congratulatory resolutions were laid before the house:

HR 288 (by Hughes), Honoring the Wood County Airport for being named the 2010 General Aviation Airport of the Year by the Texas Department of Transportation.

HR 292 (by Branch), Commemorating the 15th anniversary of Pinnacle Technical Resources of Dallas.

HR 295 (by Weber, Gallego, S. King, Morrison, and Zerwas), Congratulating the Texas community colleges that were named among the top 120 community colleges in the nation by the Aspen Institute.

SCR 6 (Pitts - House Sponsor), Congratulating Melba Glyn Hill Cook on her 80th birthday.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HR 287 (by Hughes), In memory of David Coulter Templeton of Mineola.

HR 291 (by Gallego), In memory of former Kinney County judge Oscar Thomas "Tommy" Seargeant.

HR 293 (by Workman), In memory of Bowie High School band director Bruce Dinkins of Austin.

HR 294 (by Huberty), In memory of Evelyn Walters of Kingwood.

The resolutions were unanimously adopted by a rising vote.

On motion of Representative Gallego, the names of all the members of the house were added to **HR 291** as signers thereof.

PROVIDING FOR ADJOURNMENT SINE DIE

Representatives Aycock and Huberty moved that, at the conclusion of the signing of bills and resolutions, the house stand adjourned sine die.

The motion prevailed.

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. 3 and Senate List No. 7).

ADJOURNMENT SINE DIE

In accordance with a previous motion, Speaker Straus, at 3:19 p.m., pronounced the House of Representatives of the First Called Session of the Eighty-Second Legislature adjourned sine die.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 3

HB 79, HCR 15, HCR 20, HCR 21, HCR 23, HCR 24, HCR 26

Senate List No. 6

SB 1, SCR 5

Senate List No. 7

SCR 6

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

Wednesday, June 29, 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 15 Coleman SPONSOR: Uresti

In memory of Pete A. Gallego, Jr., of Alpine.

HCR 21 Branch SPONSOR: West

Congratulating the Dallas Mavericks on winning the 2011 NBA championship.

HCR 23 Cain SPONSOR: Seliger
In memory of Susan Ann Cassidy of Amarillo.

HCR 24 Cain SPONSOR: Seliger
In memory of Joseph Patrick Cassidy of Panhandle.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

June 28

Criminal Jurisprudence - **SB 29**

ENROLLED

June 28 - HB 3, HCR 18, HCR 19, HCR 22, HCR 25

June 29 - HB 79, HCR 15, HCR 20, HCR 21, HCR 23, HCR 24, HCR 26

SENT TO THE GOVERNOR

June 29 - HB 3, HB 79, HCR 15, HCR 18, HCR 19, HCR 20, HCR 21, HCR 22, HCR 23, HCR 24, HCR 25, HCR 26

SIGNED BY THE GOVERNOR

July 19 - HB 3, HB 79, HCR 15, HCR 18, HCR 19, HCR 20, HCR 21, HCR 22, HCR 23, HCR 24, HCR 25, HCR 26

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

SUPPLEMENT

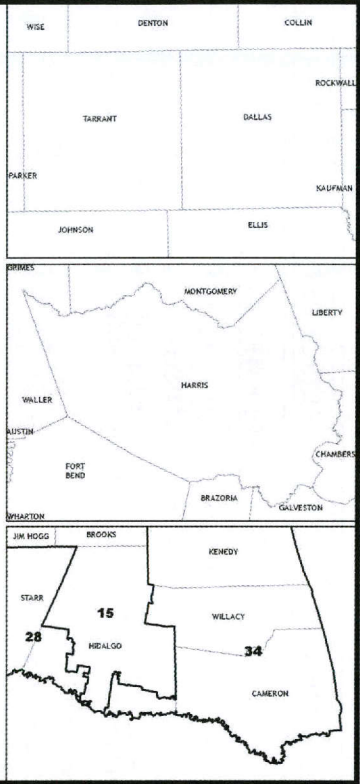
EIGHTH DAY — TUESDAY, JUNE 14, 2011

CSSB 4 - AMENDMENTS

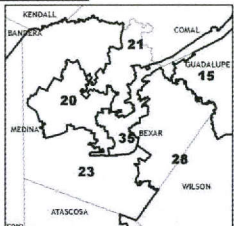
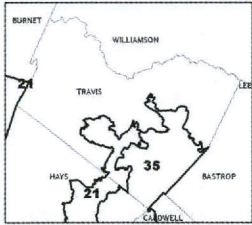
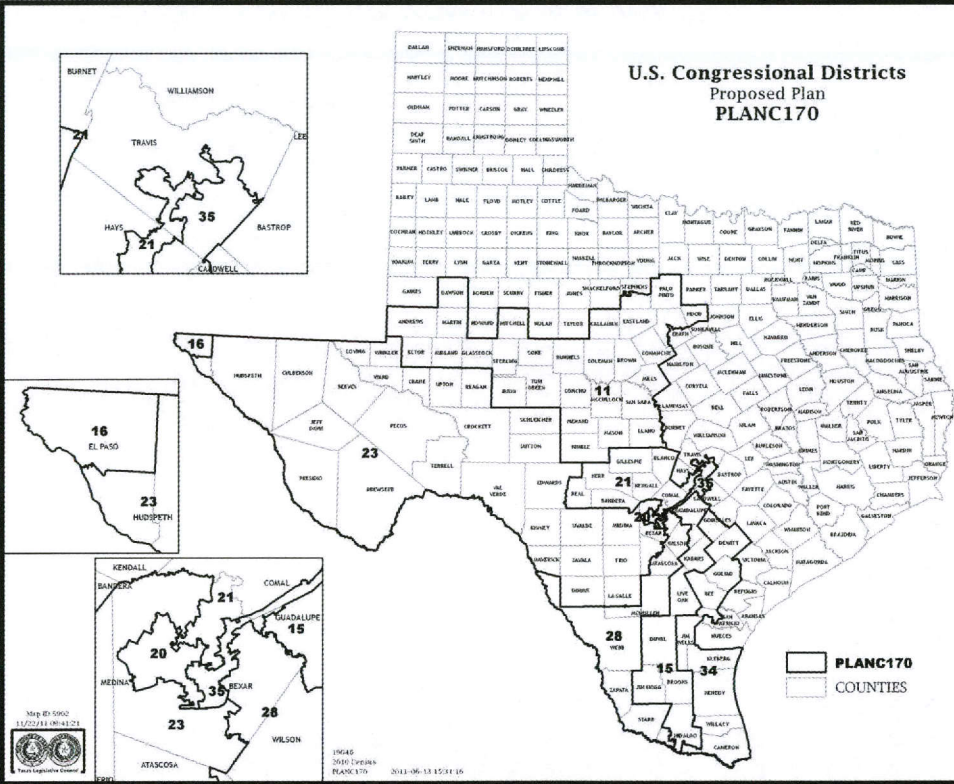
The following are the proposed maps and reports associated with amendments offered on second reading of **CSSB 4**:

Amendment No. 1 by Solomons	S2
Amendment No. 2 by Geren	S19
Amendment No. 3 by Kuempel	S23
Amendment No. 4 by Hughes	S34
Amendment No. 5 by Riddle	S38
Amendment No. 6 by Riddle	S41
Amendment No. 7 by Alvarado	S44
Amendment No. 8 by Johnson	S57
Amendment No. 9 by Johnson	S61
Amendment No. 10 by Veasey	S65
Amendment No. 11 by Alonzo	S95
Amendment No. 12 by Turner, et al.	S133
Amendment No. 13 by Martinez Fischer	S164
Amendment No. 14 by Johnson	S198
Amendment No. 15 by Martinez Fischer	S201
Amendment No. 16 by Martinez Fischer	S236
Amendment No. 17 by Dukes	S284
Amendment No. 18 by Hilderbran	S317
Amendment No. 19 by Hilderbran	S356
CSSB 4 Debate	S367

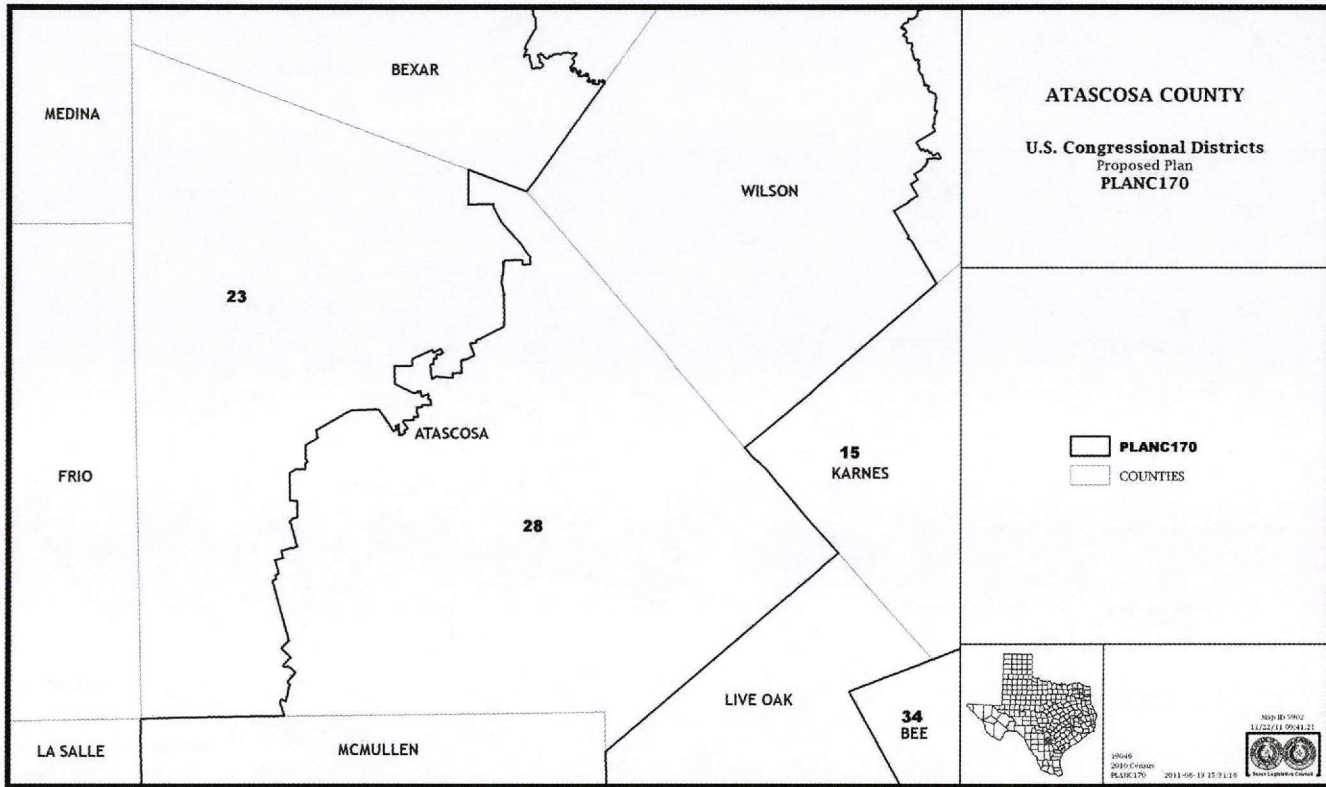
Amendment No. 1 (by Solomons)

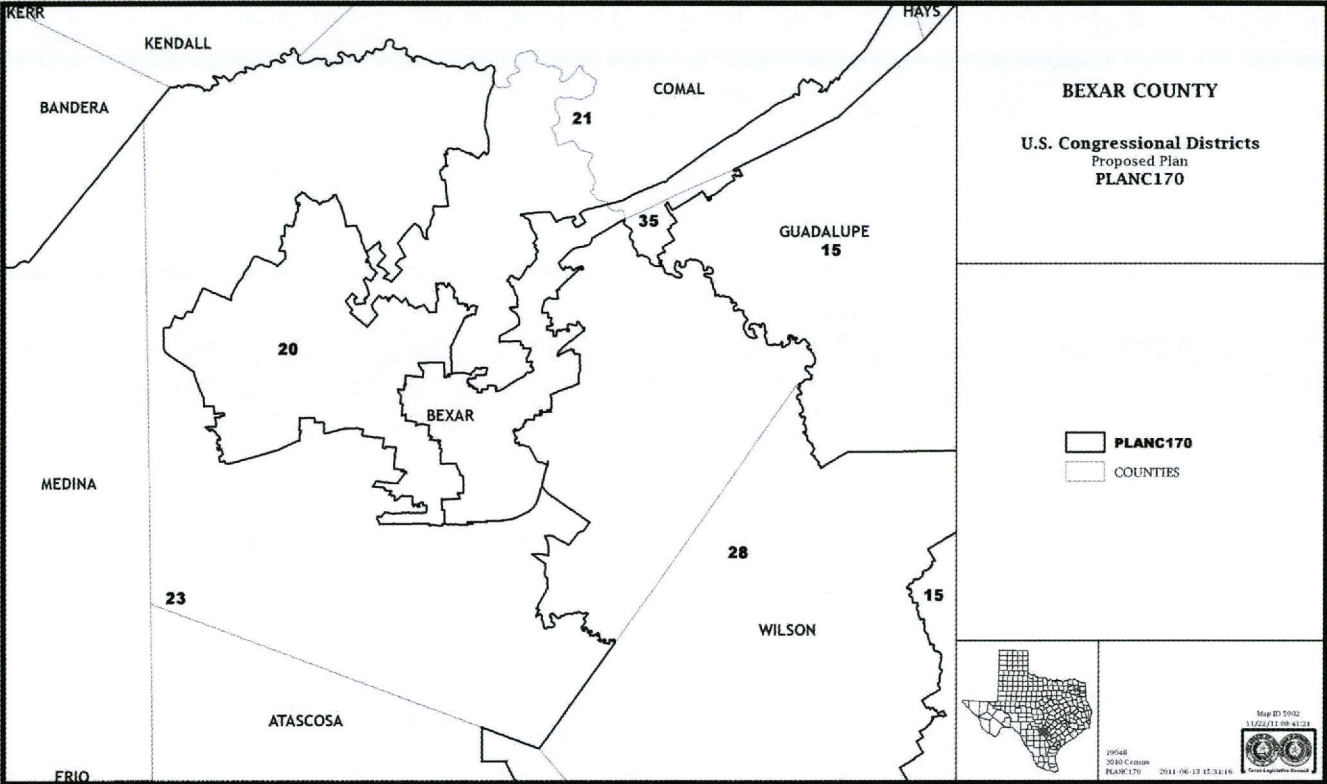


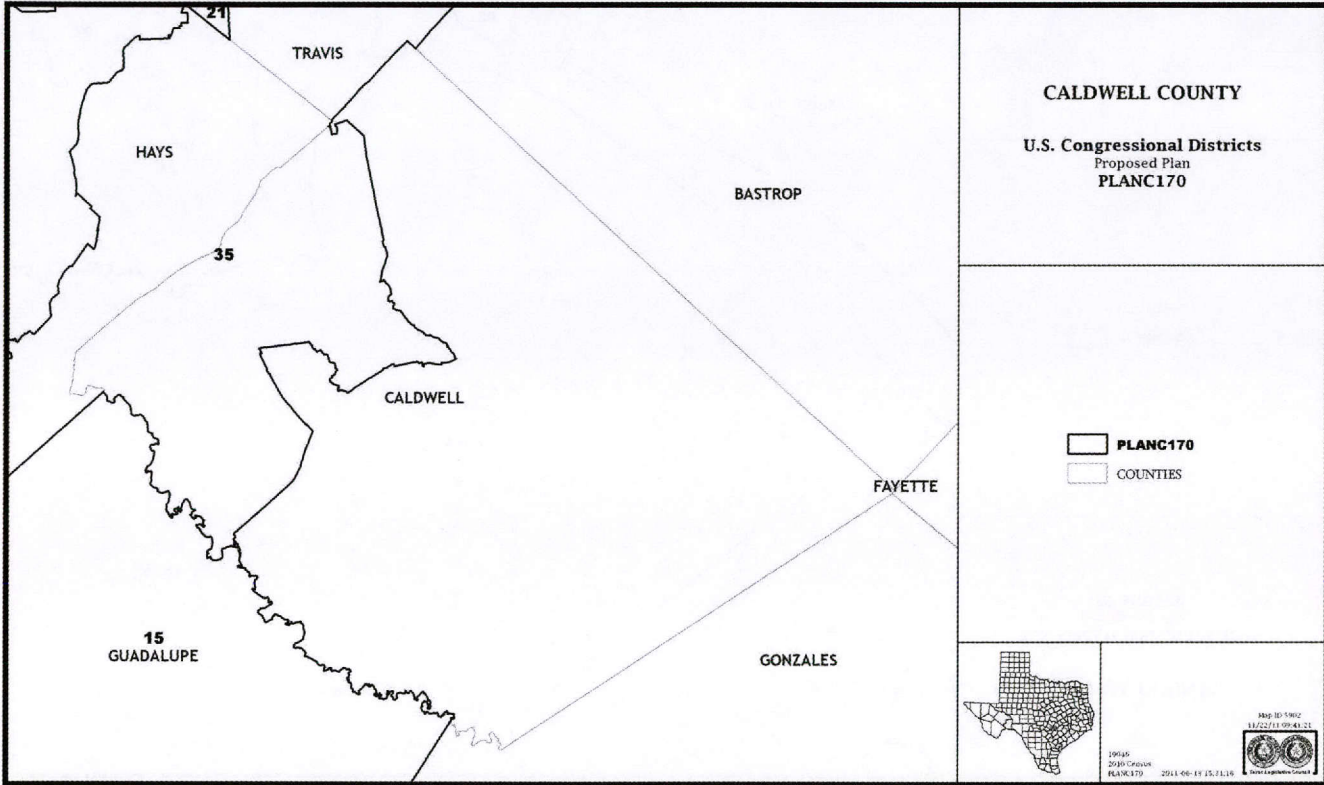
U.S. Congressional Districts Proposed Plan PLANC170

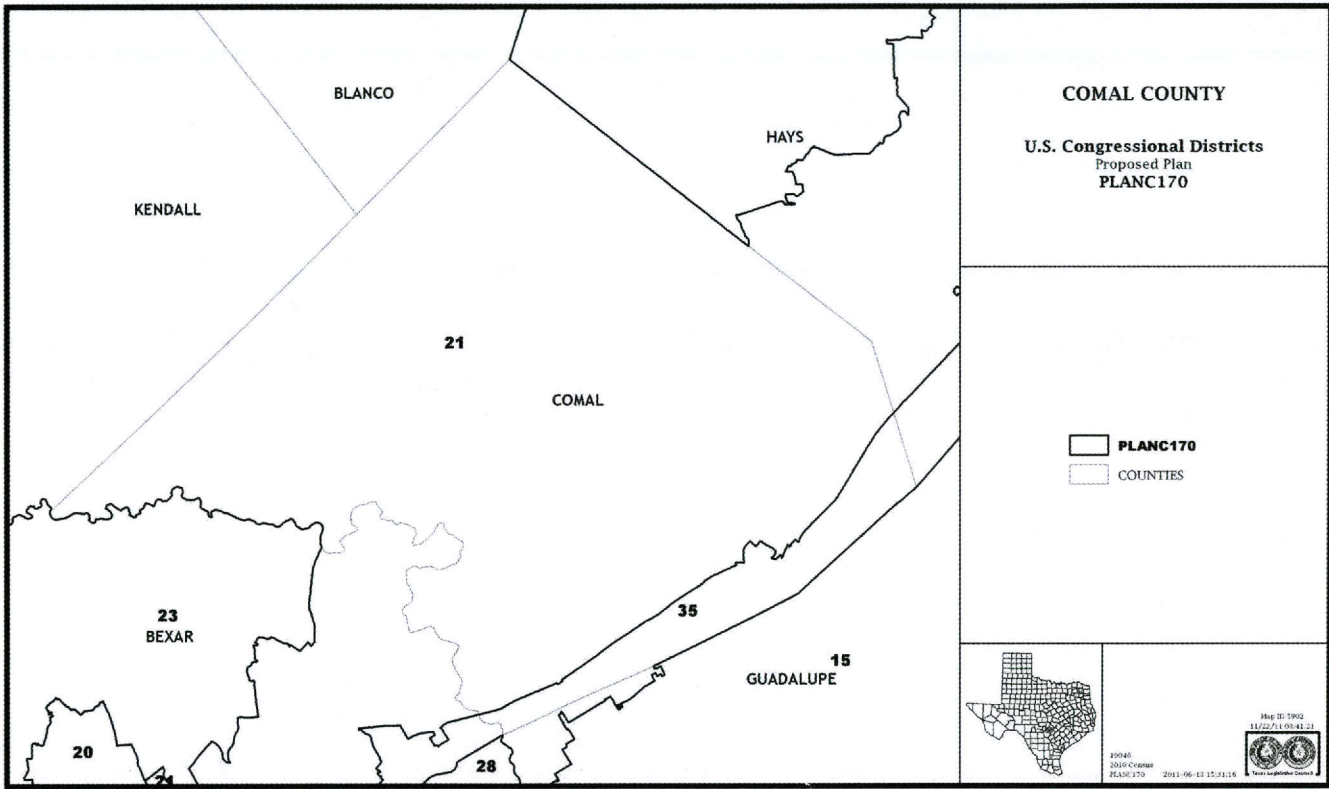


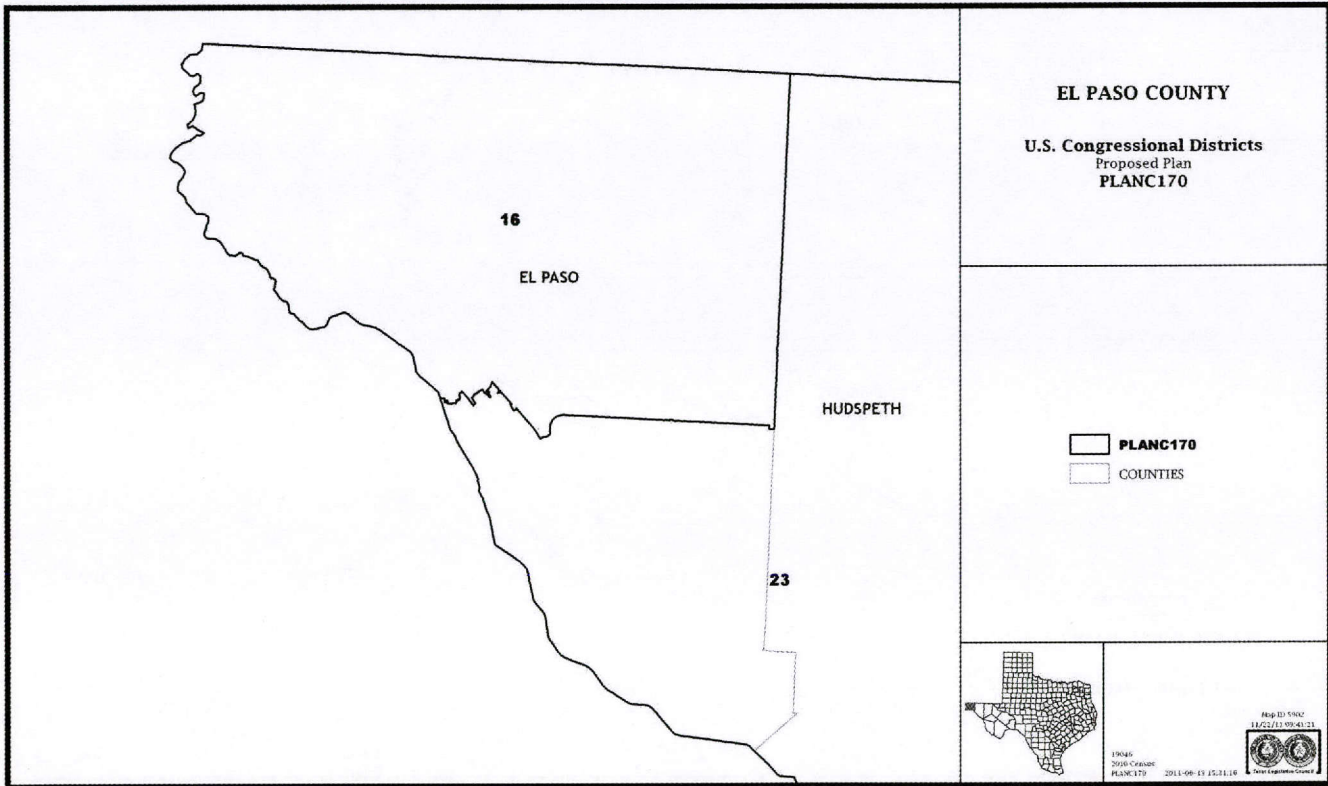
19640
 2010 Update
 PLANC170 2011-06-13 15:54:16

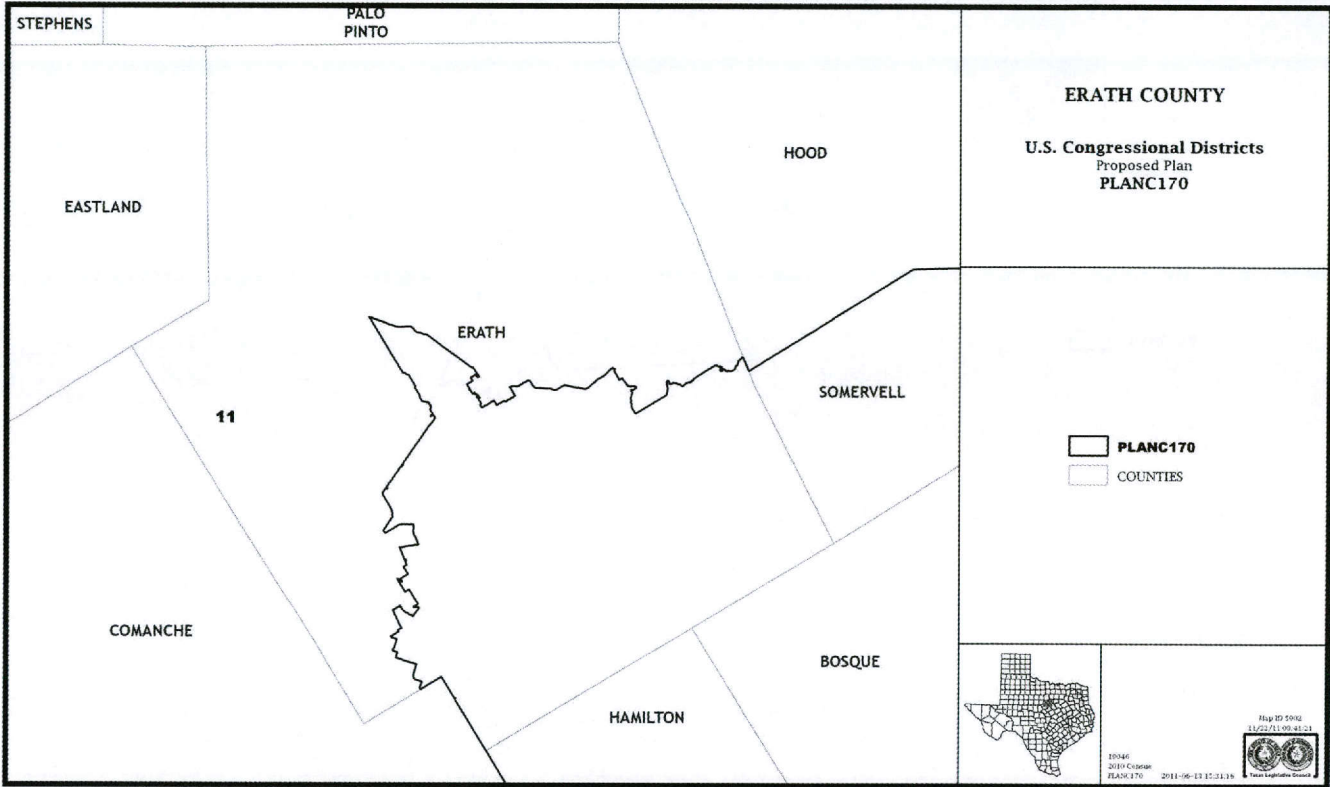


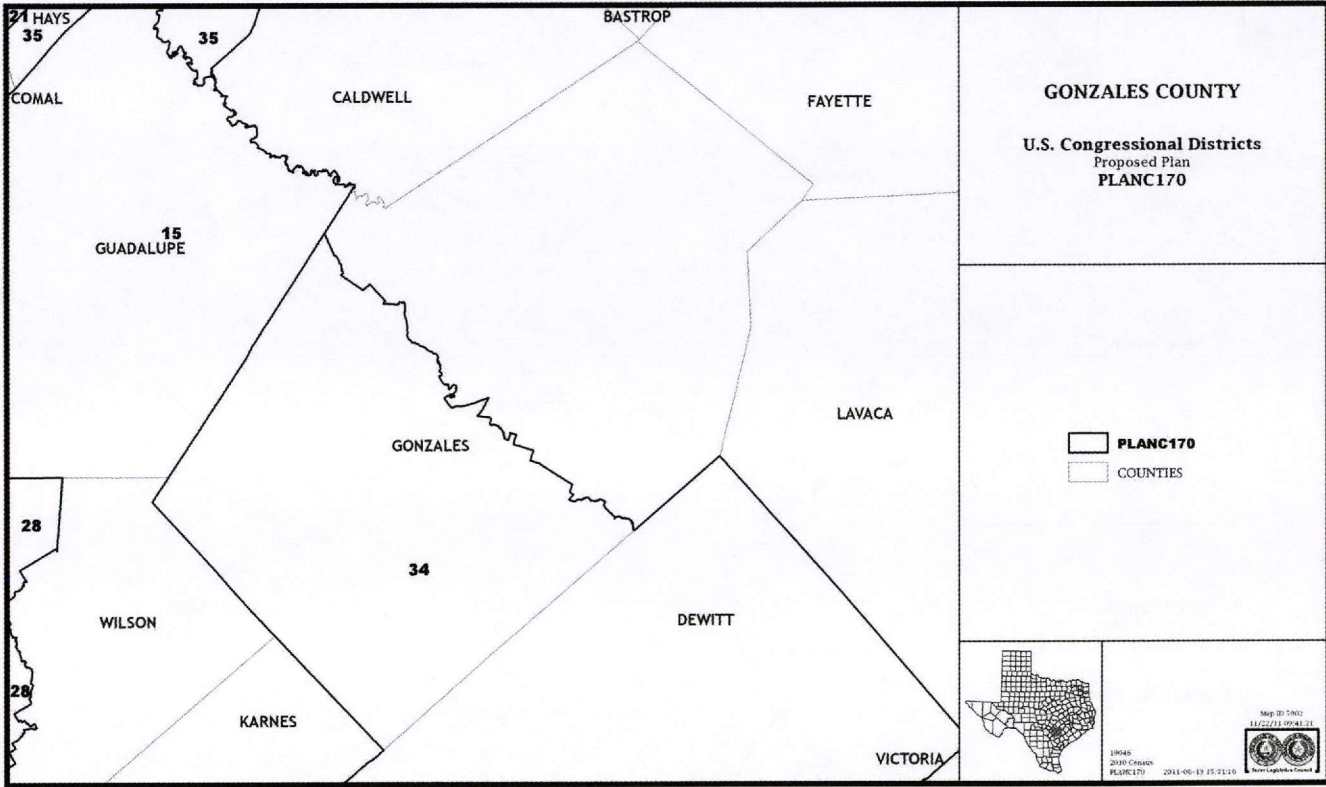


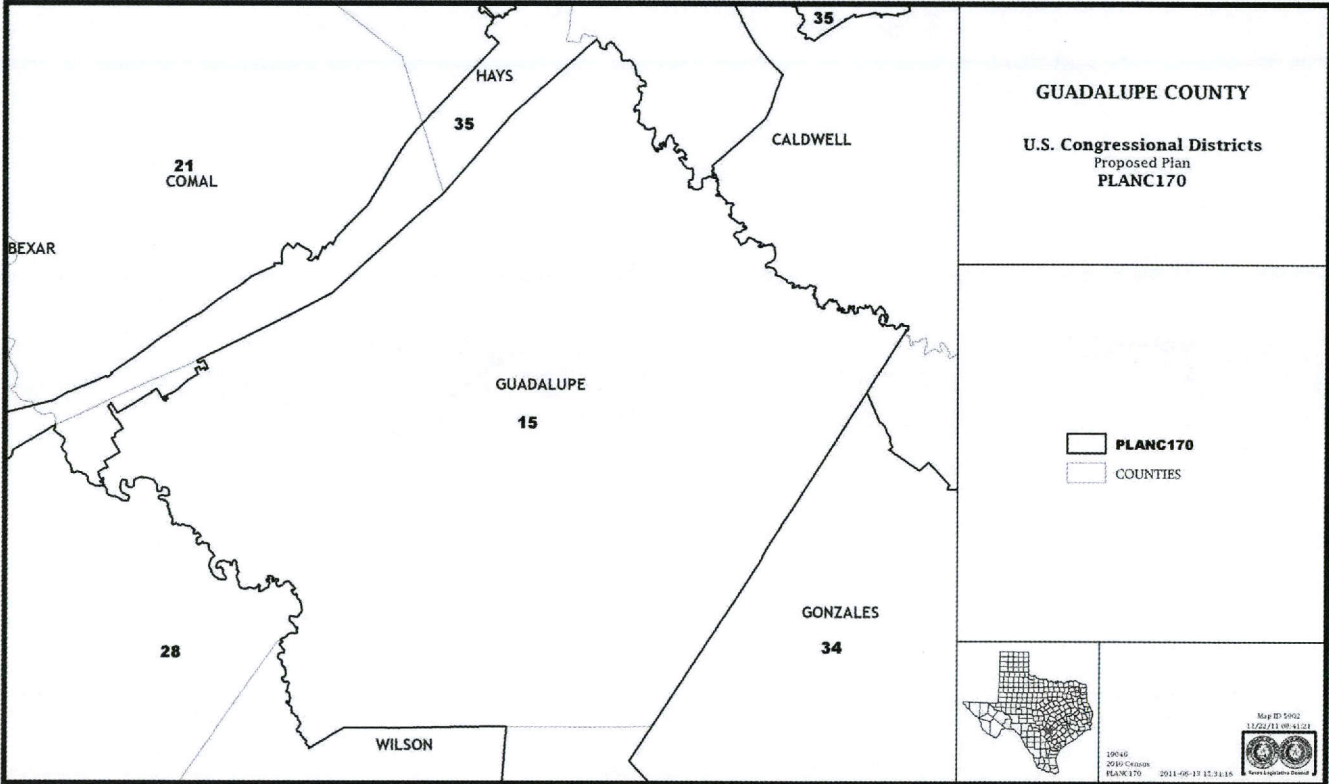


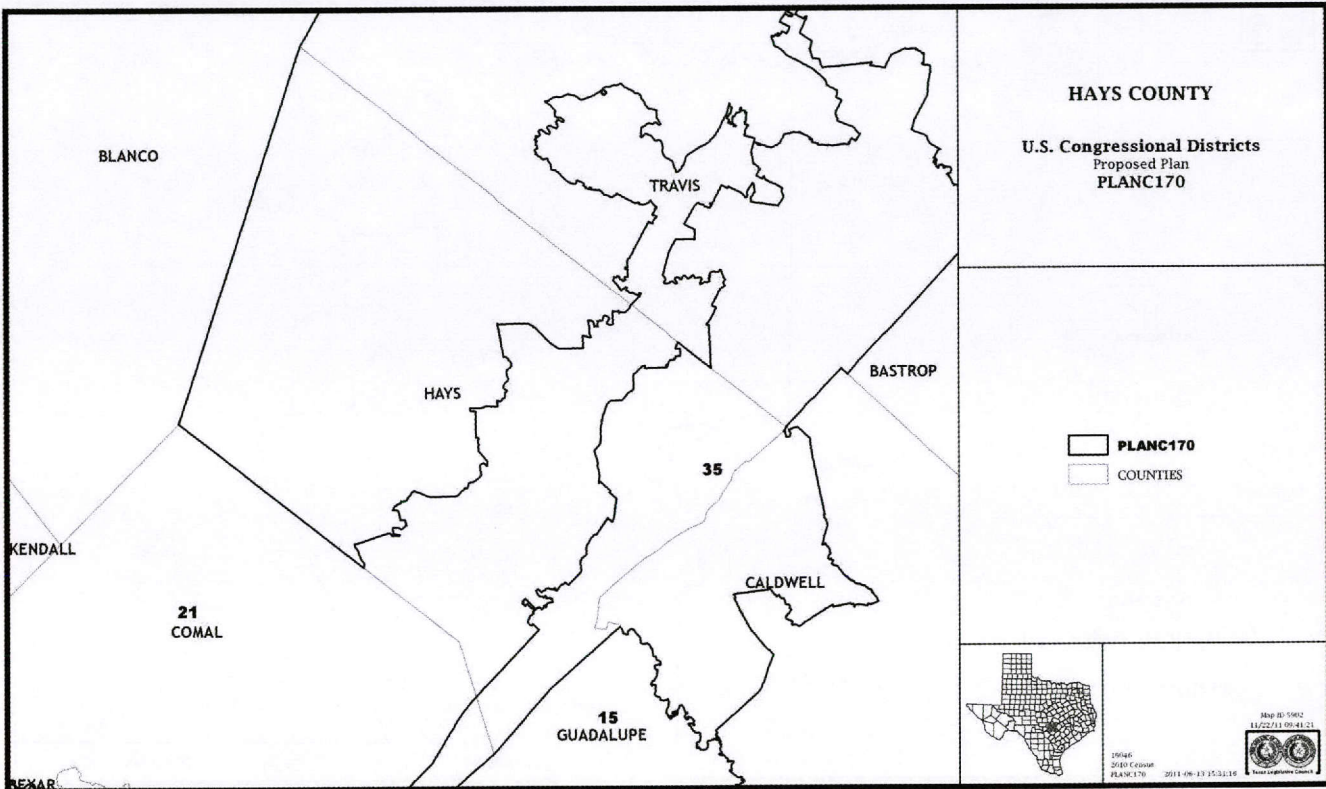


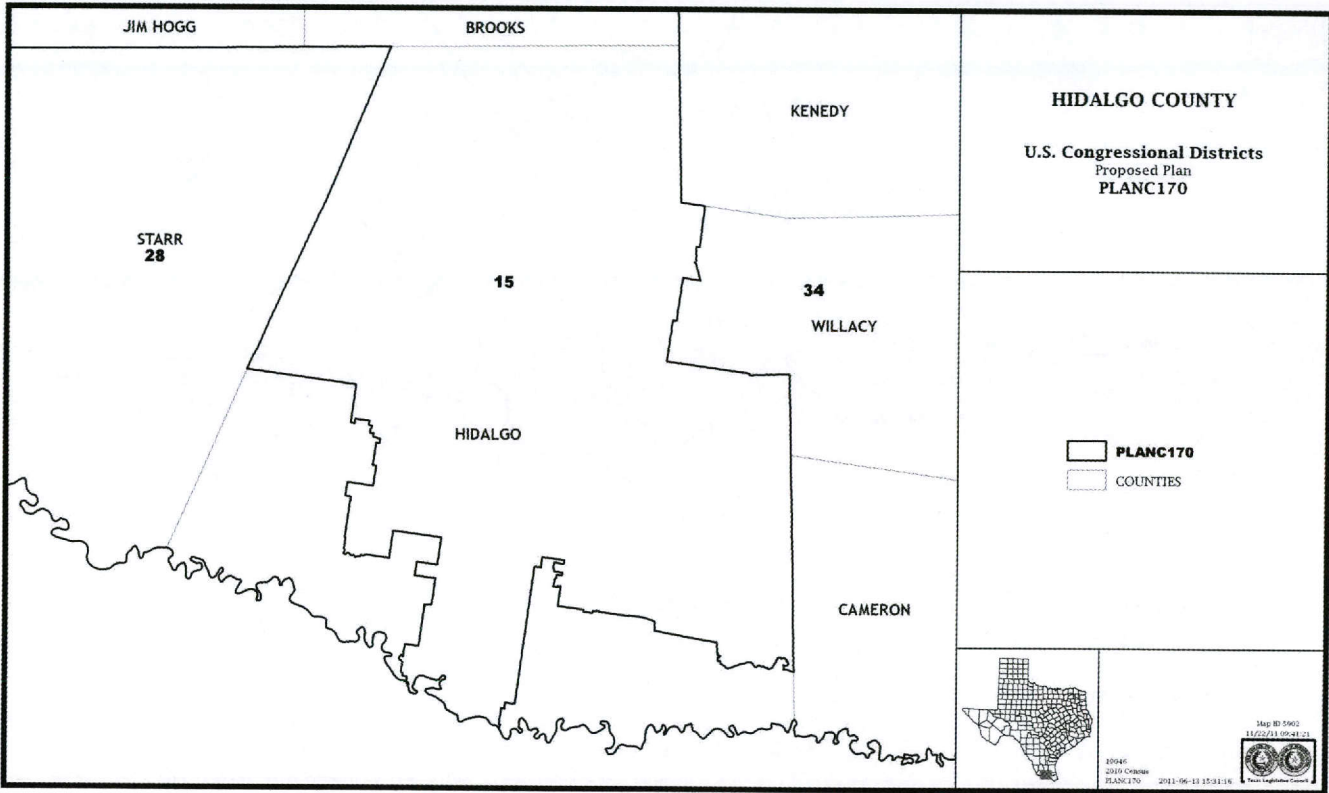


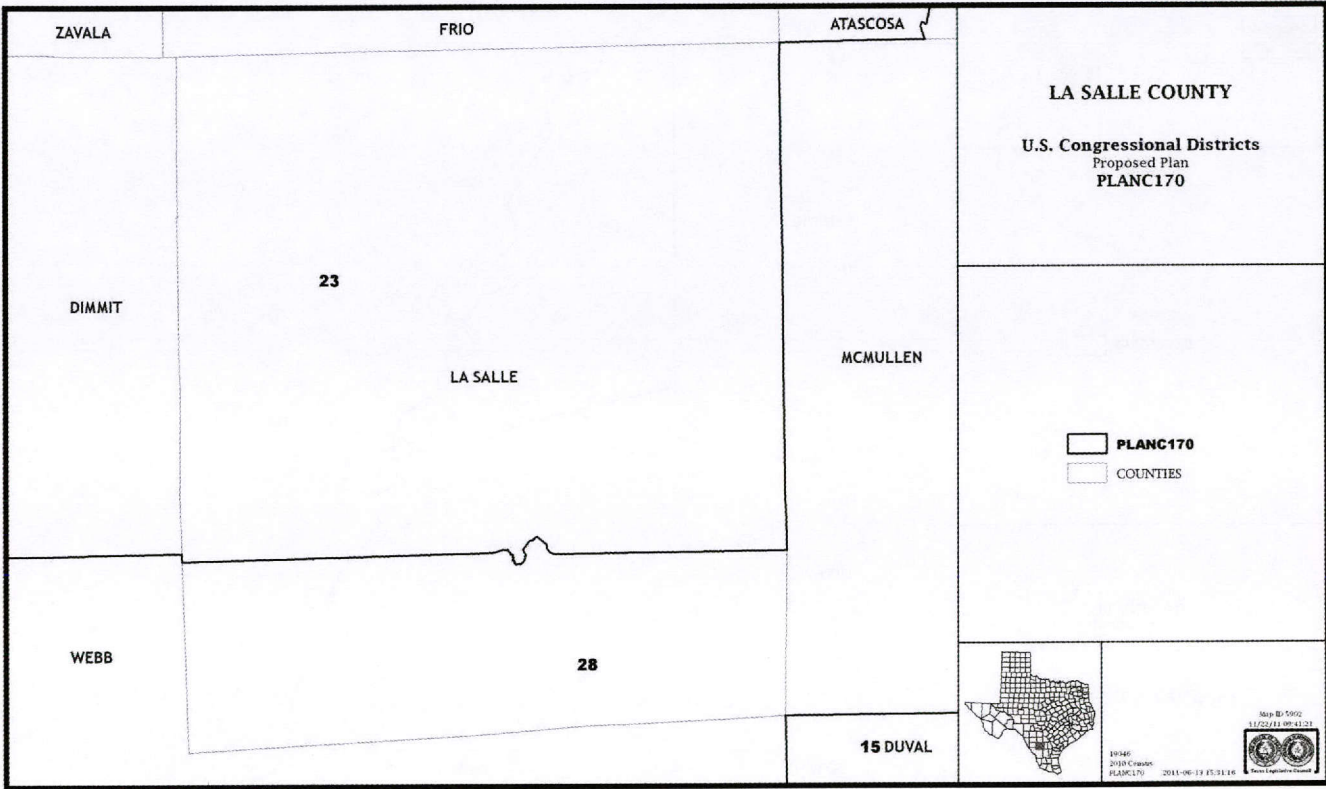


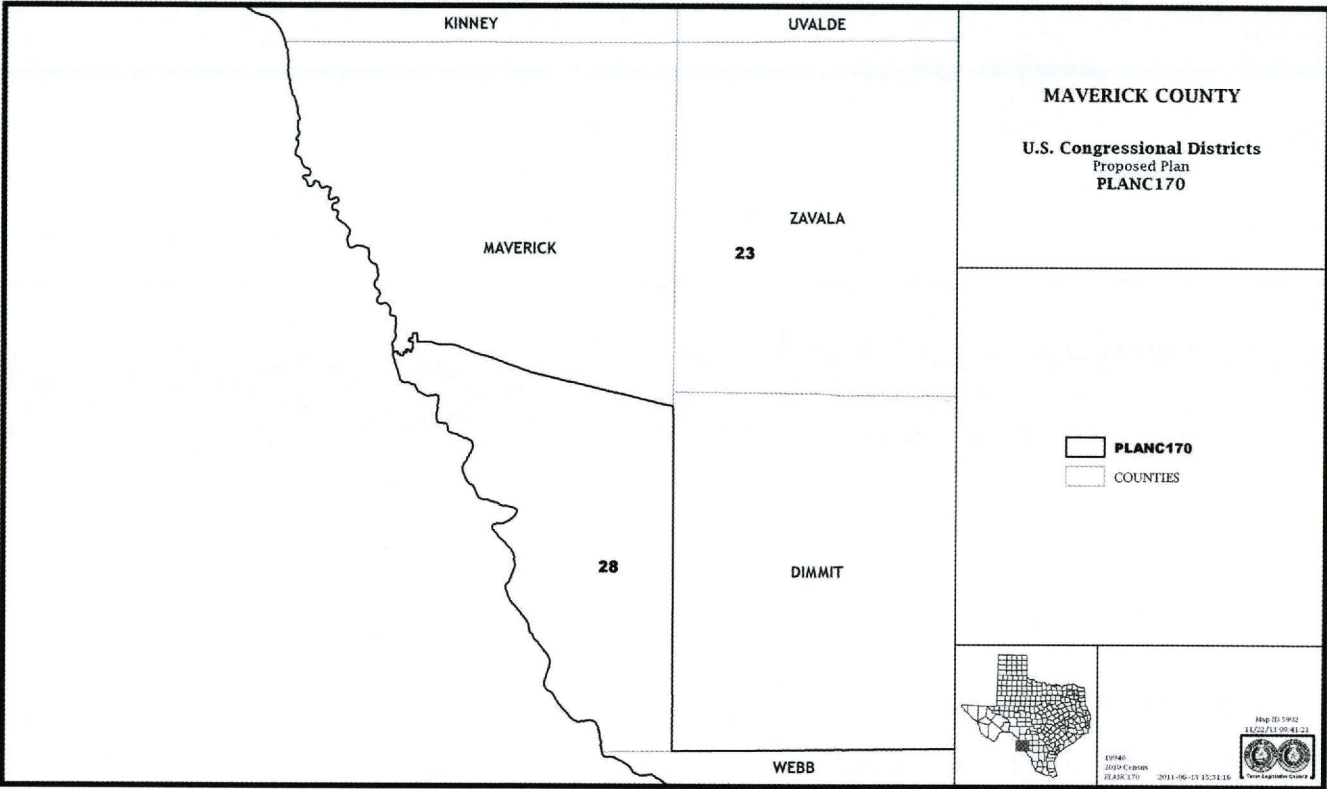


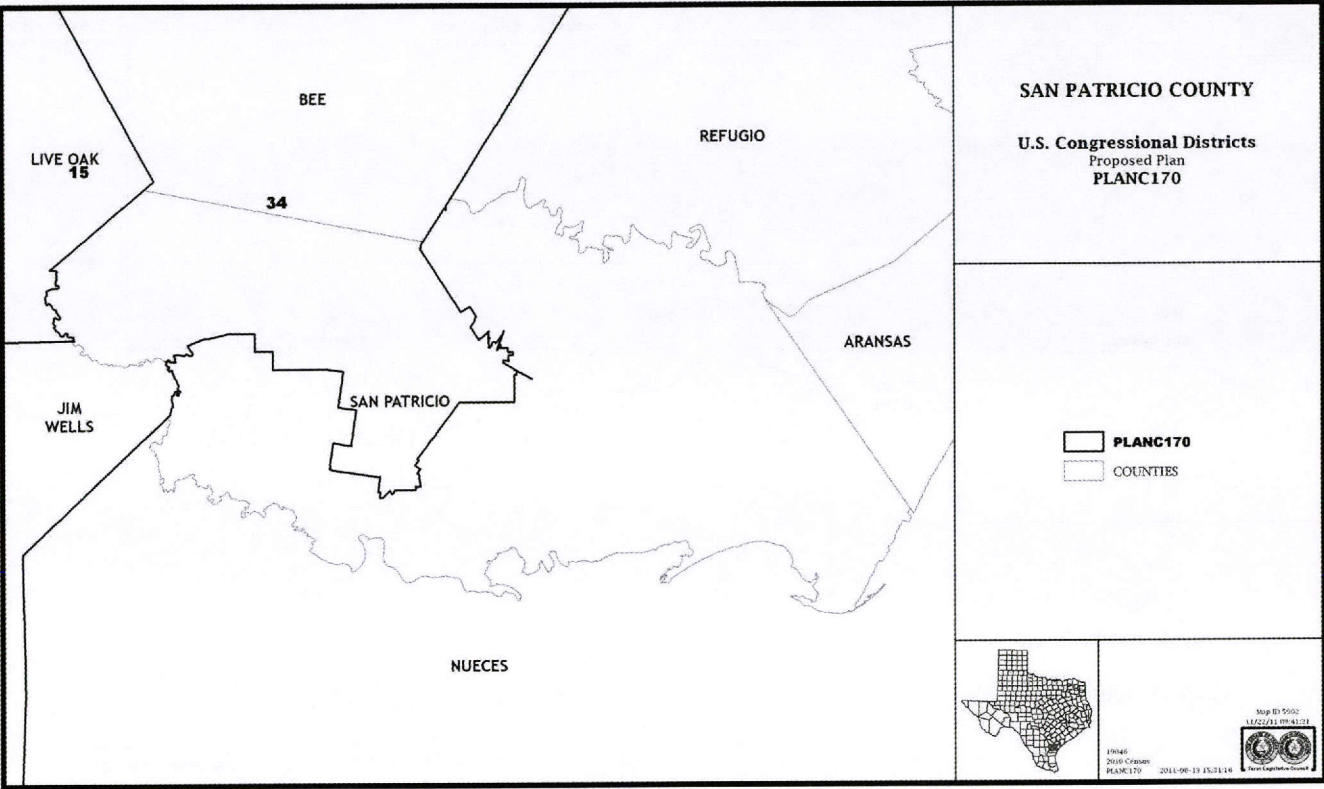


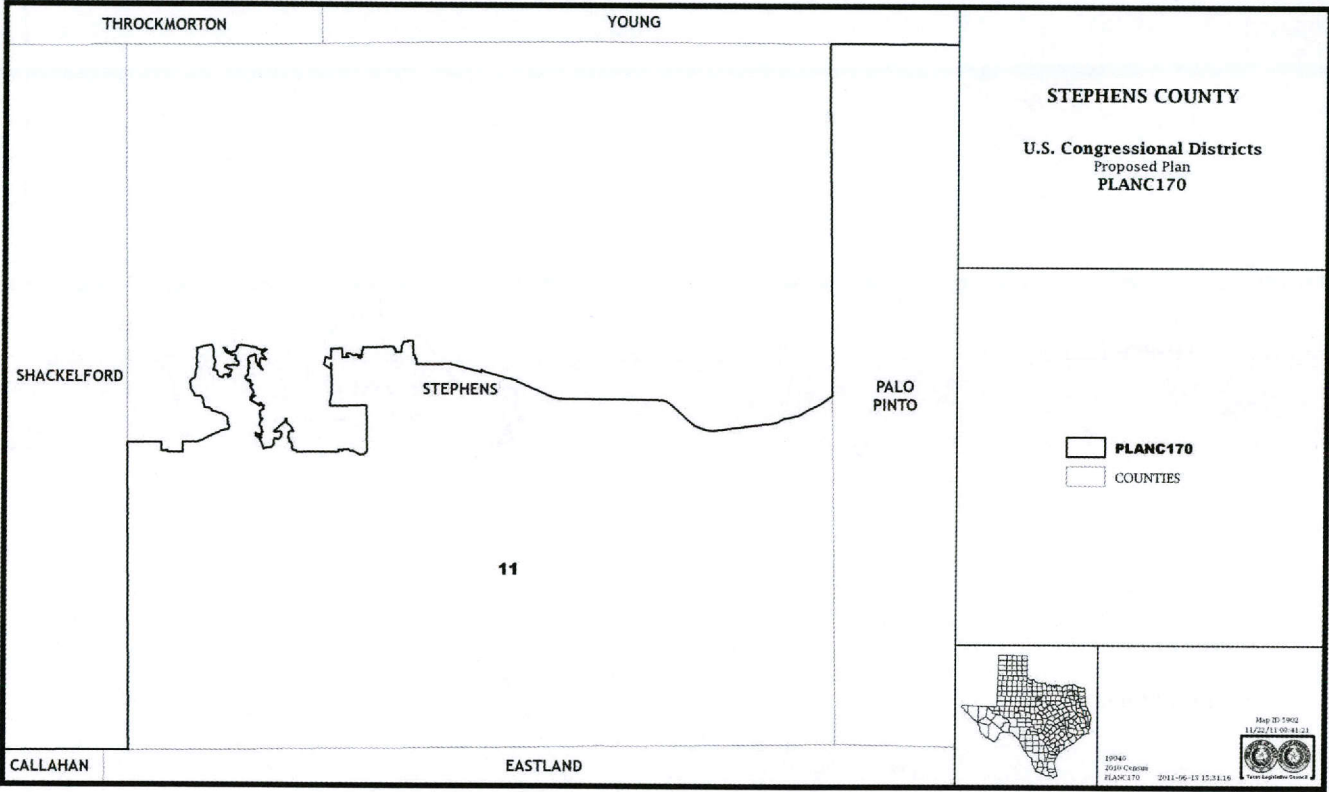


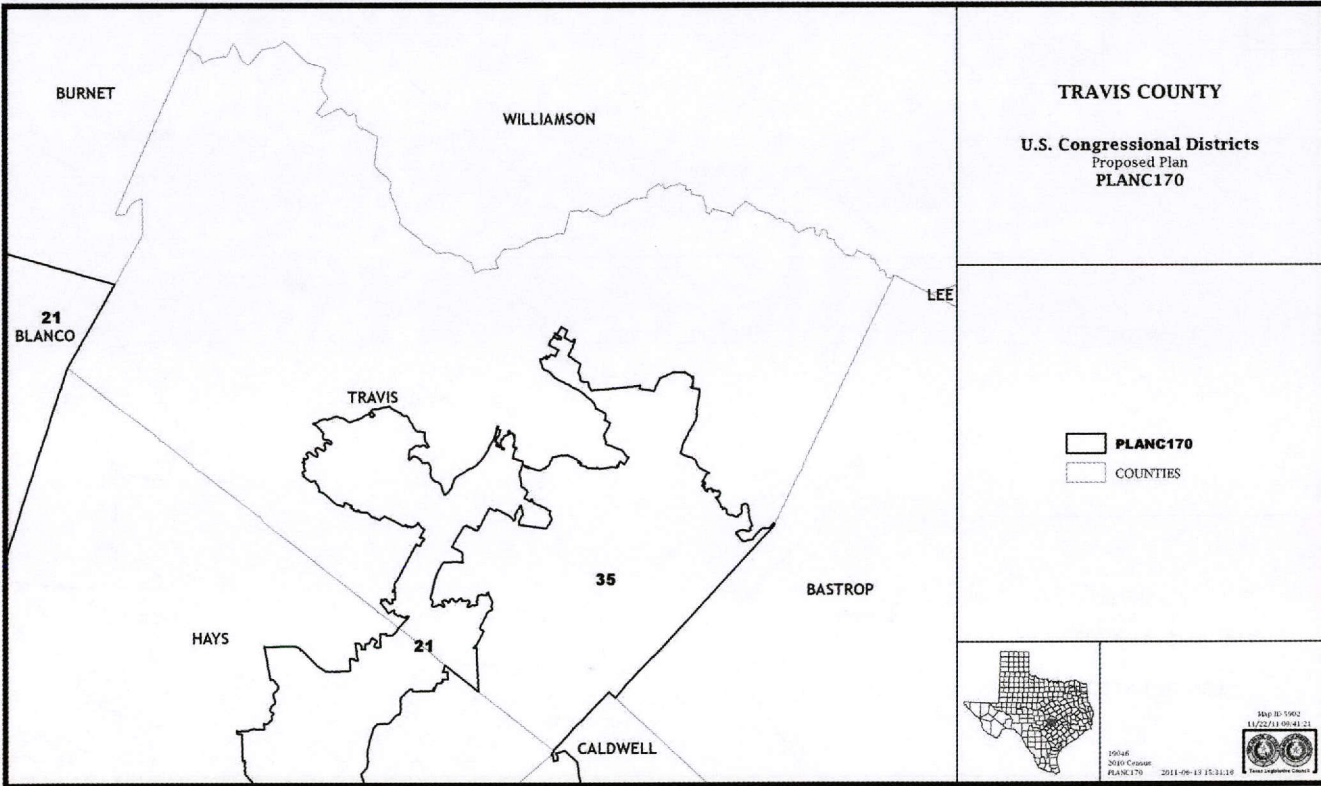


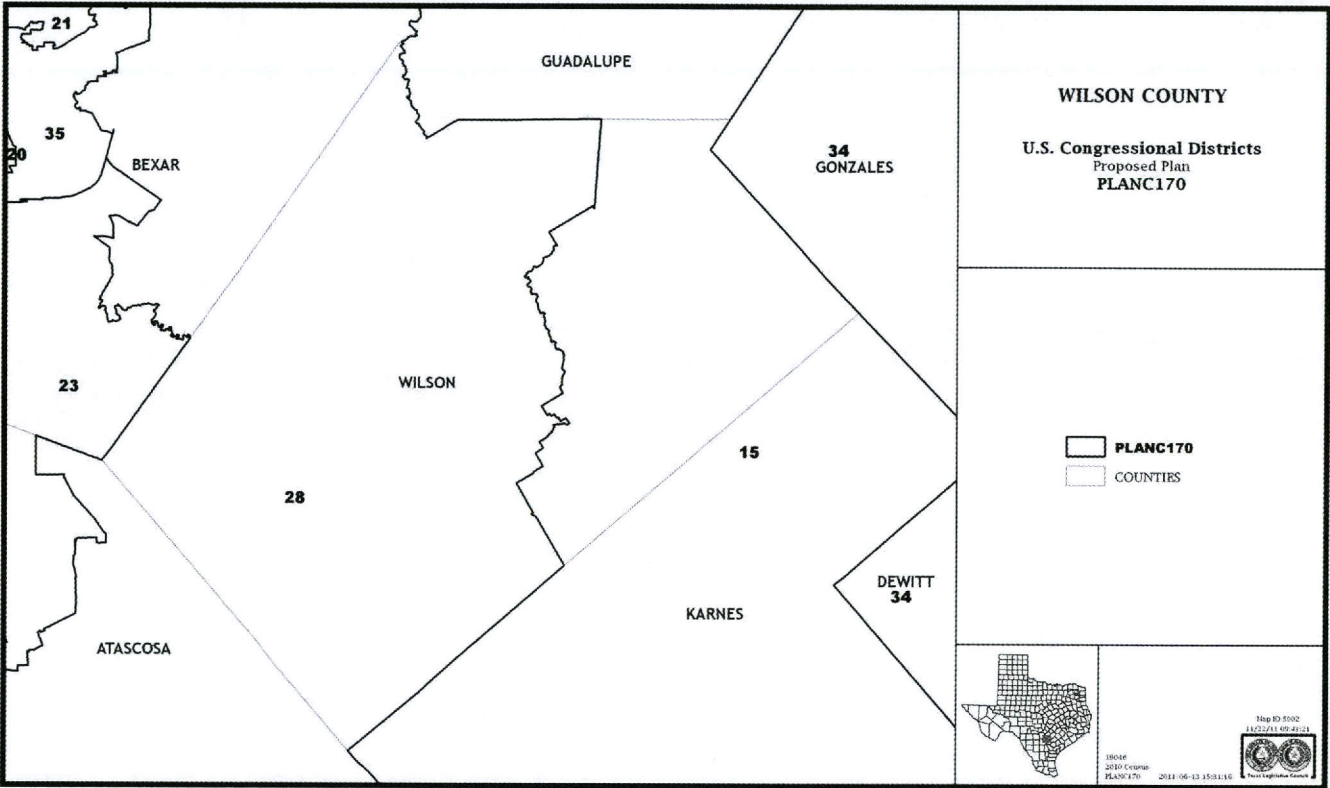




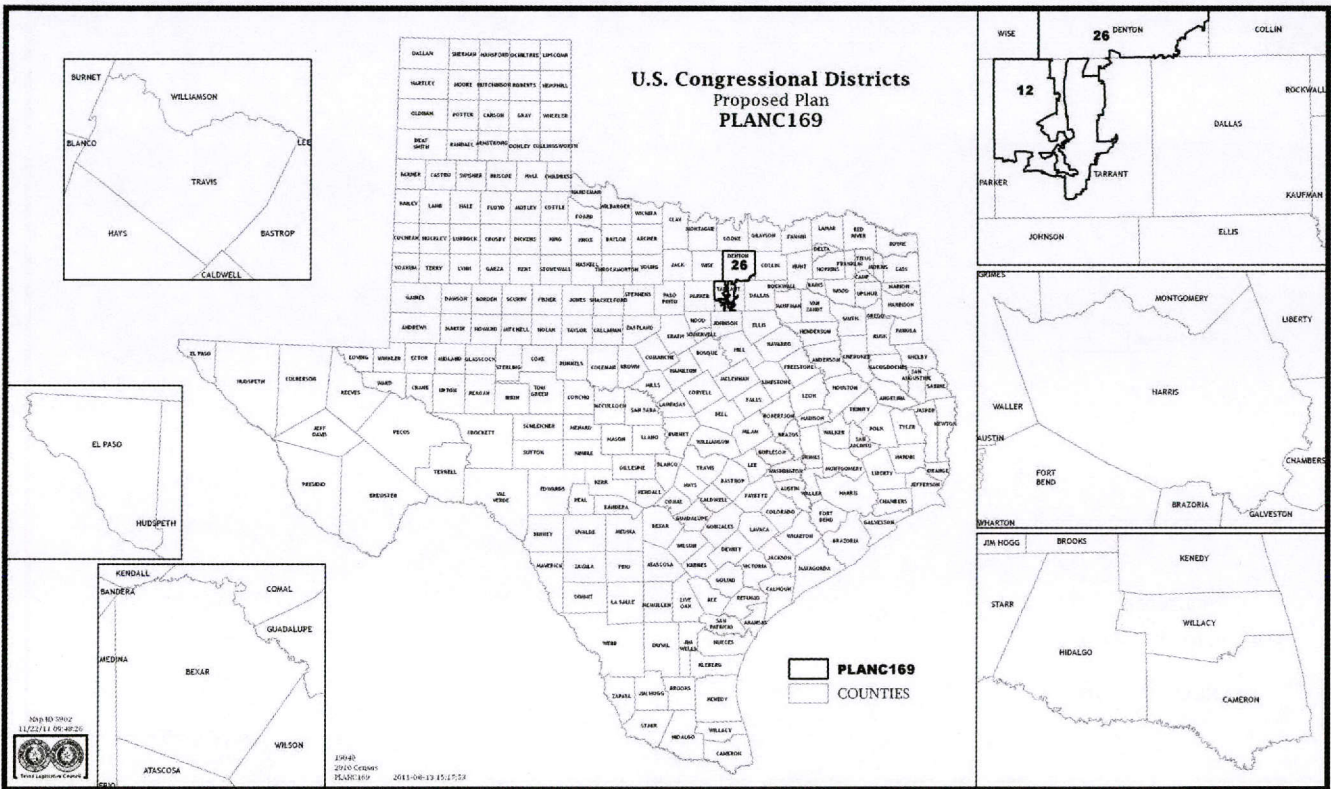




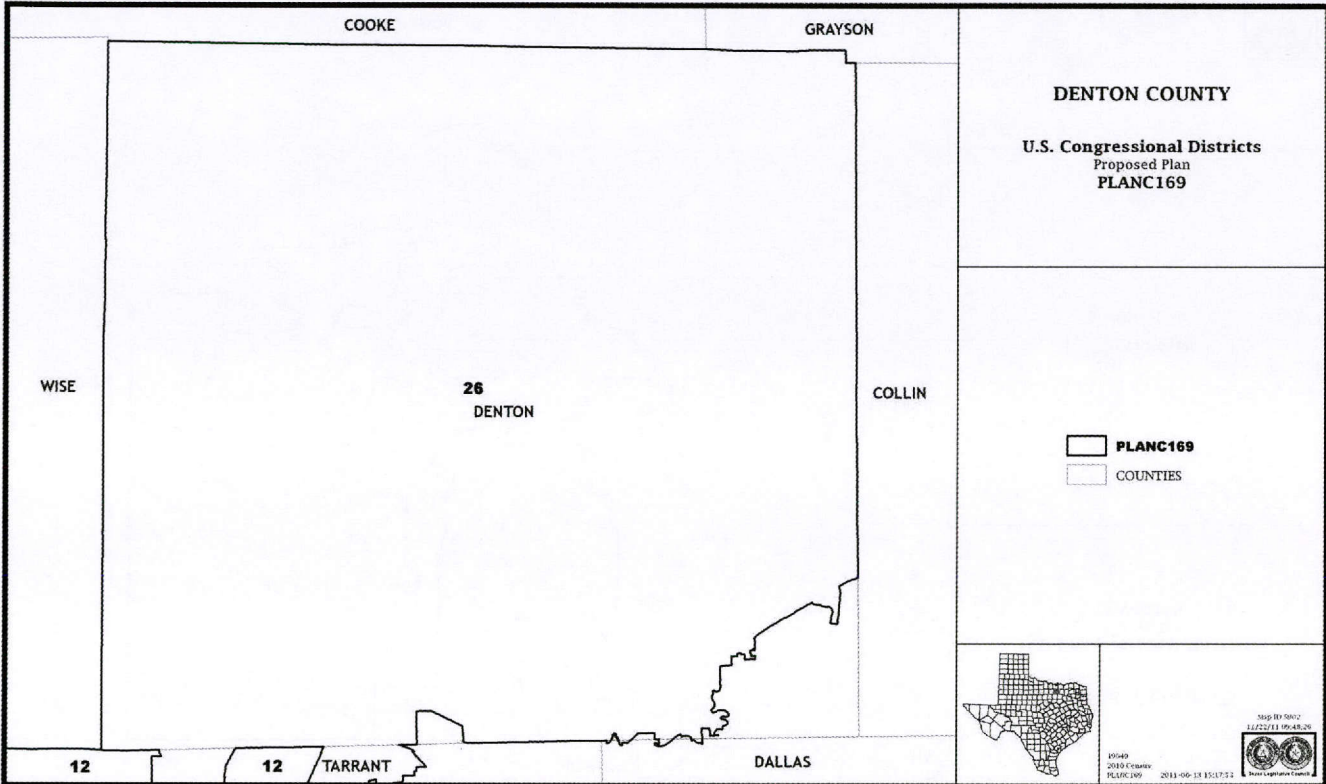


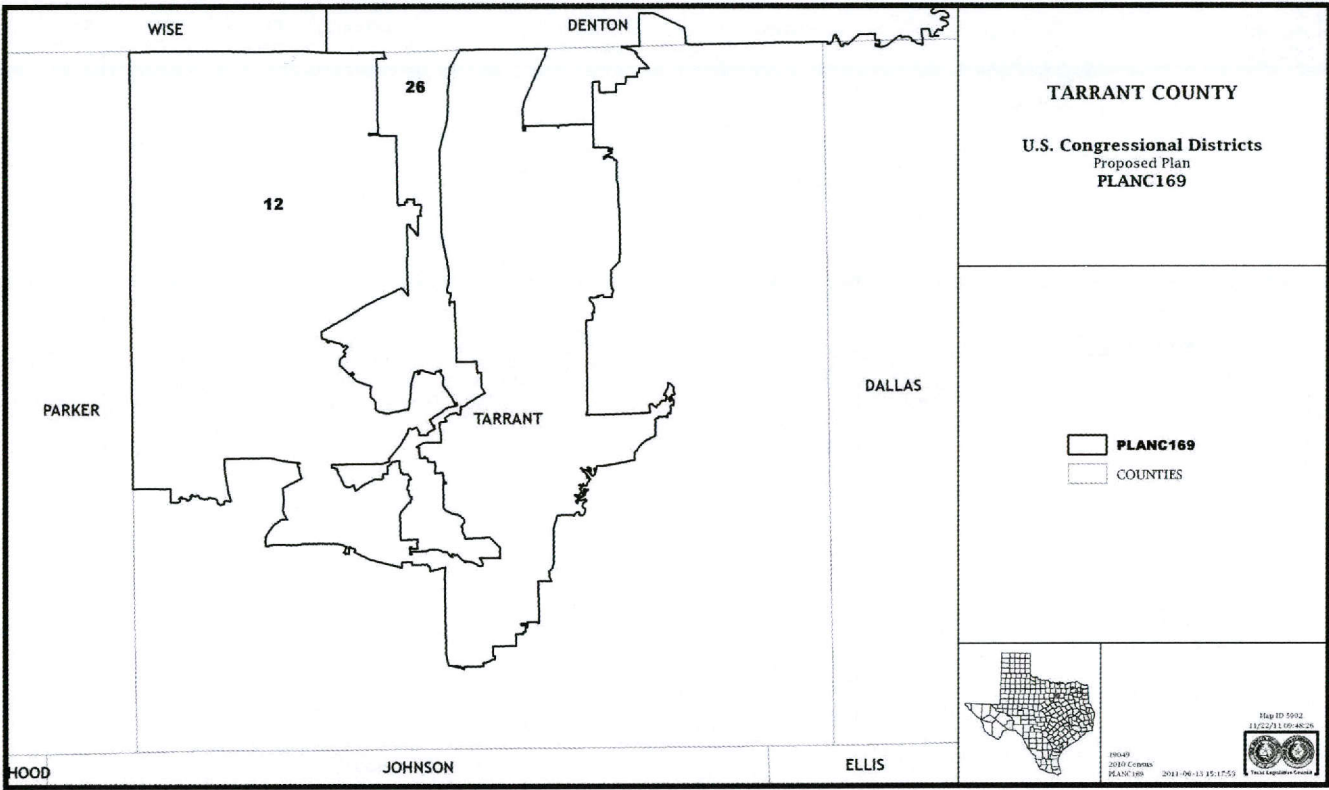


Amendment No. 2 (by Geren)

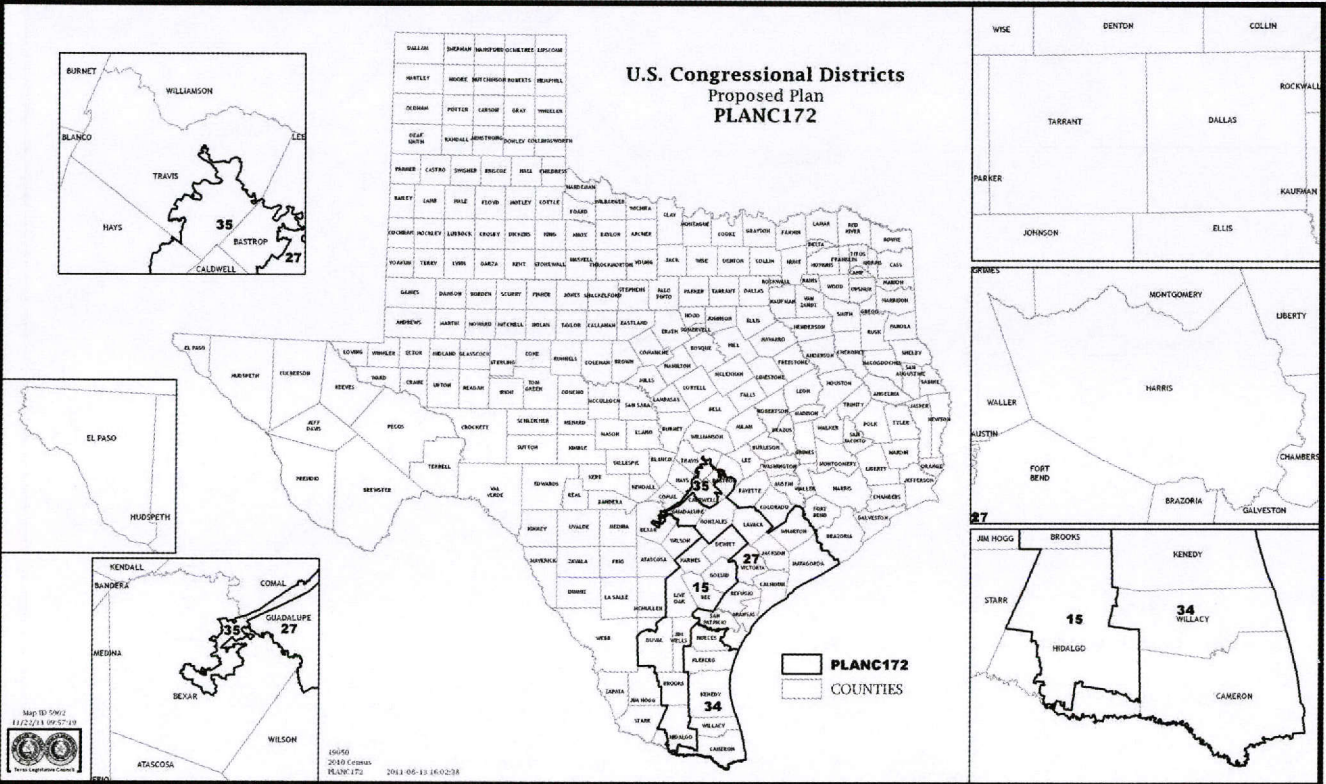




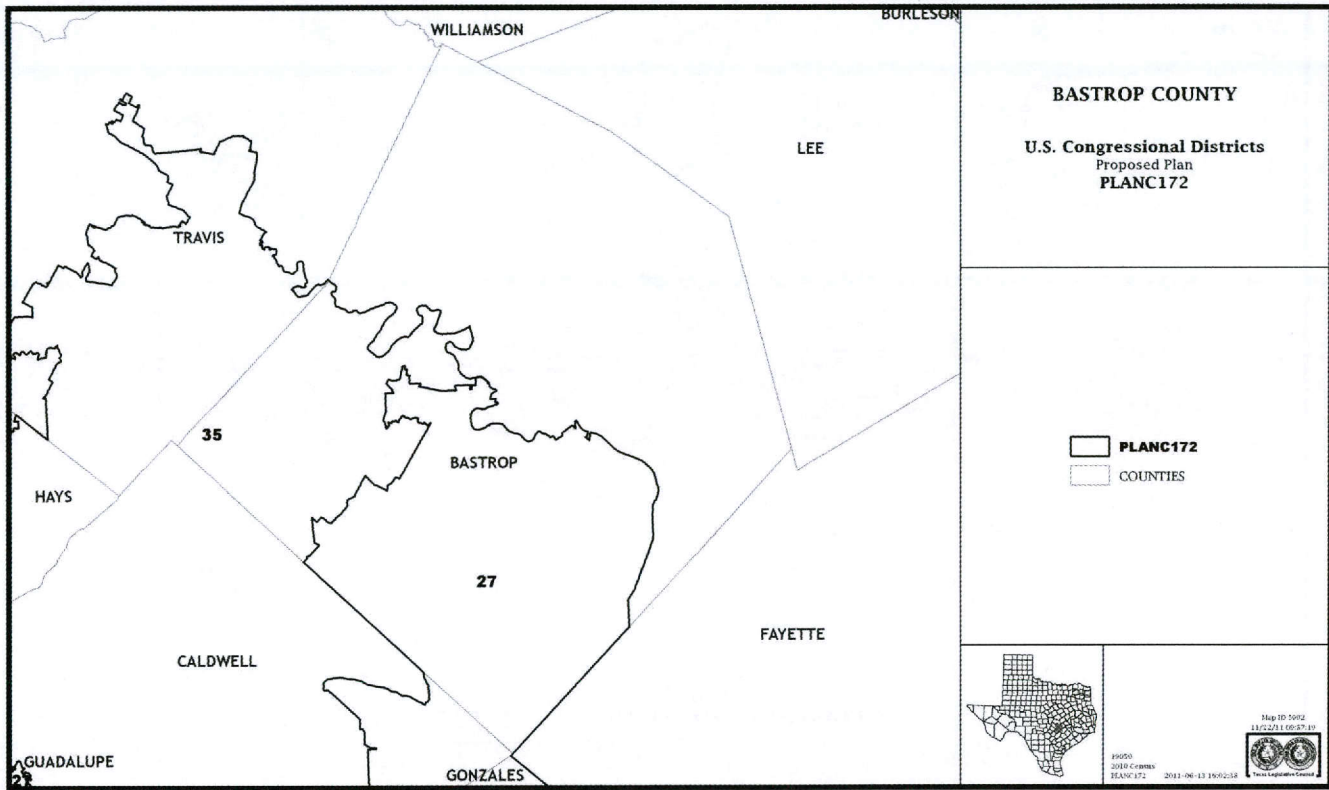


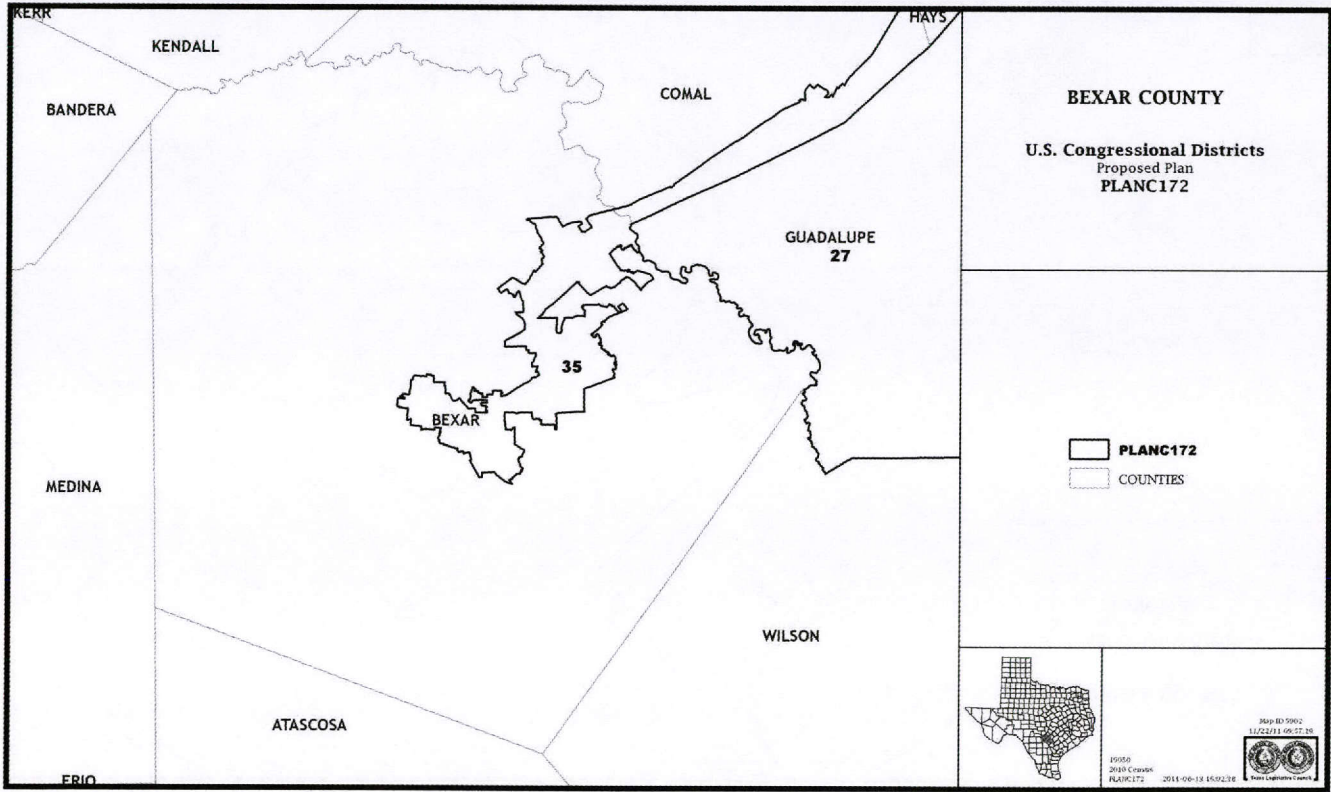


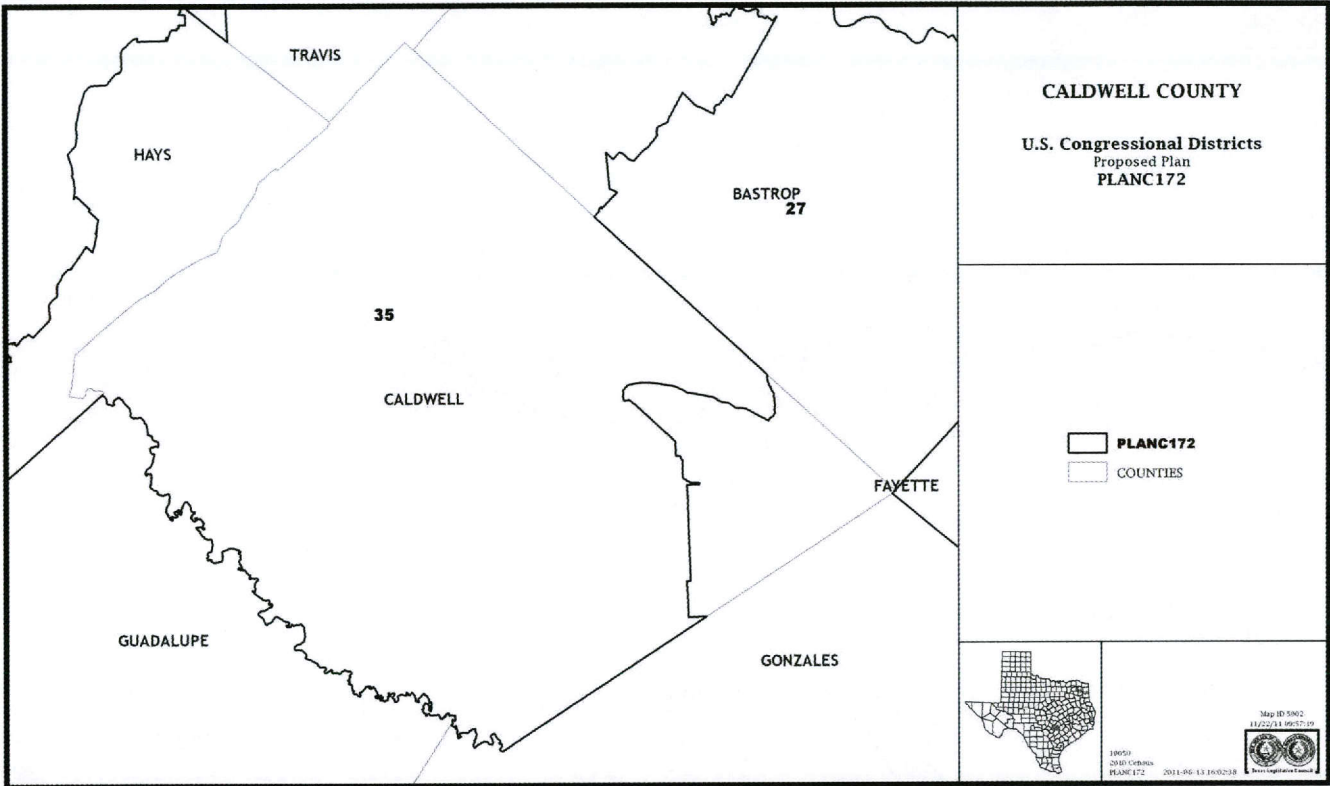
Amendment No. 3 (by Kuempel)

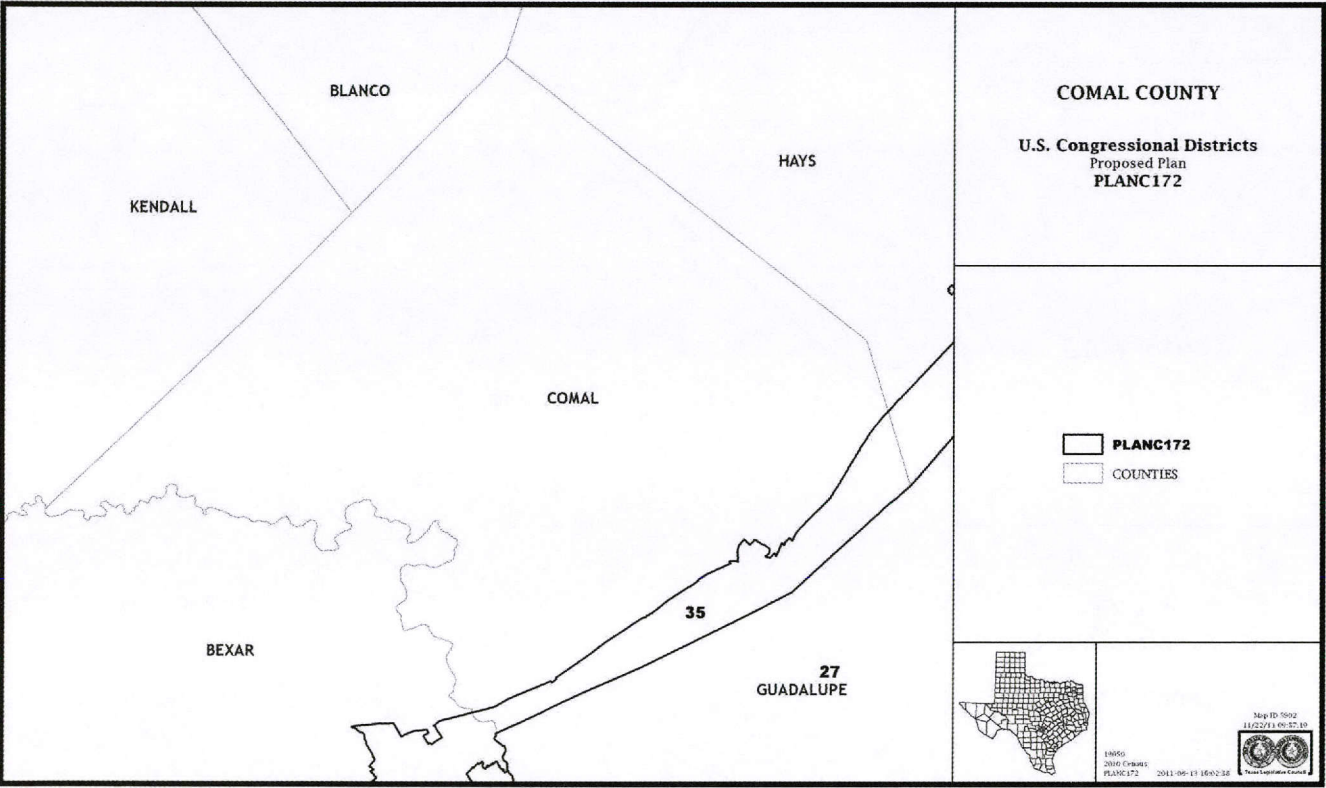


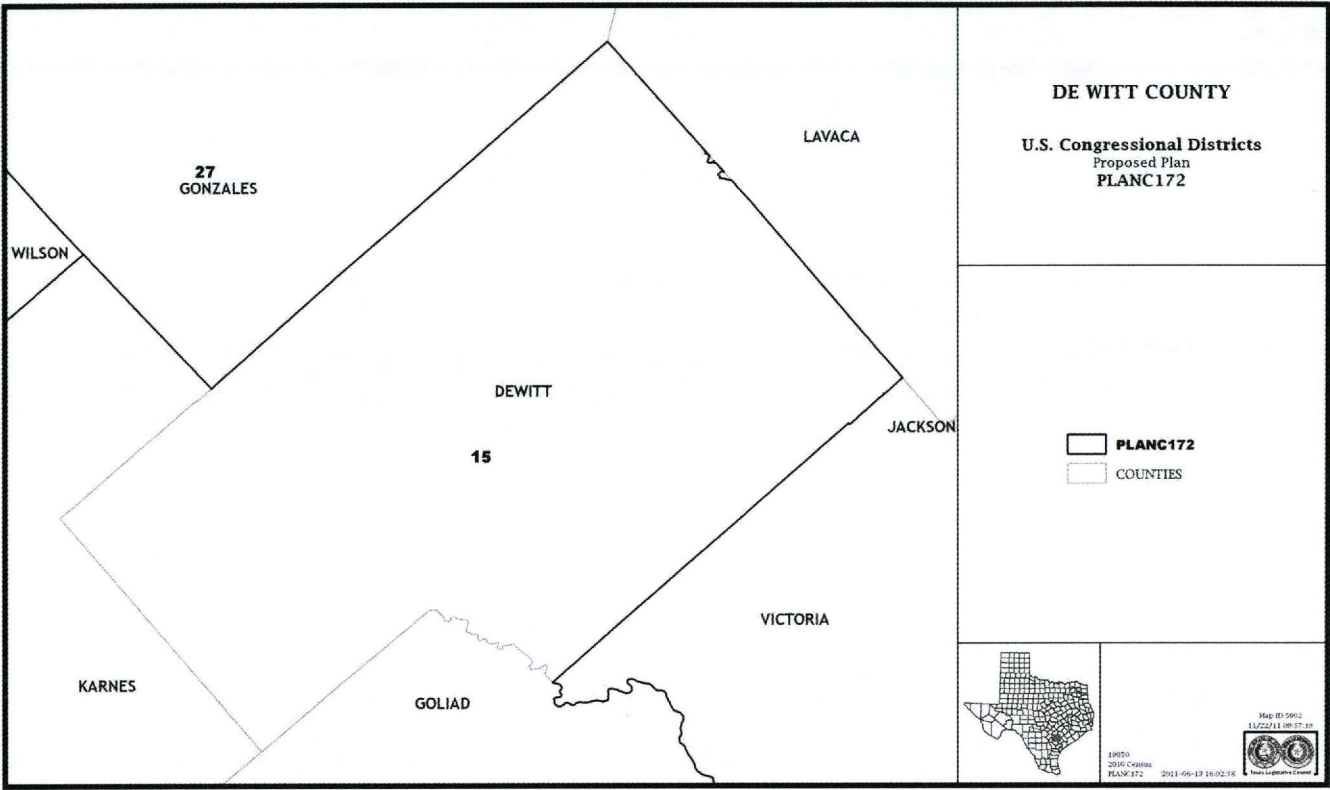
19050
 2010 Census
 PLANC172 2011-06-13 16:02:38

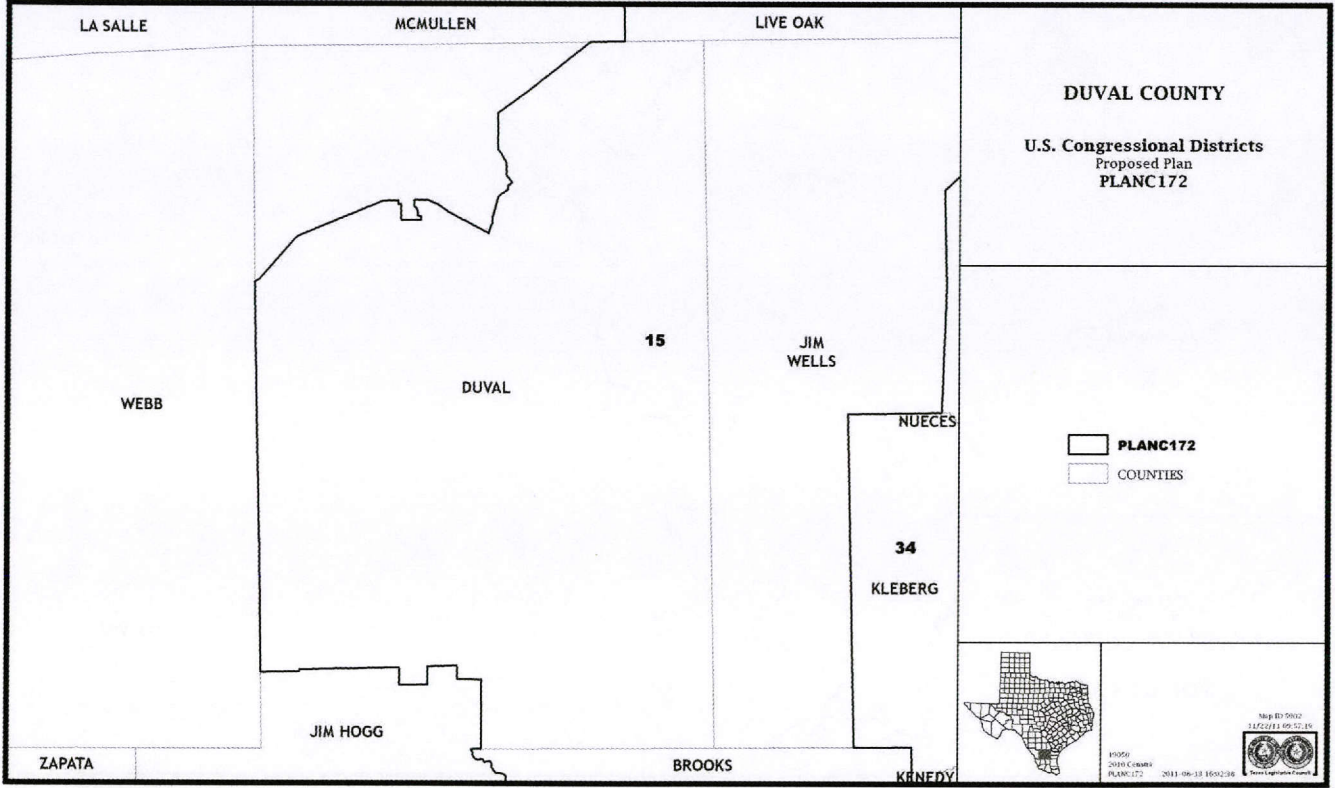


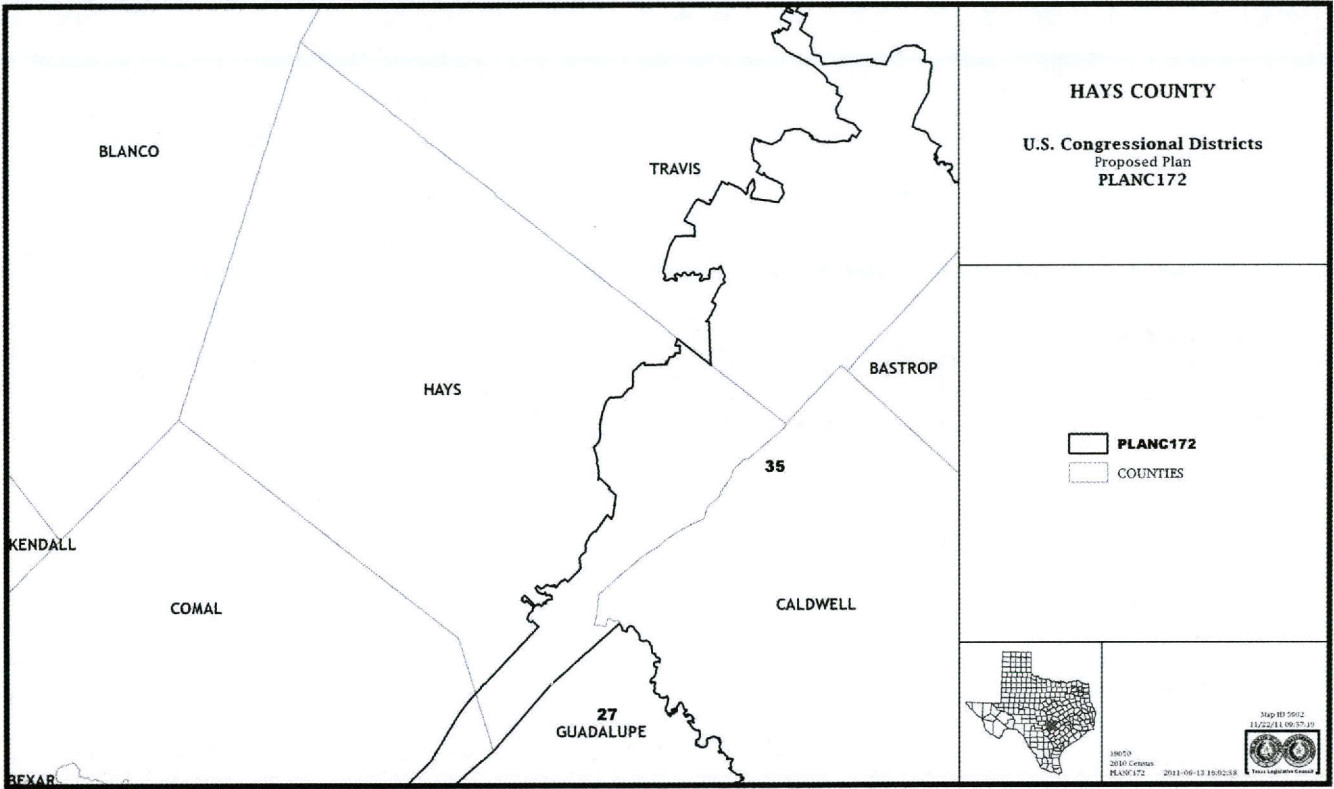


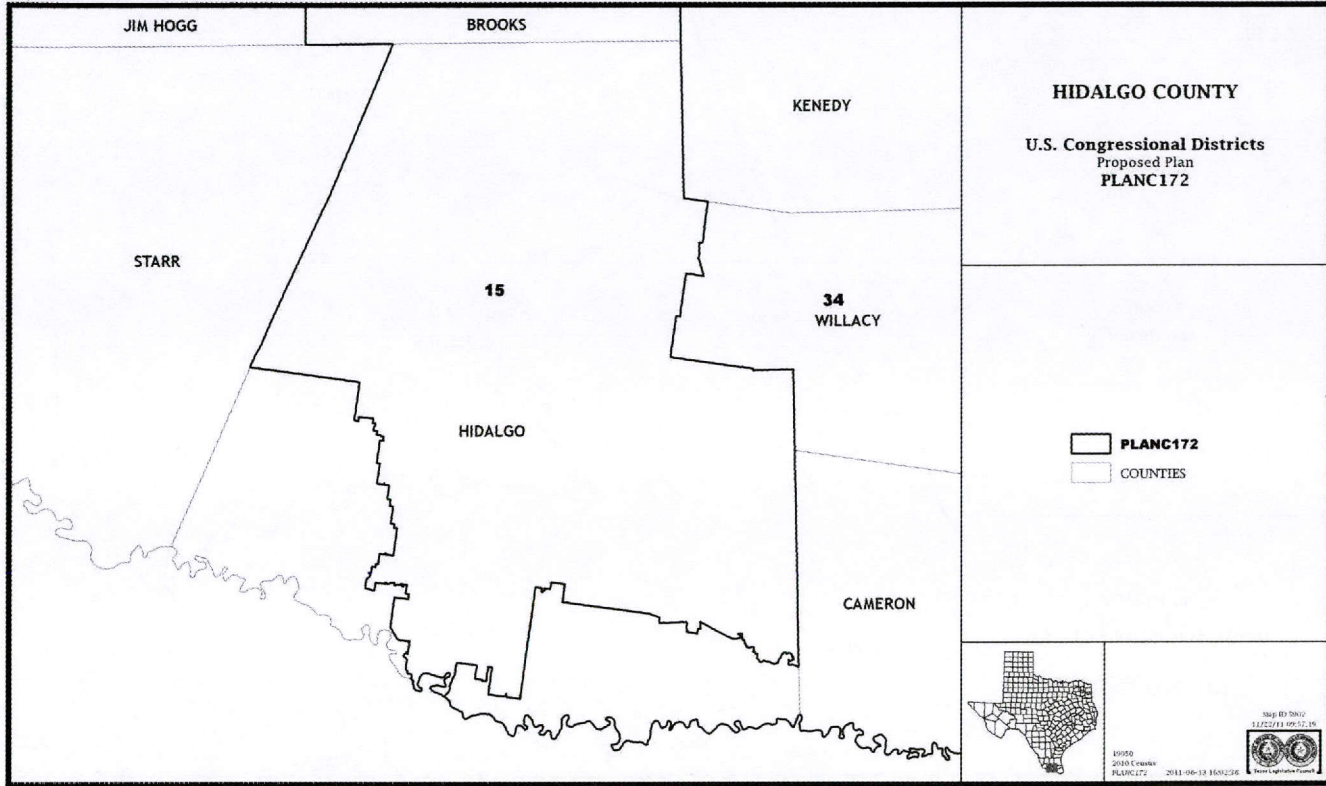


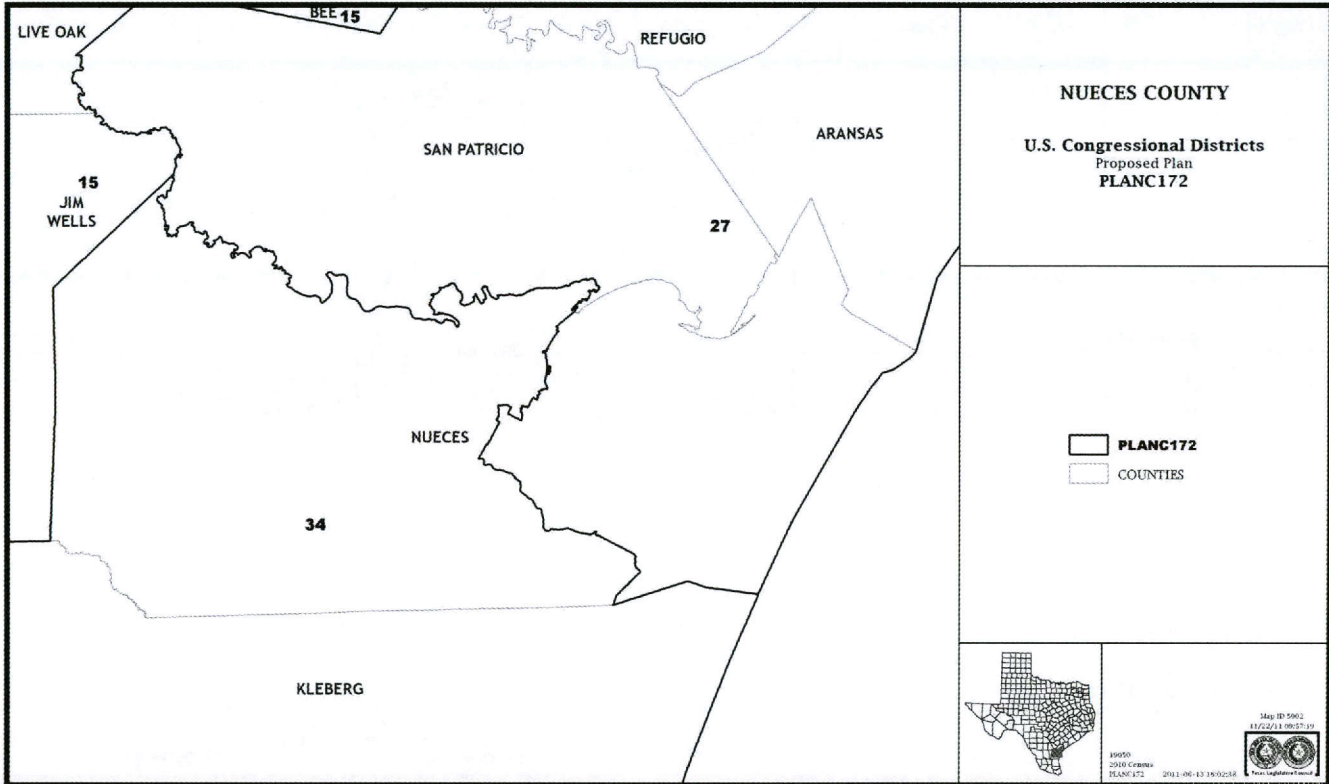


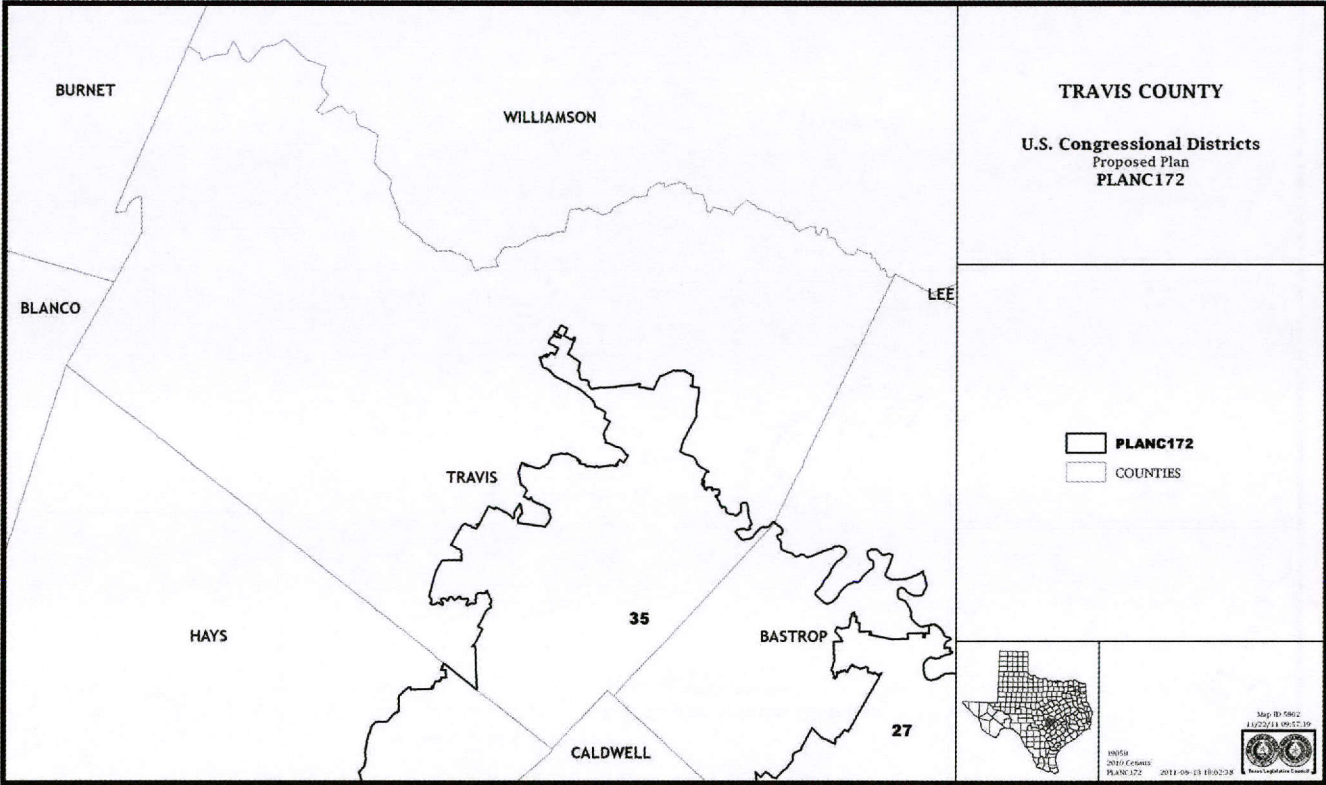




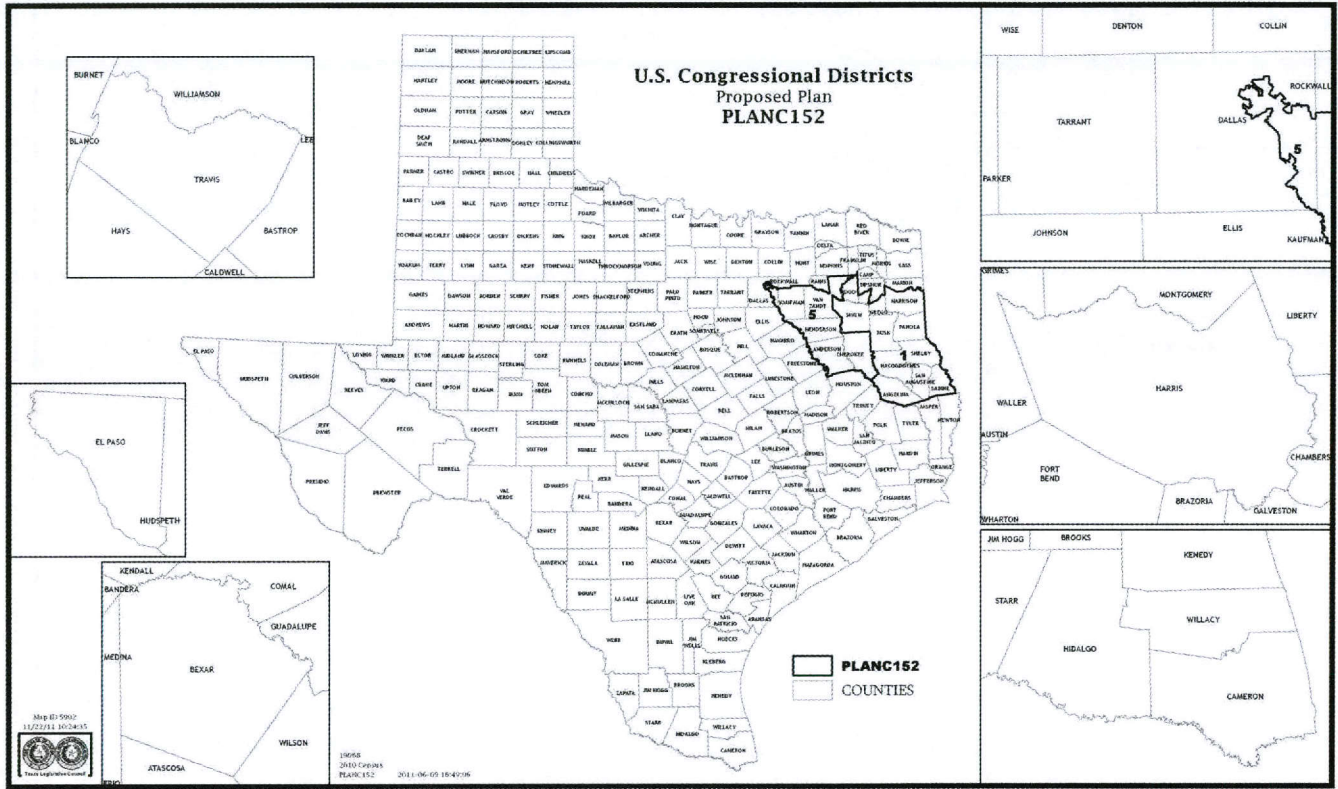


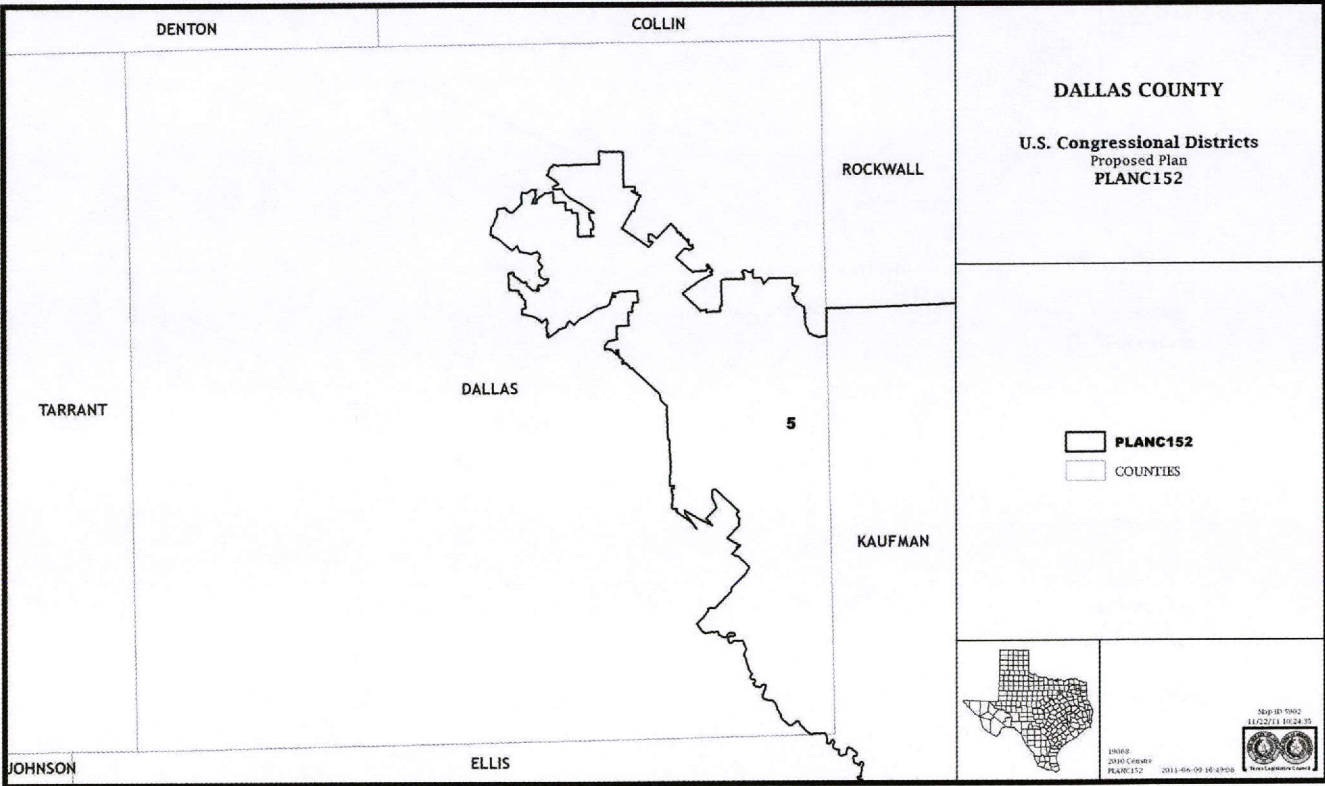


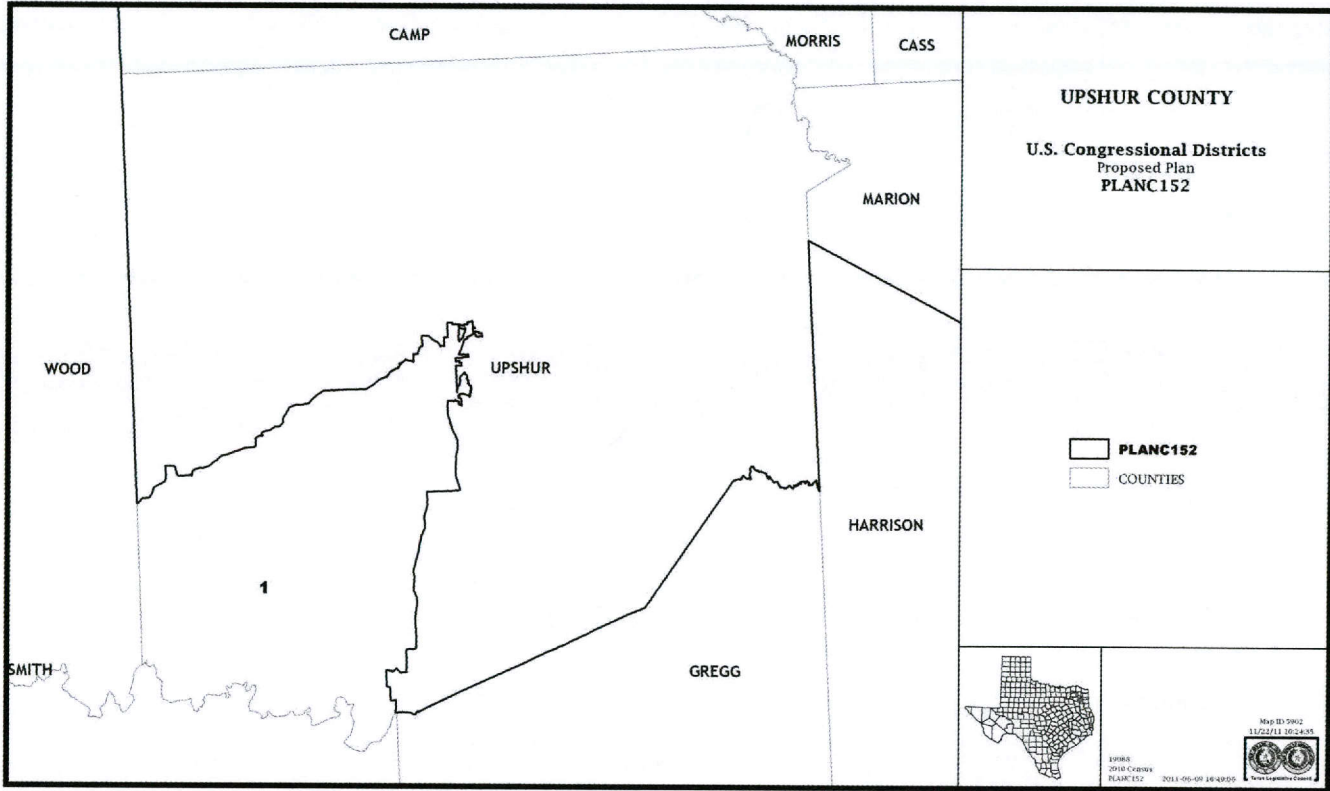


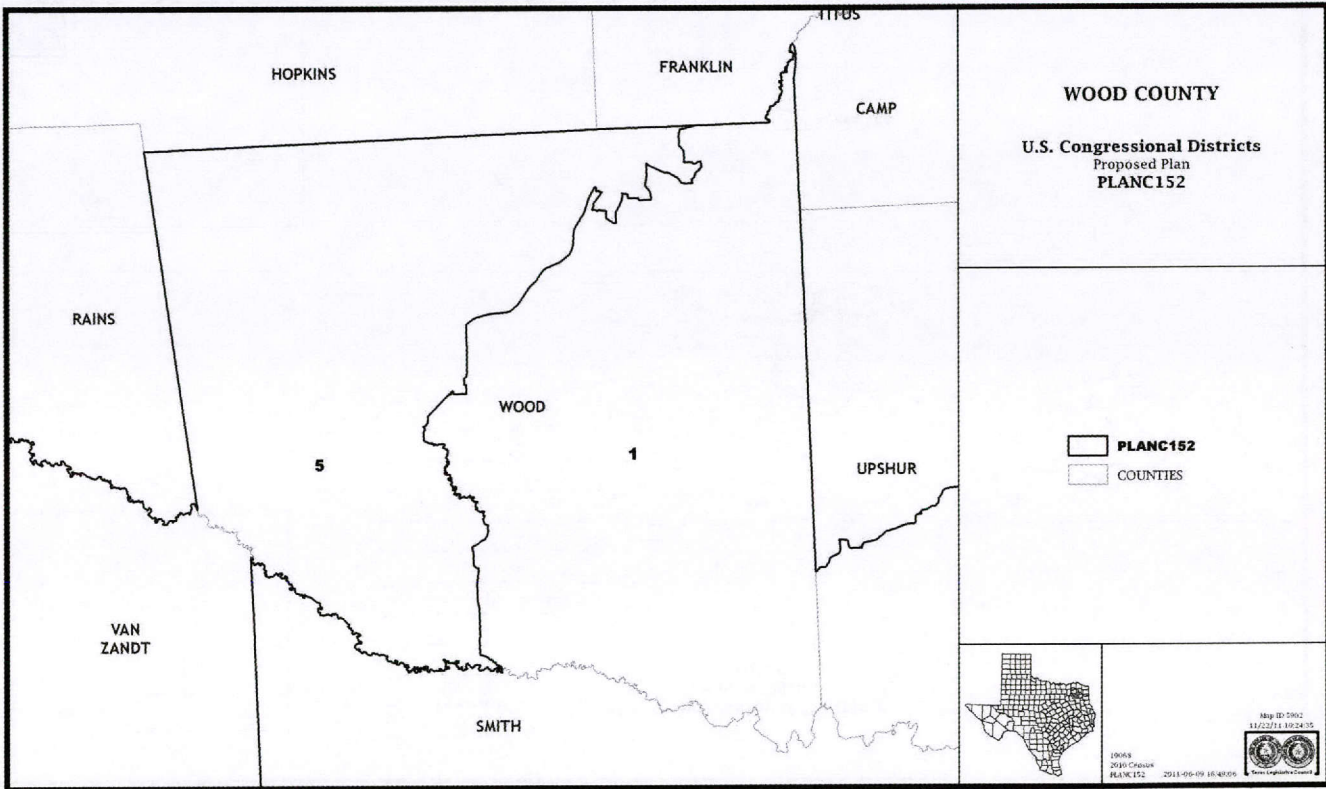


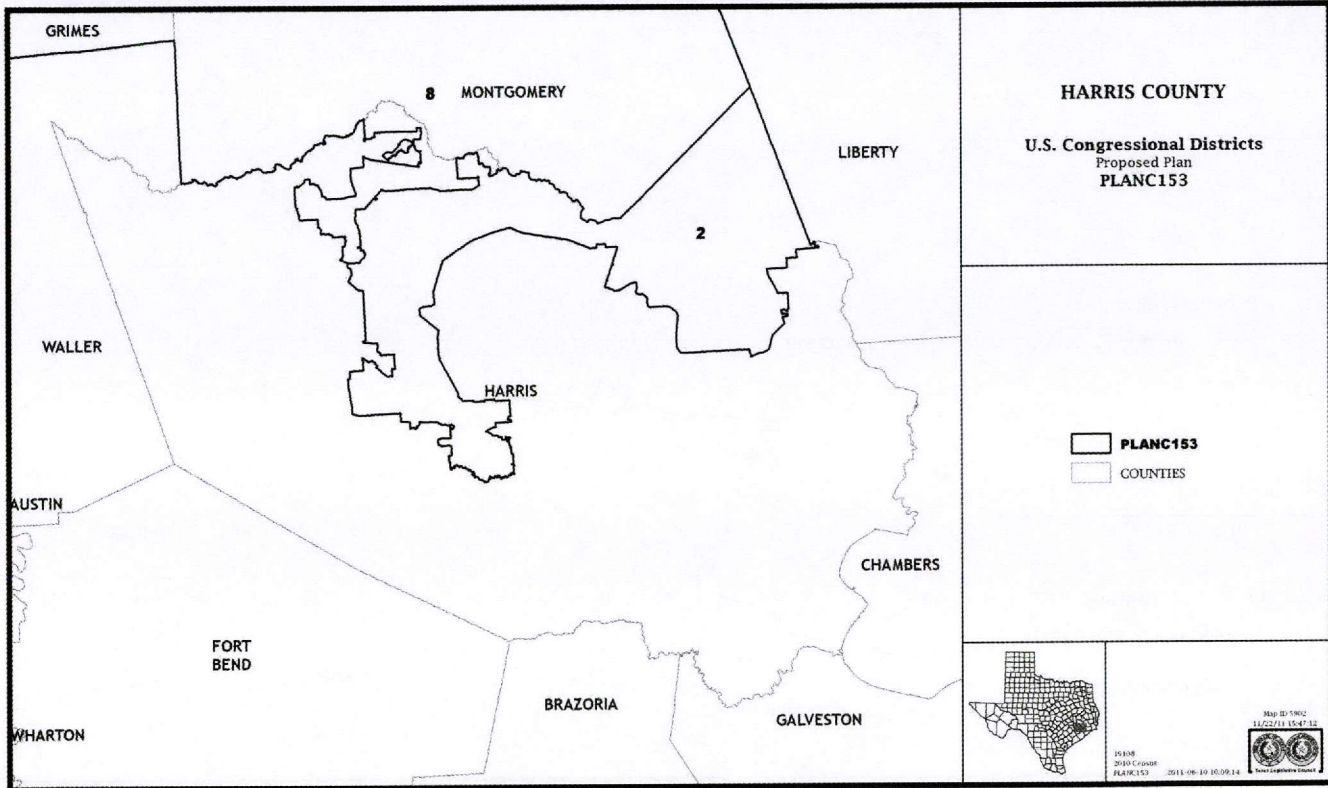
Amendment No. 4 (by Hughes)

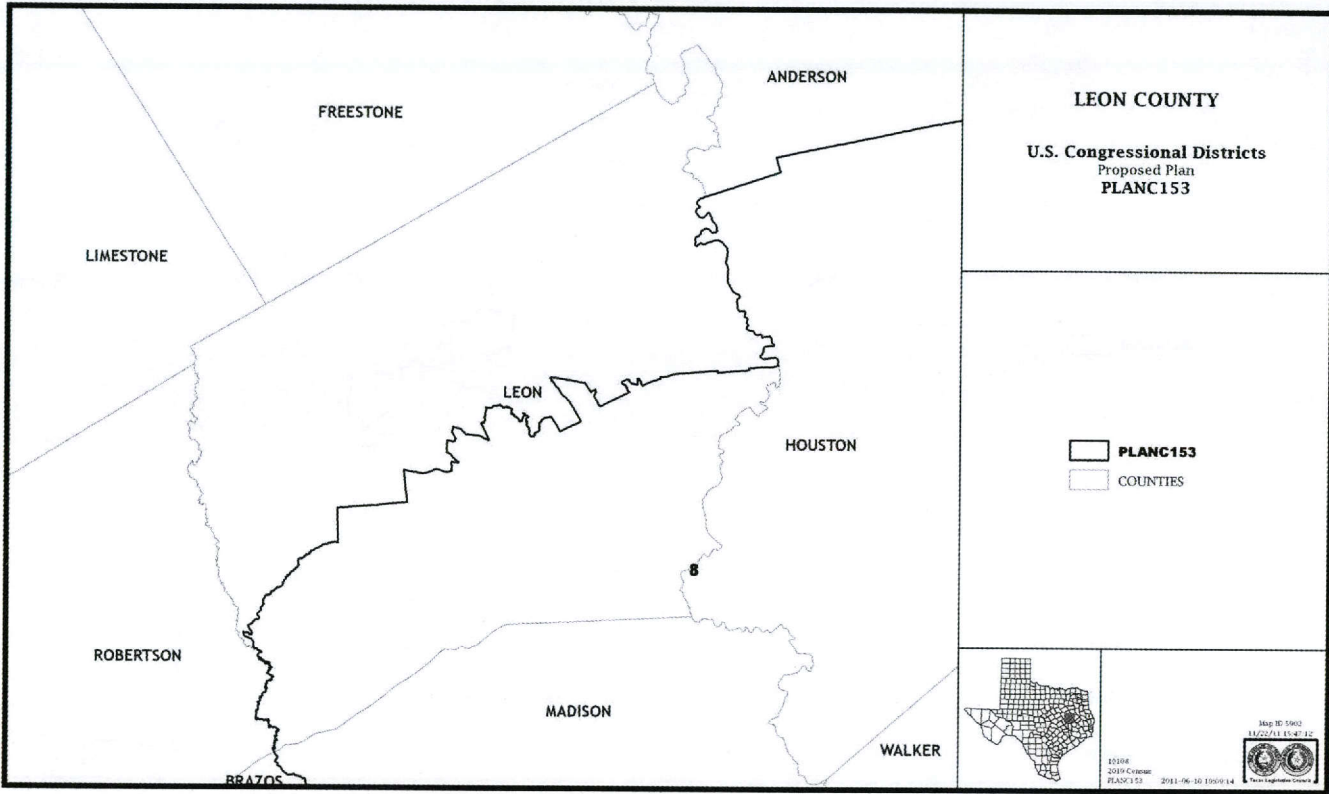




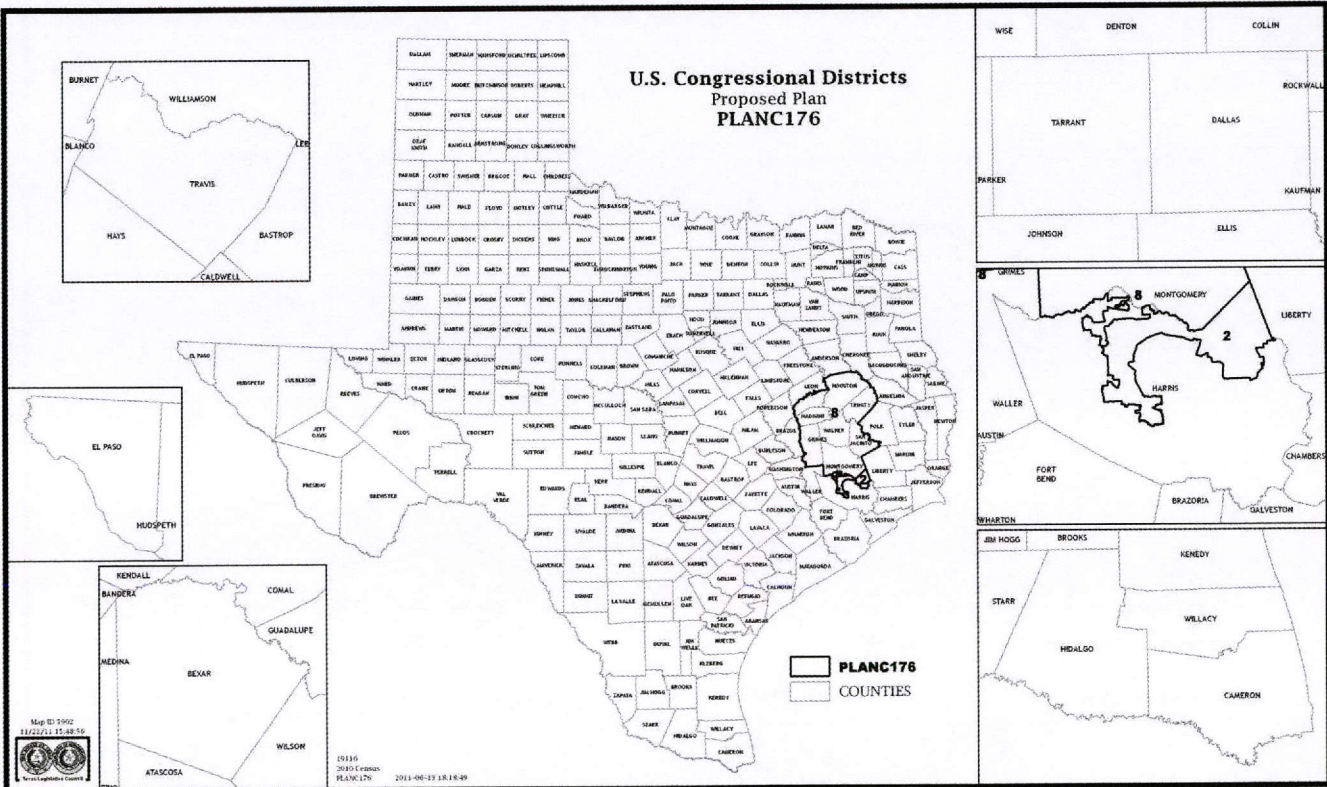


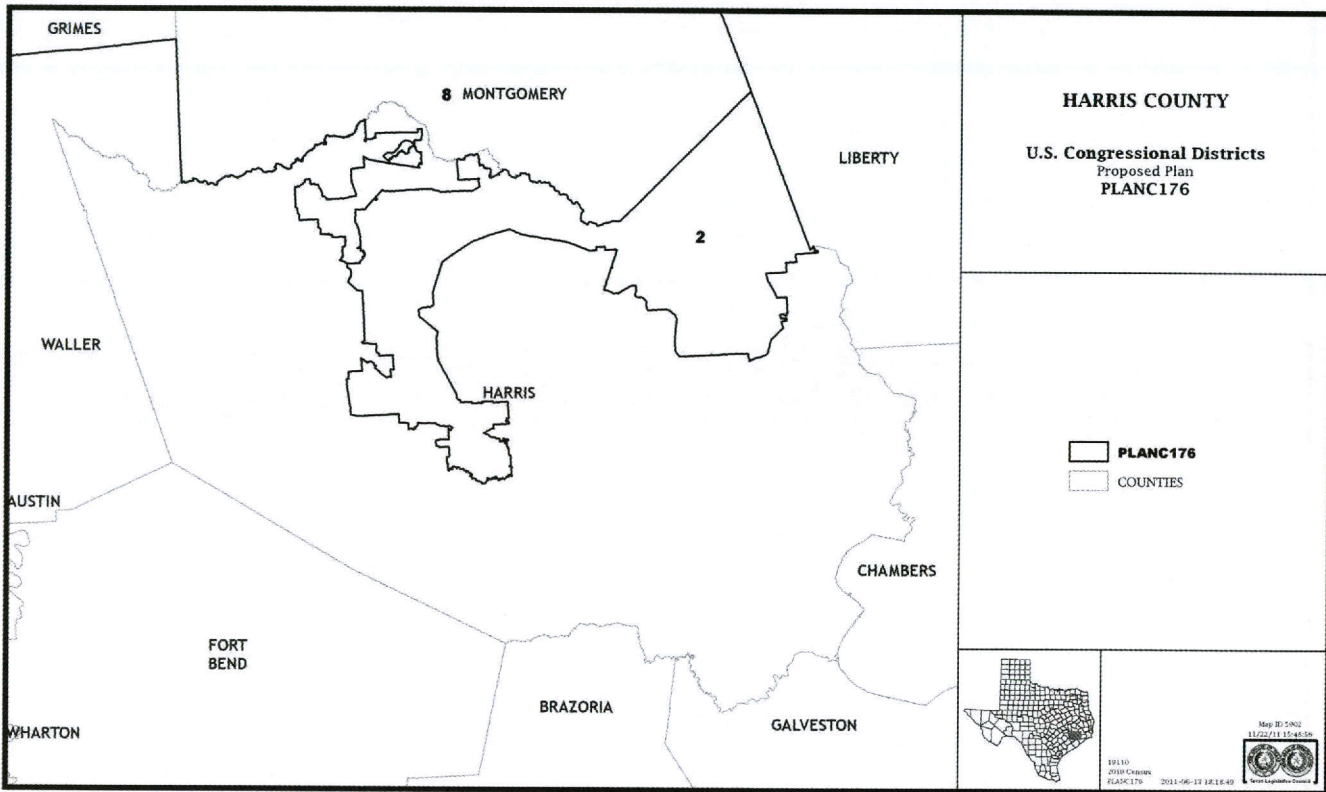


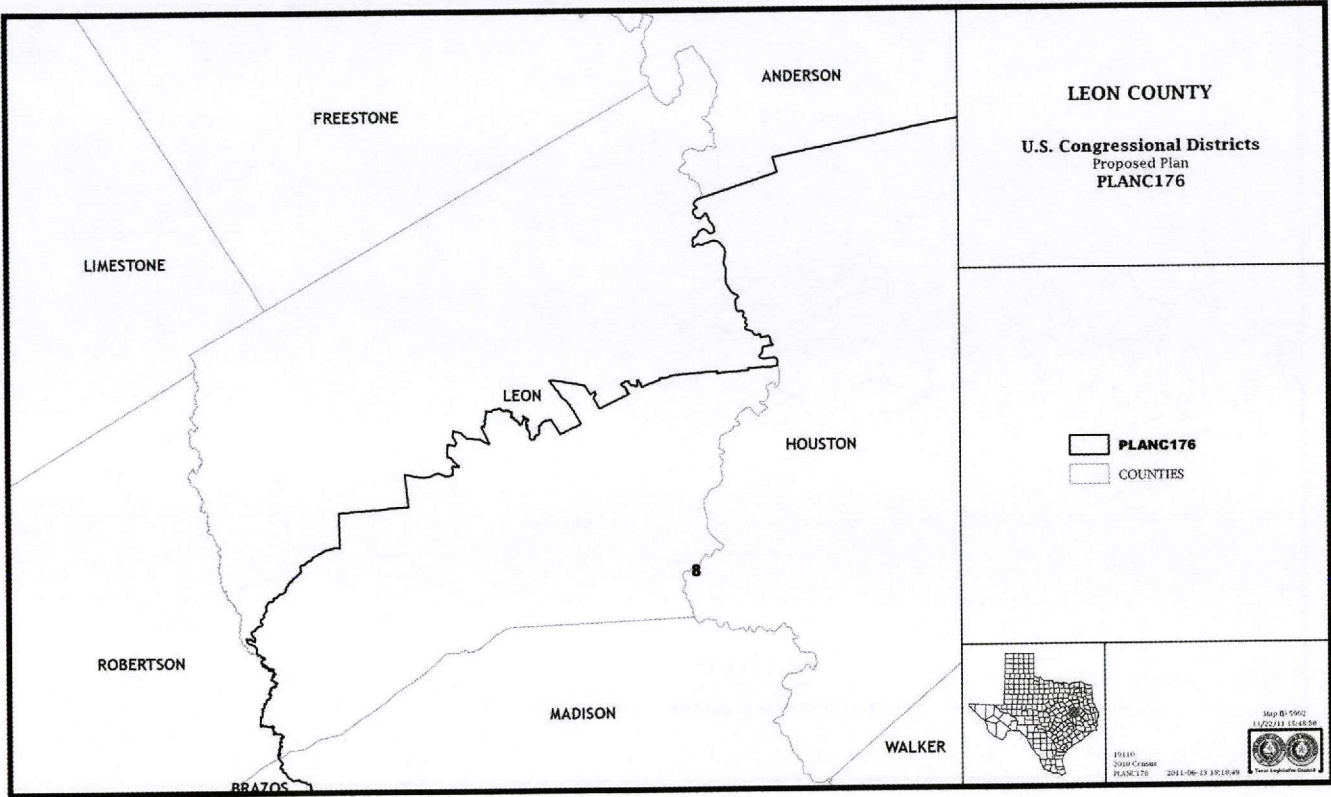




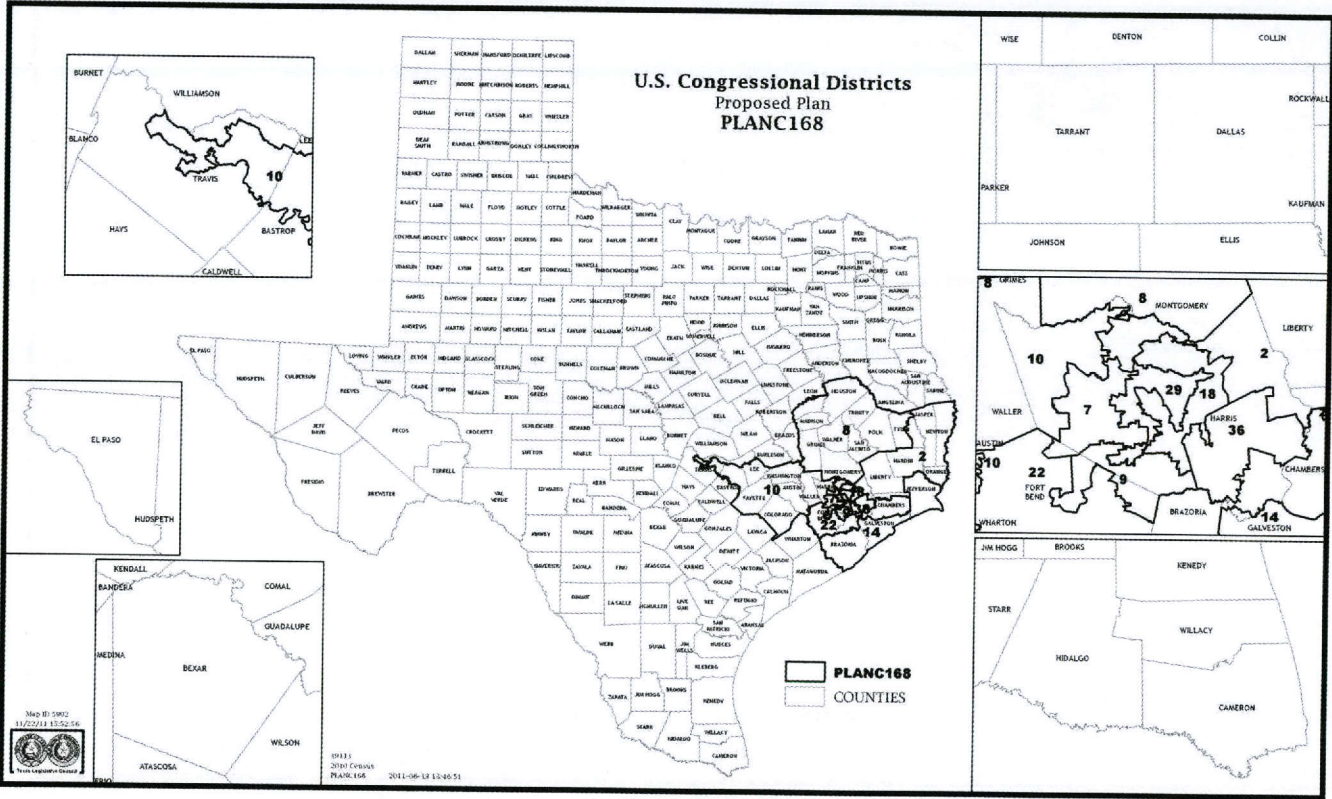
Amendment No. 6 (by Riddle)

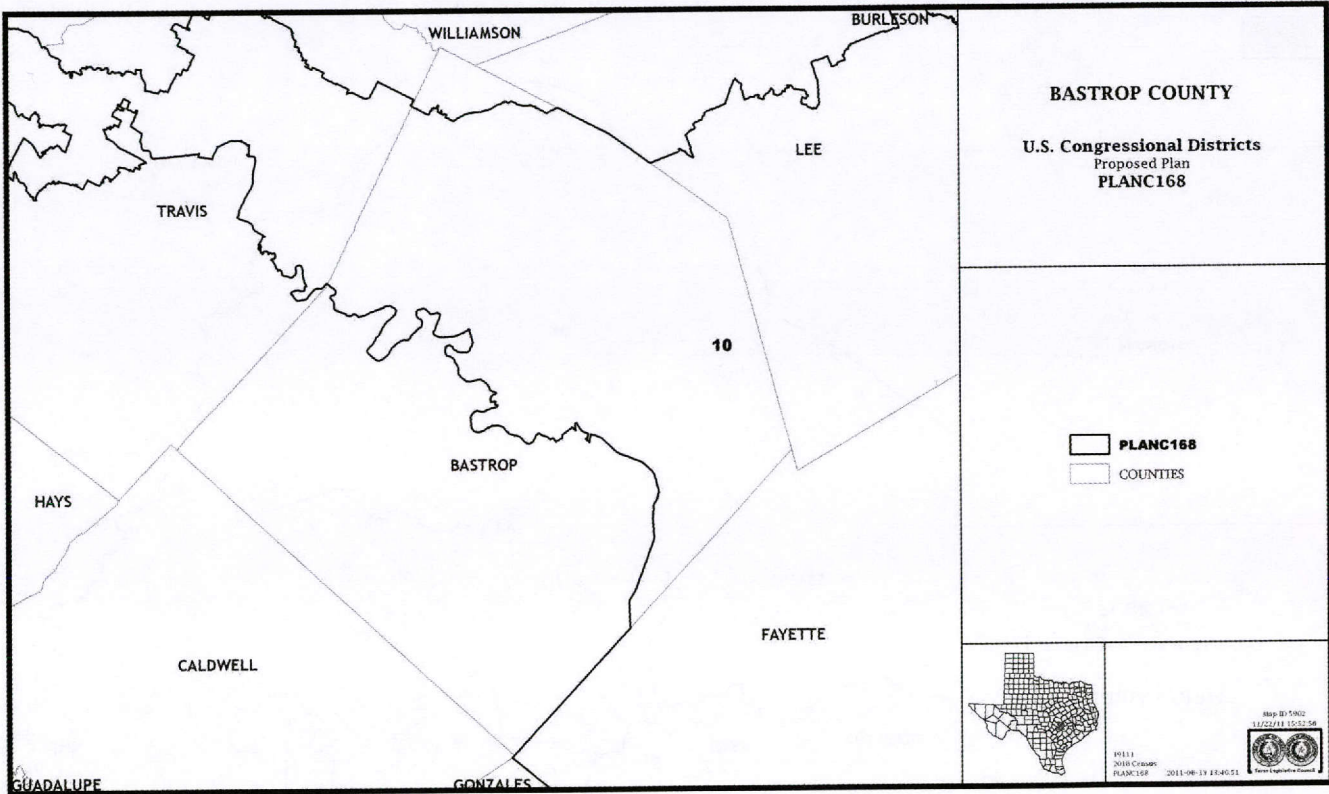


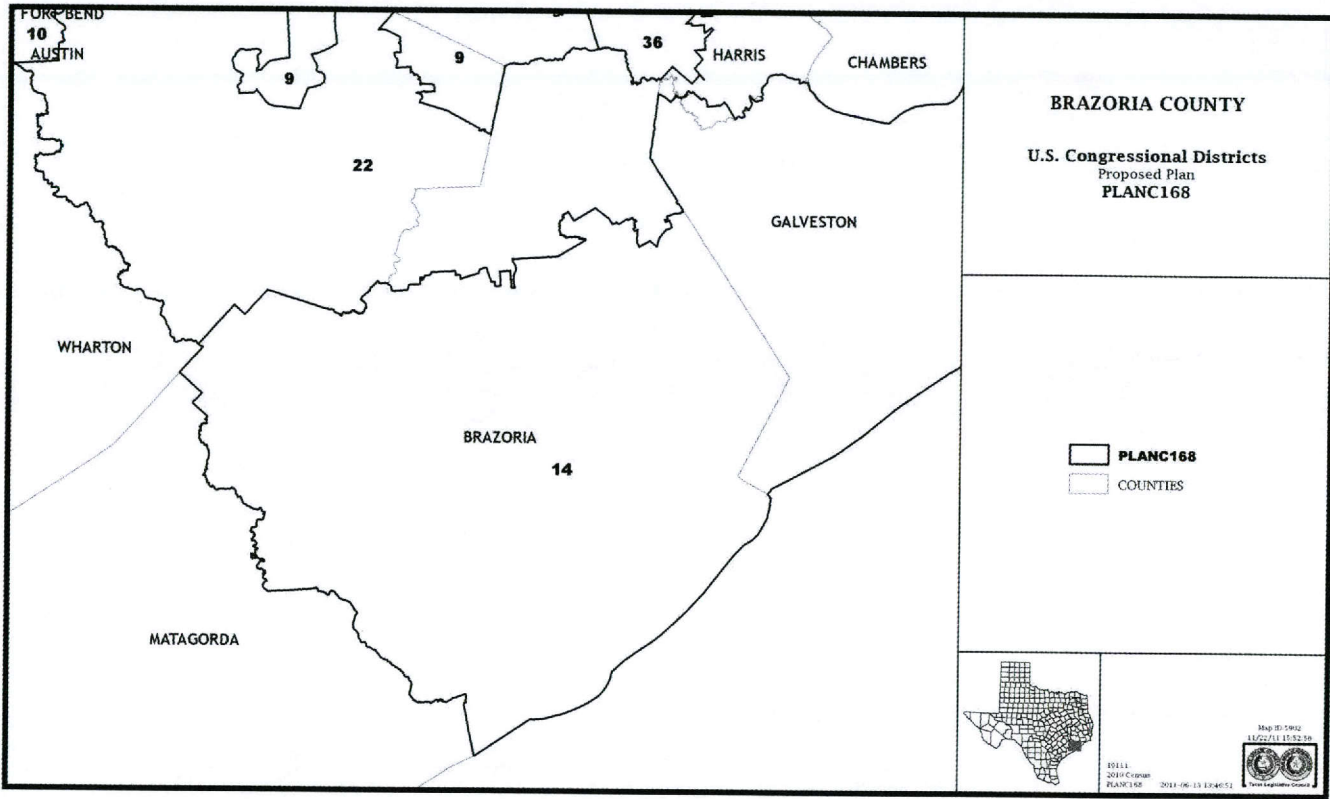


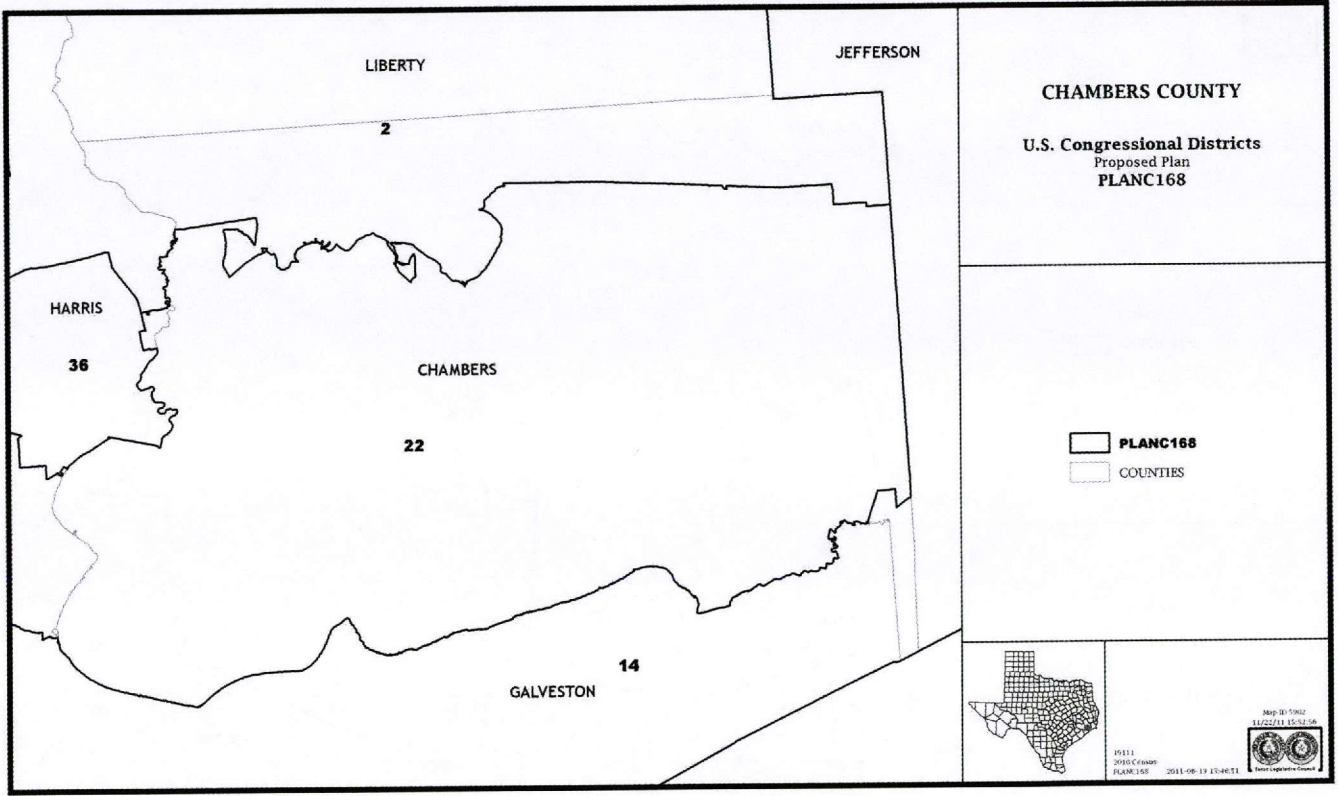


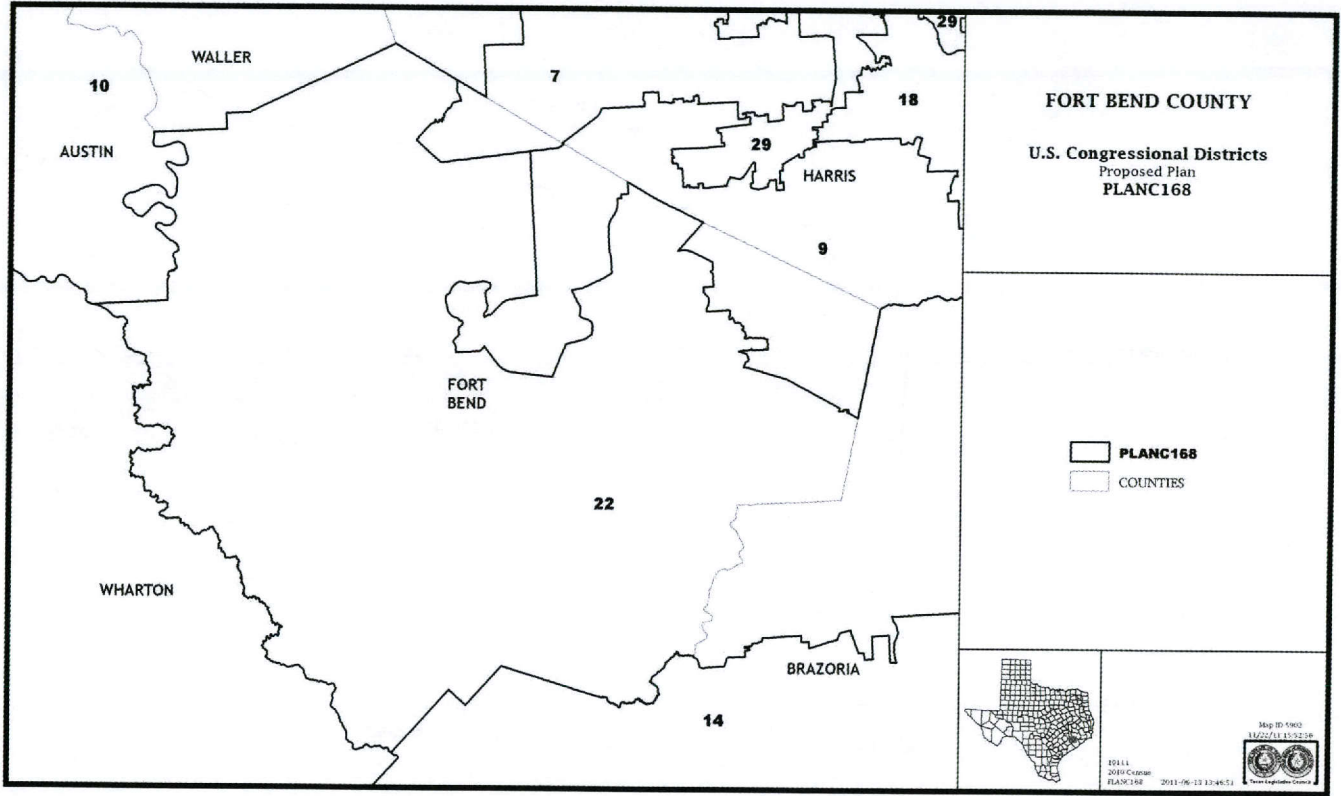
Amendment No. 7 (by Alvarado)

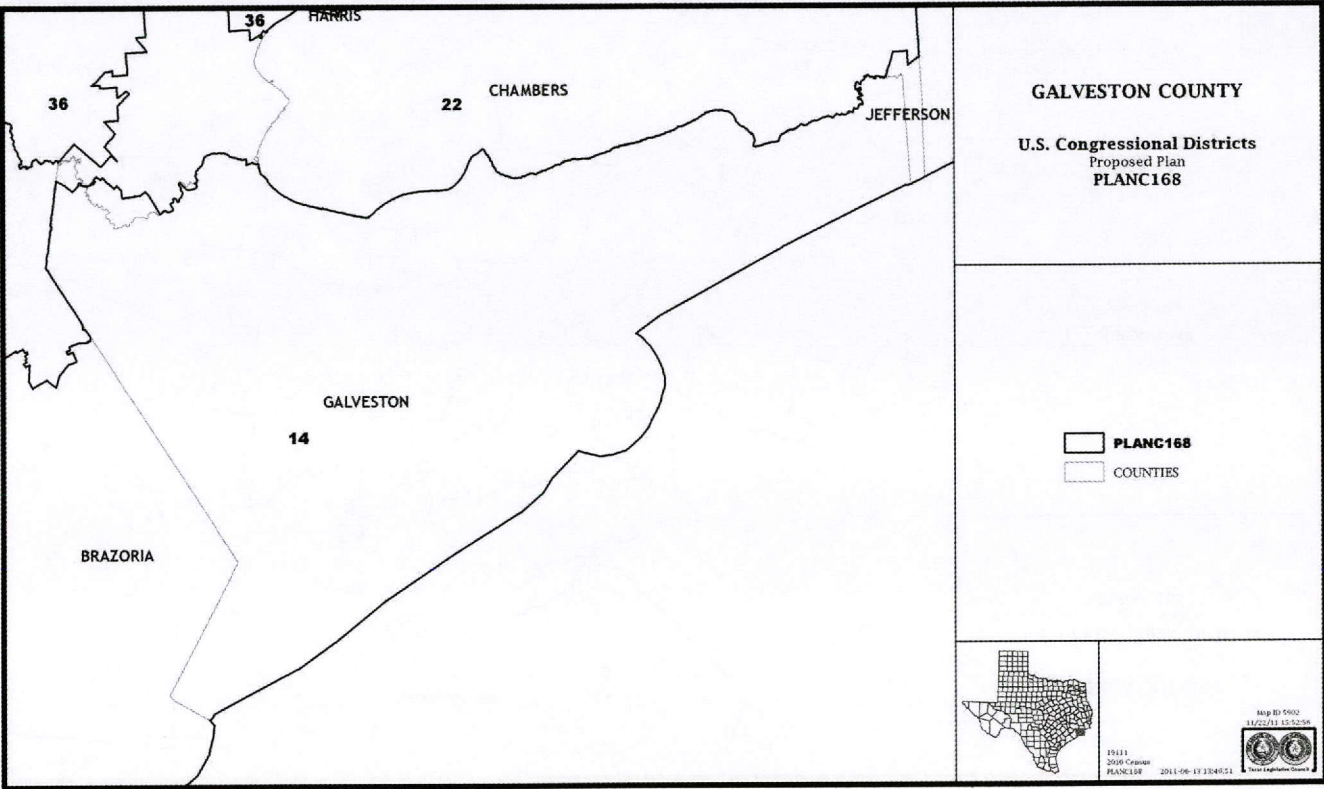


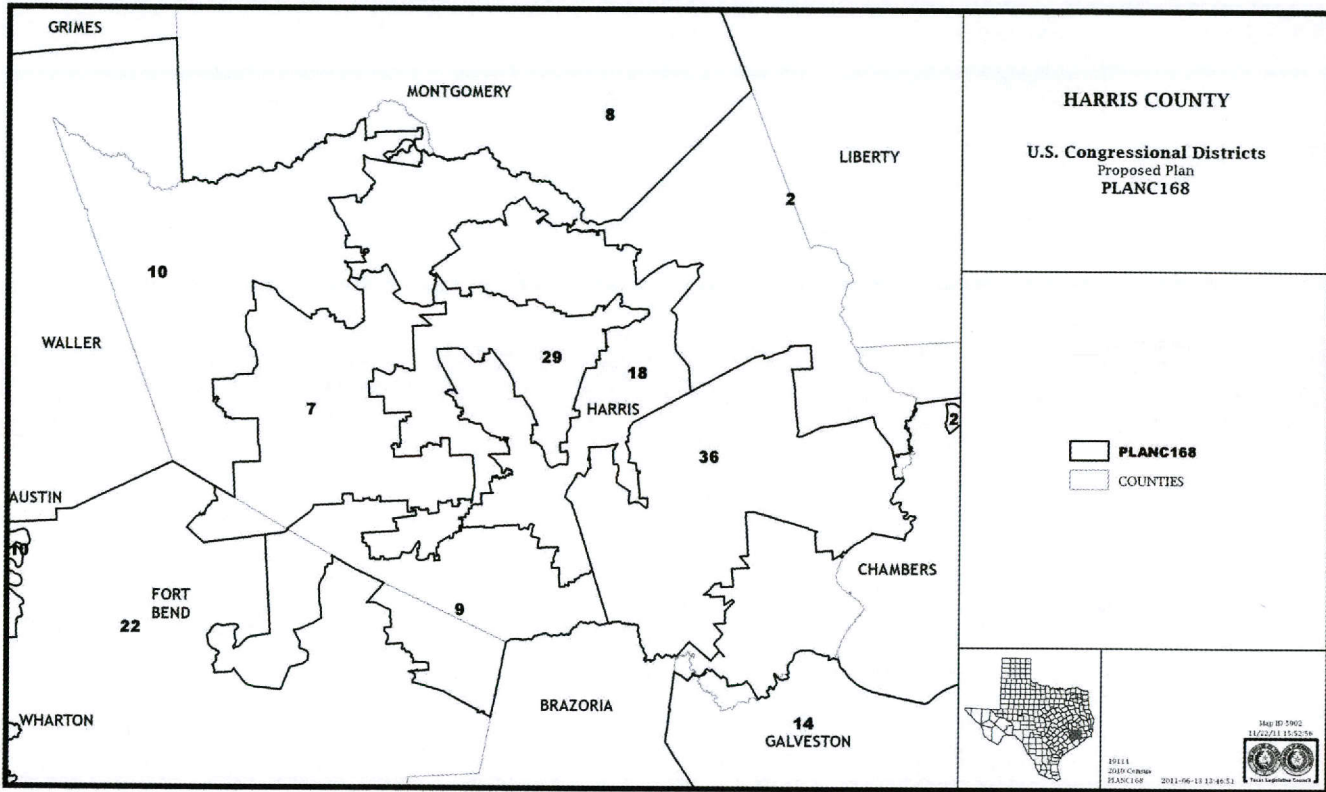


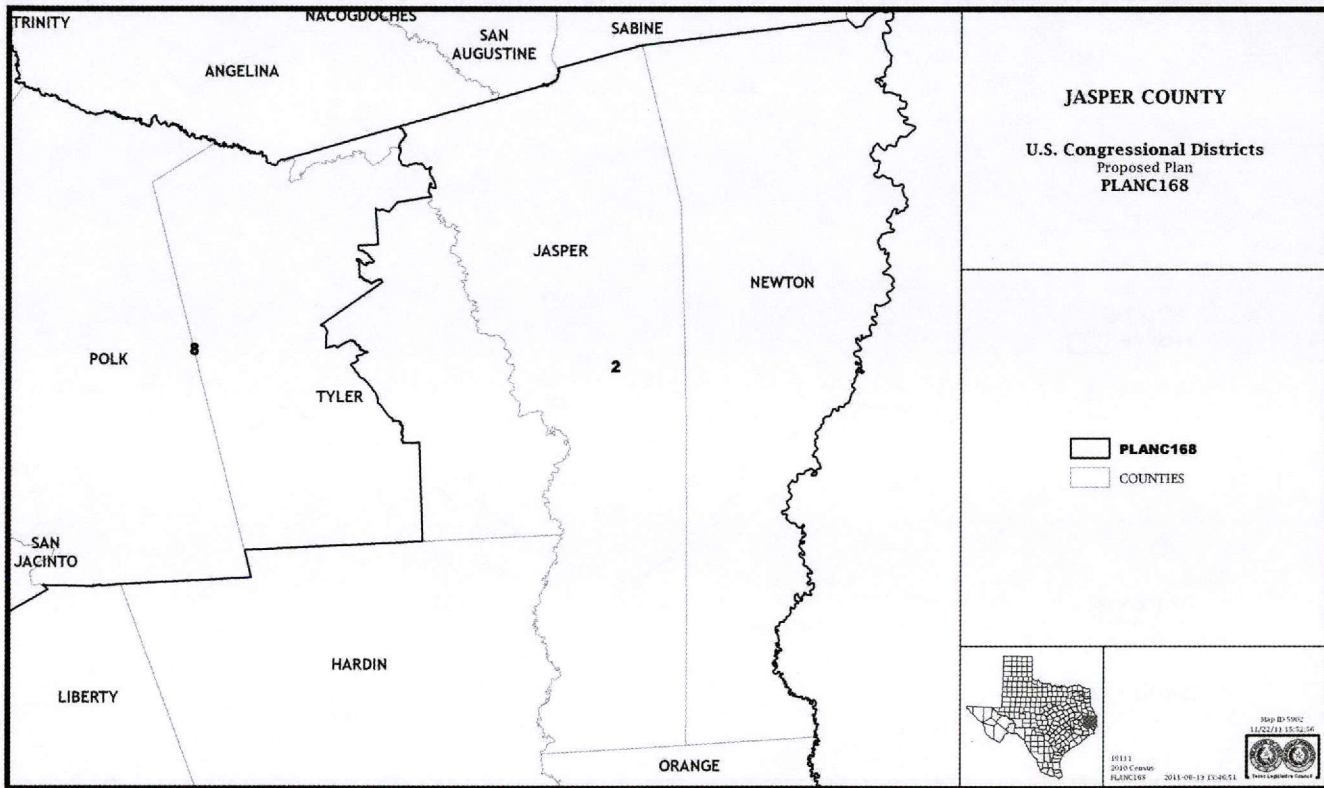


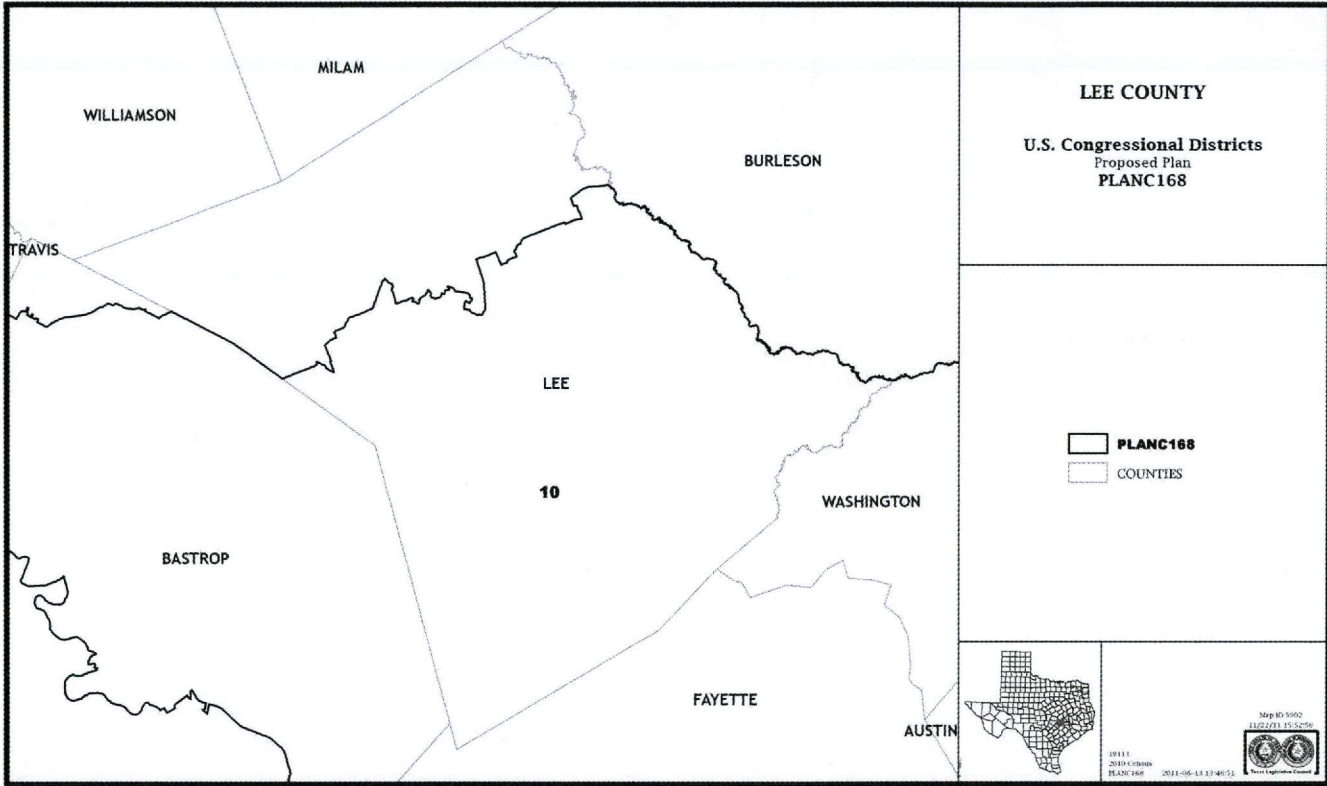


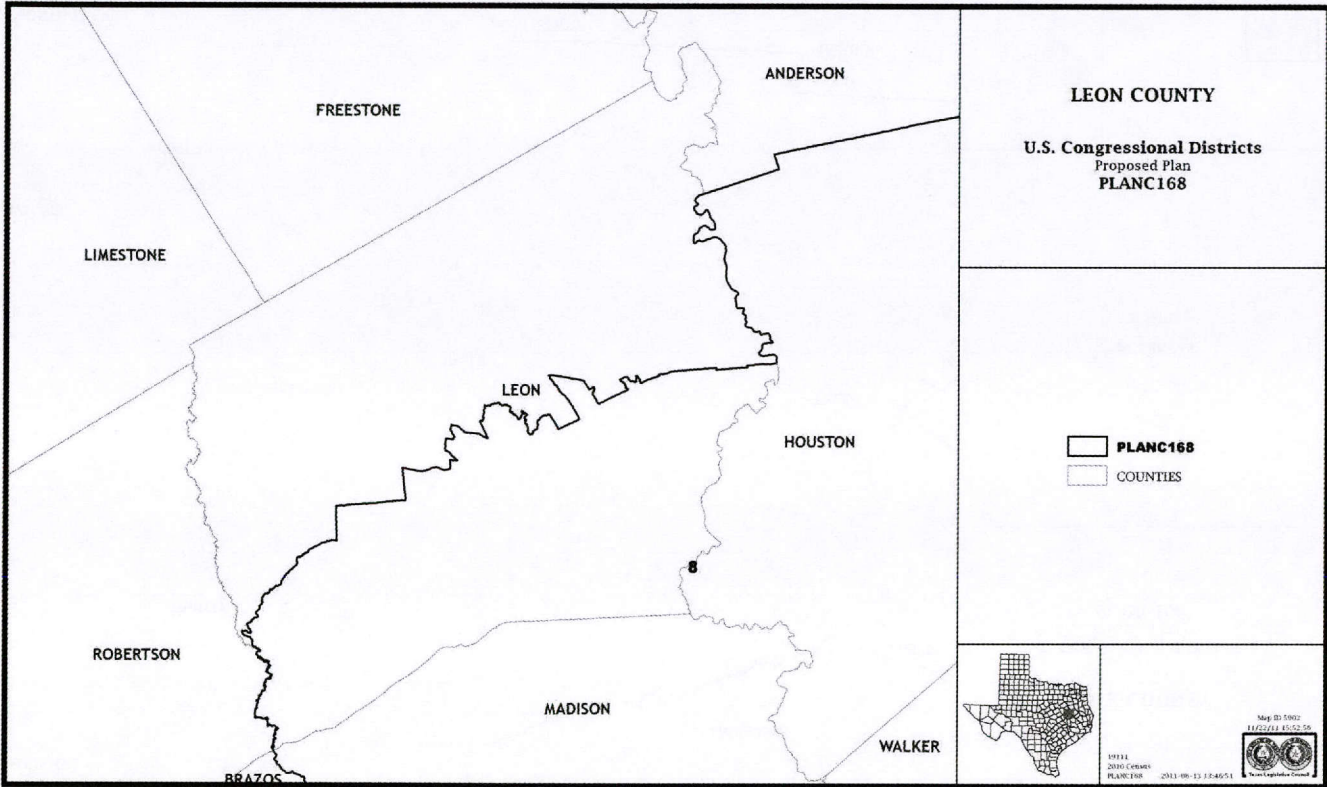


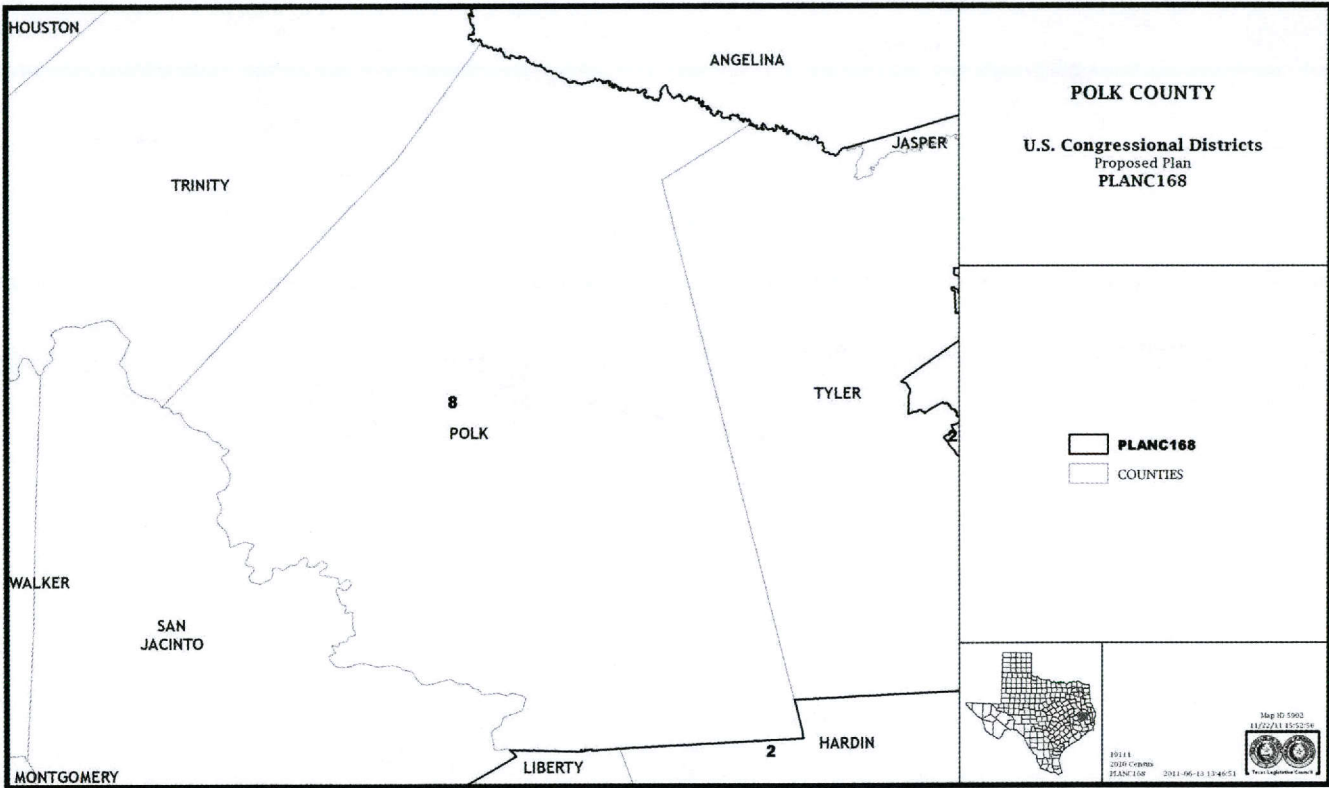


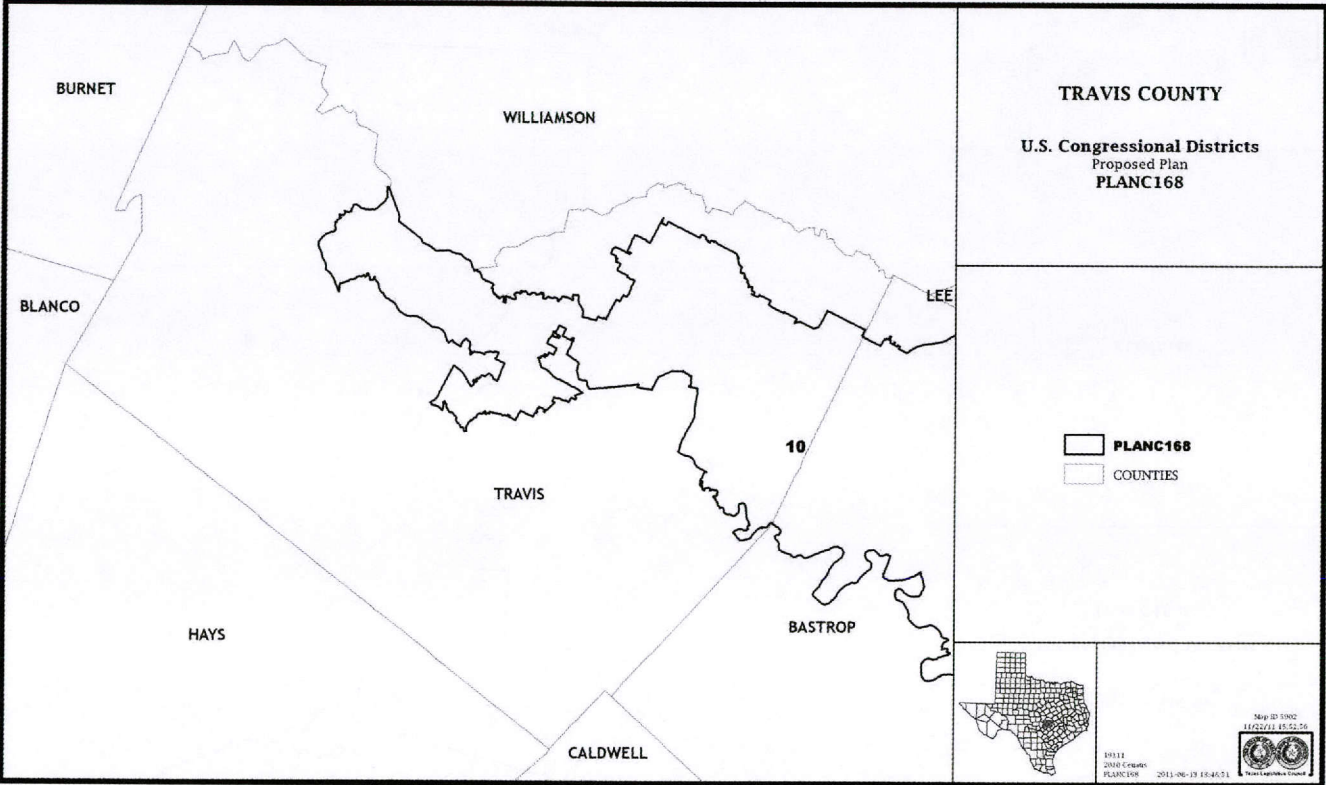


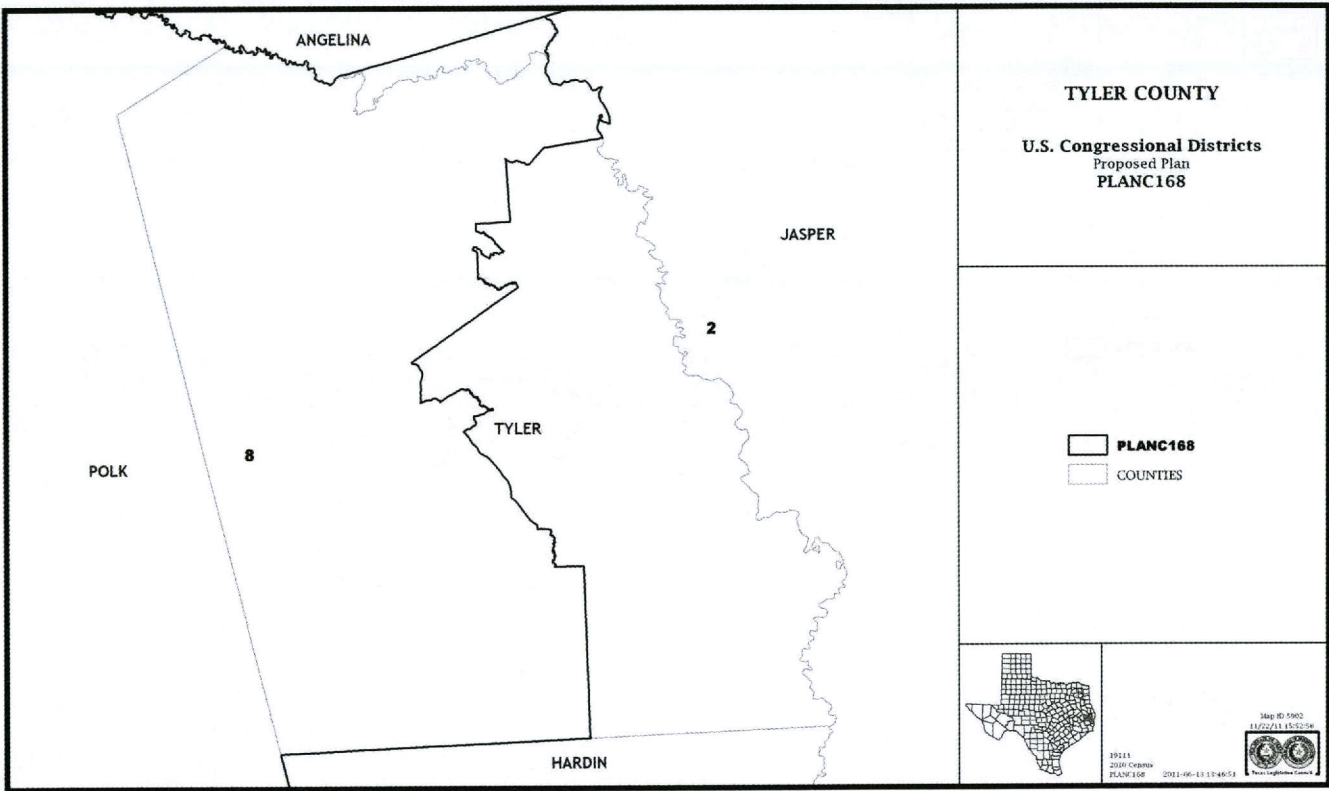




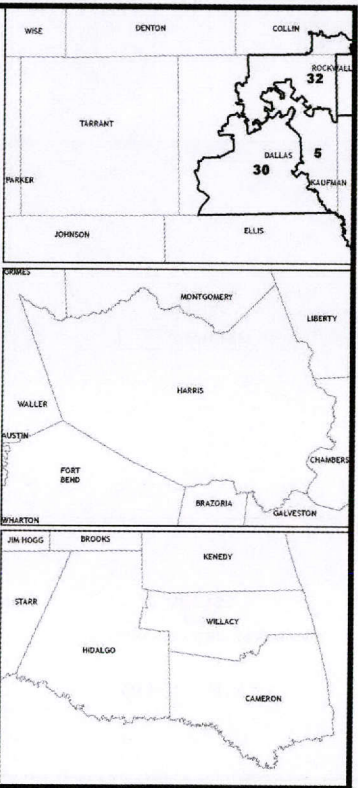




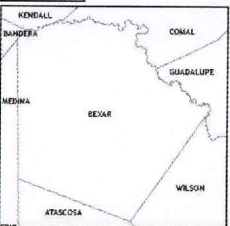
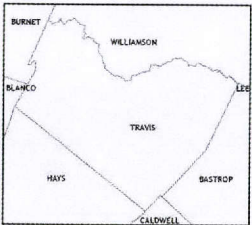
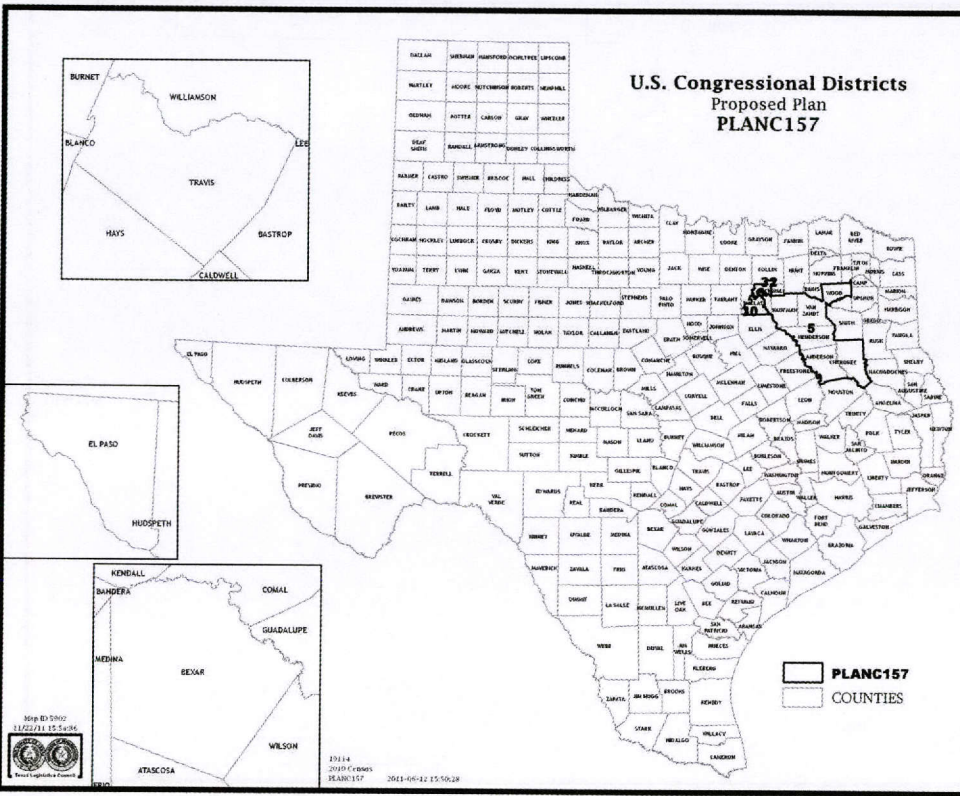




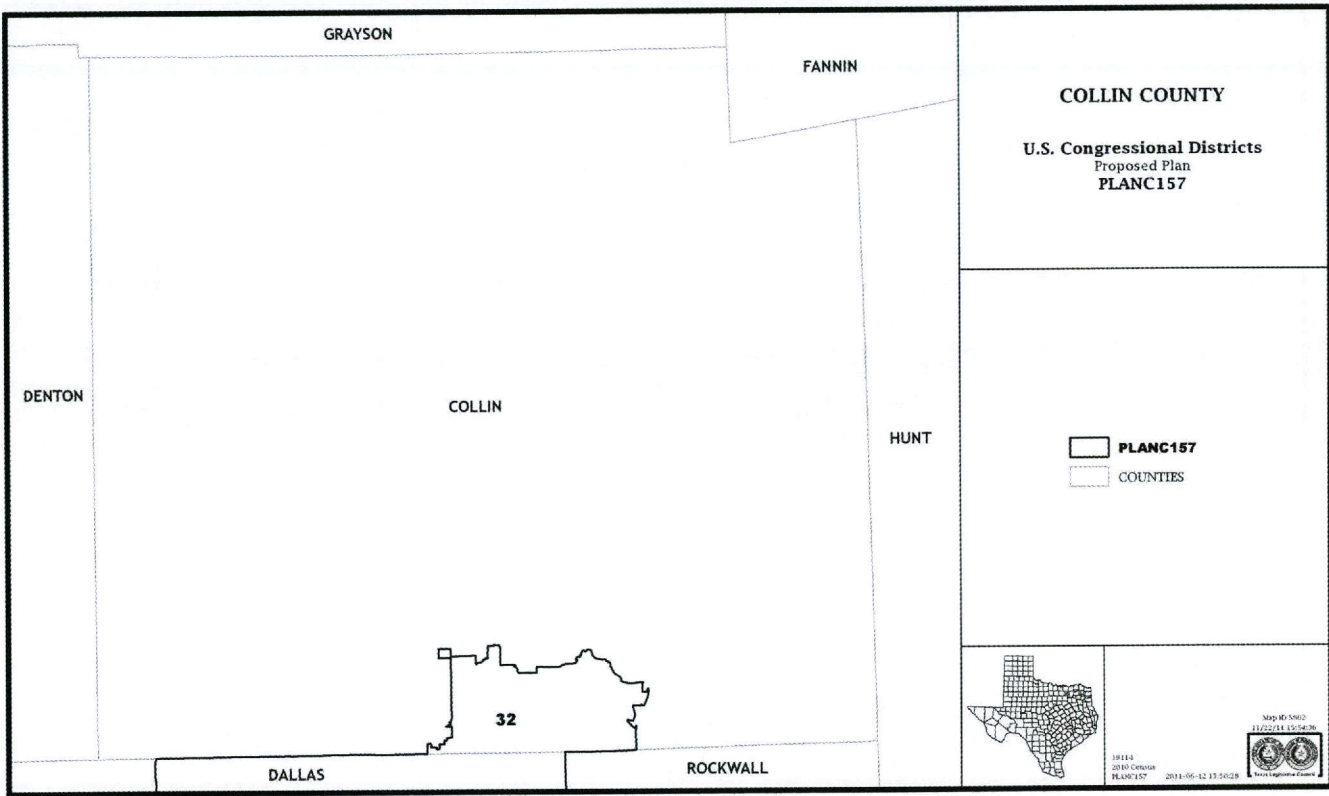
Amendment No. 8 (by Johnson)

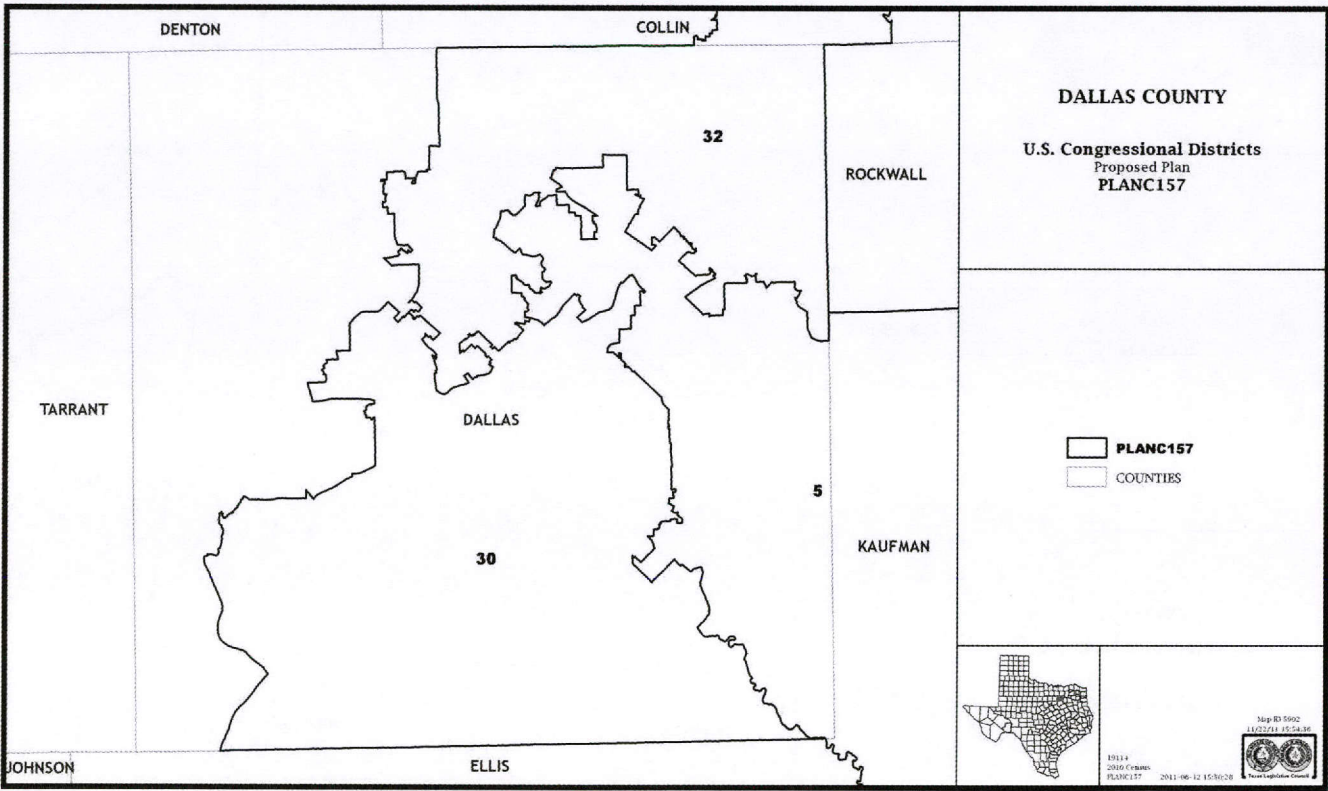


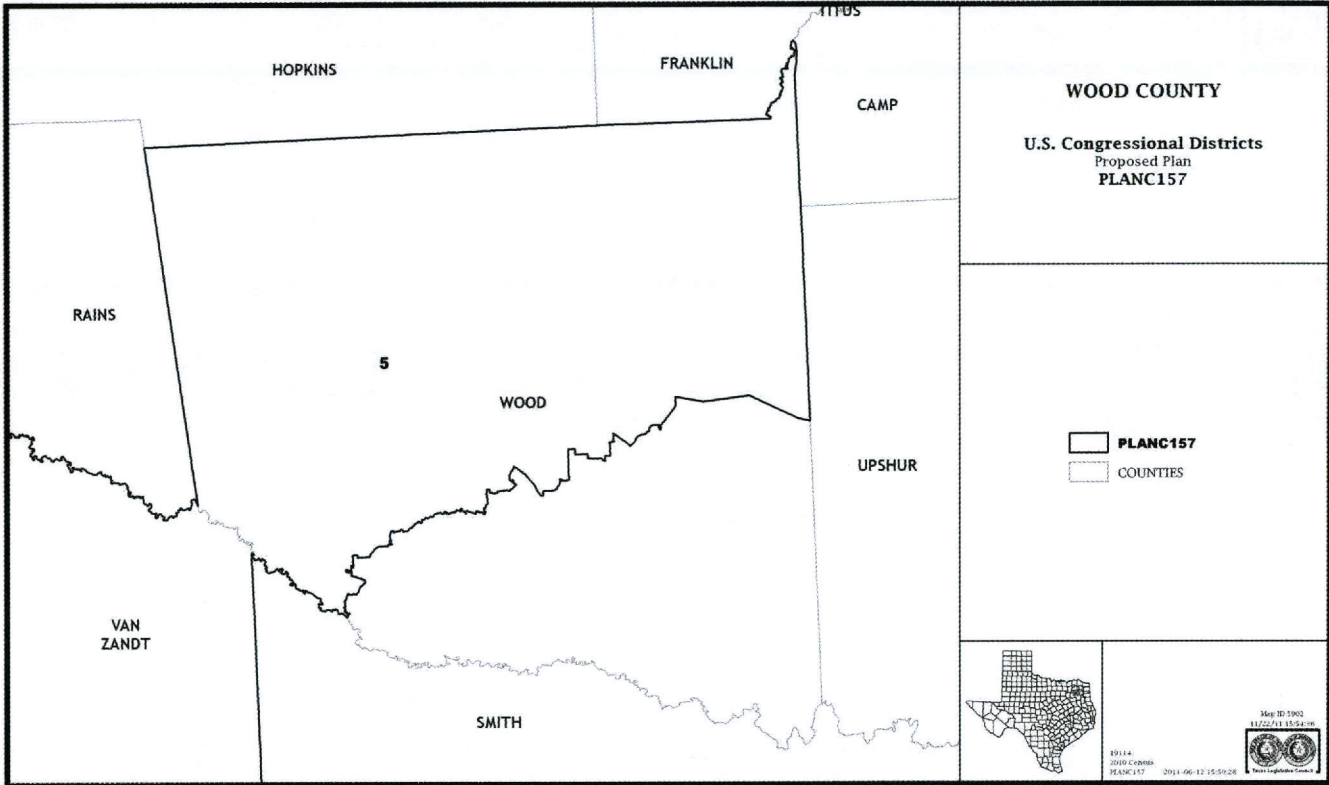
U.S. Congressional Districts Proposed Plan PLANC157



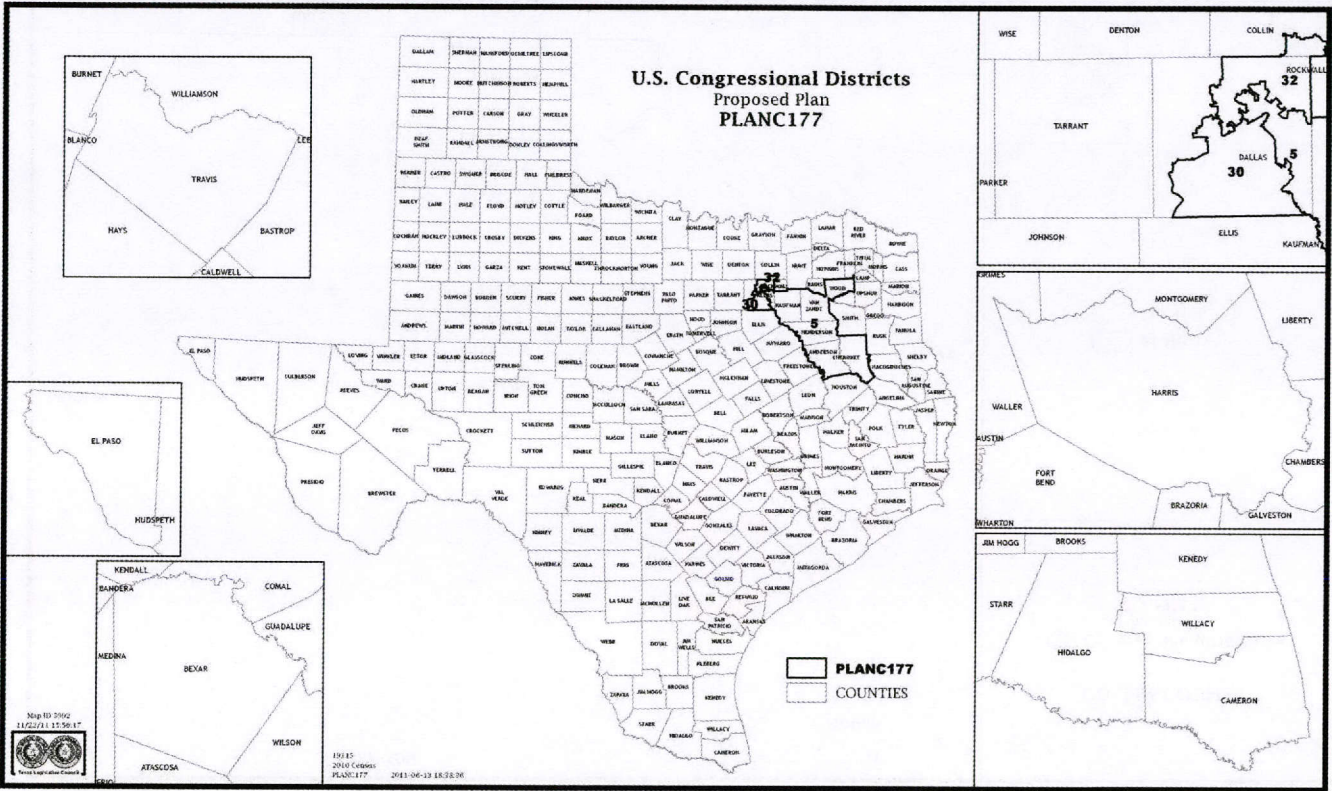
25114
2010 Census
PLANC157 2011-06-12 15:56:28

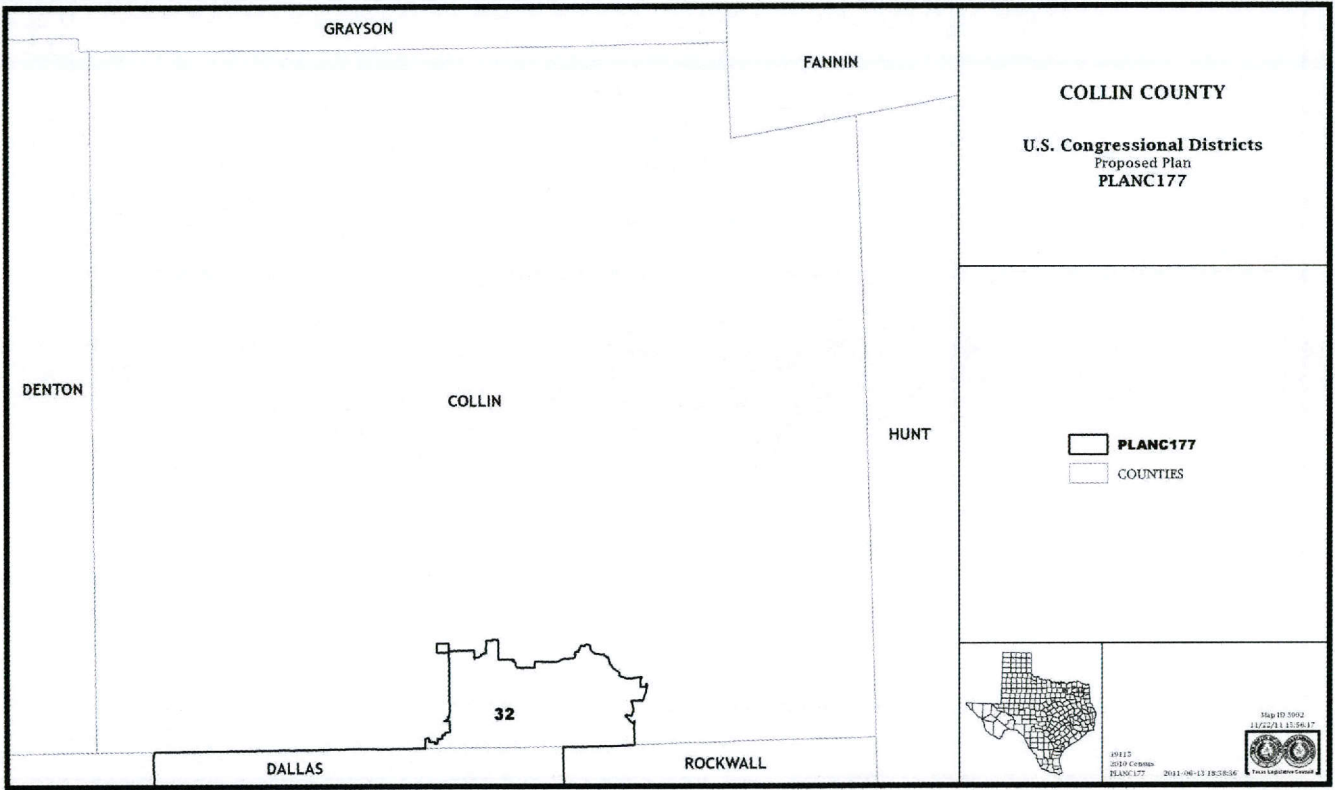


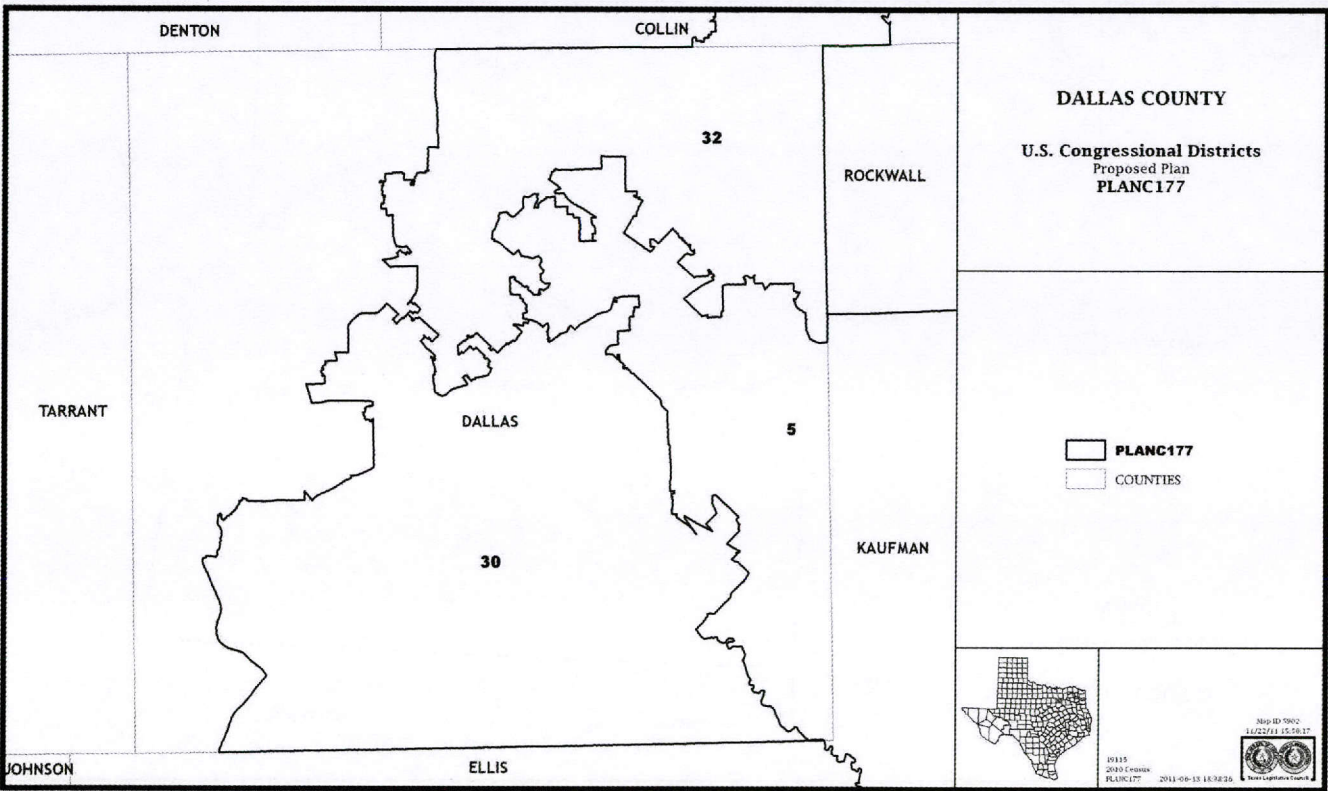


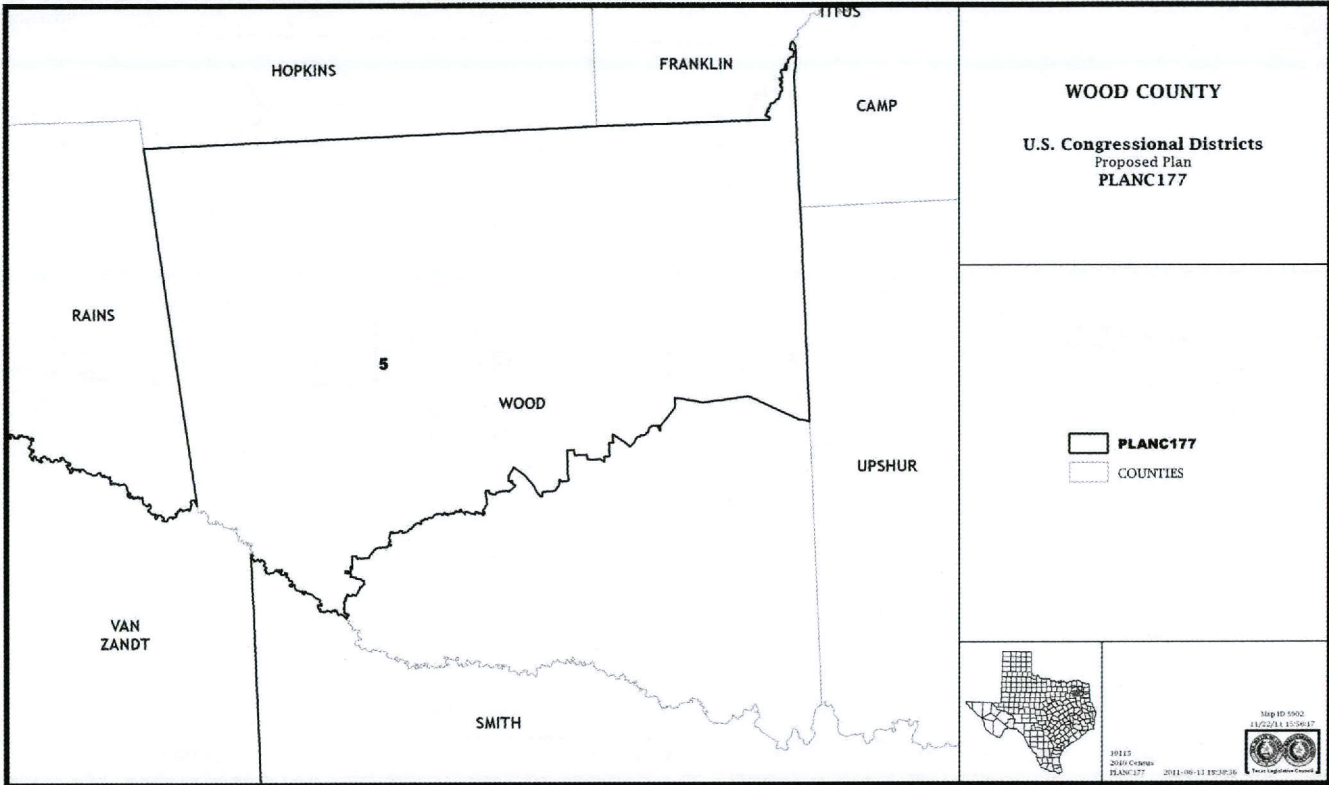


Amendment No. 9 (by Johnson)

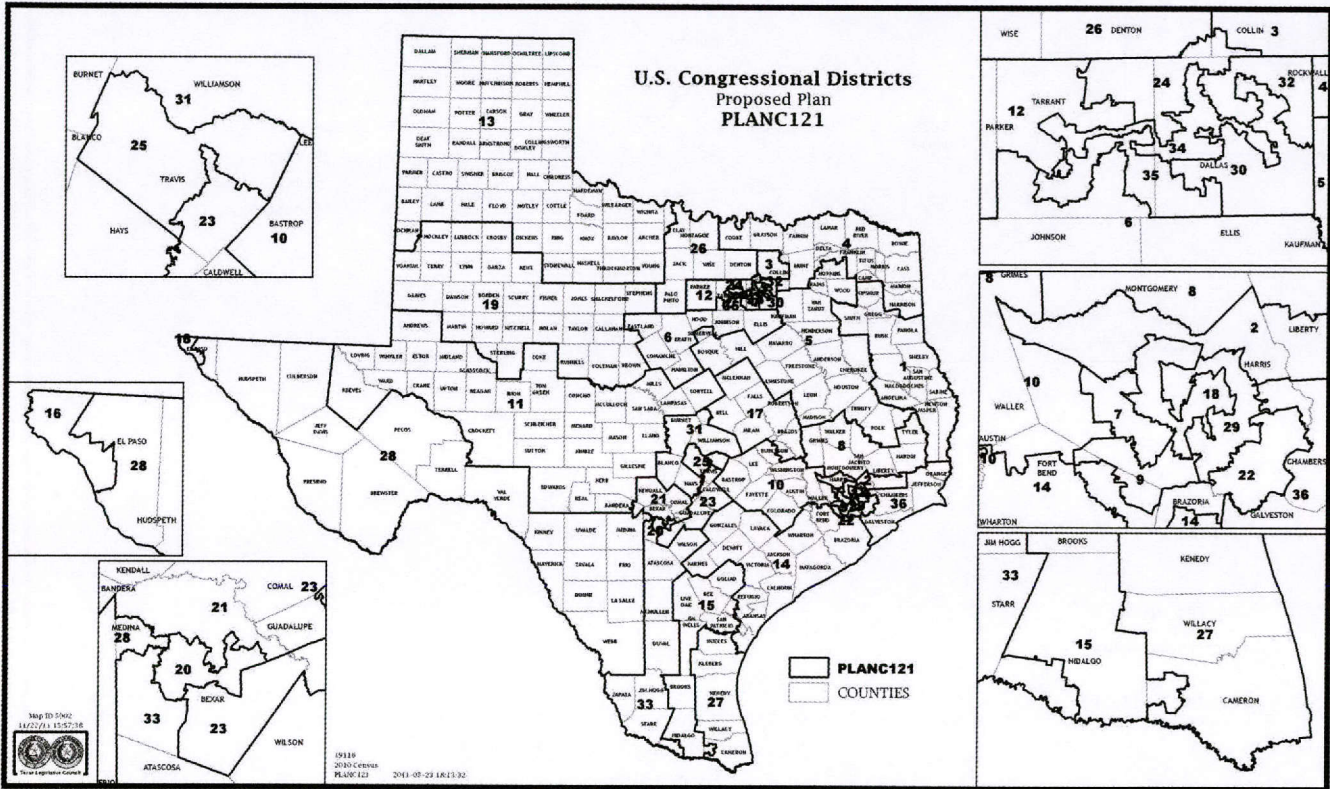


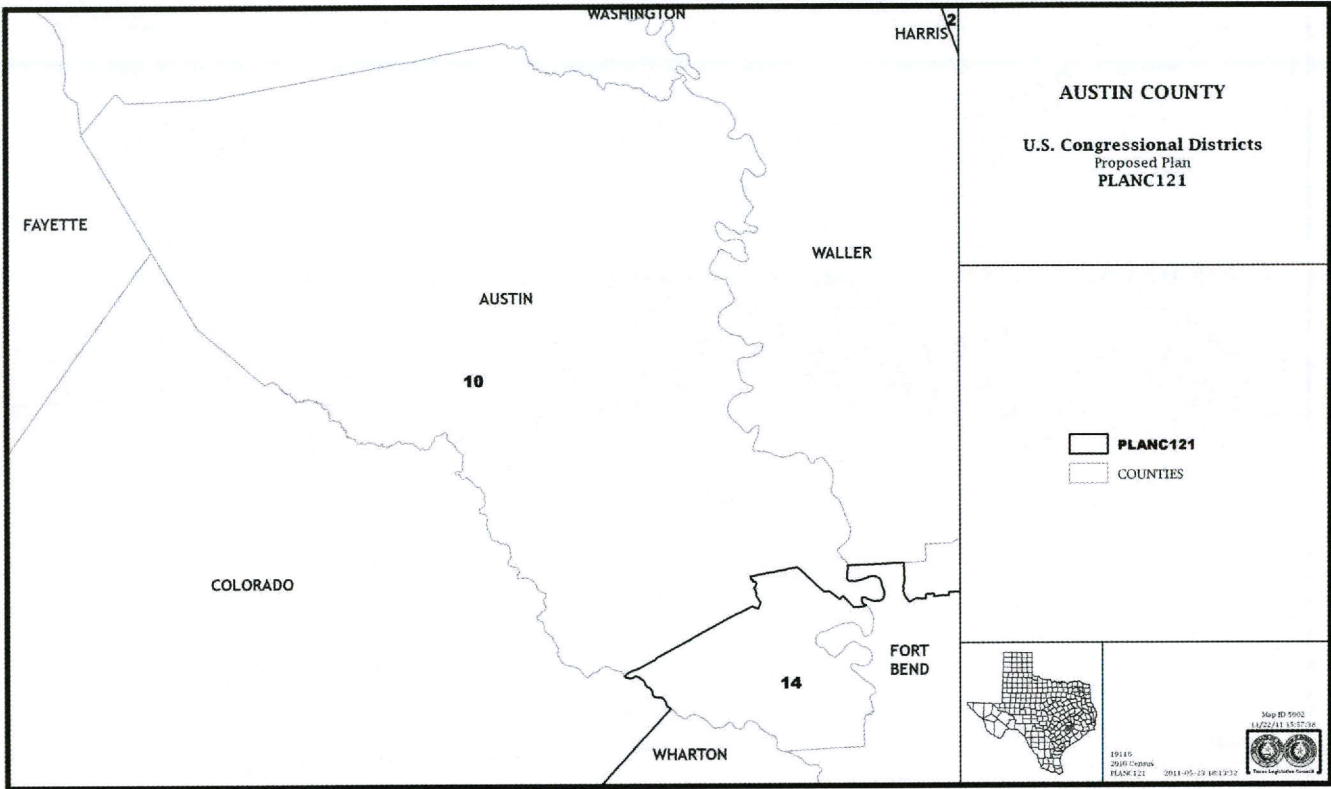


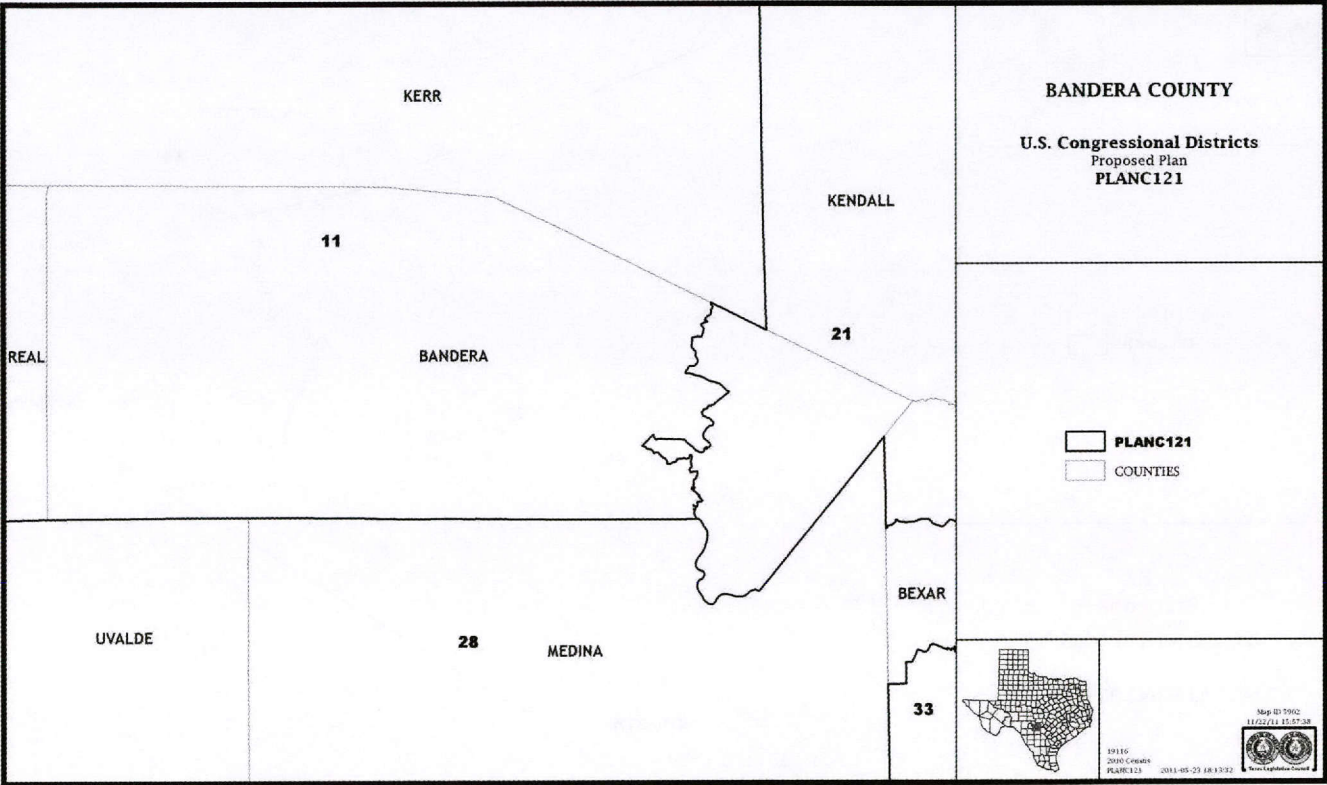


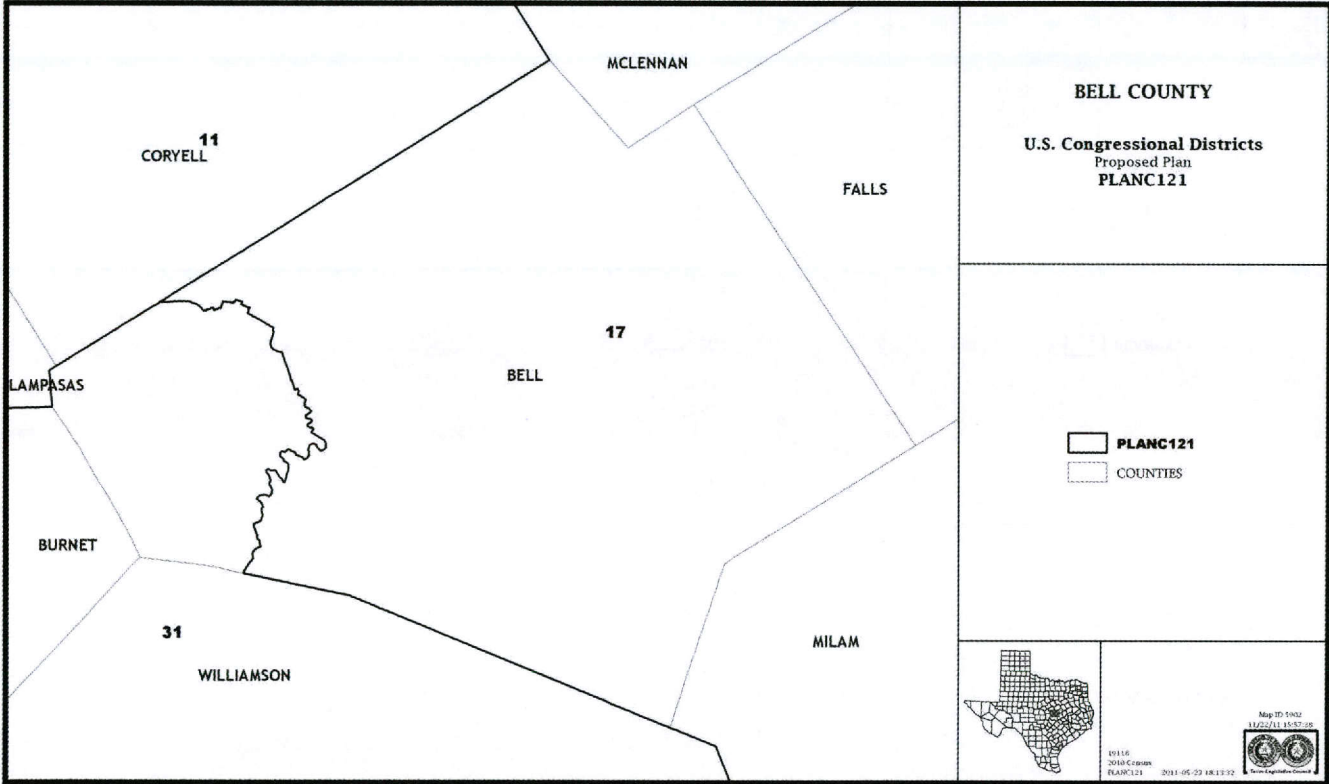


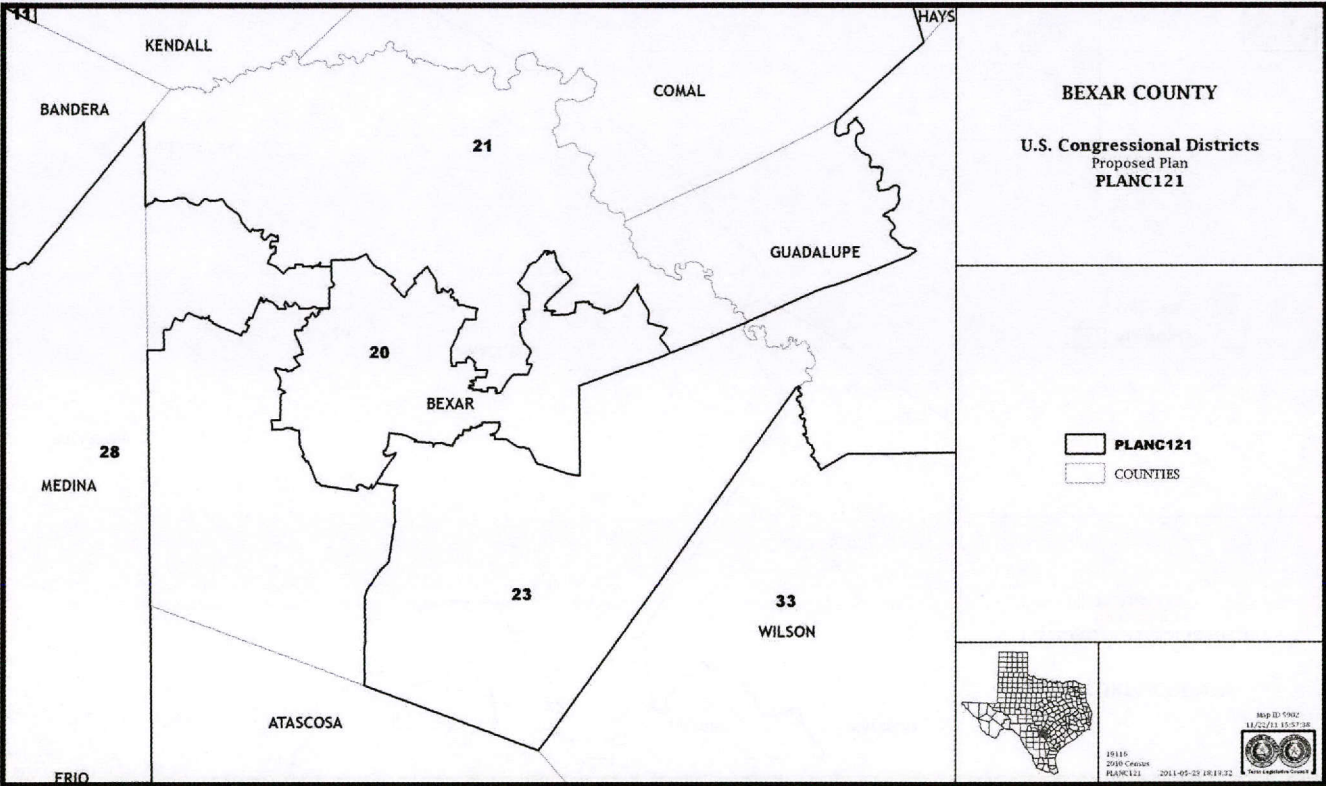
Amendment No. 10 (by Yeasey)

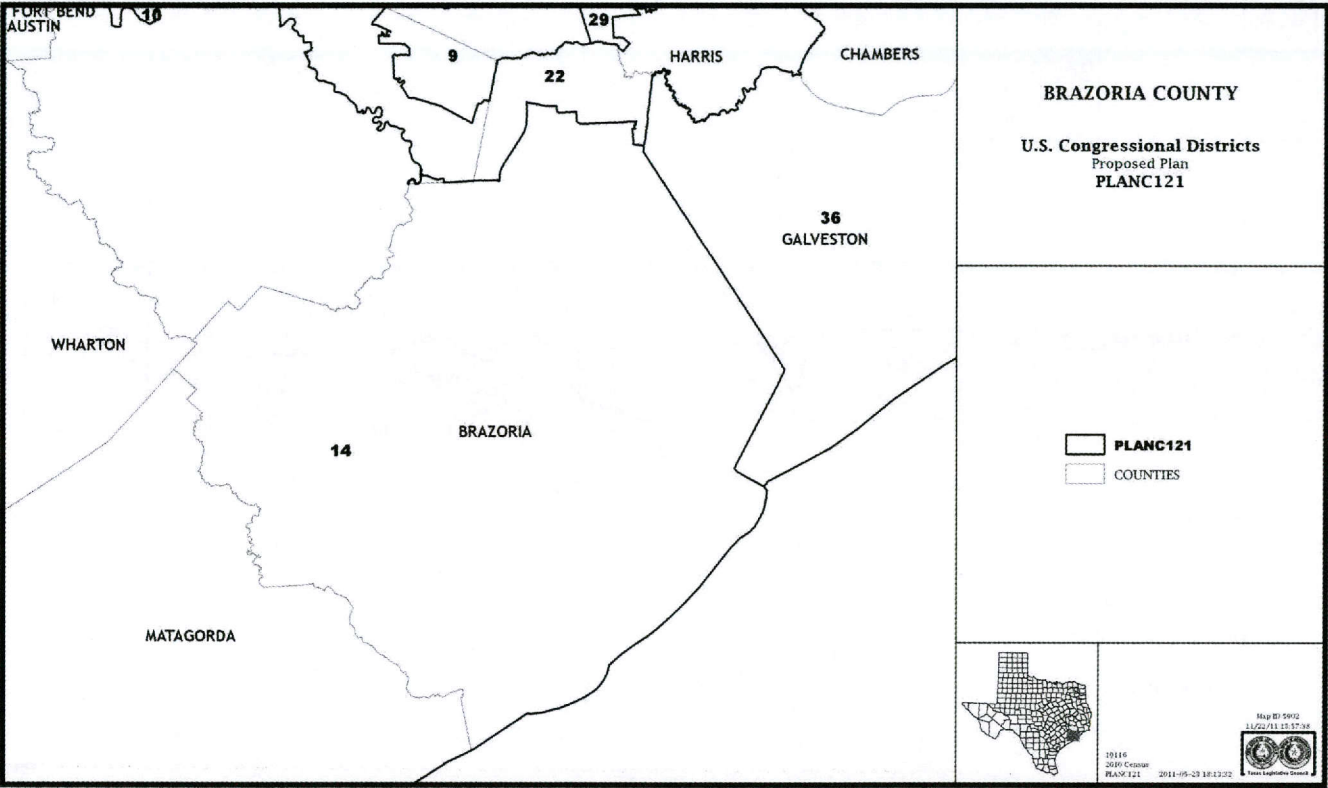


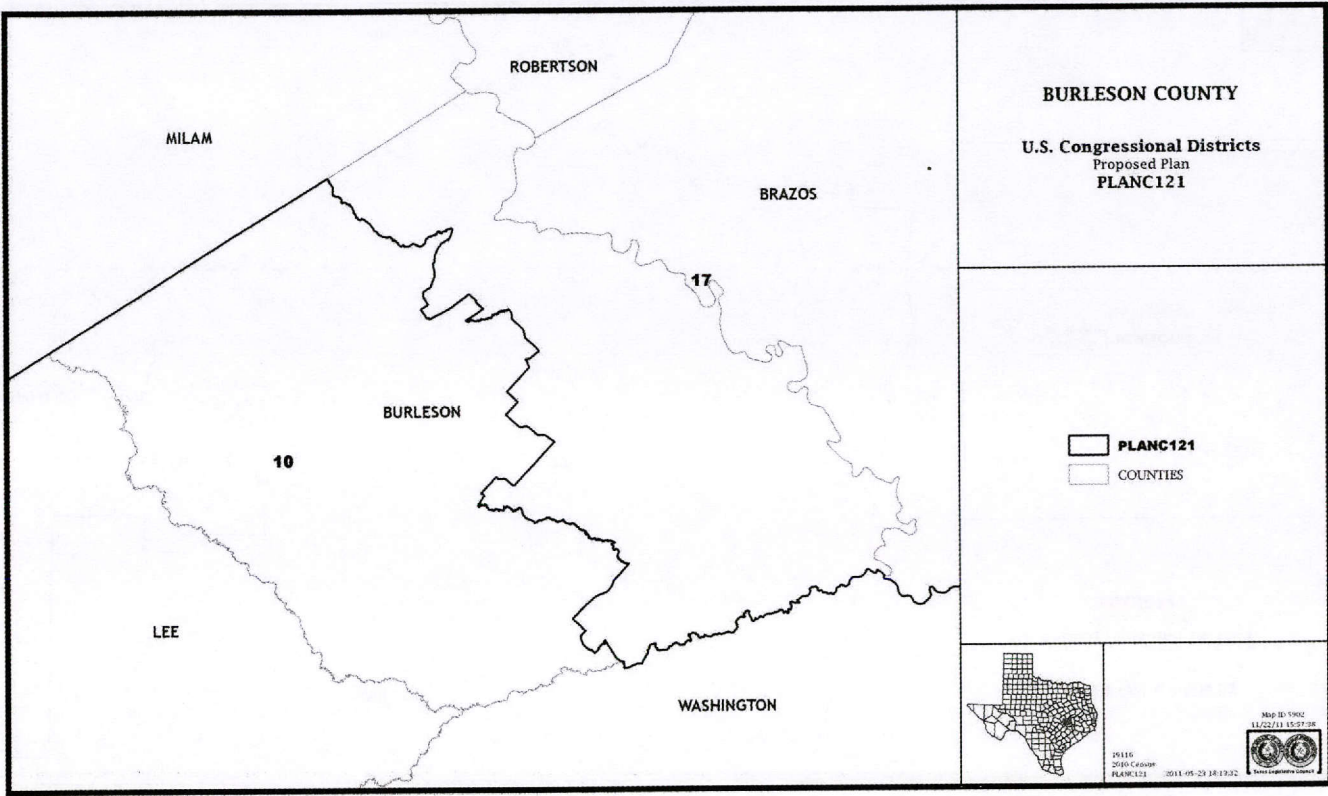


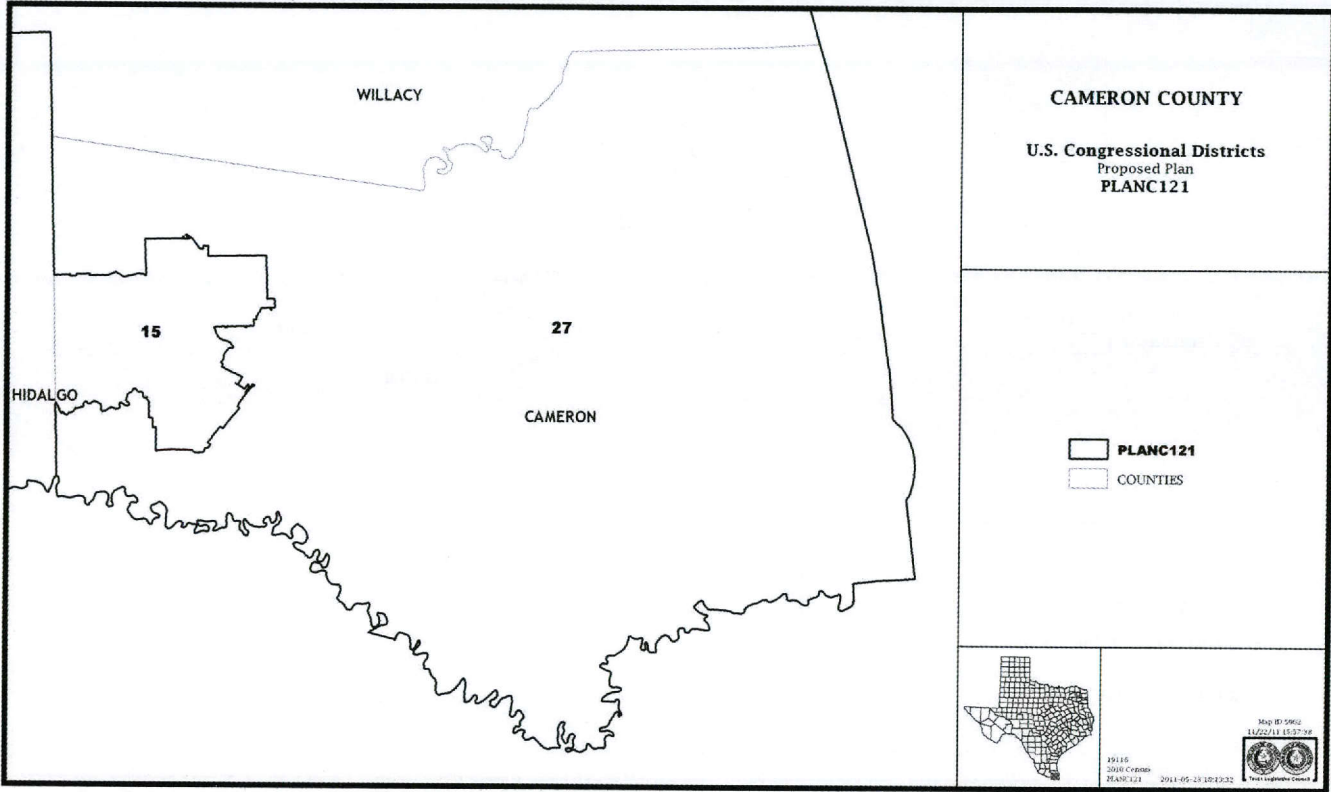


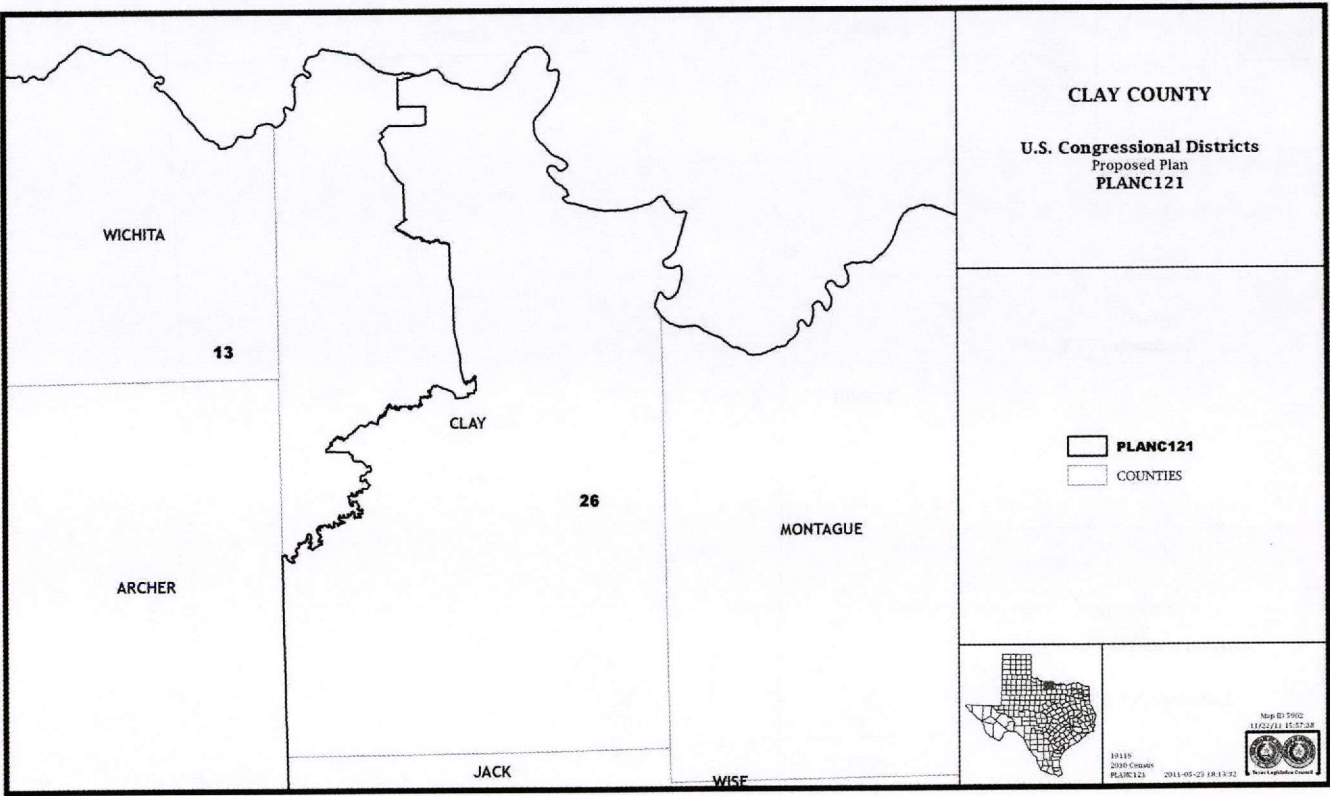


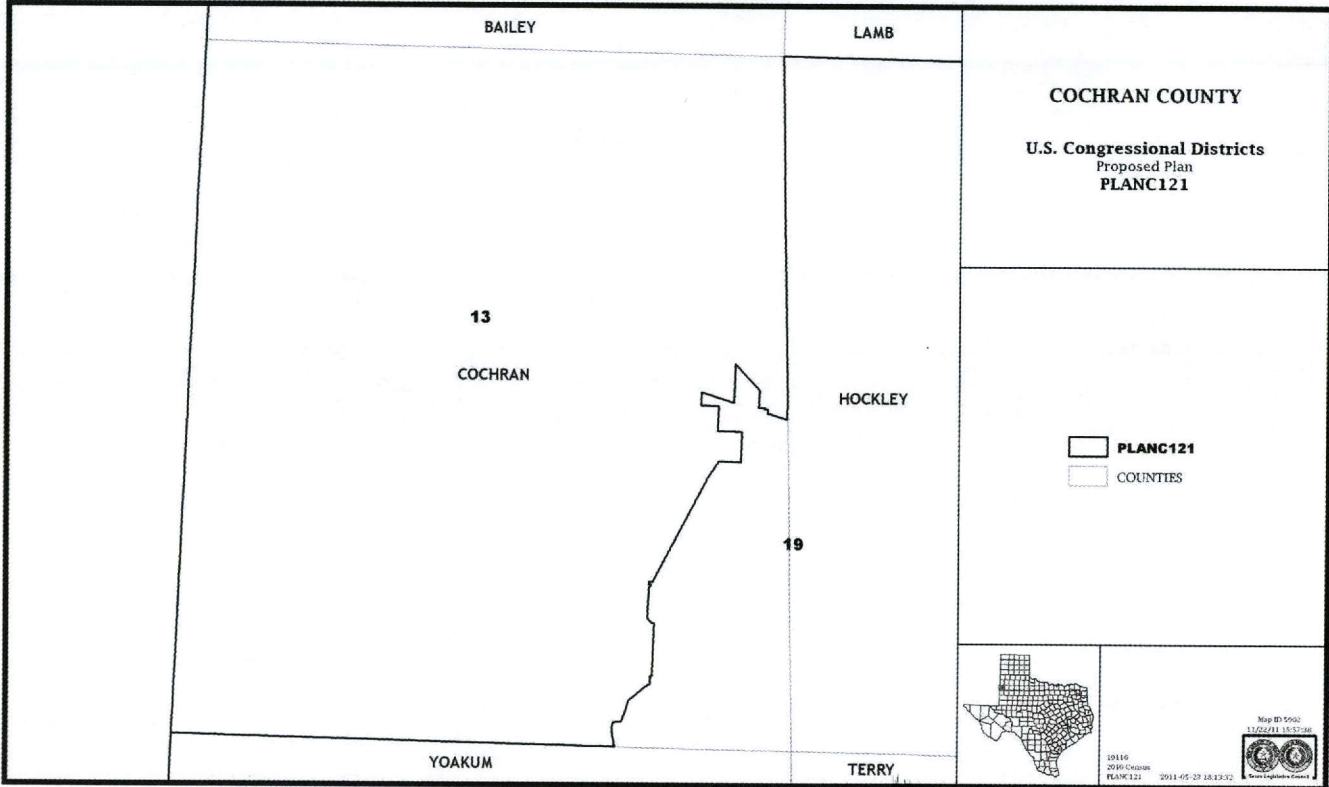


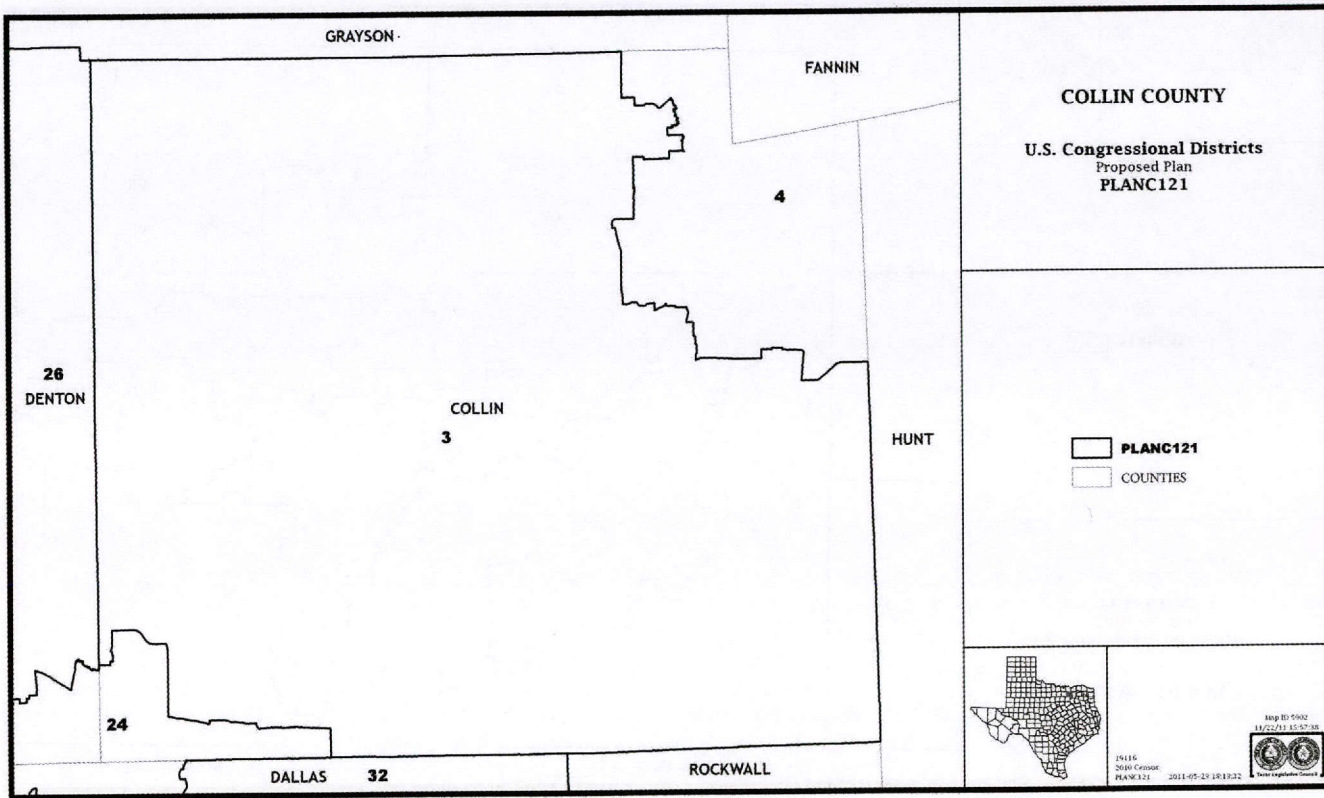


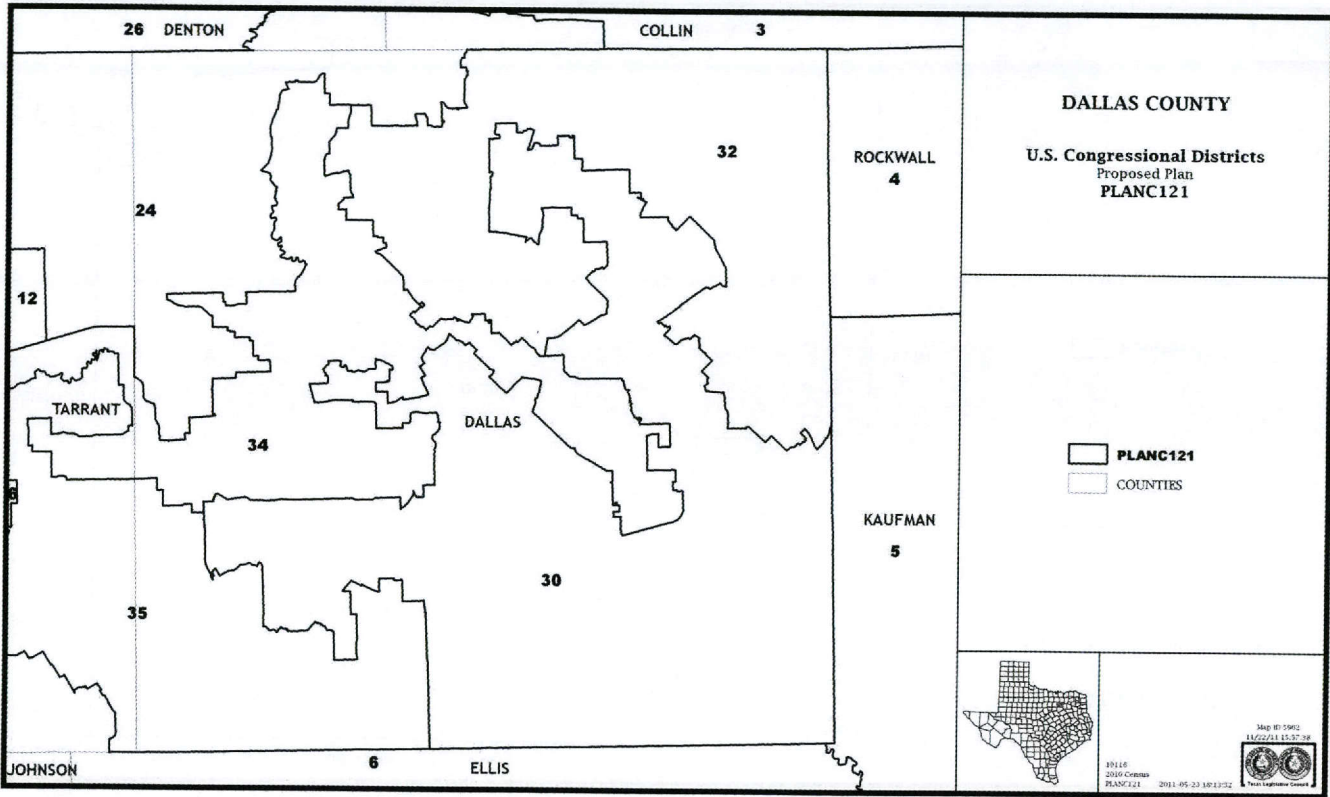


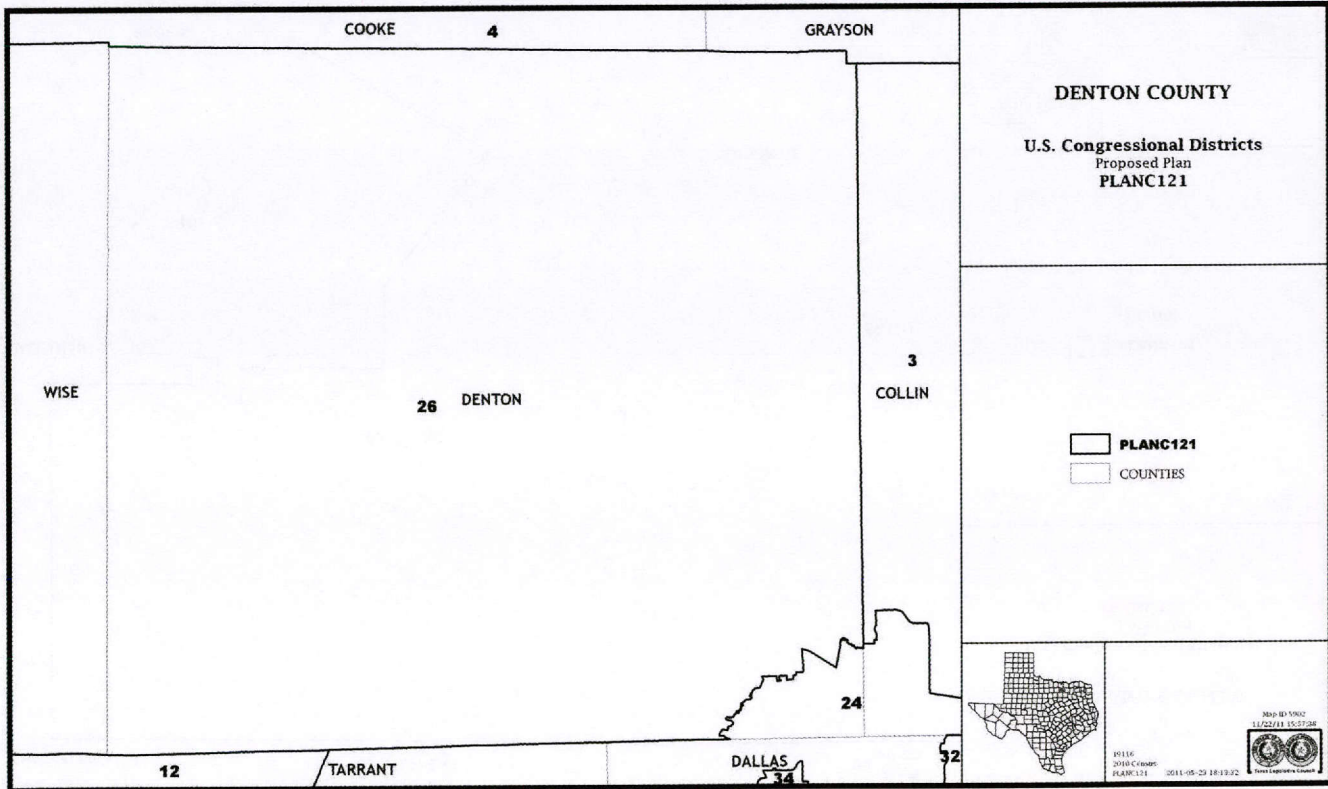


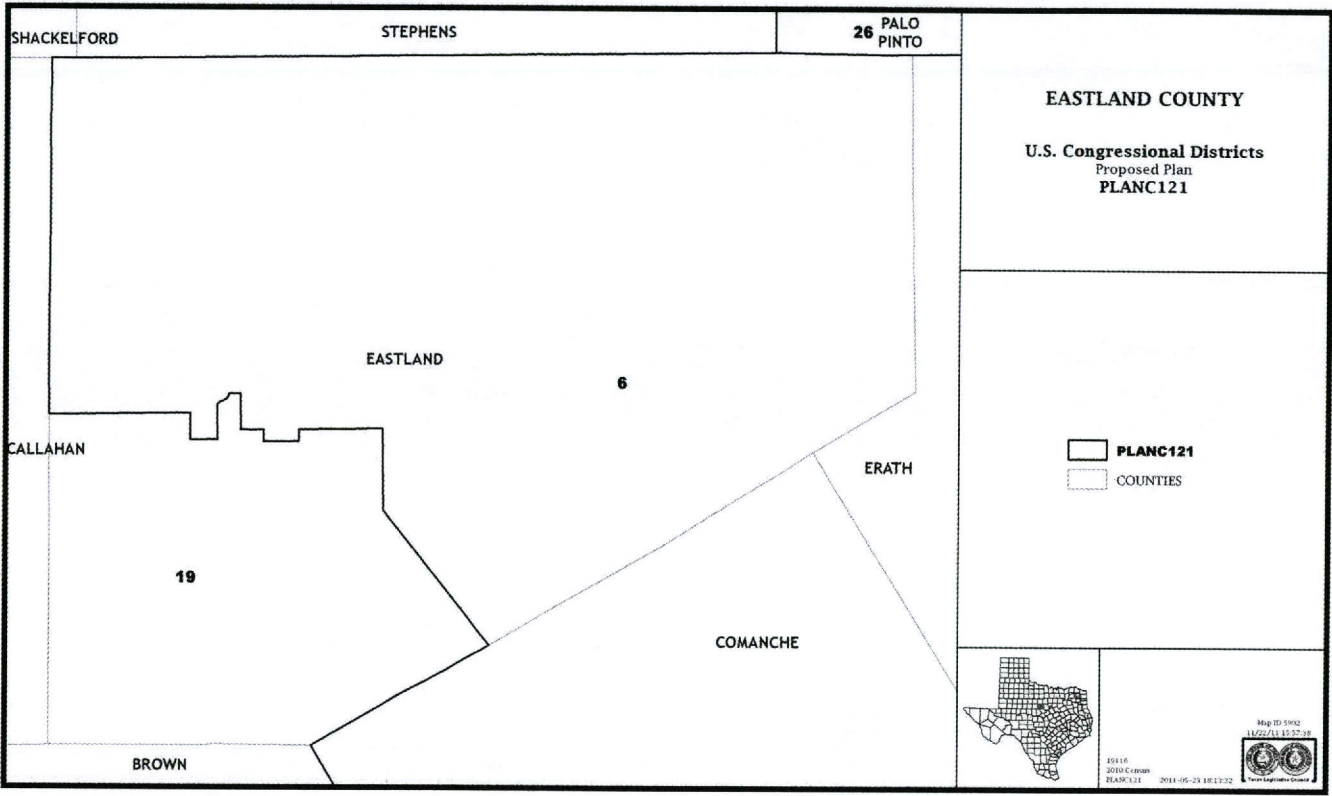


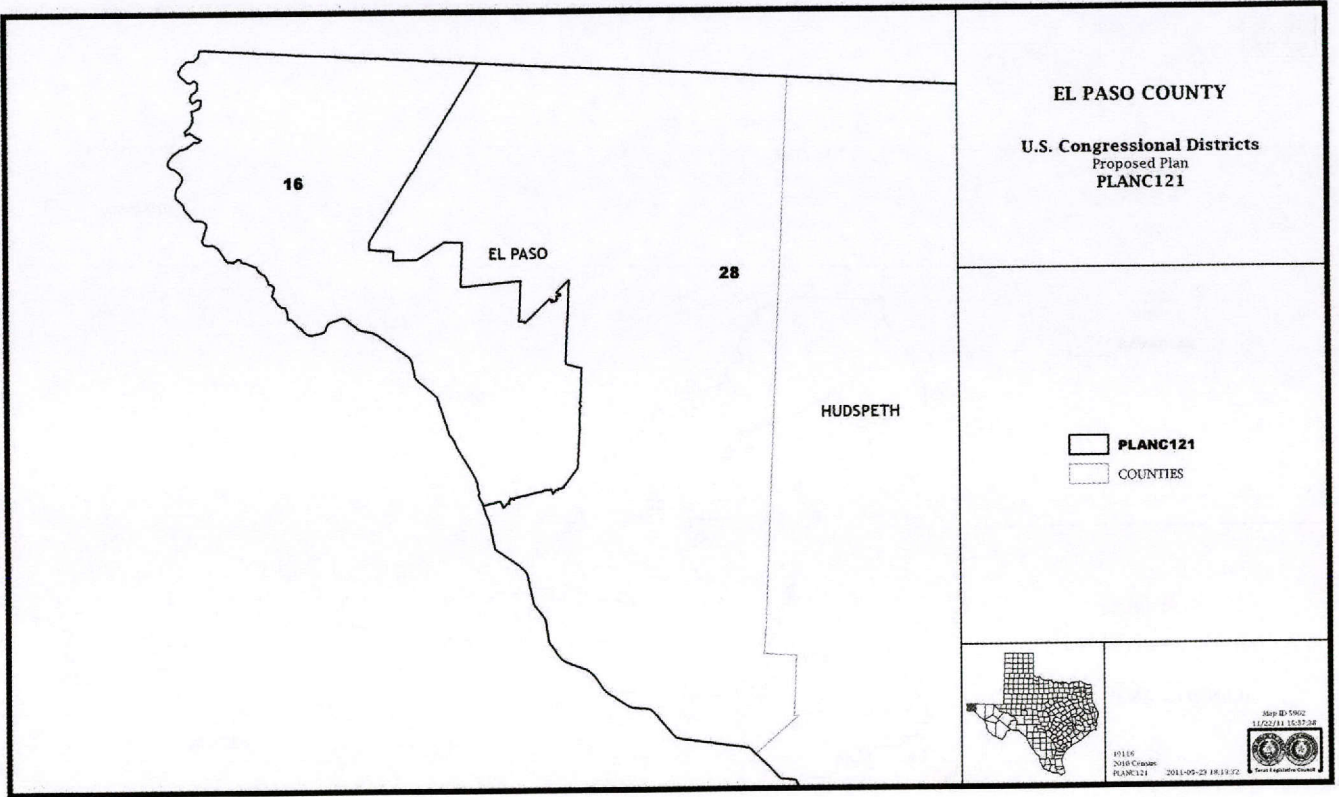


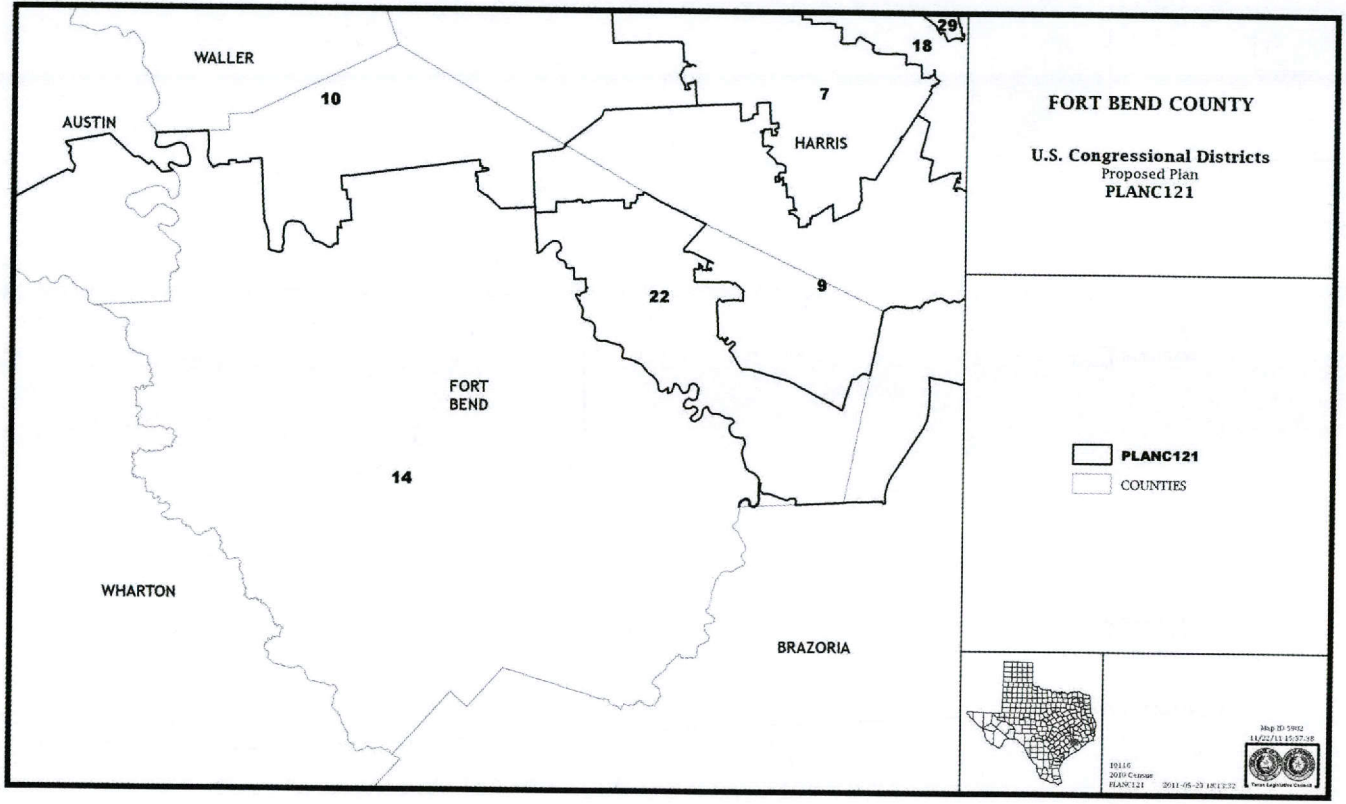


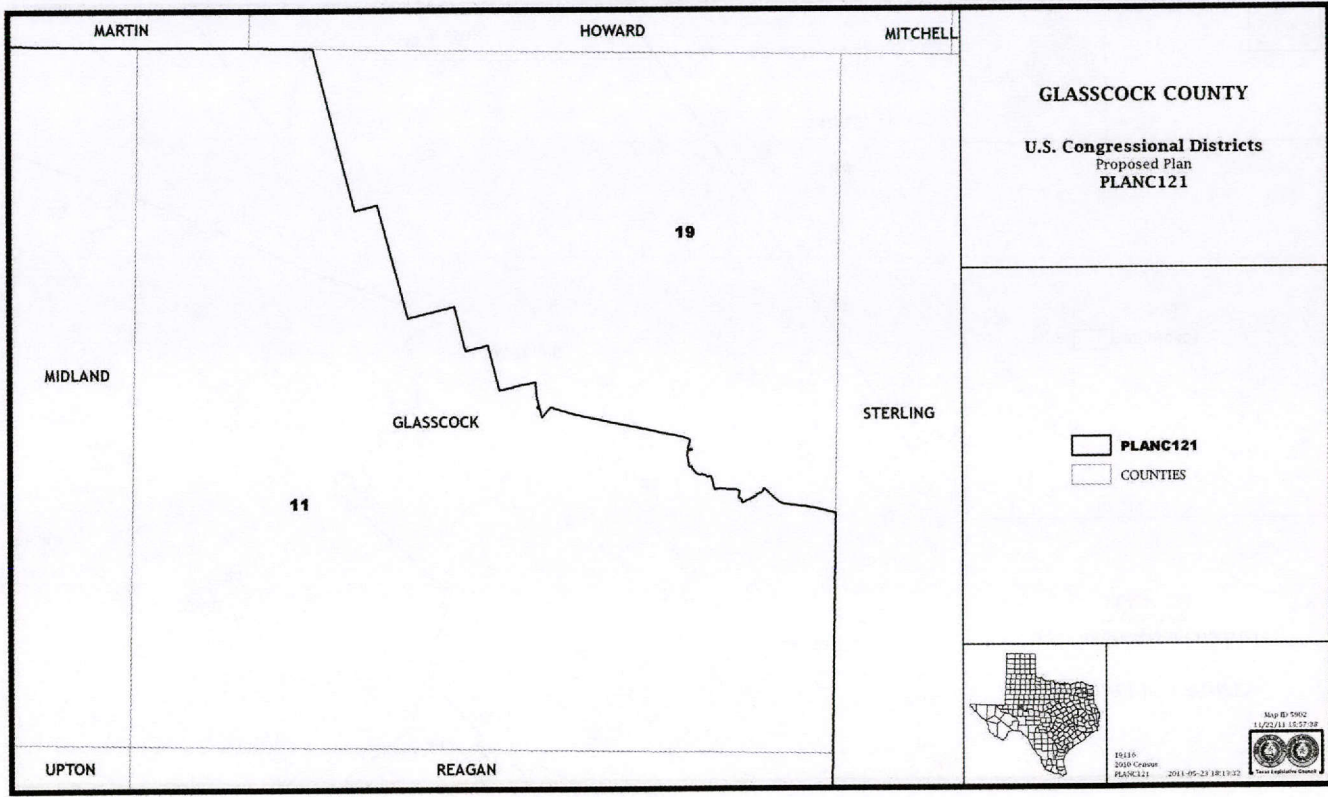


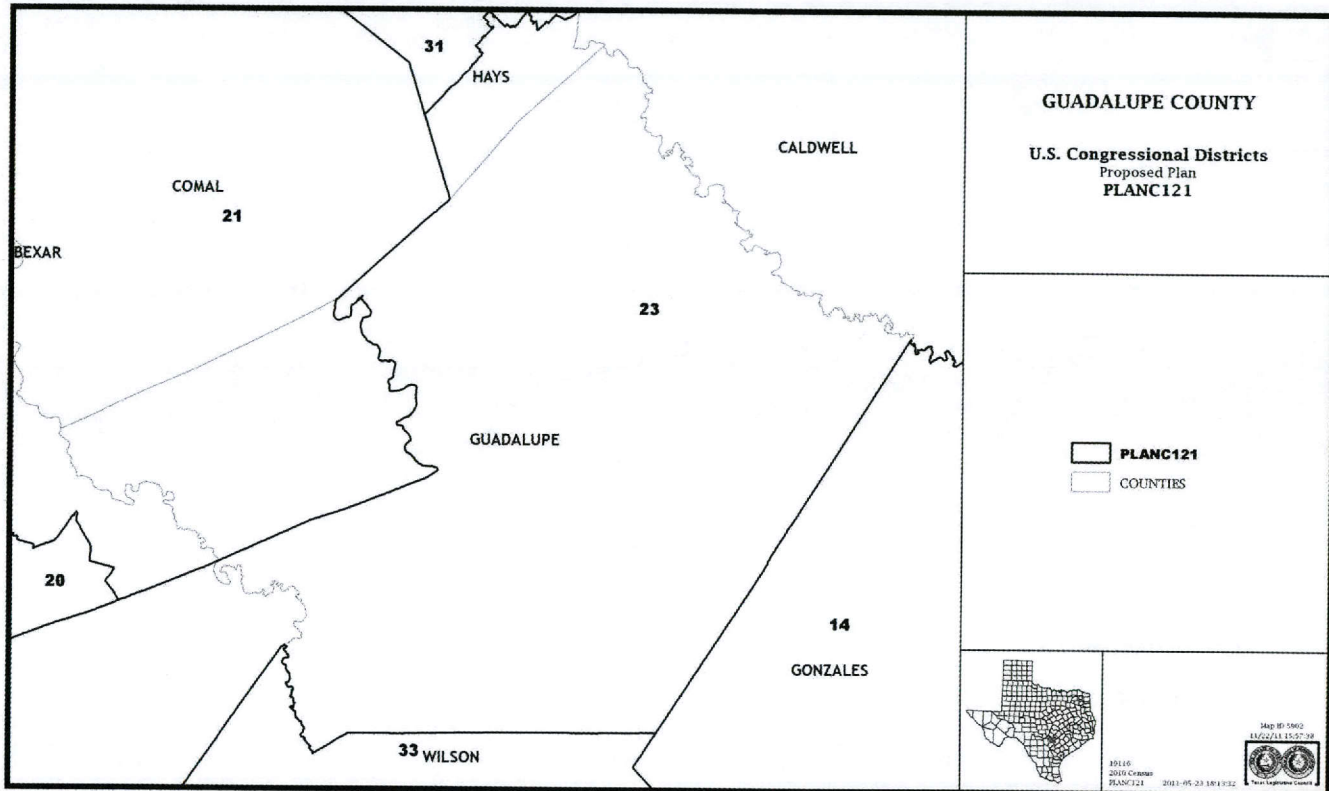


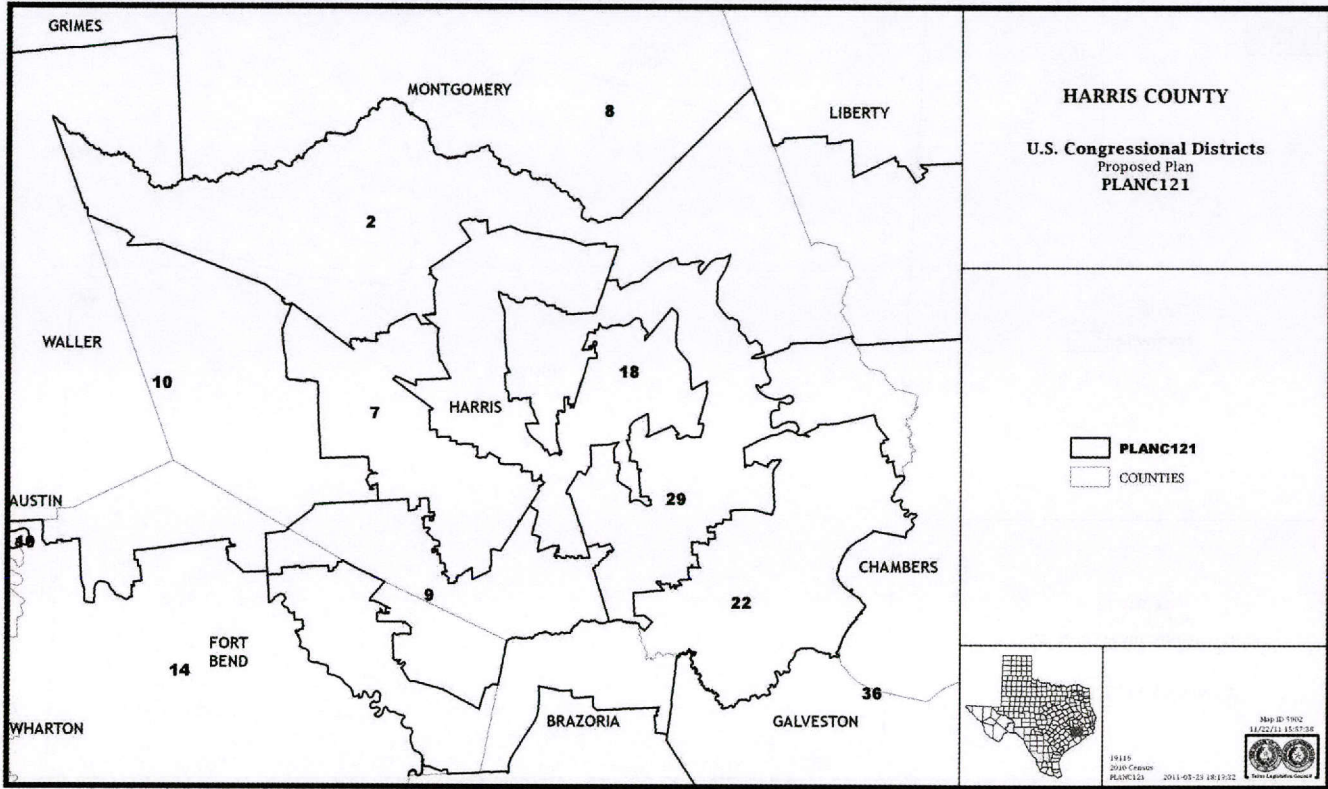


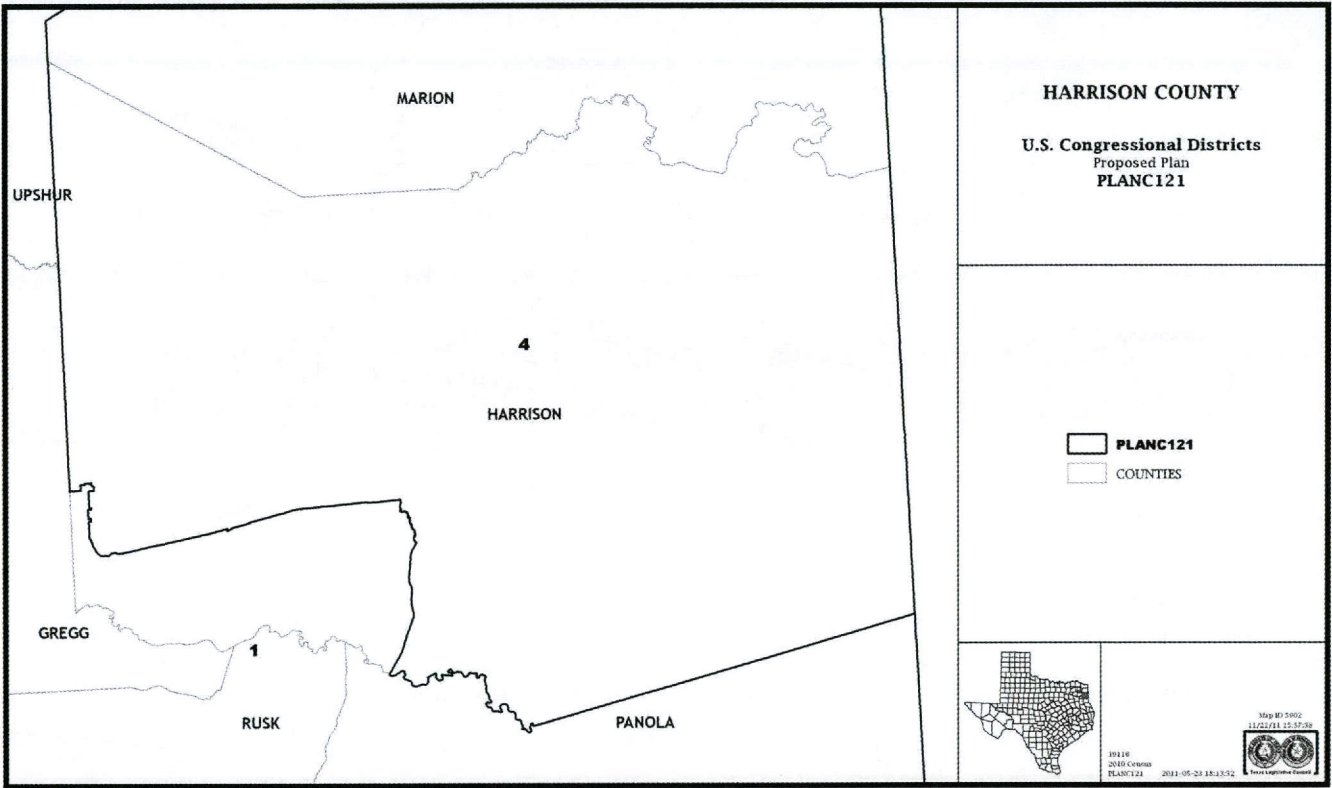


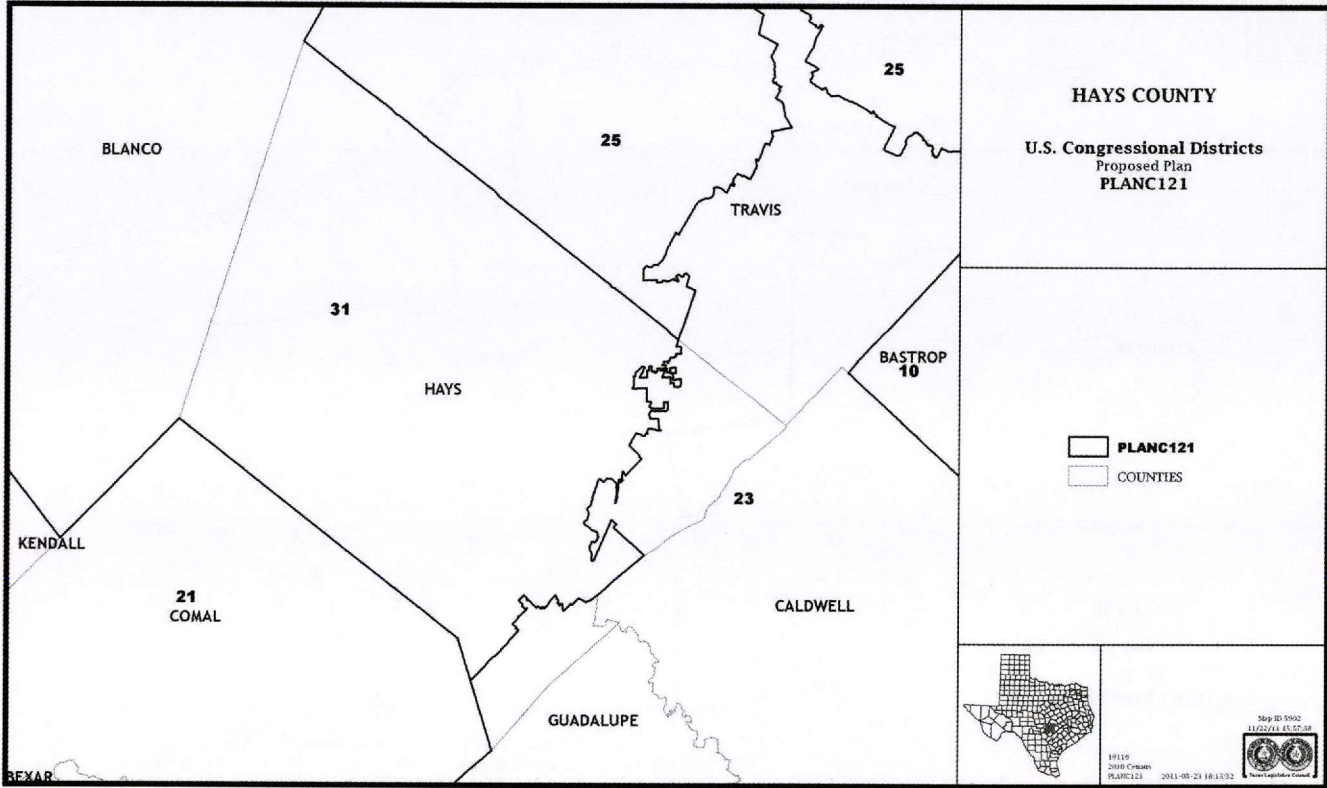


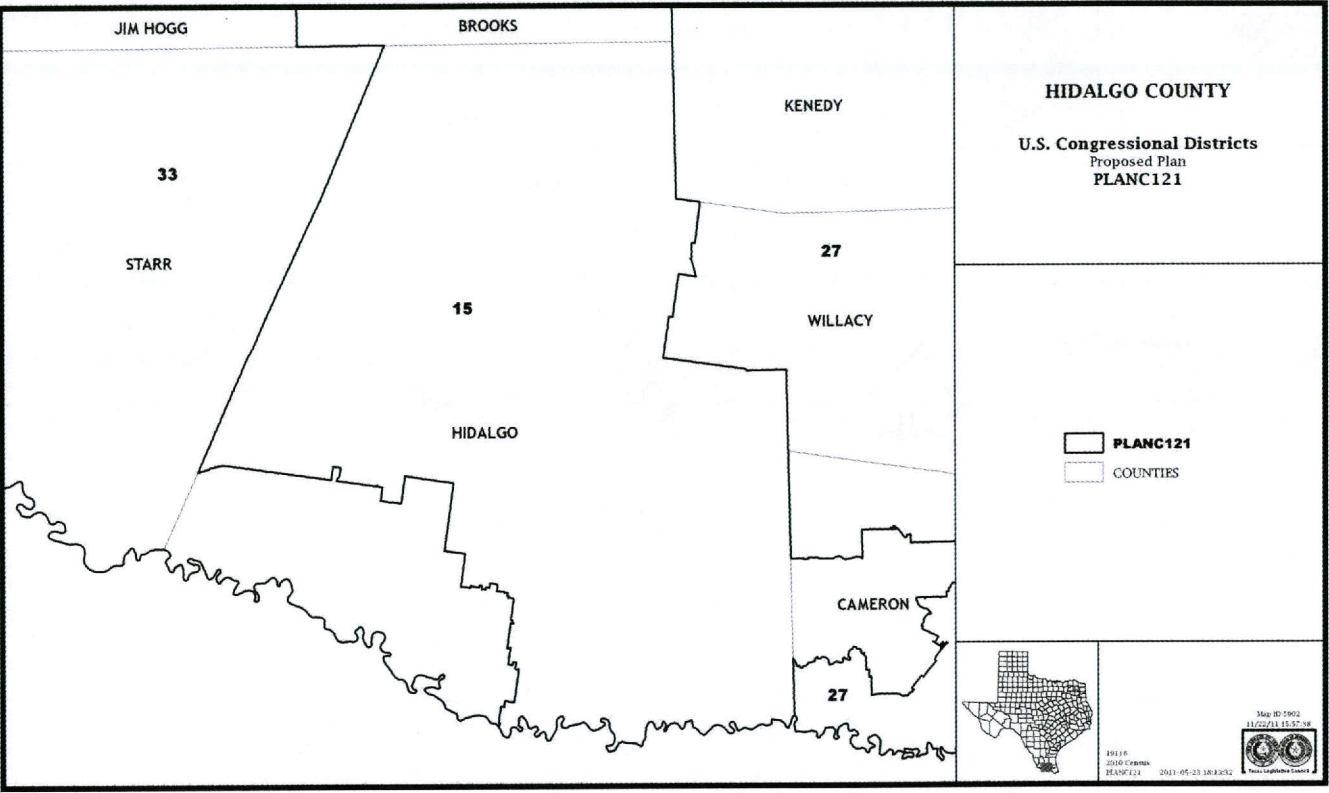


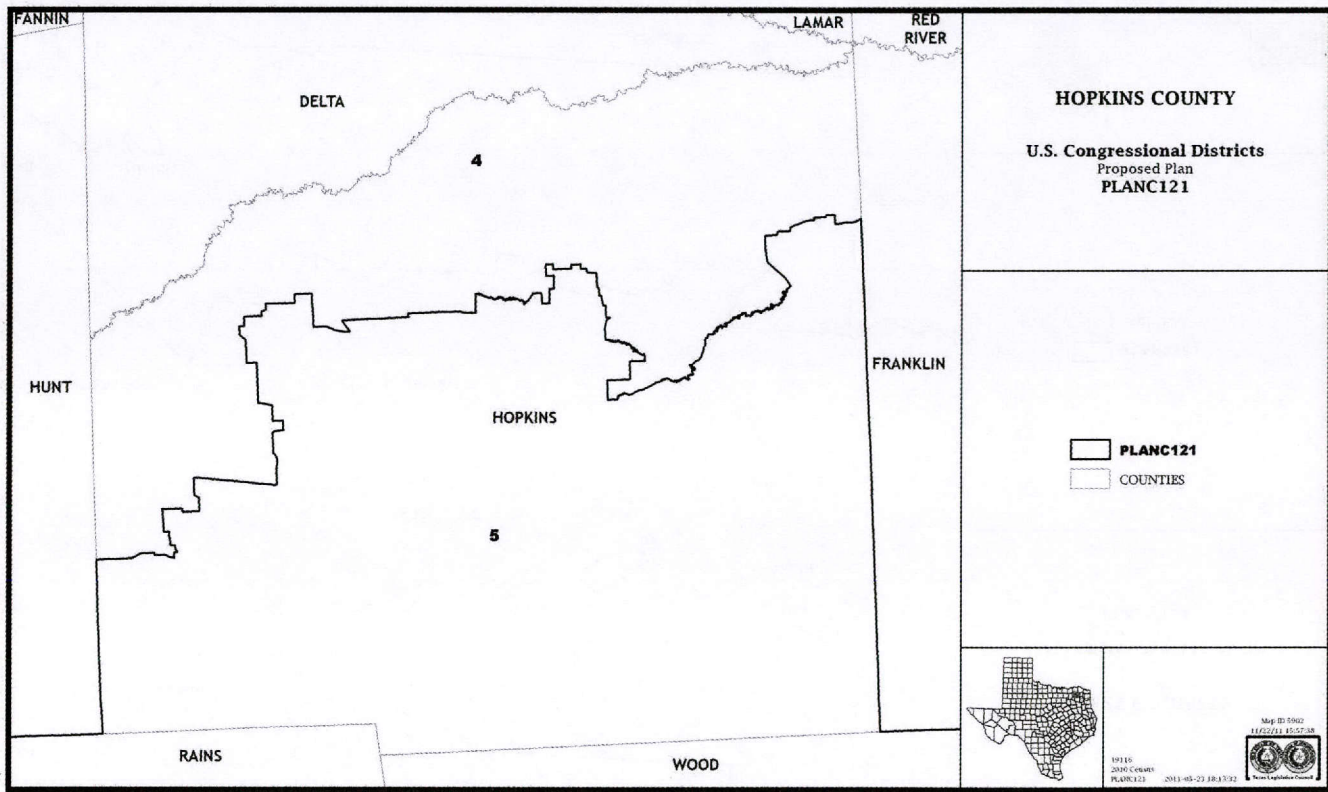


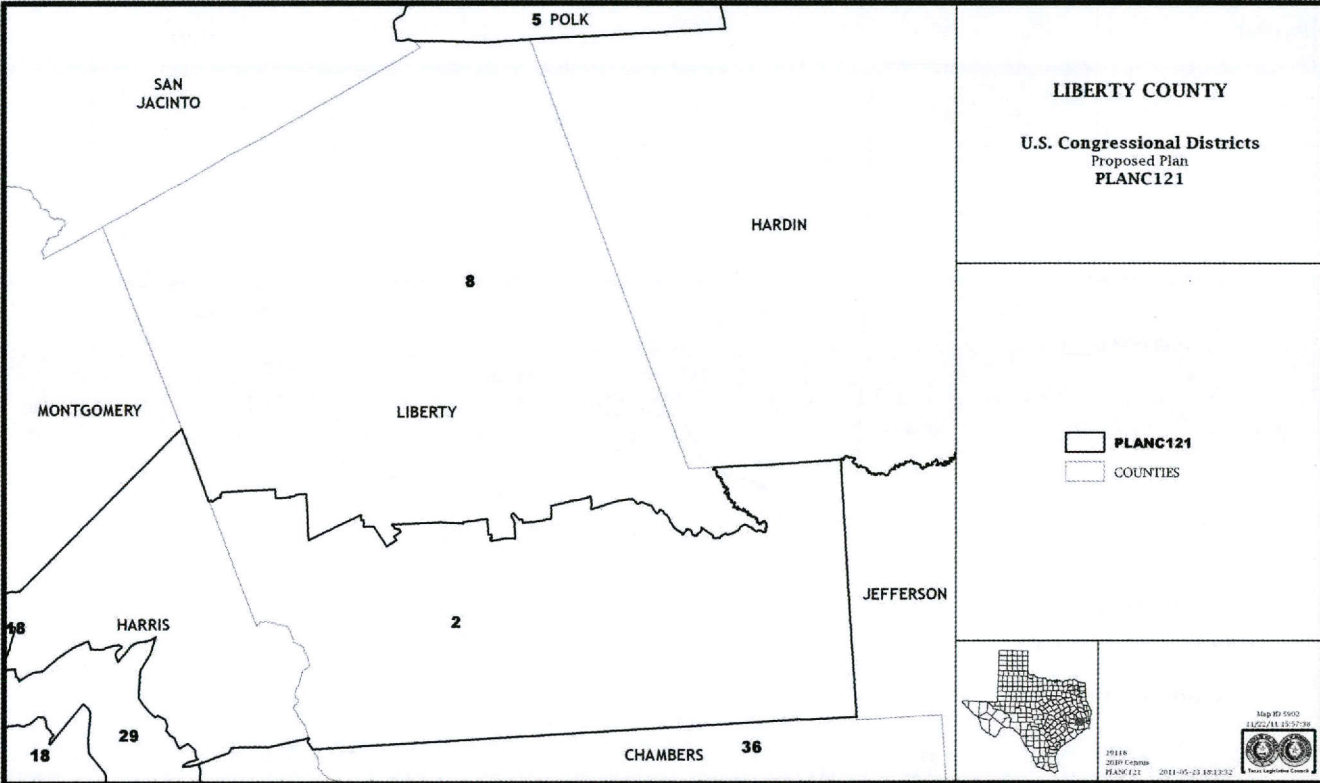


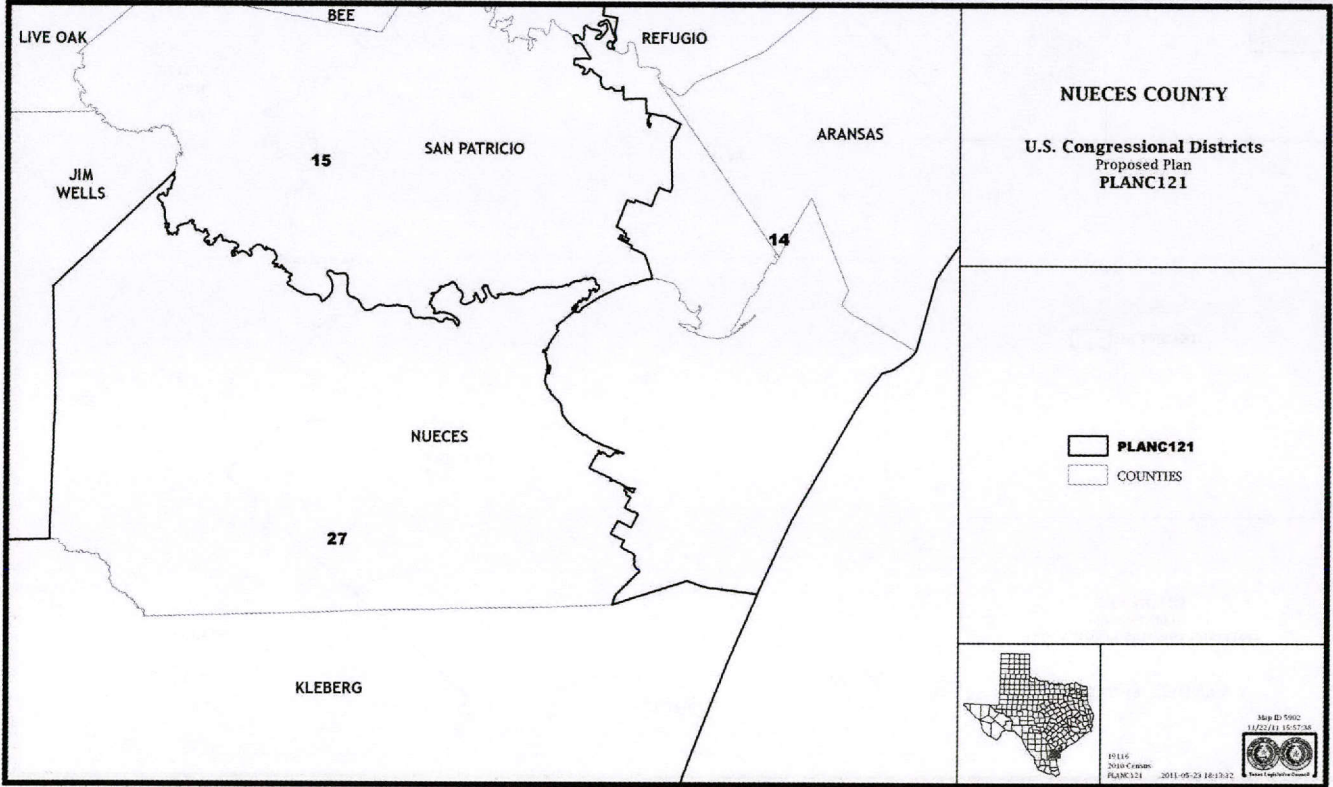


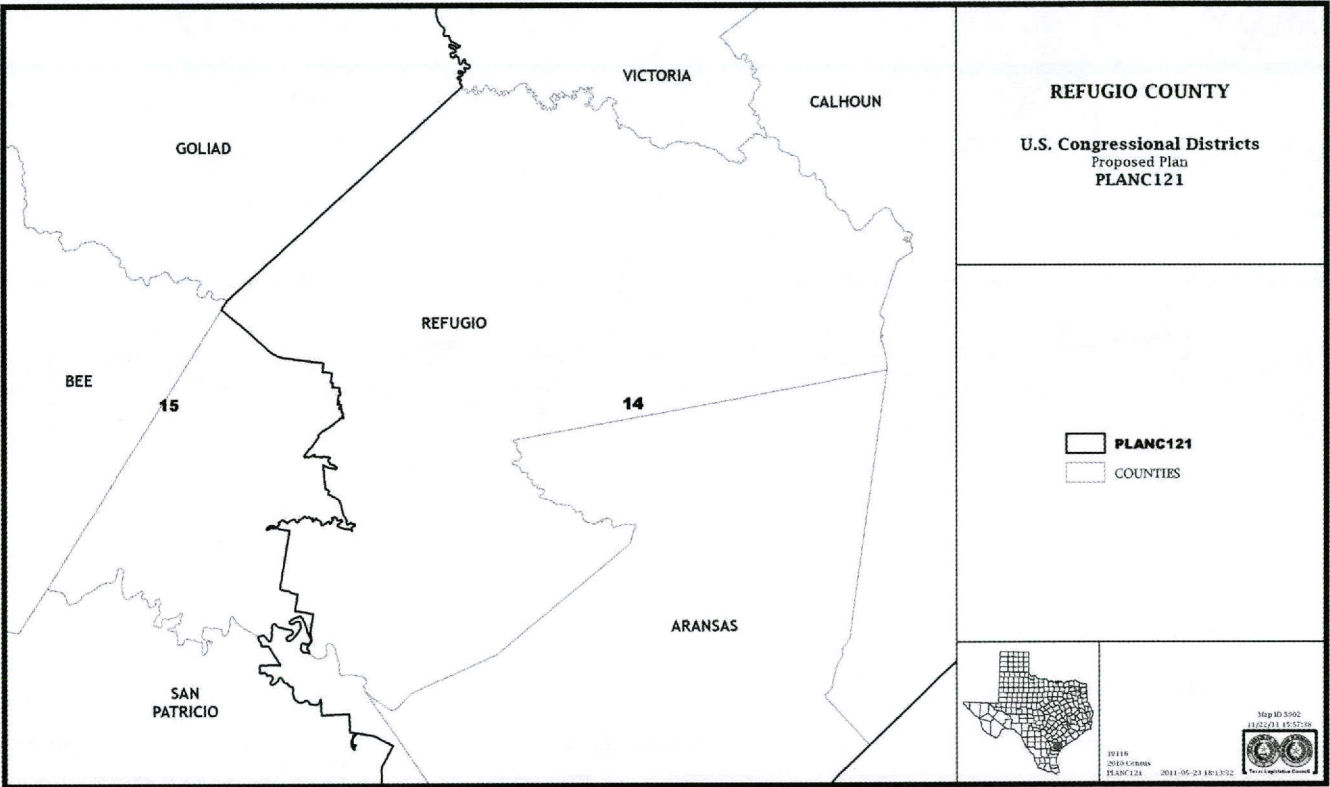


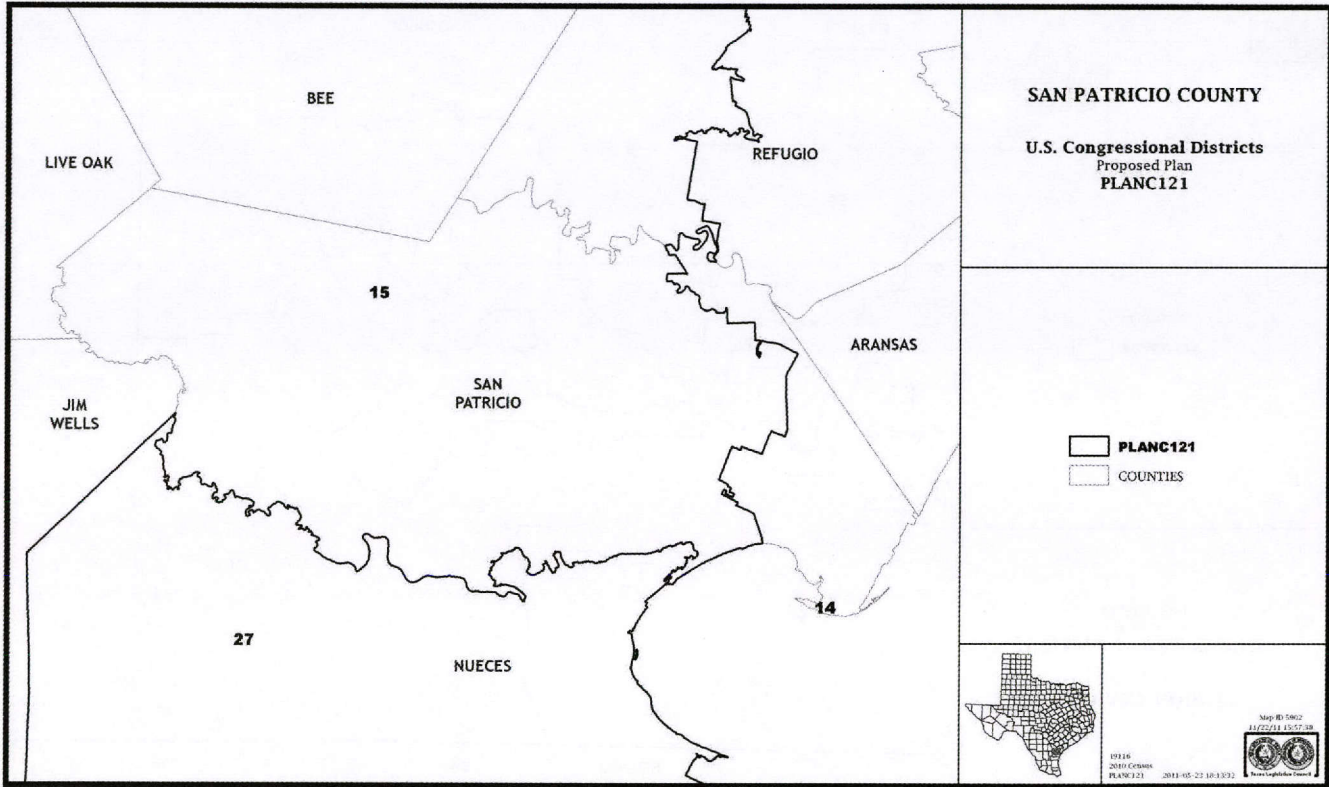


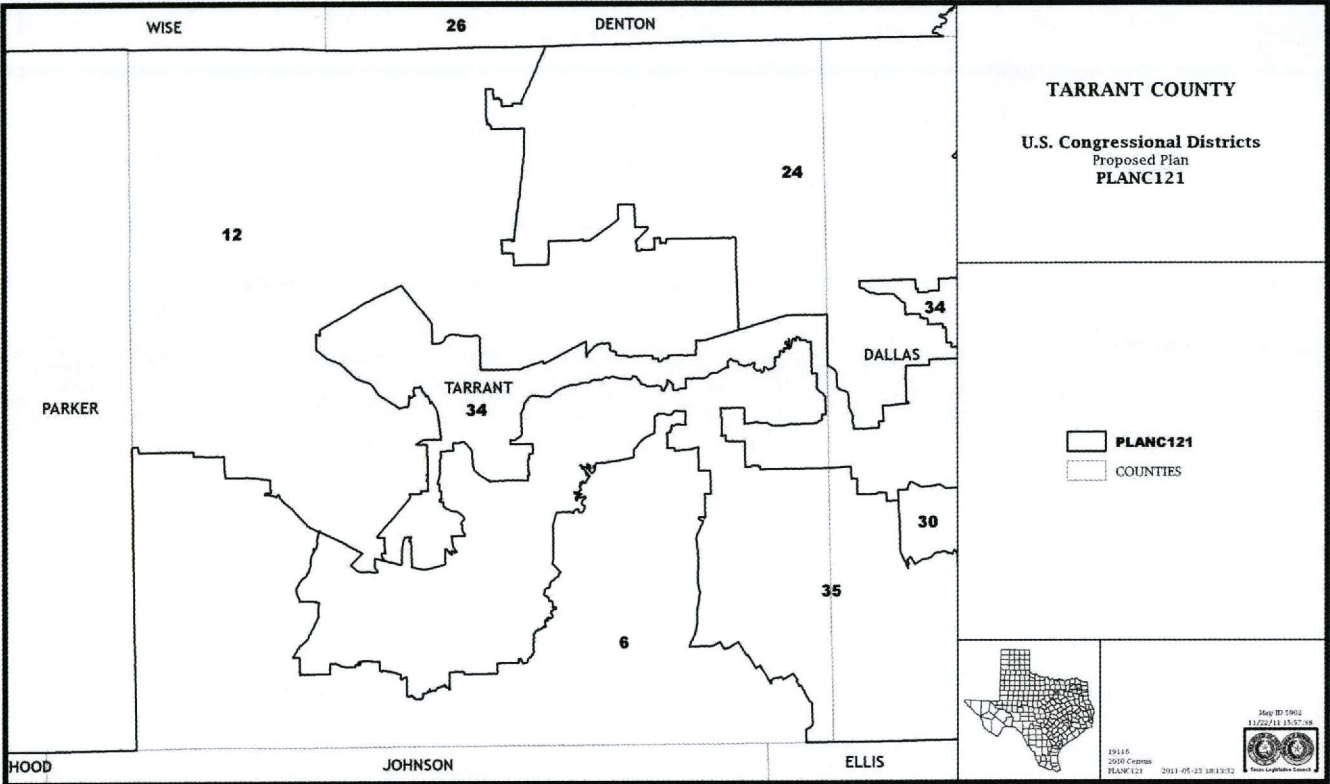


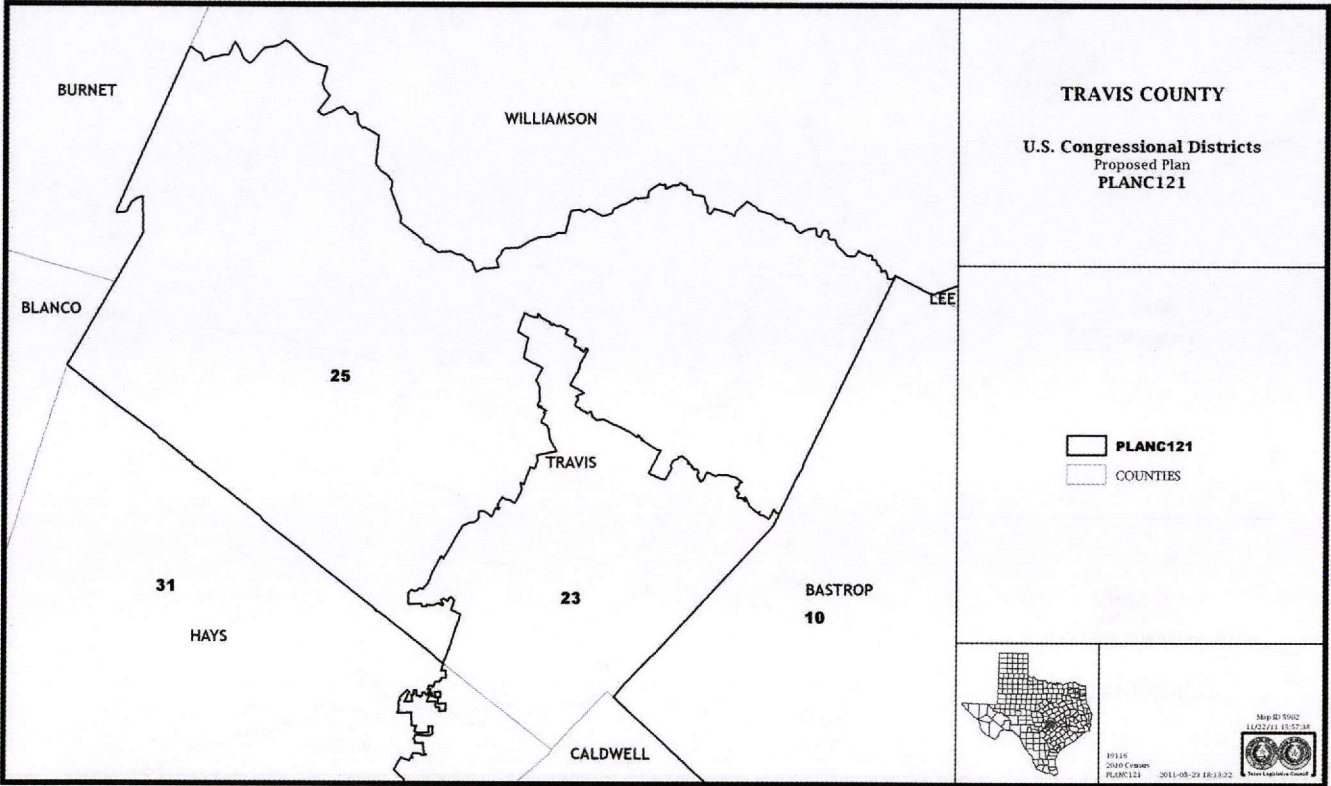


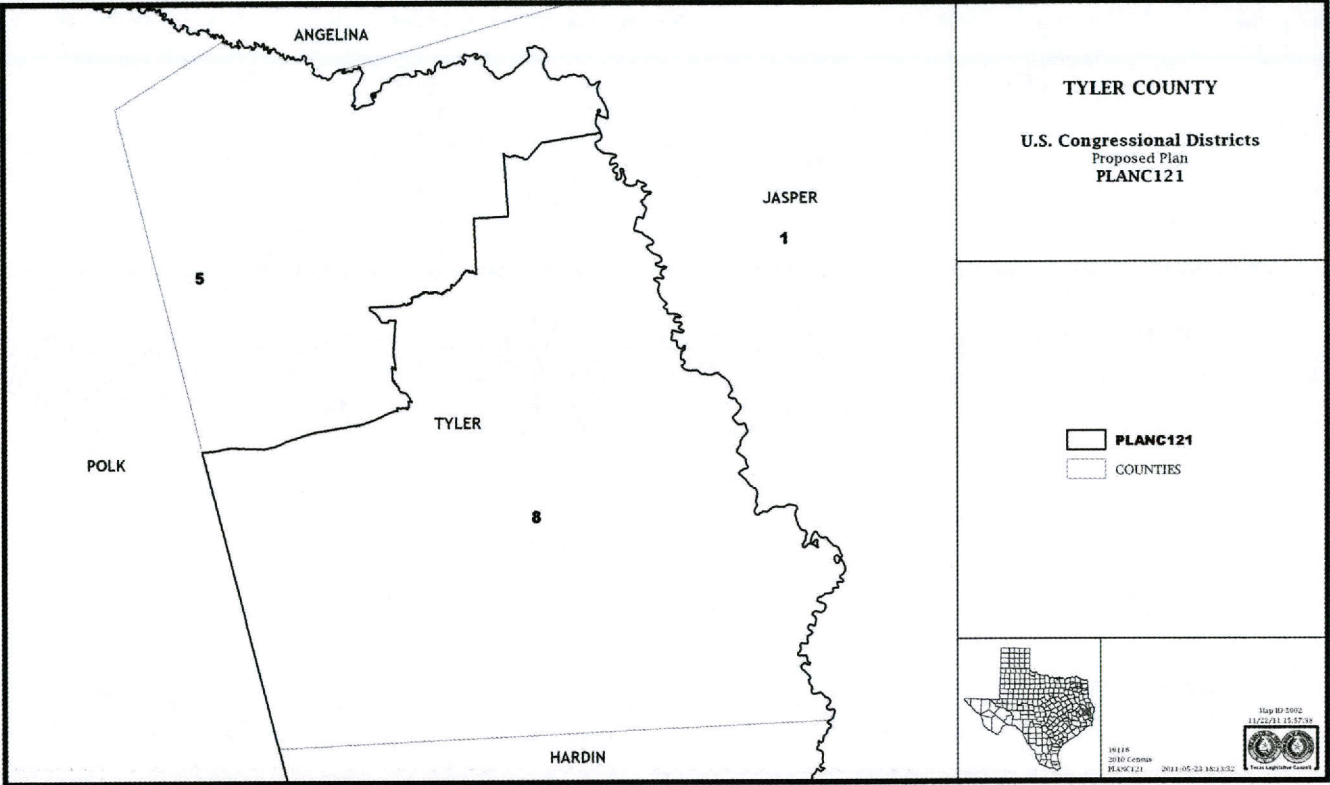




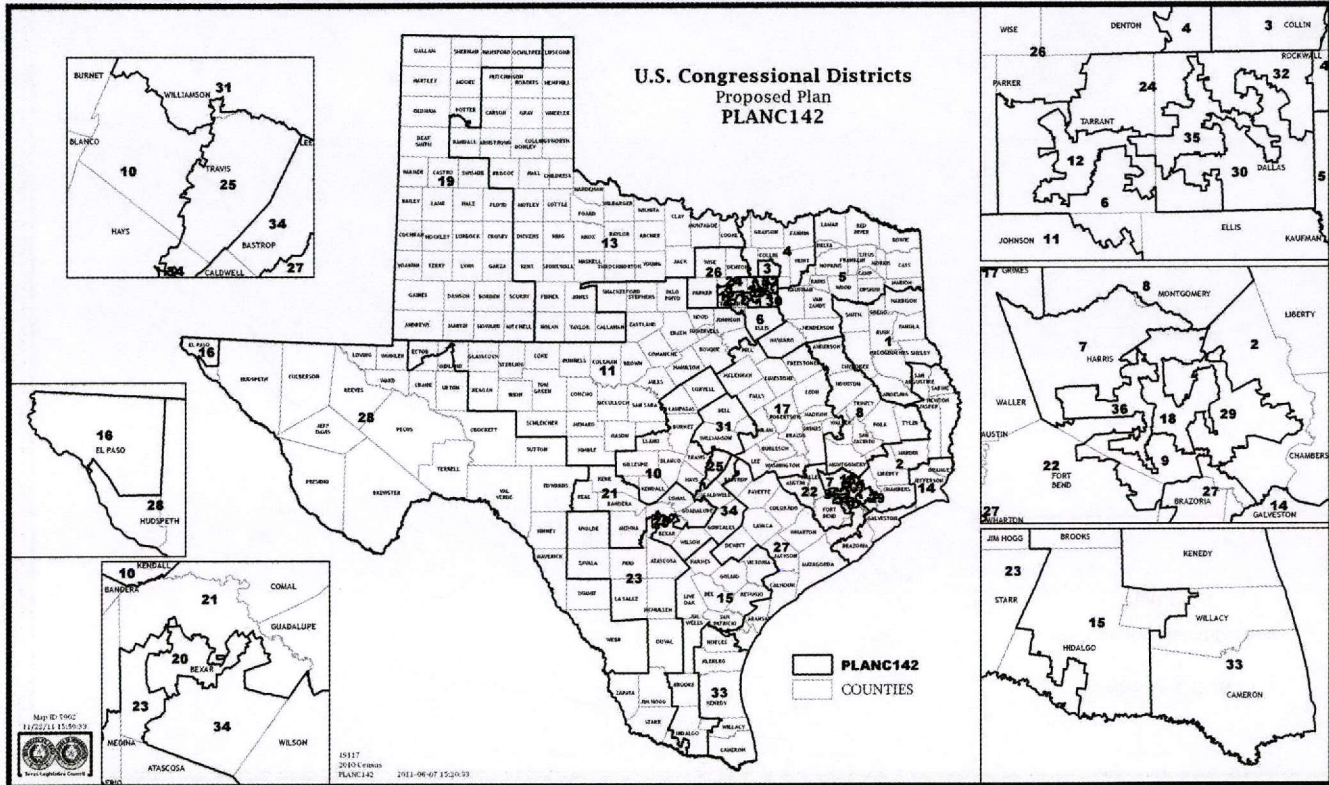


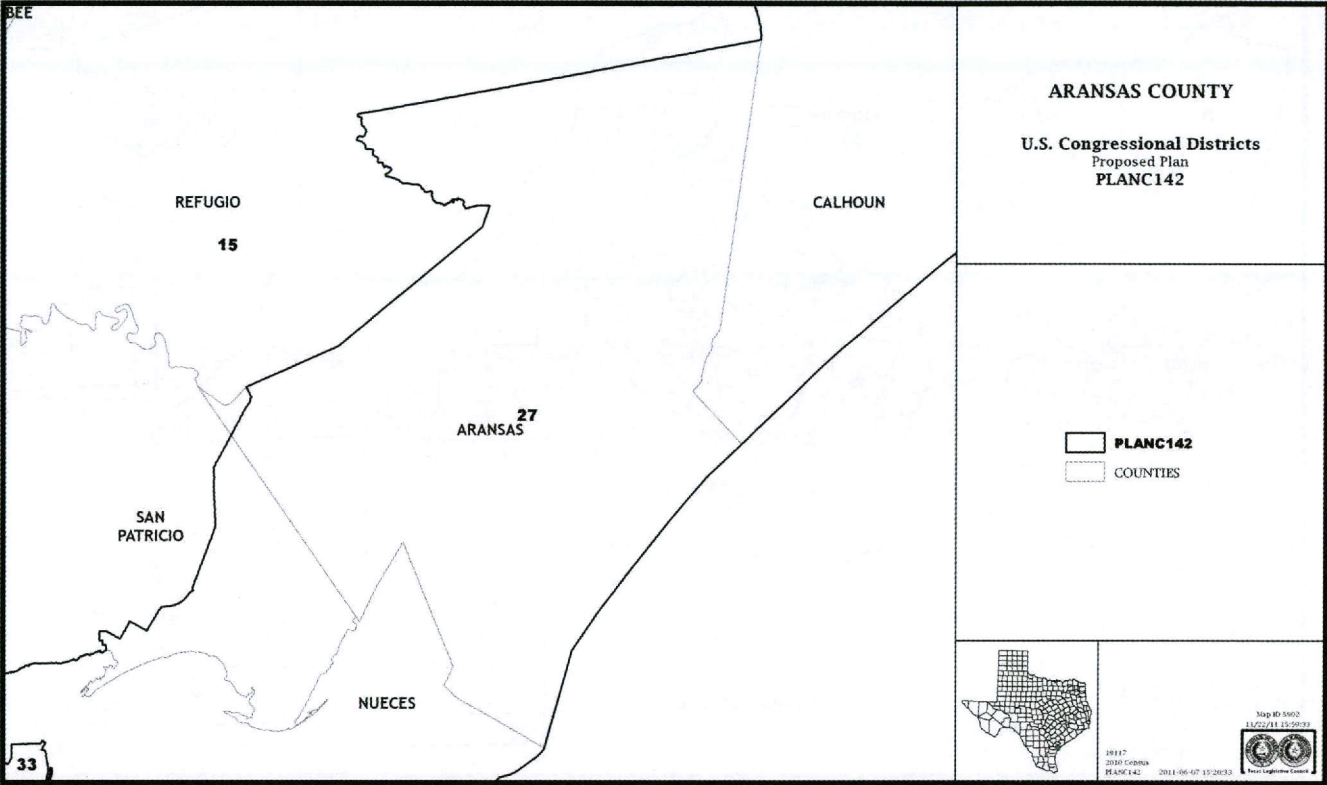


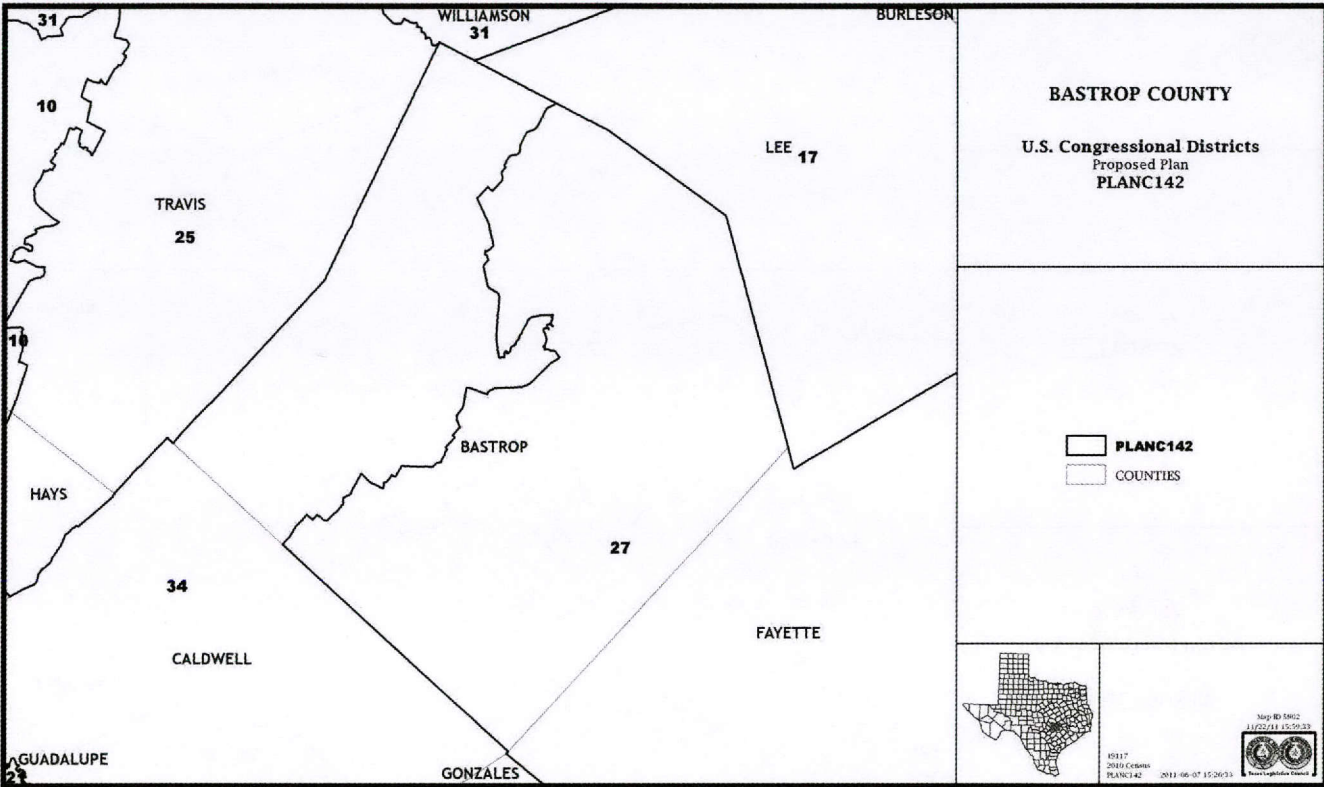


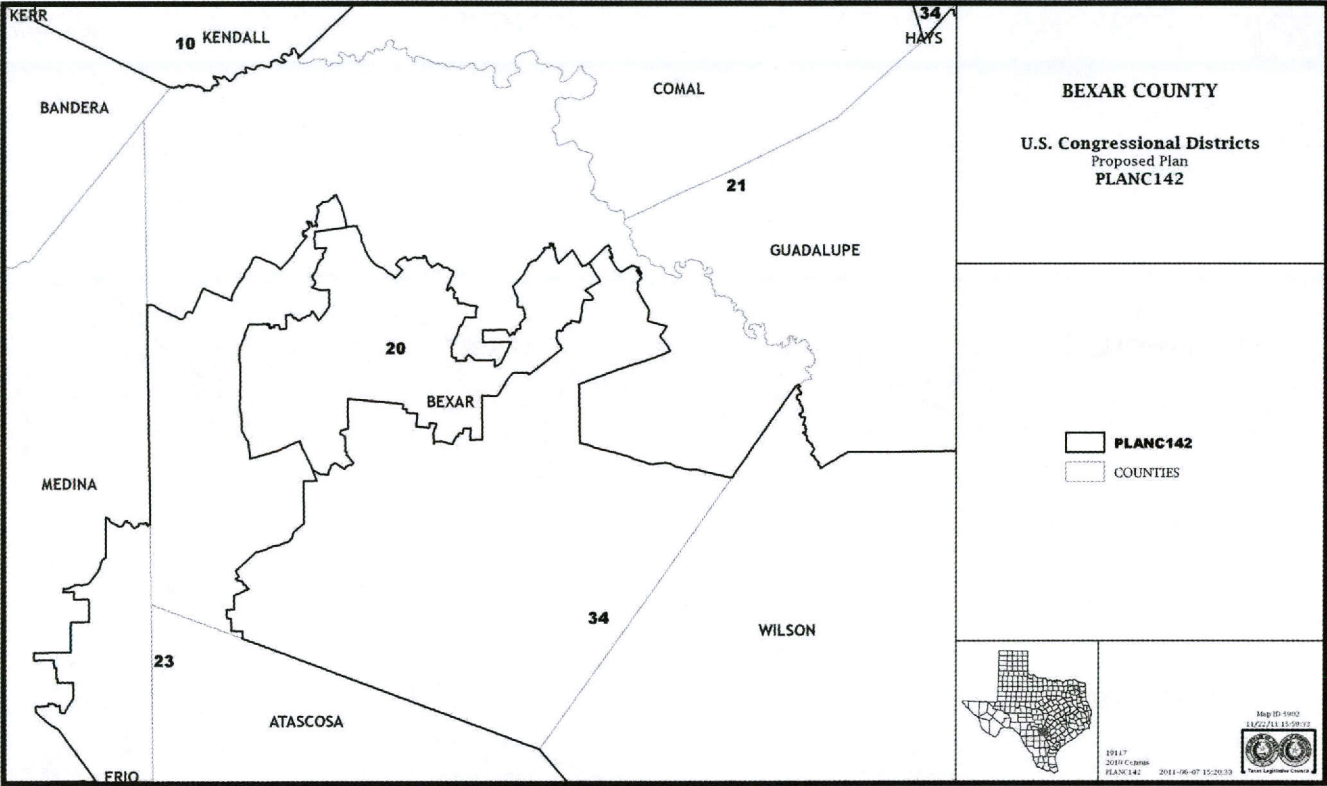


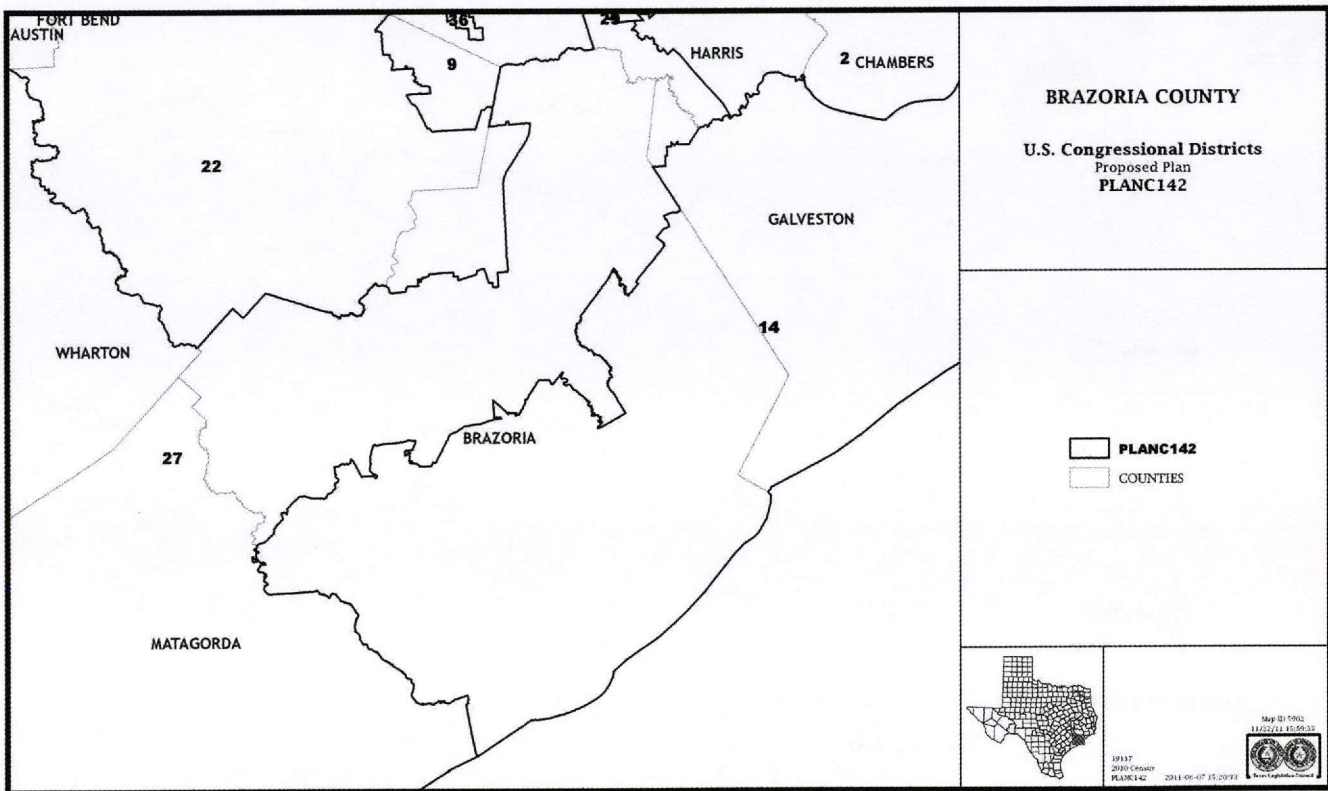
Amendment No. 11 (by Alonzo)

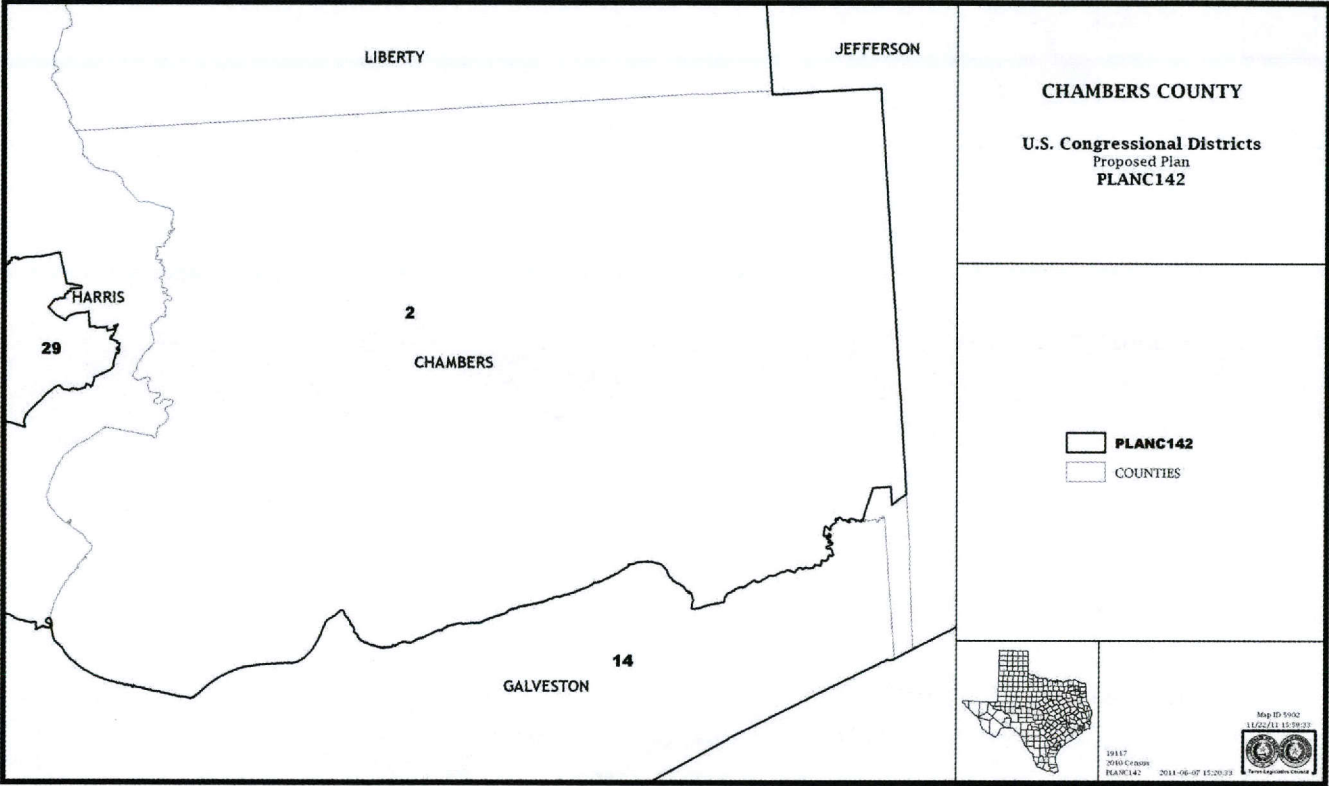


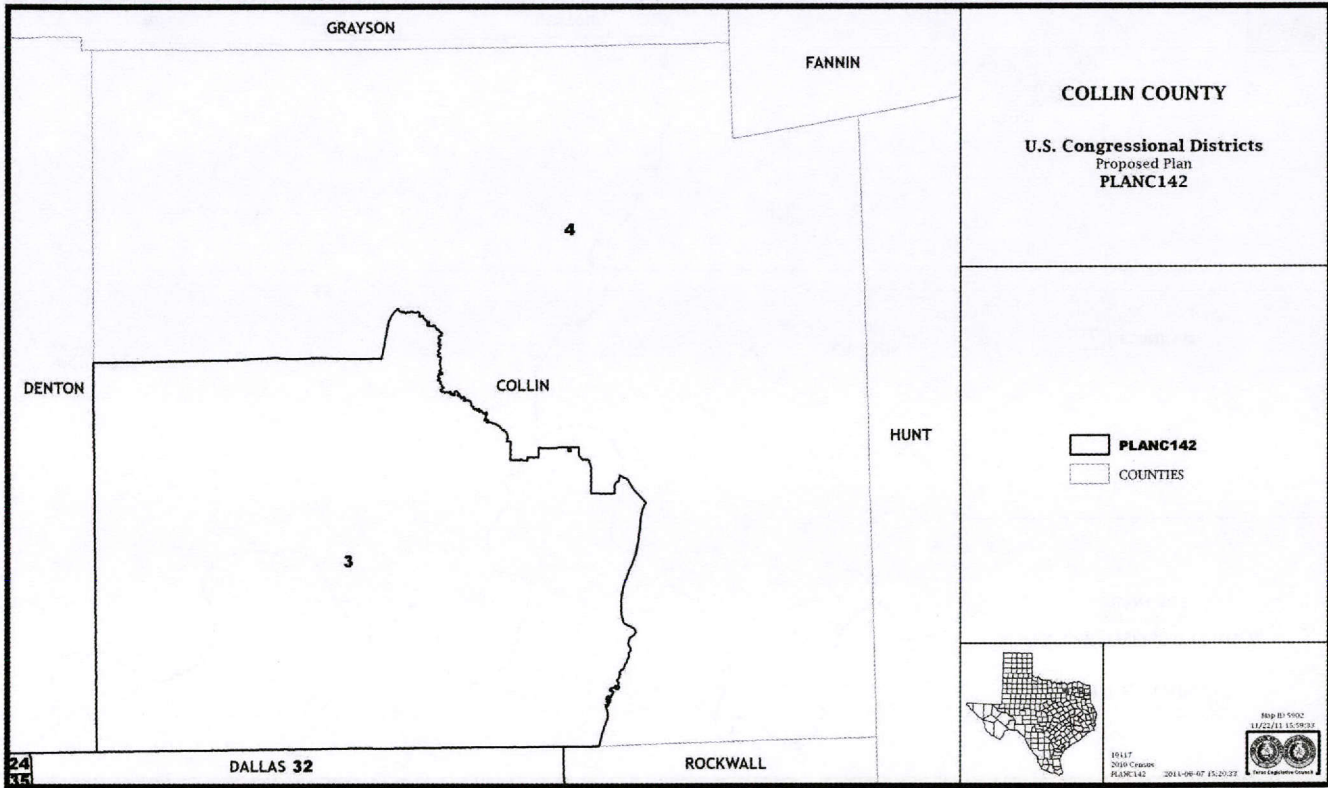


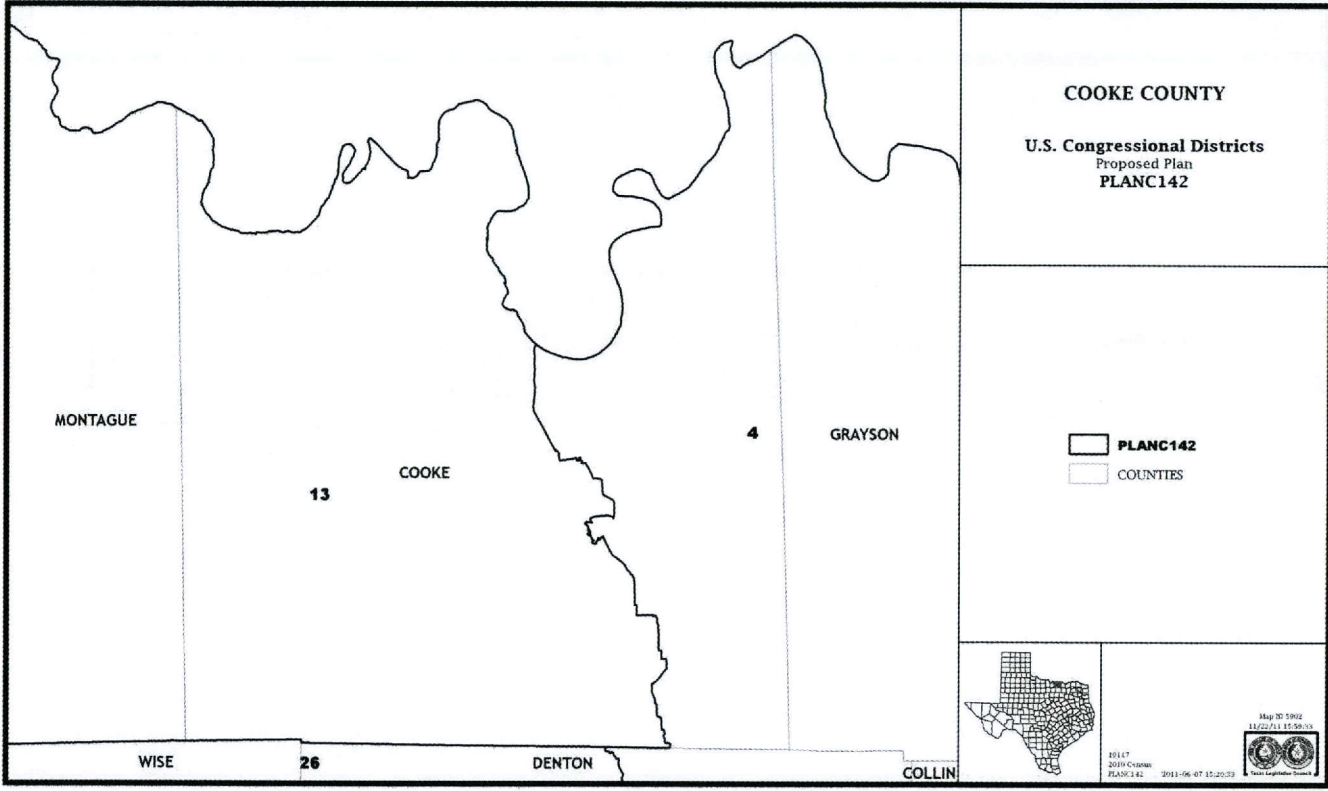


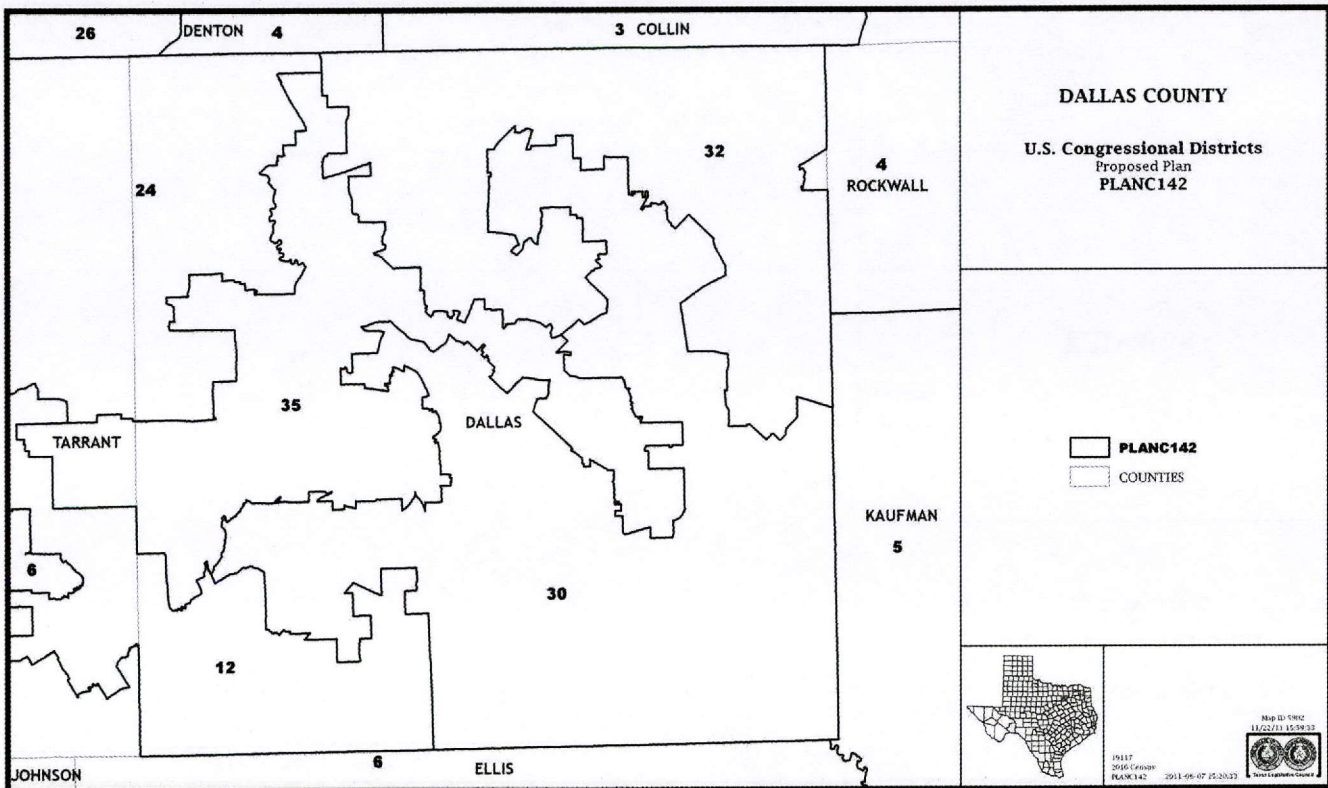


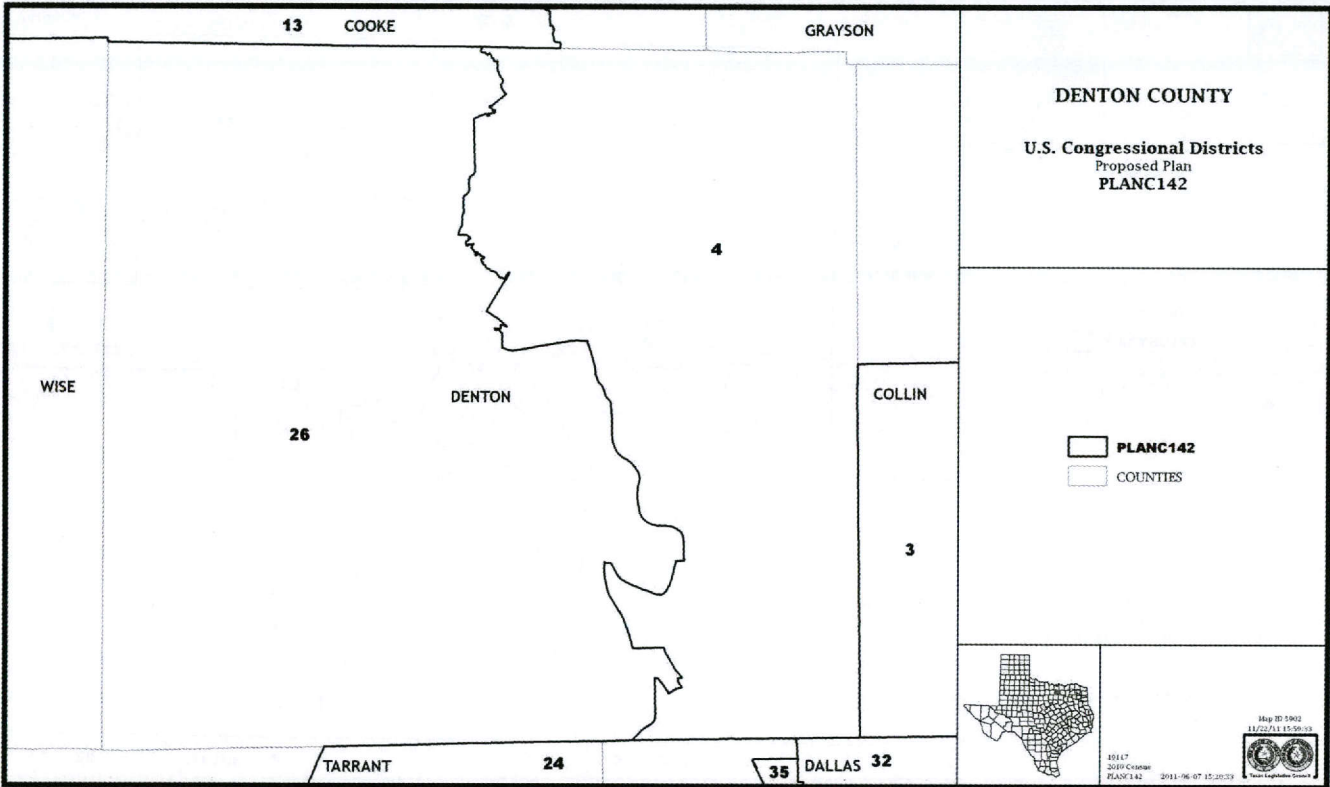


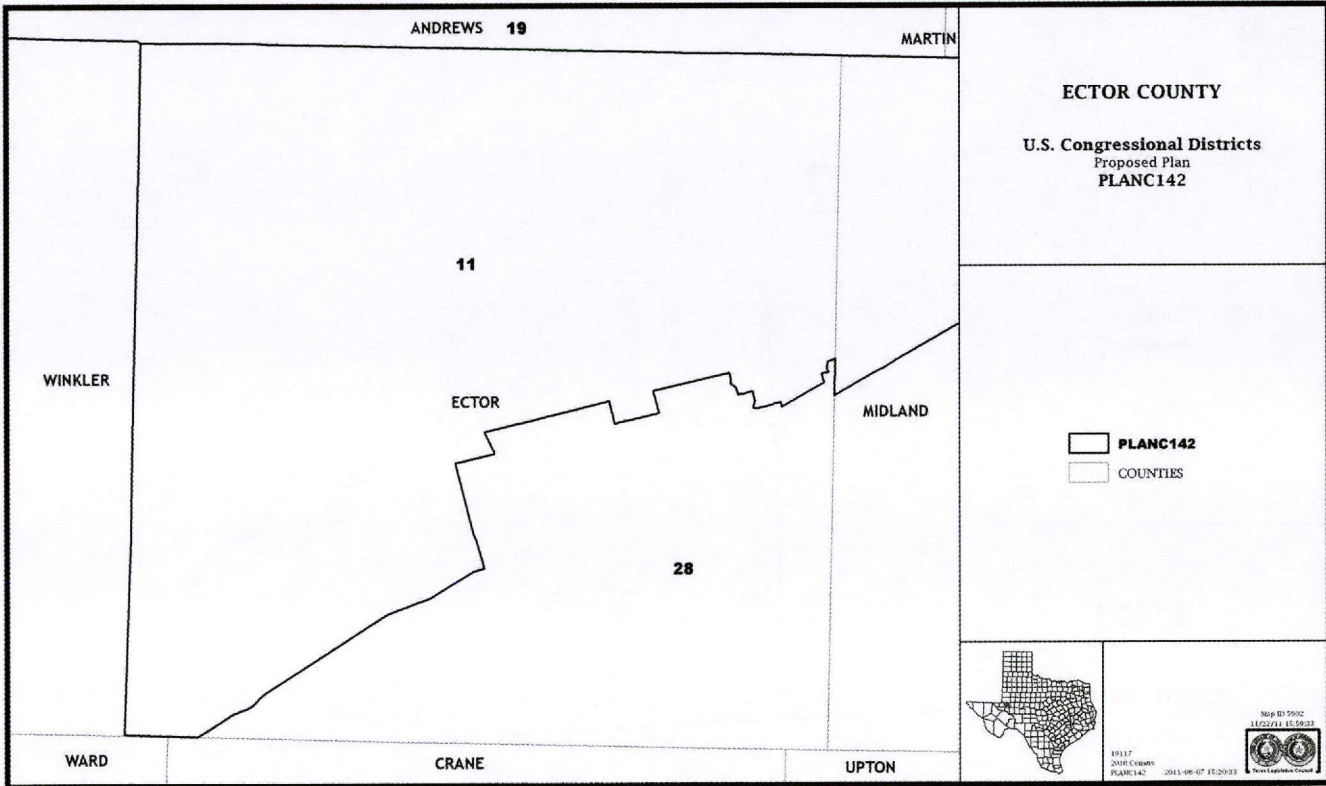


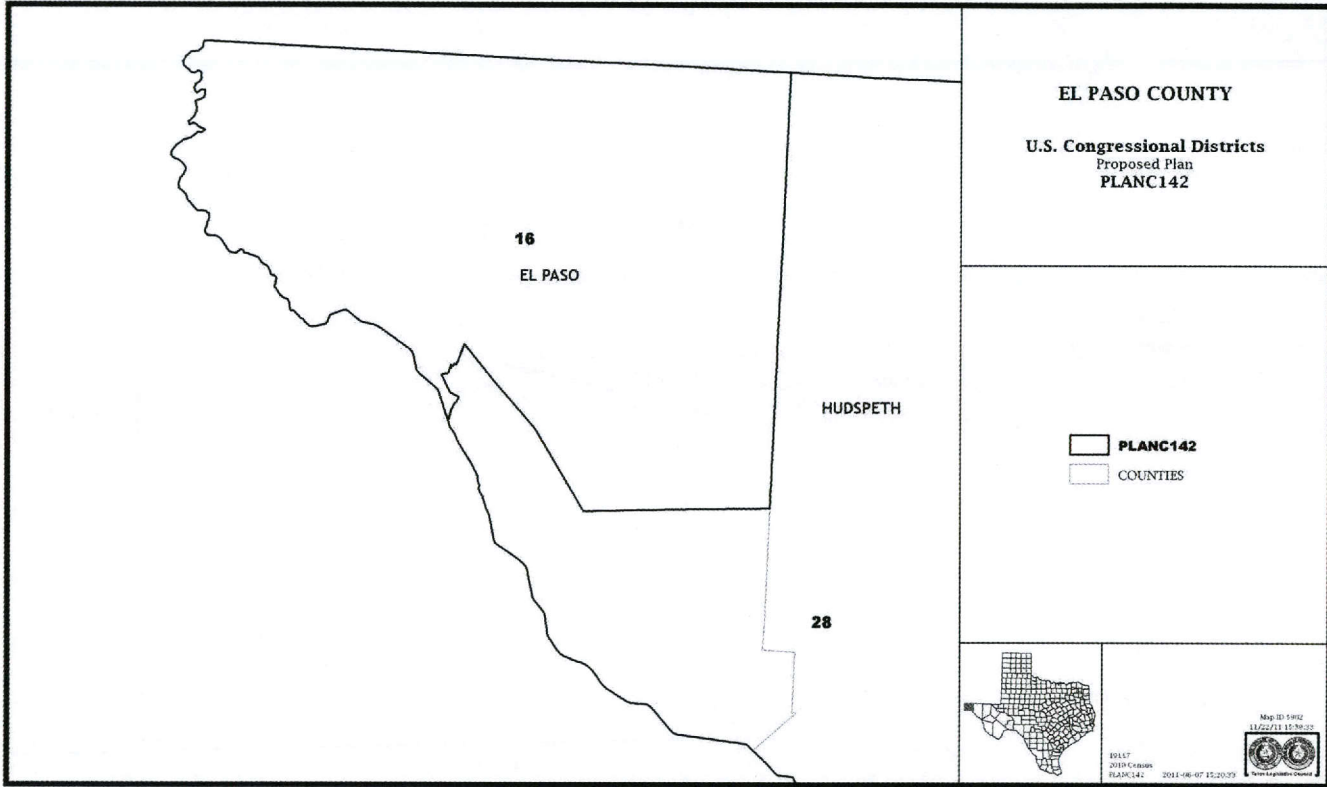


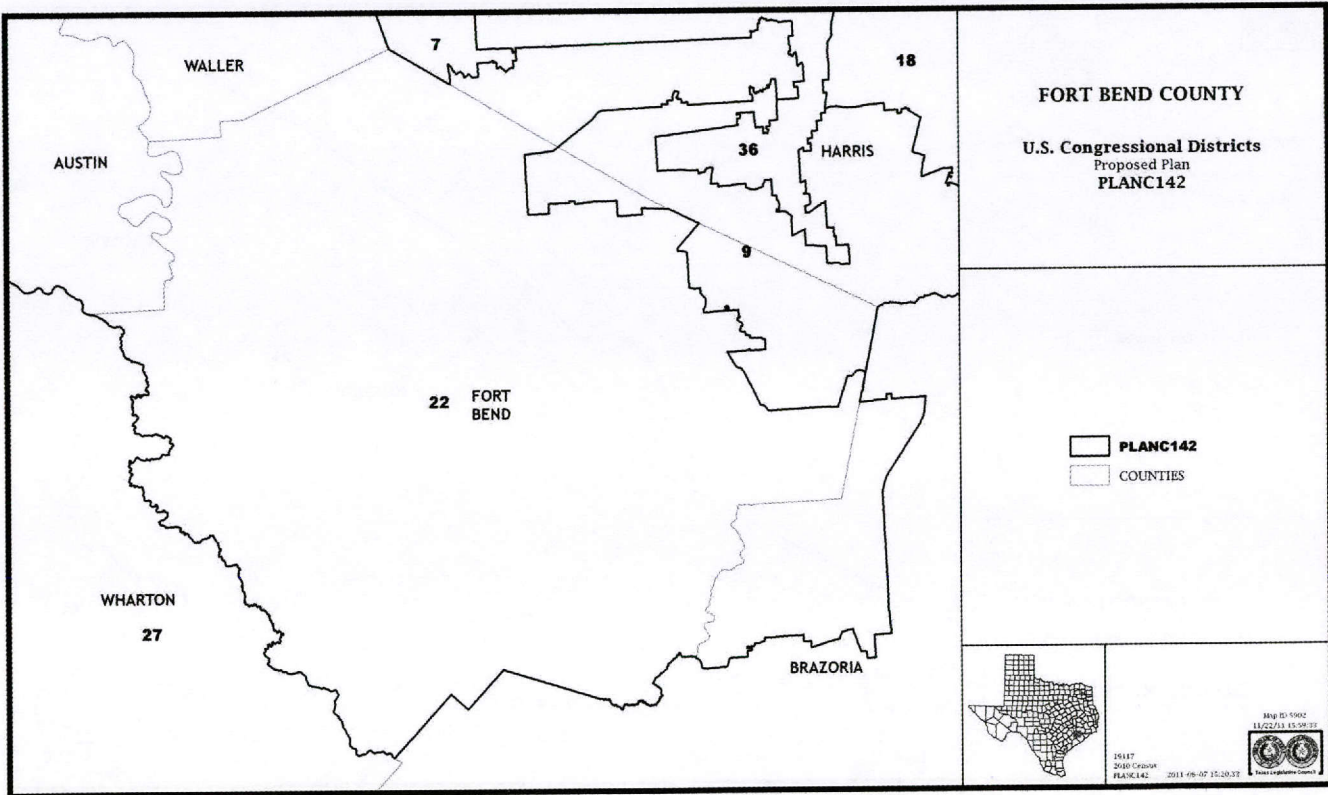


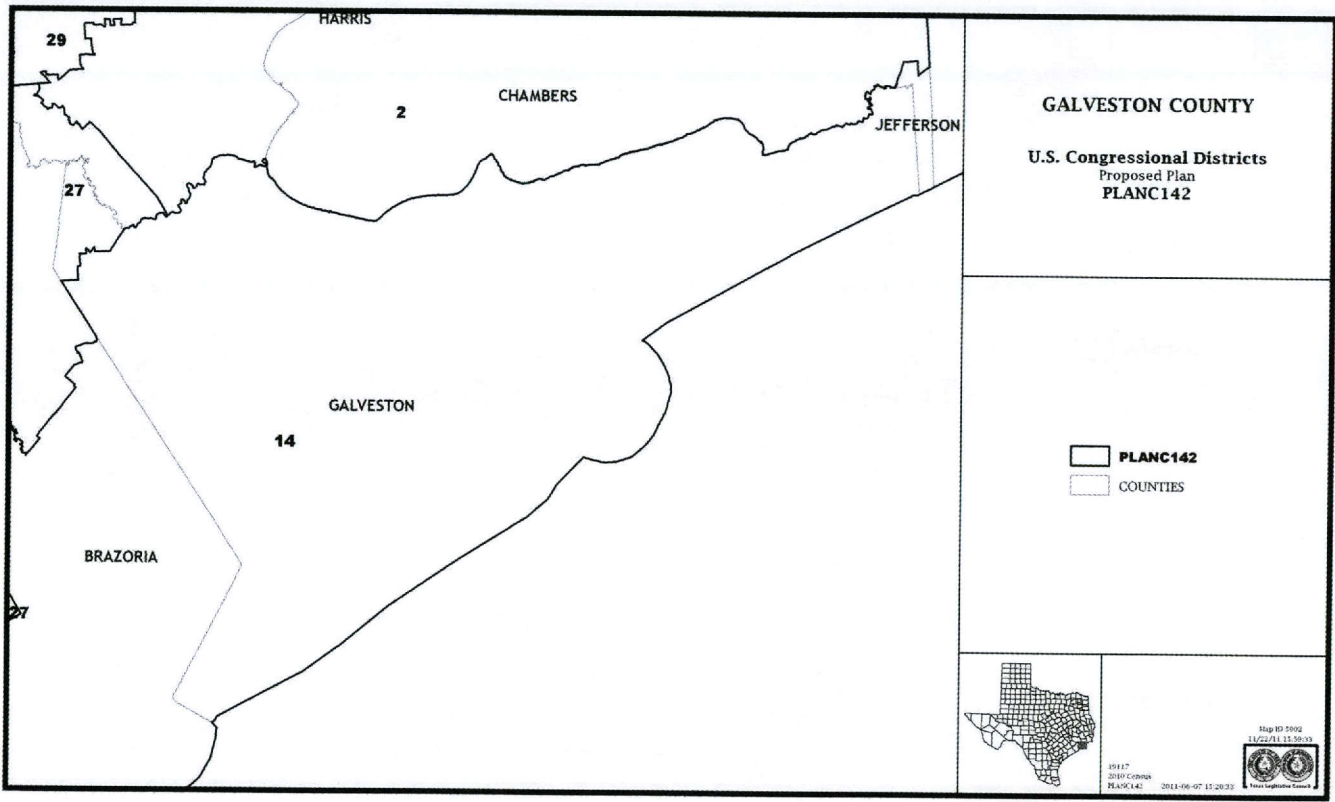


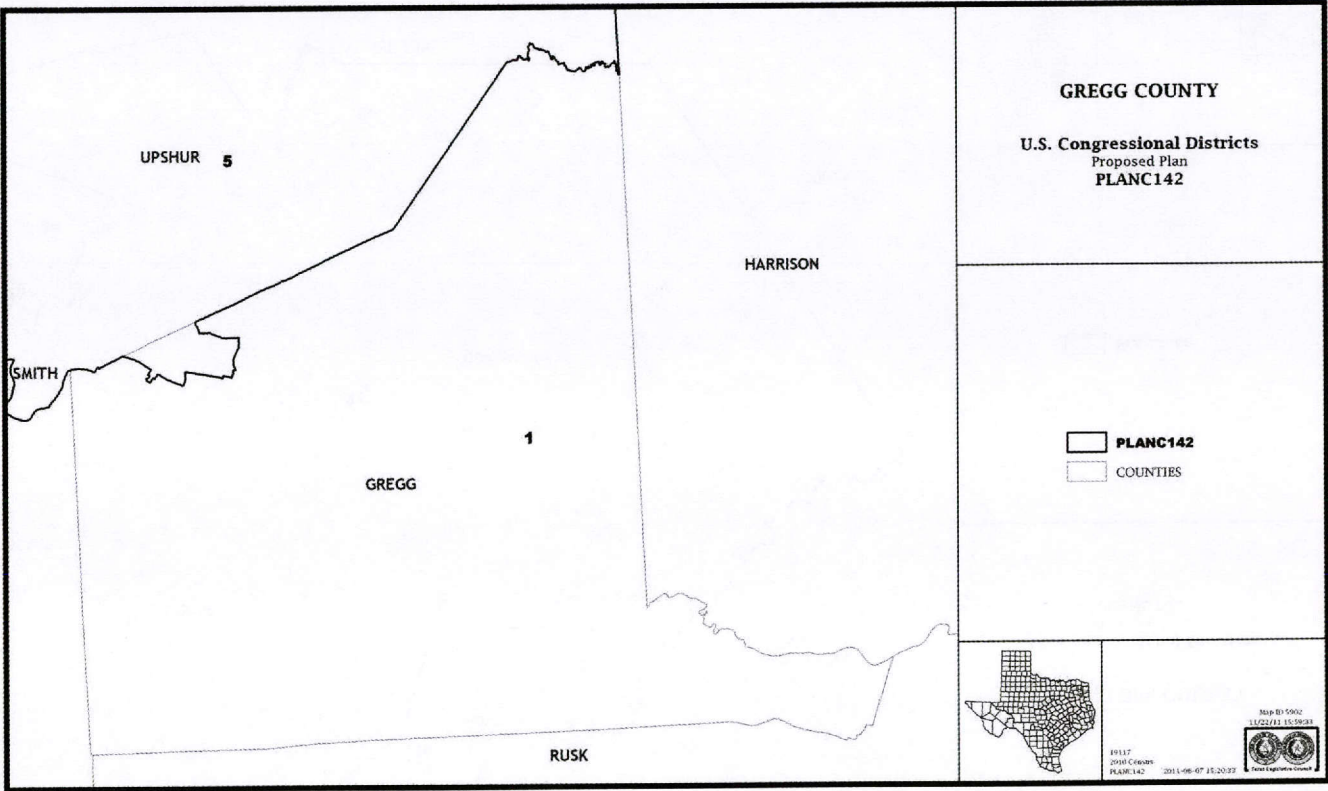


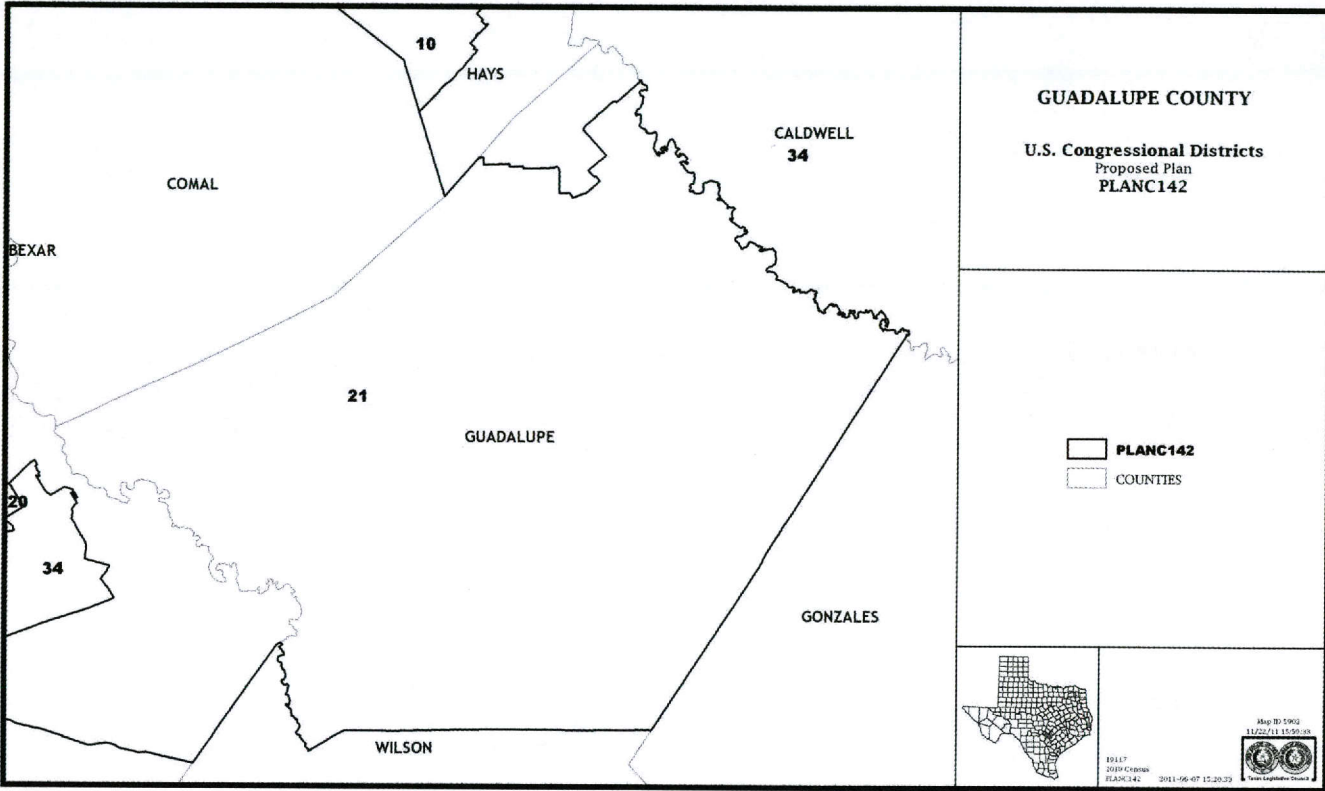


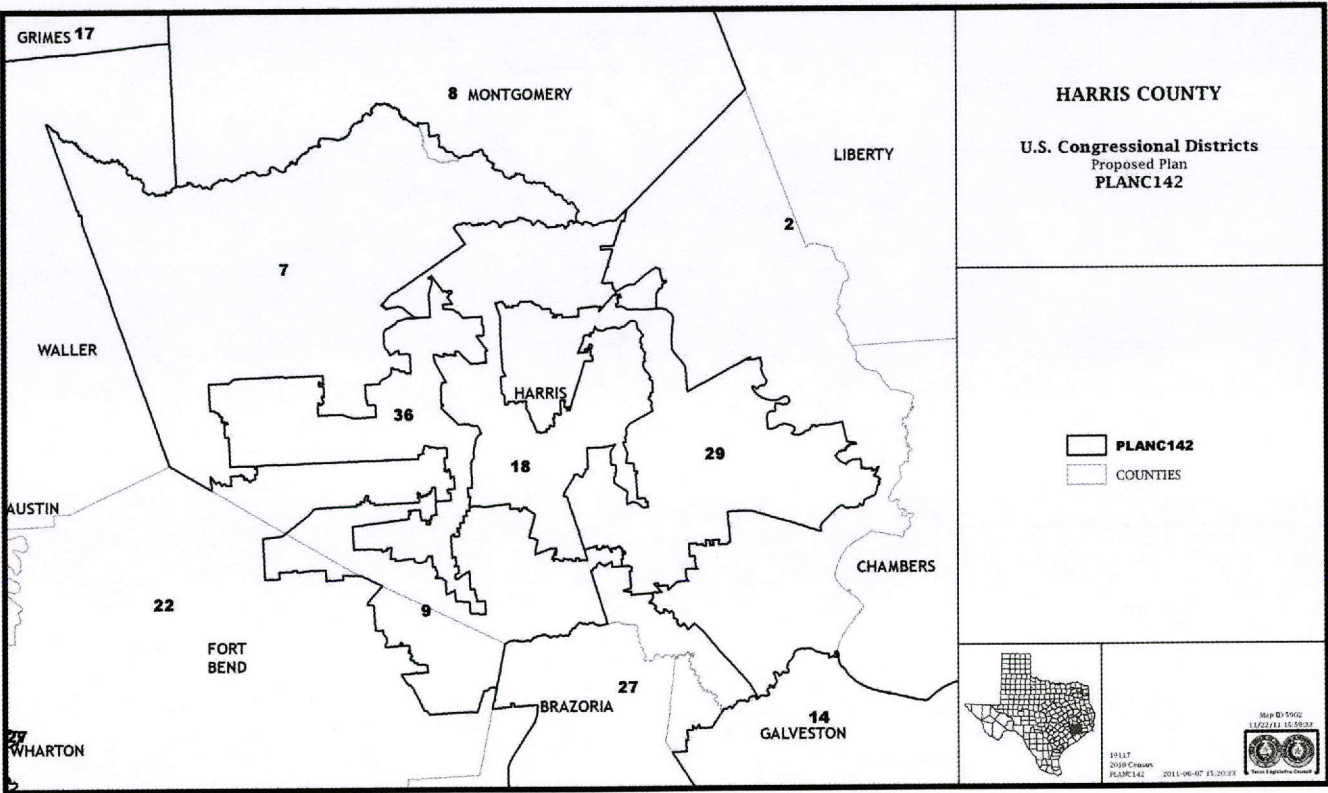


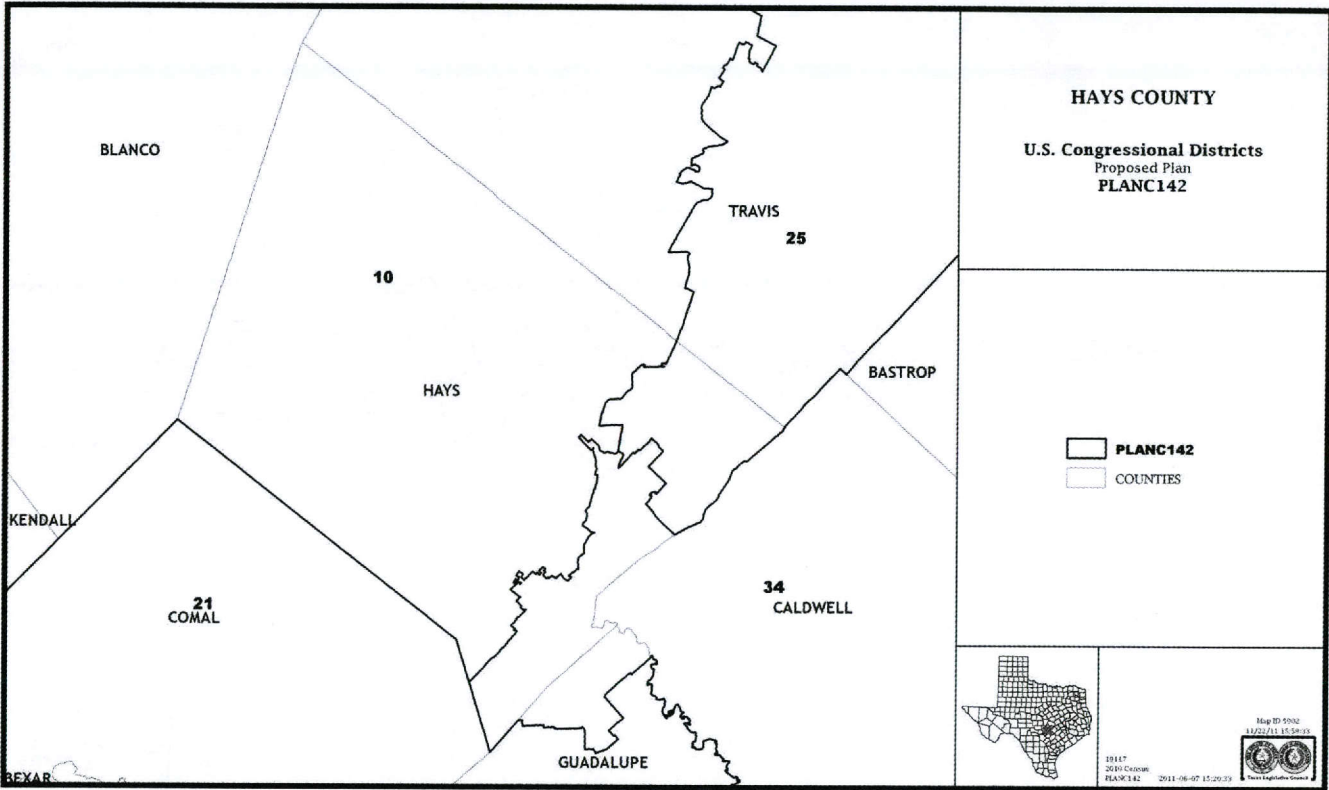


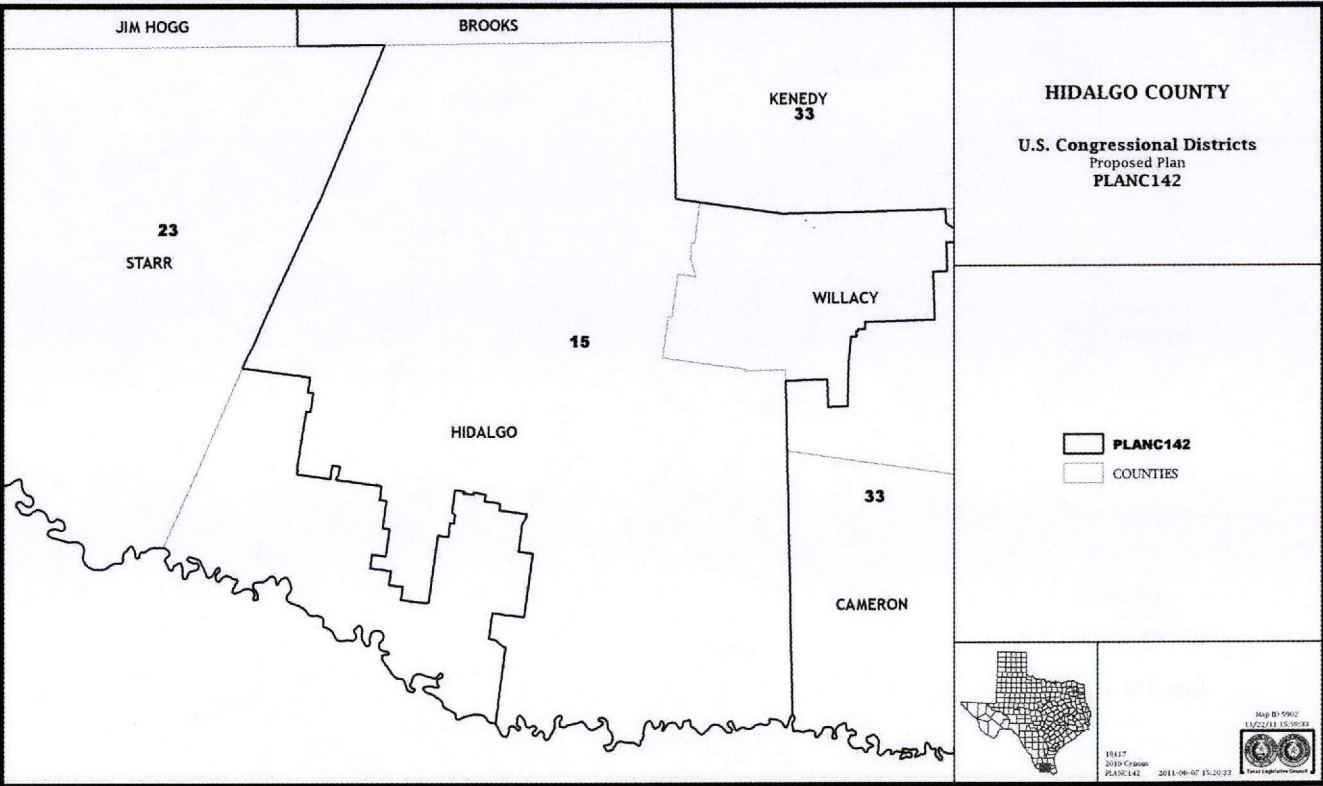


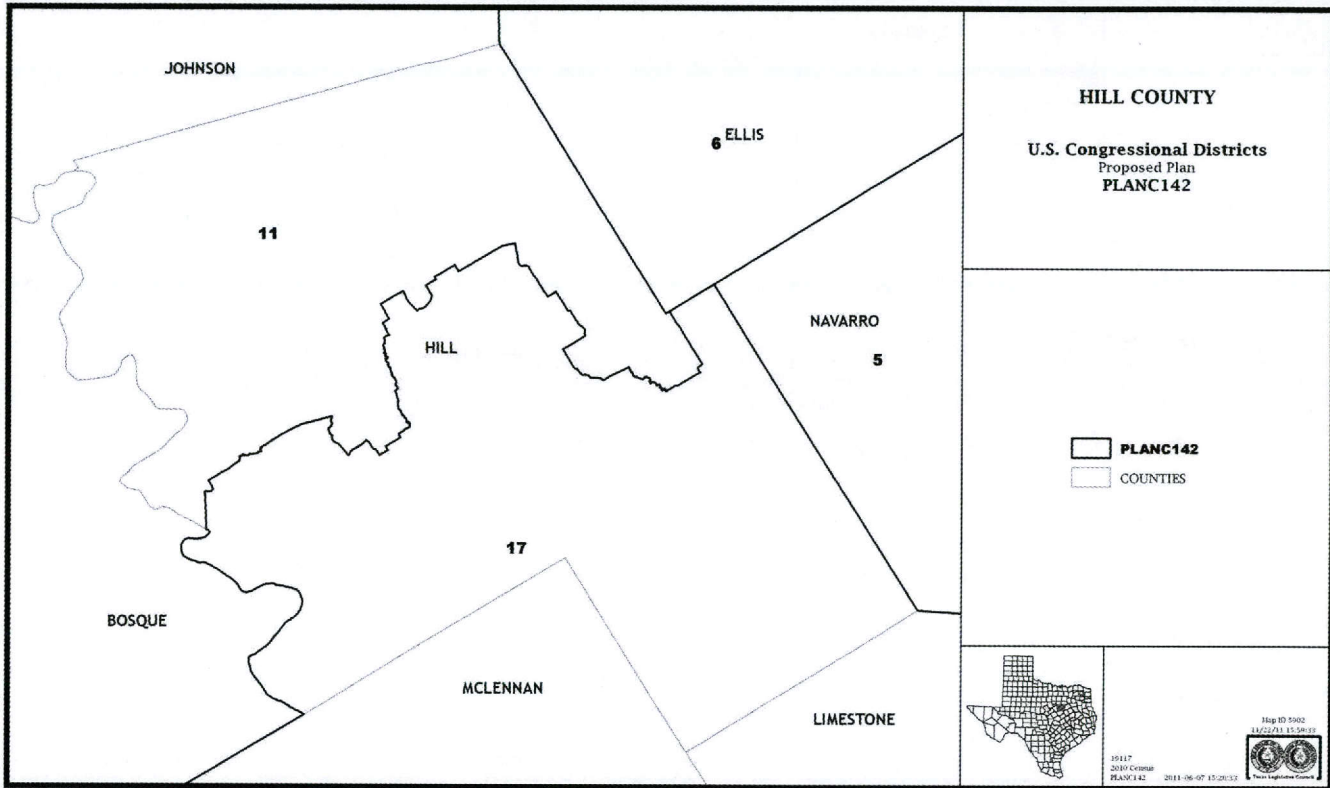


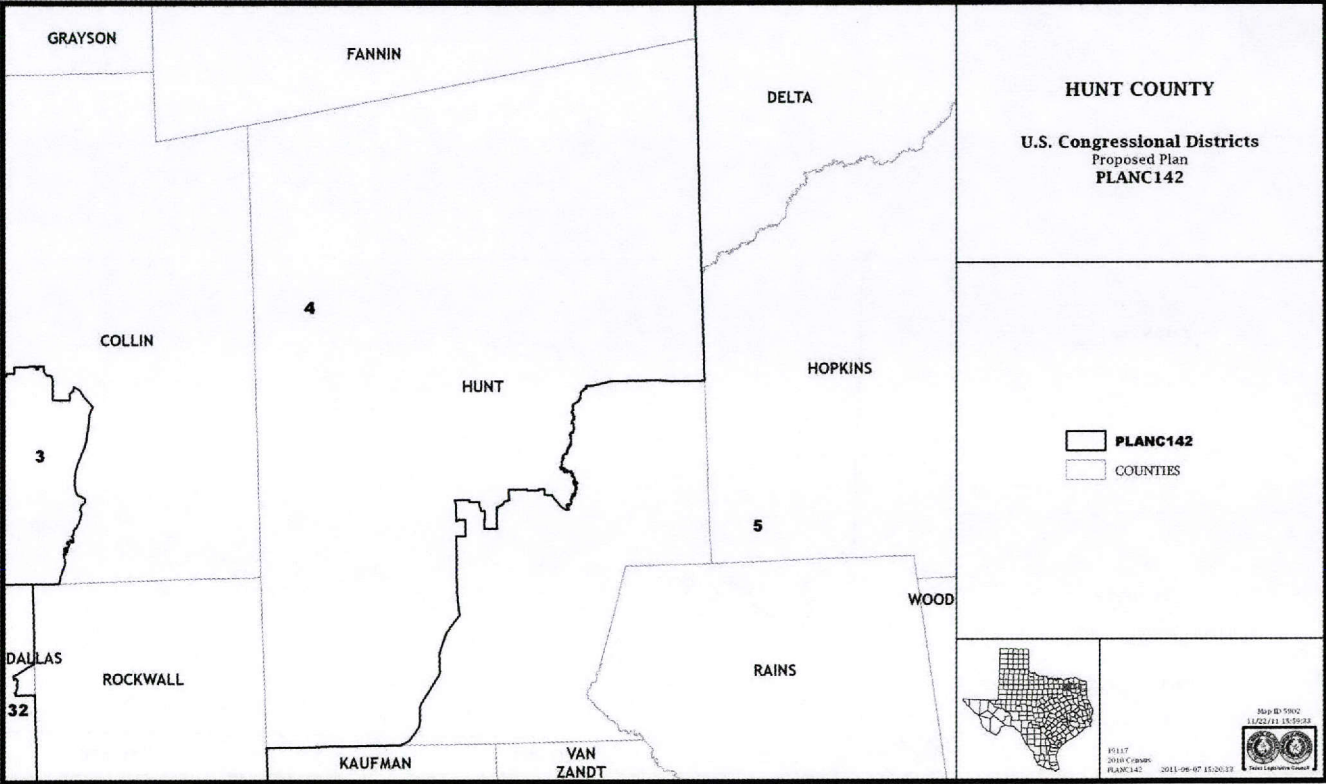


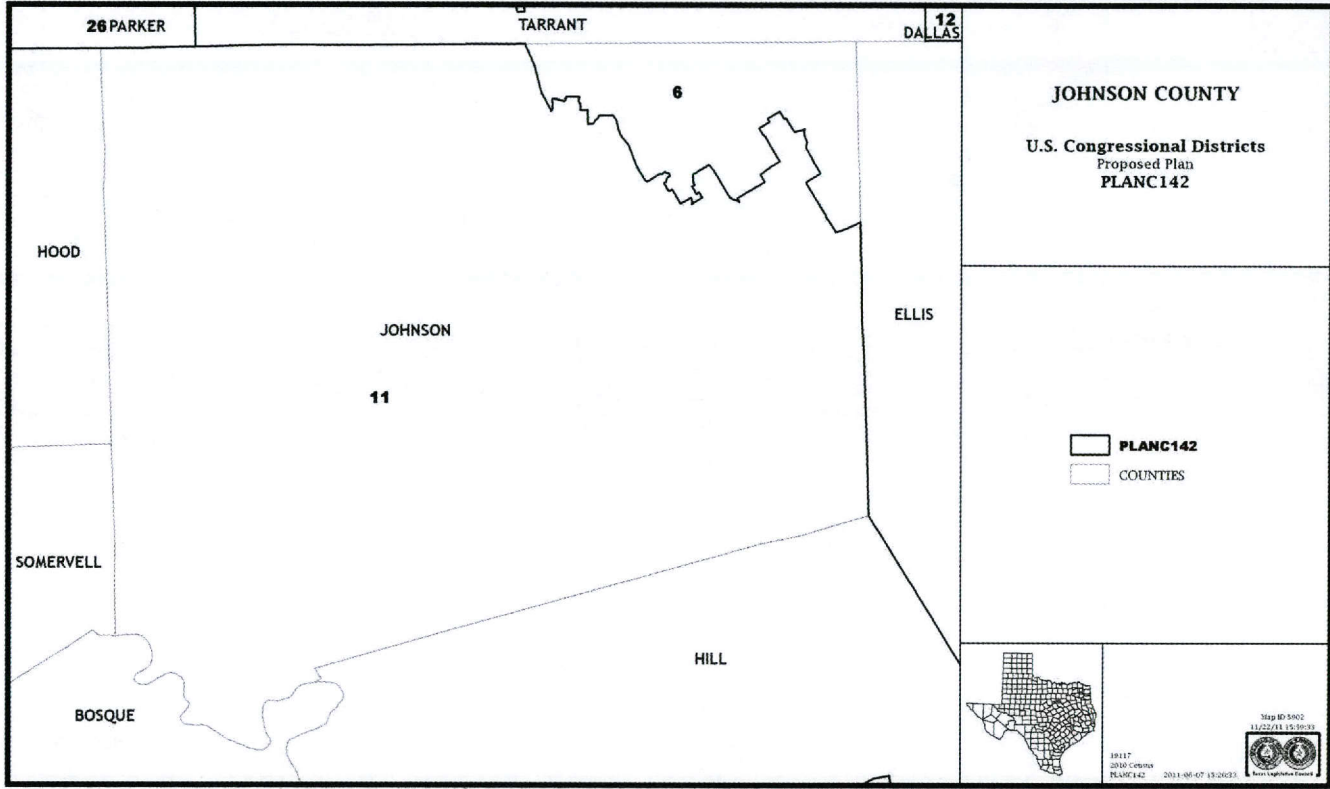


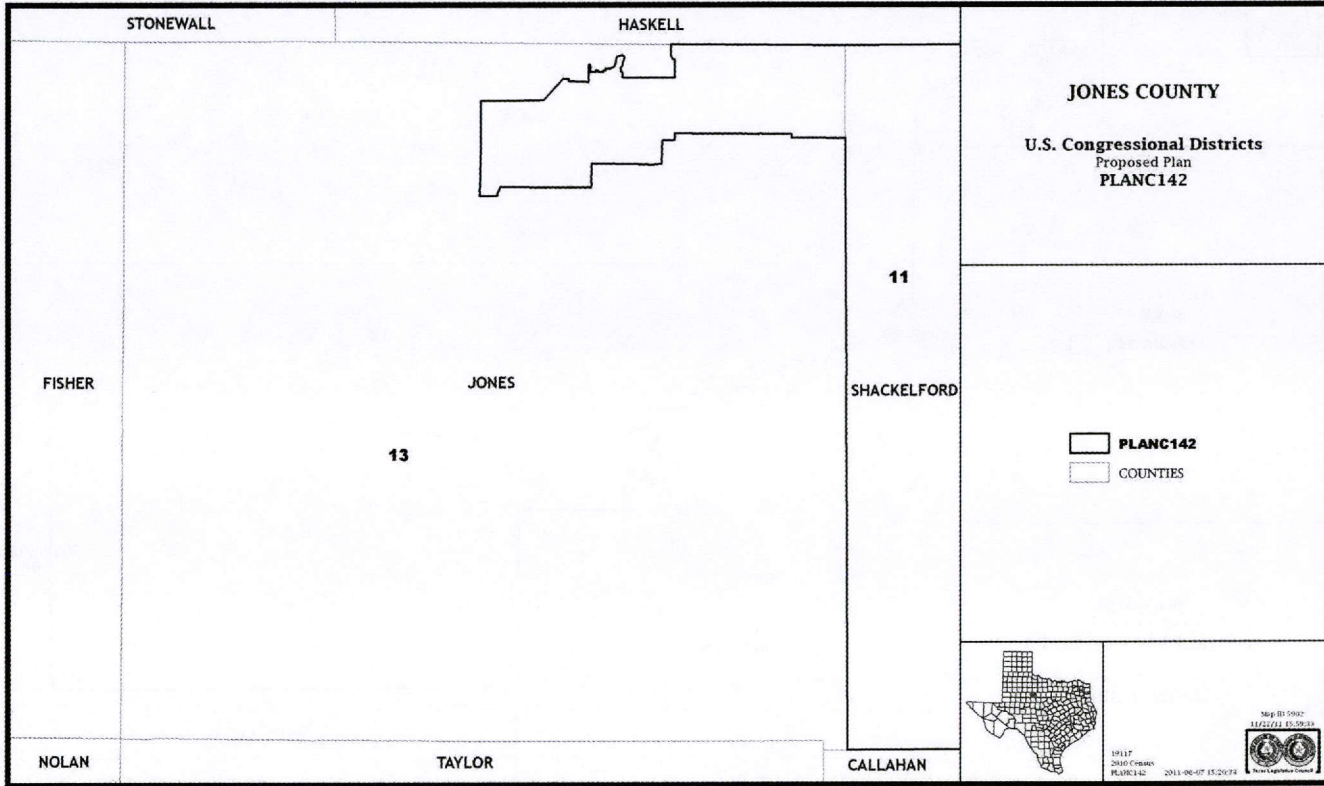


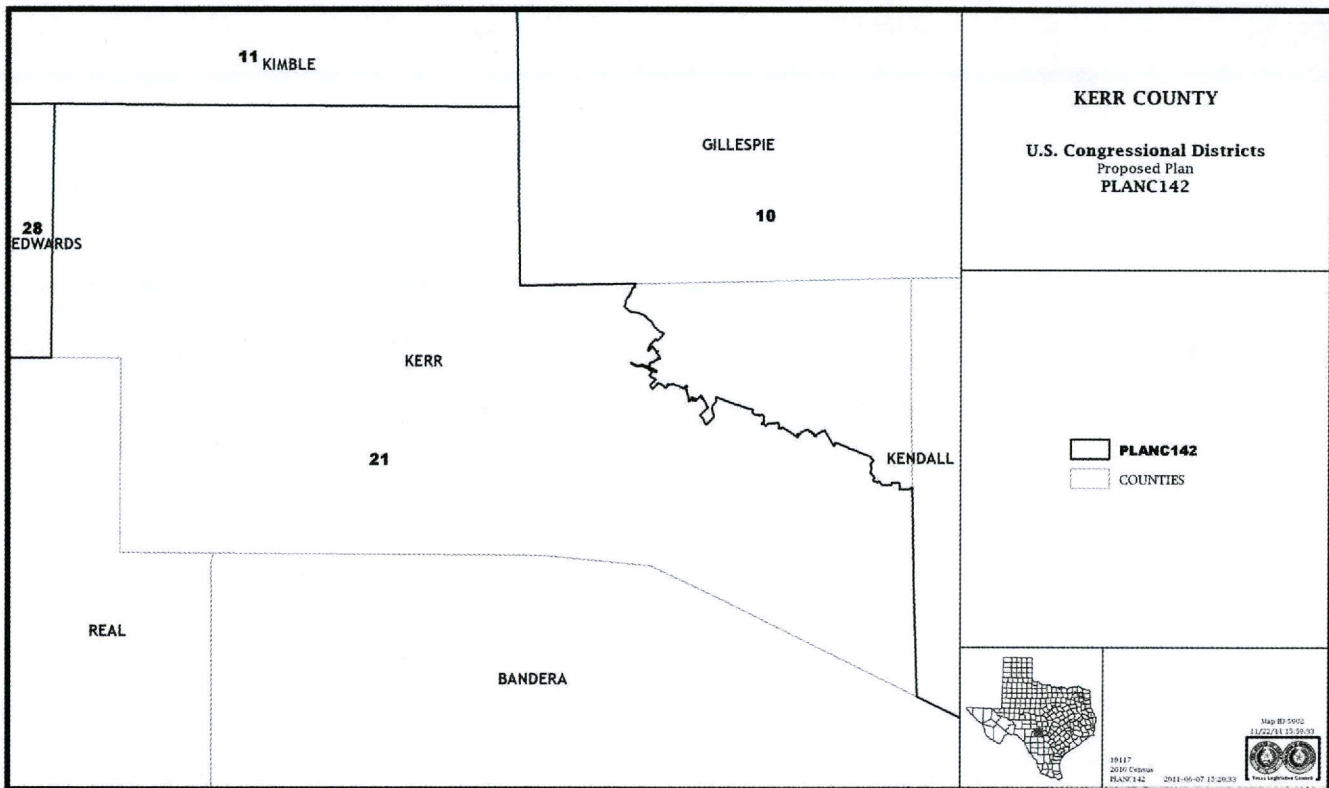


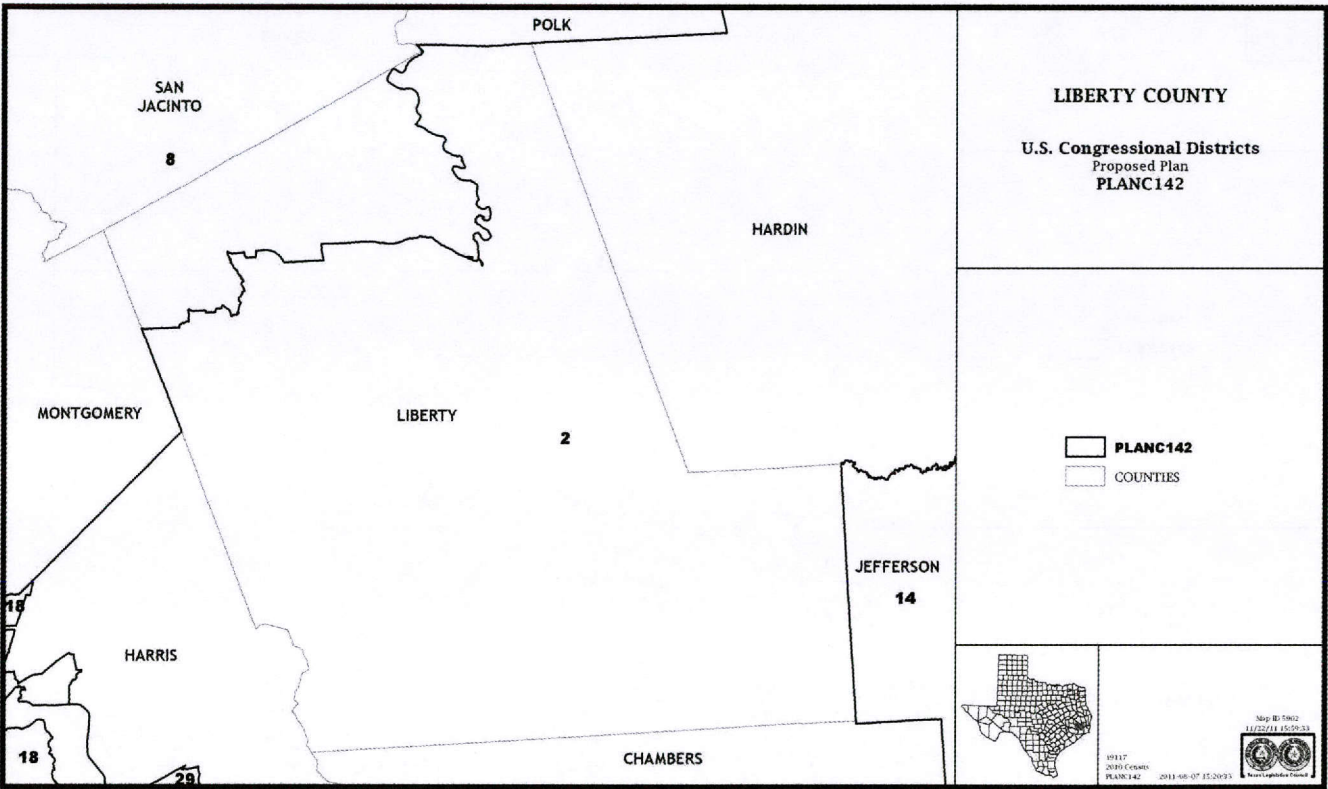


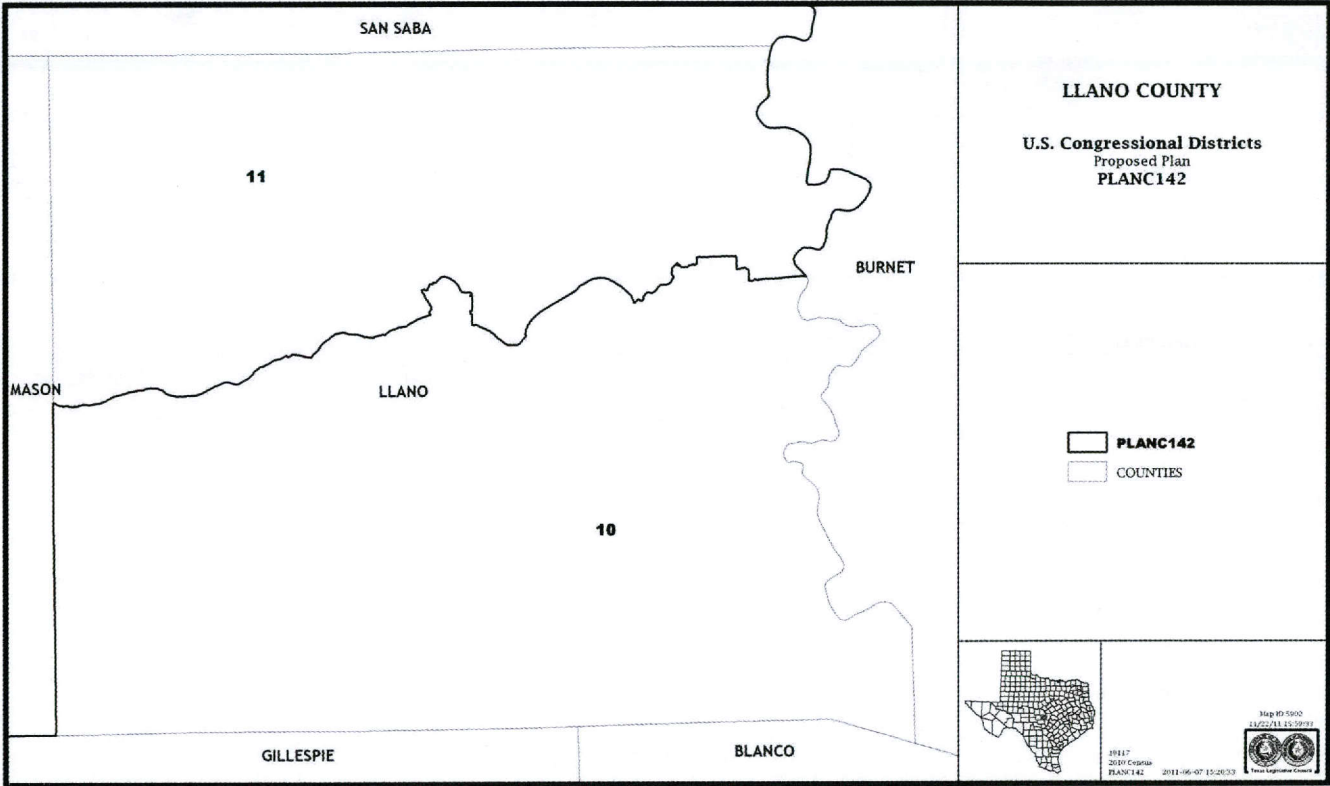


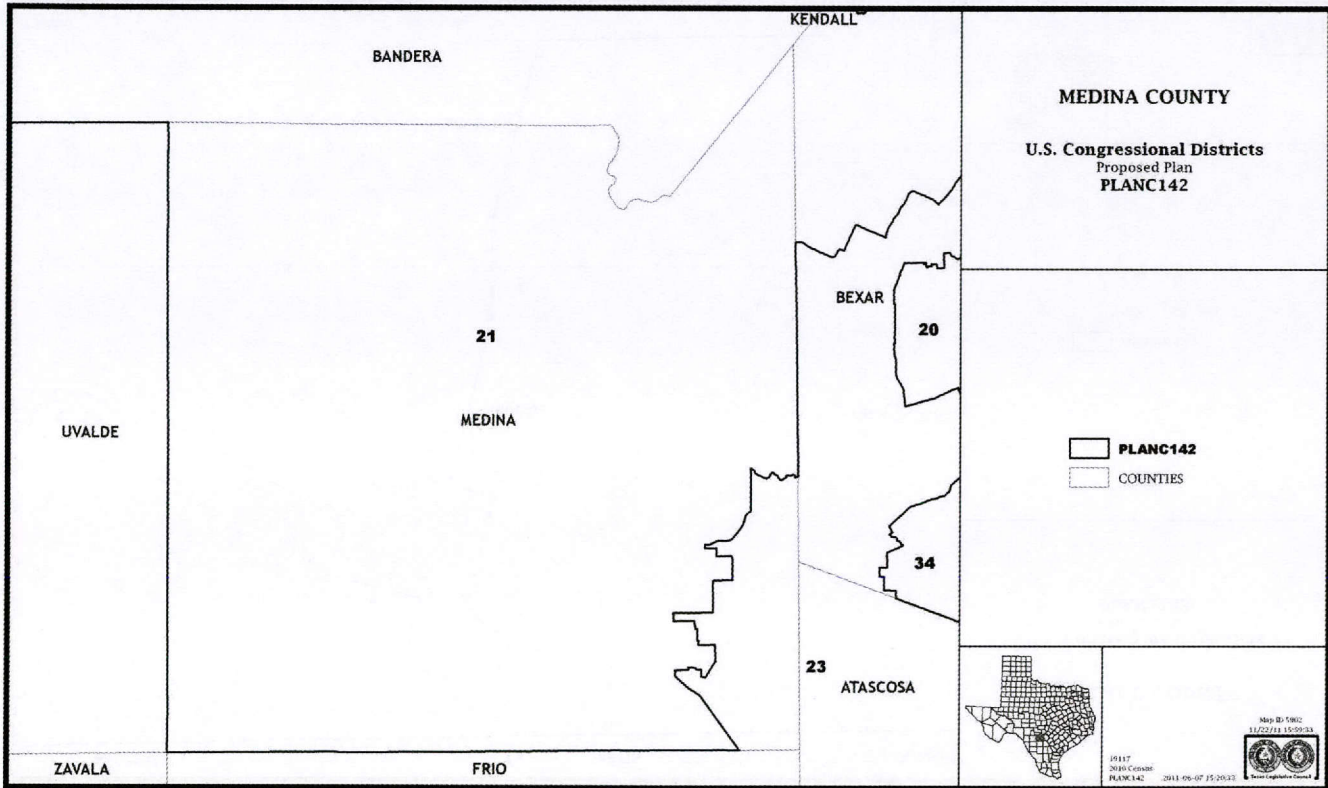


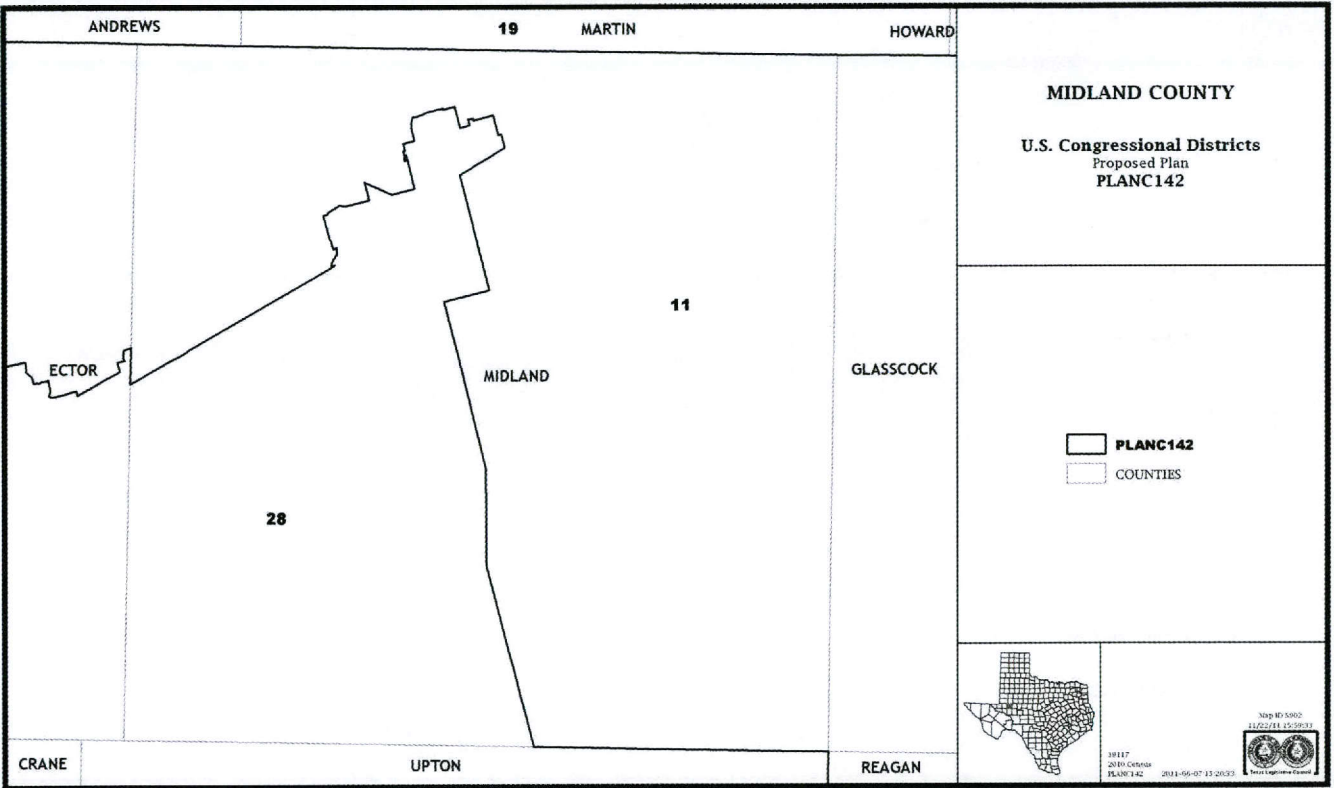


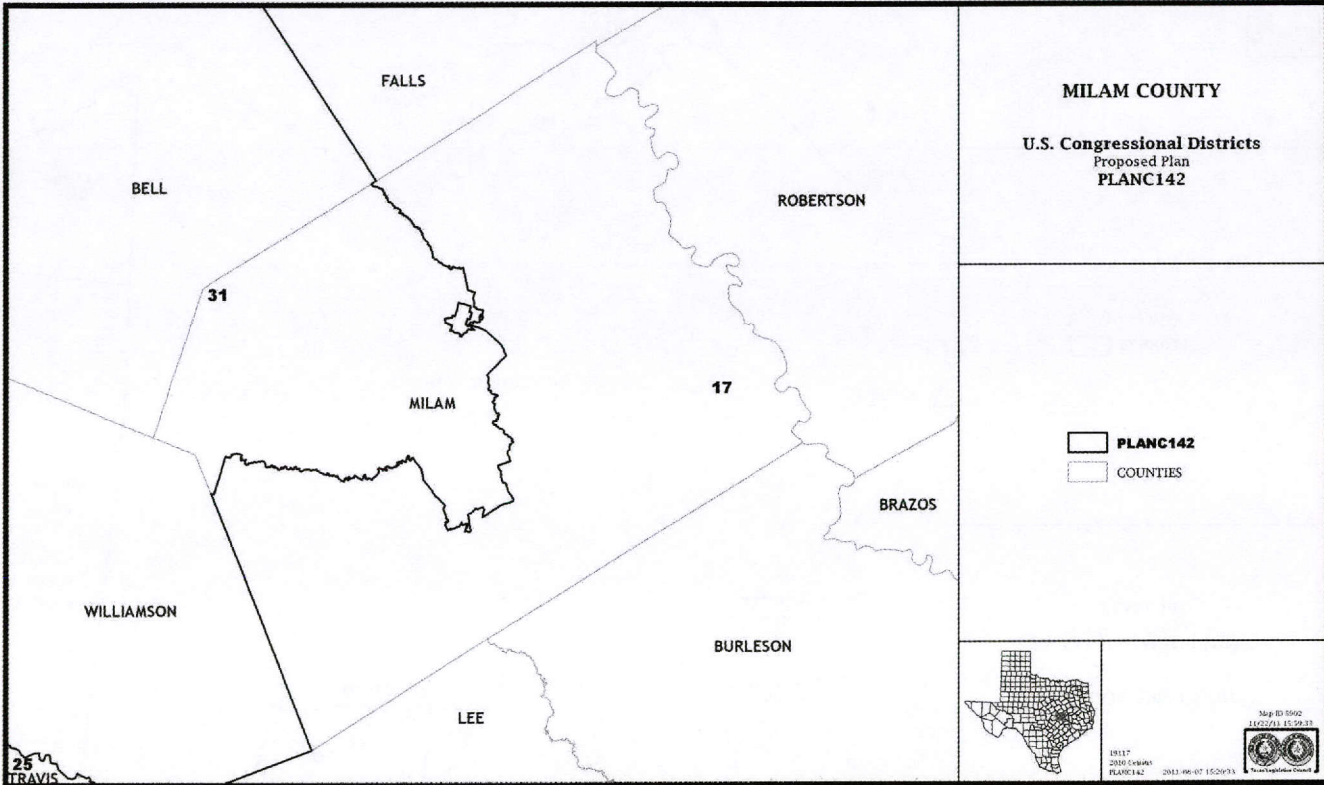


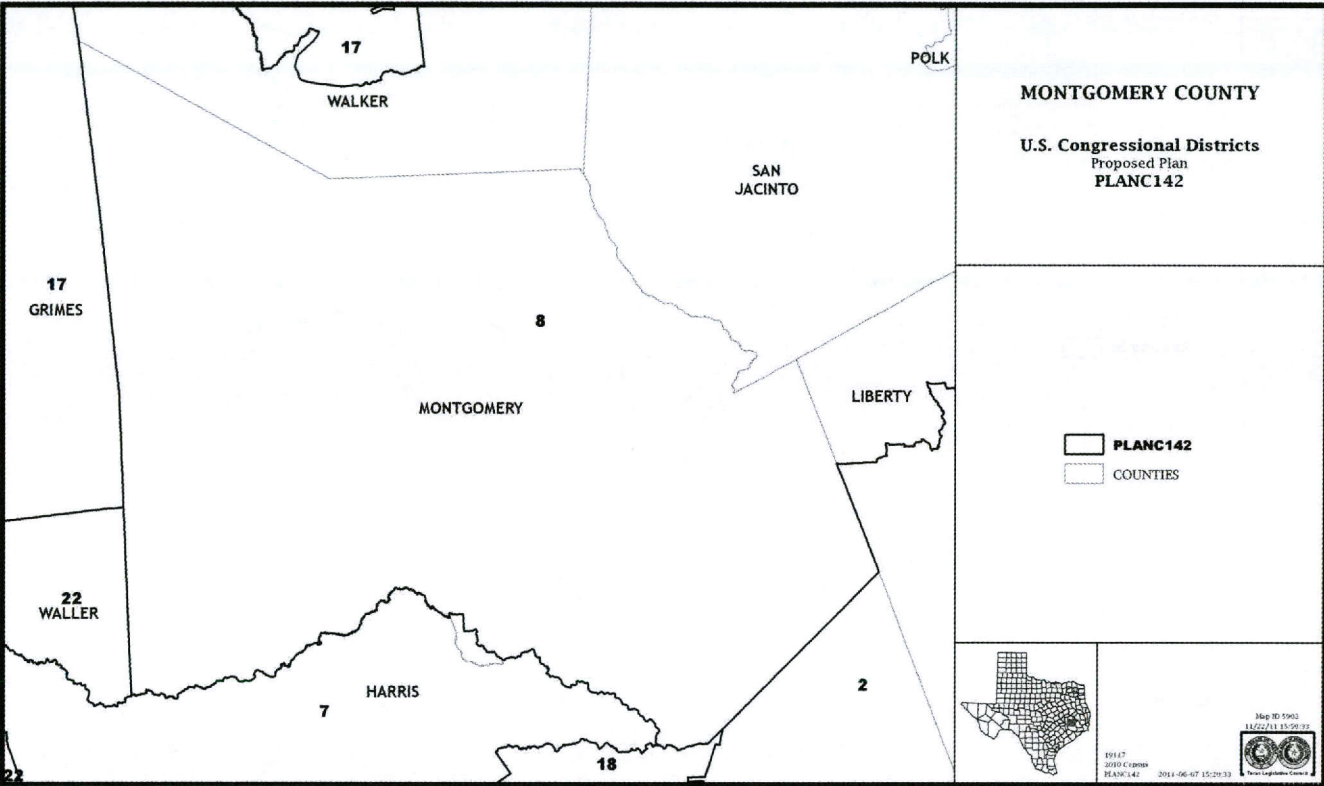


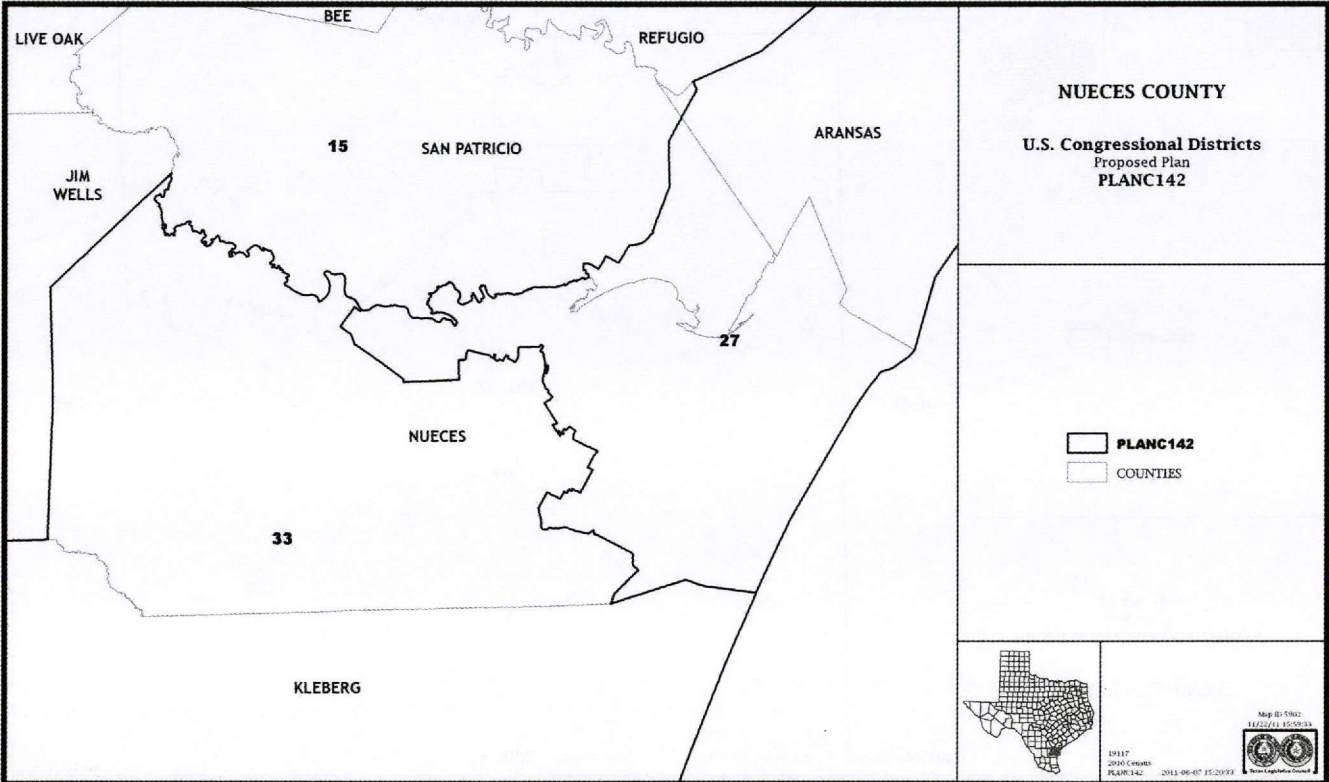


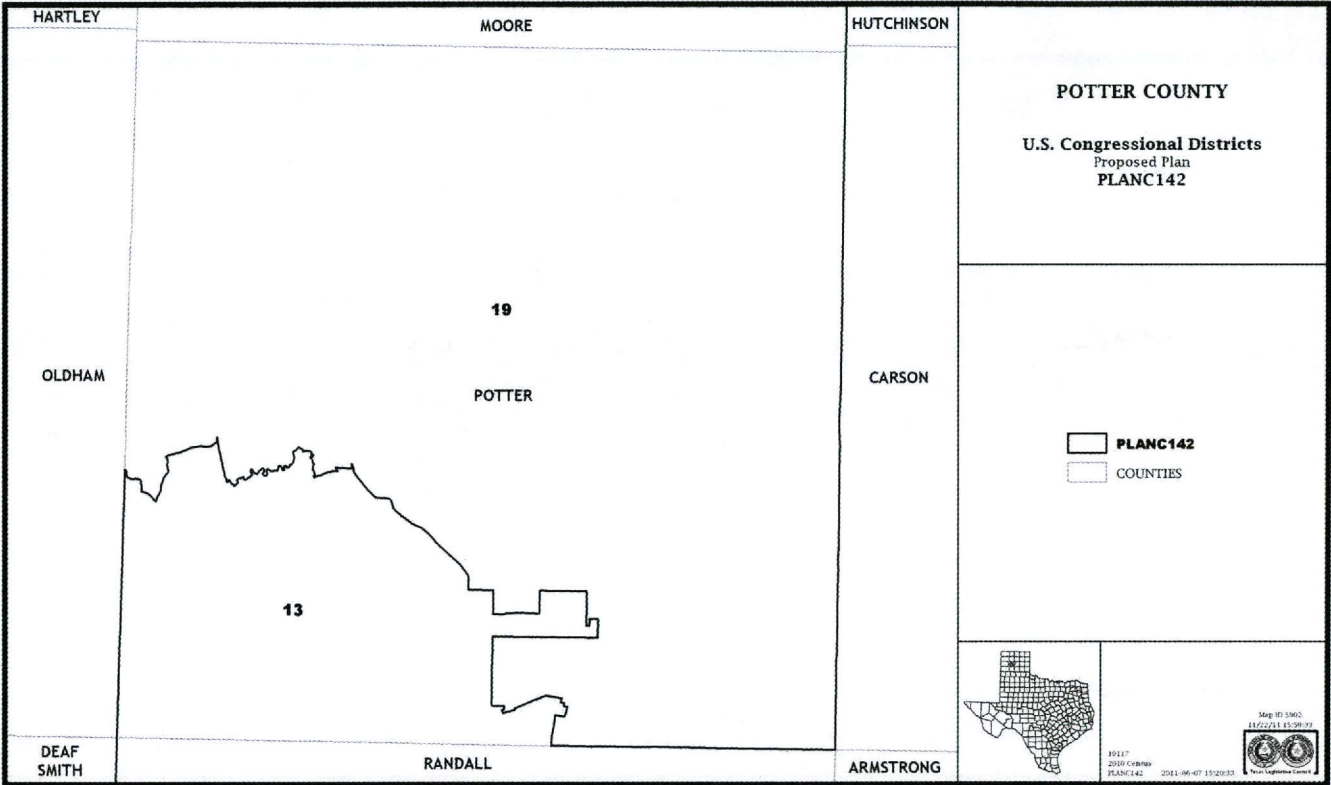


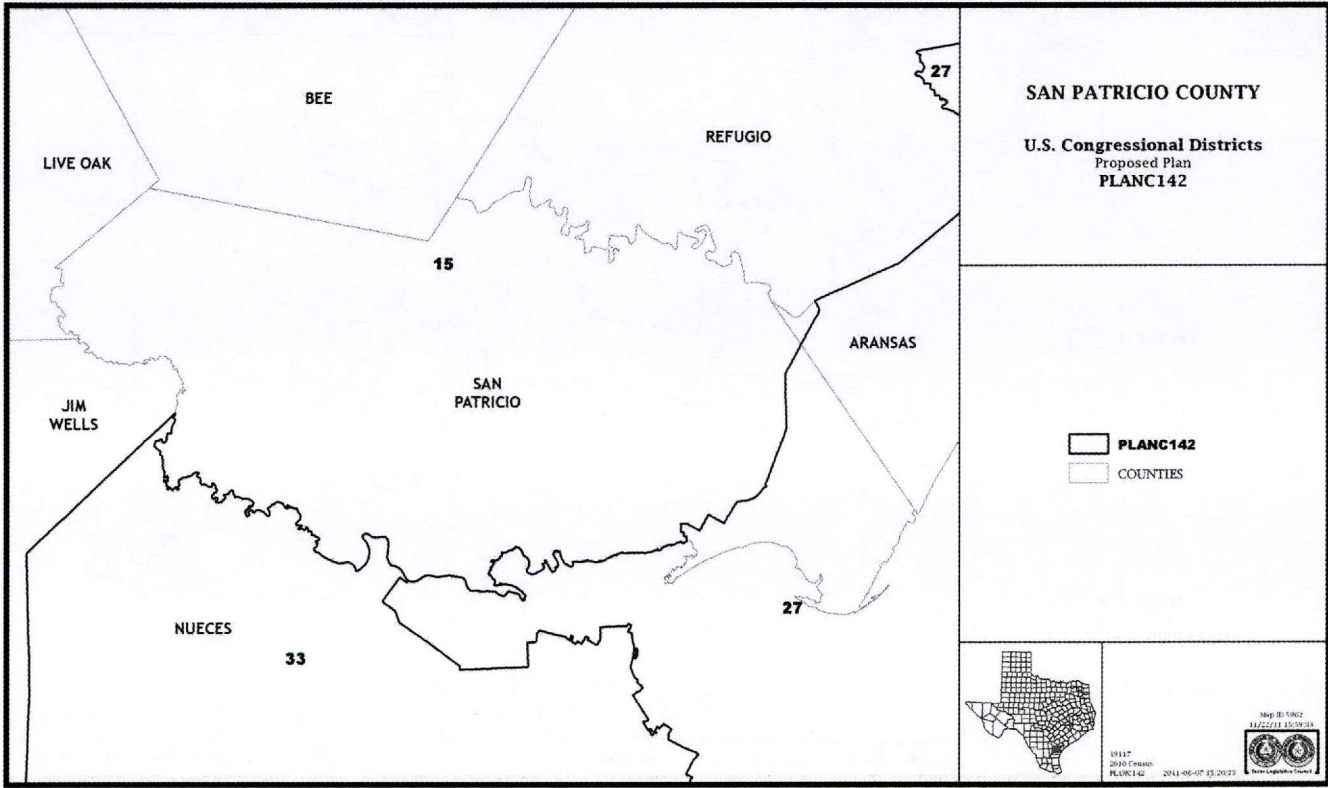


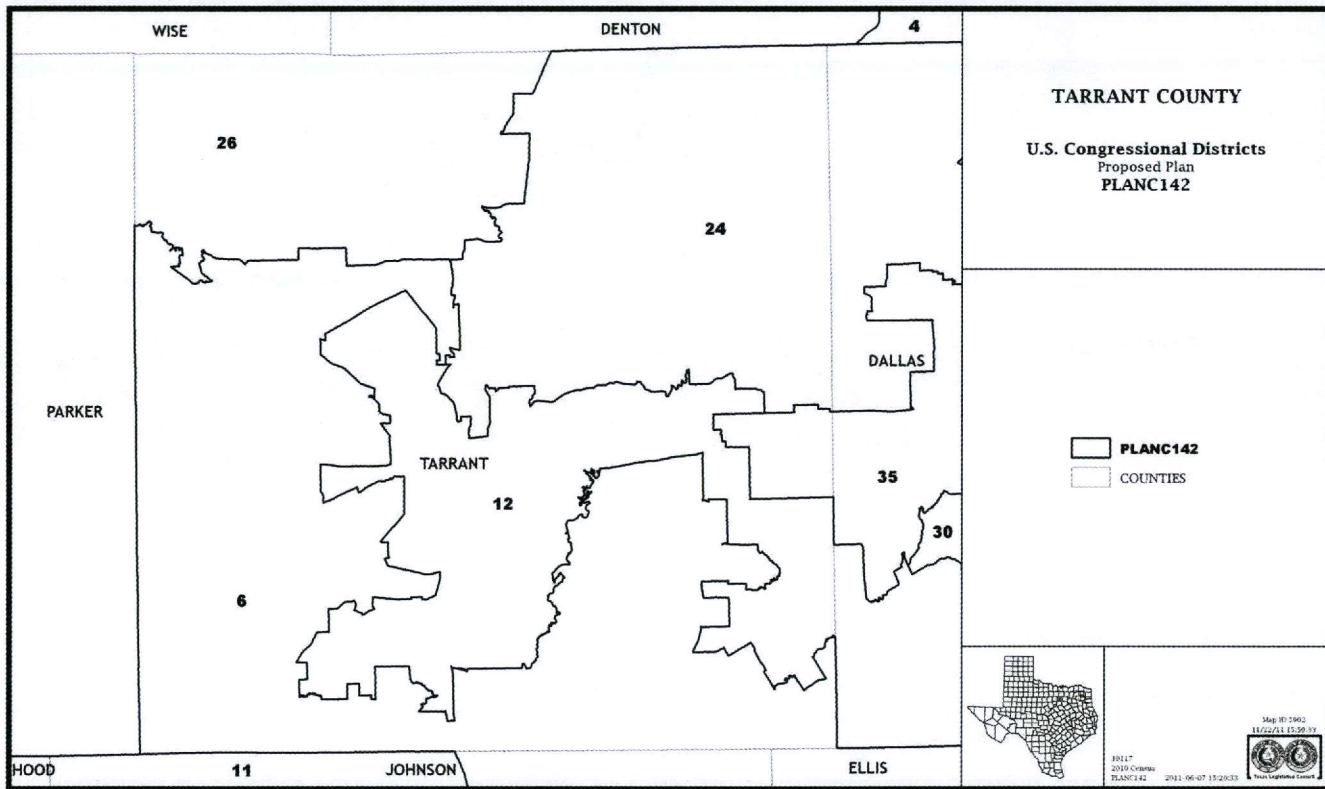


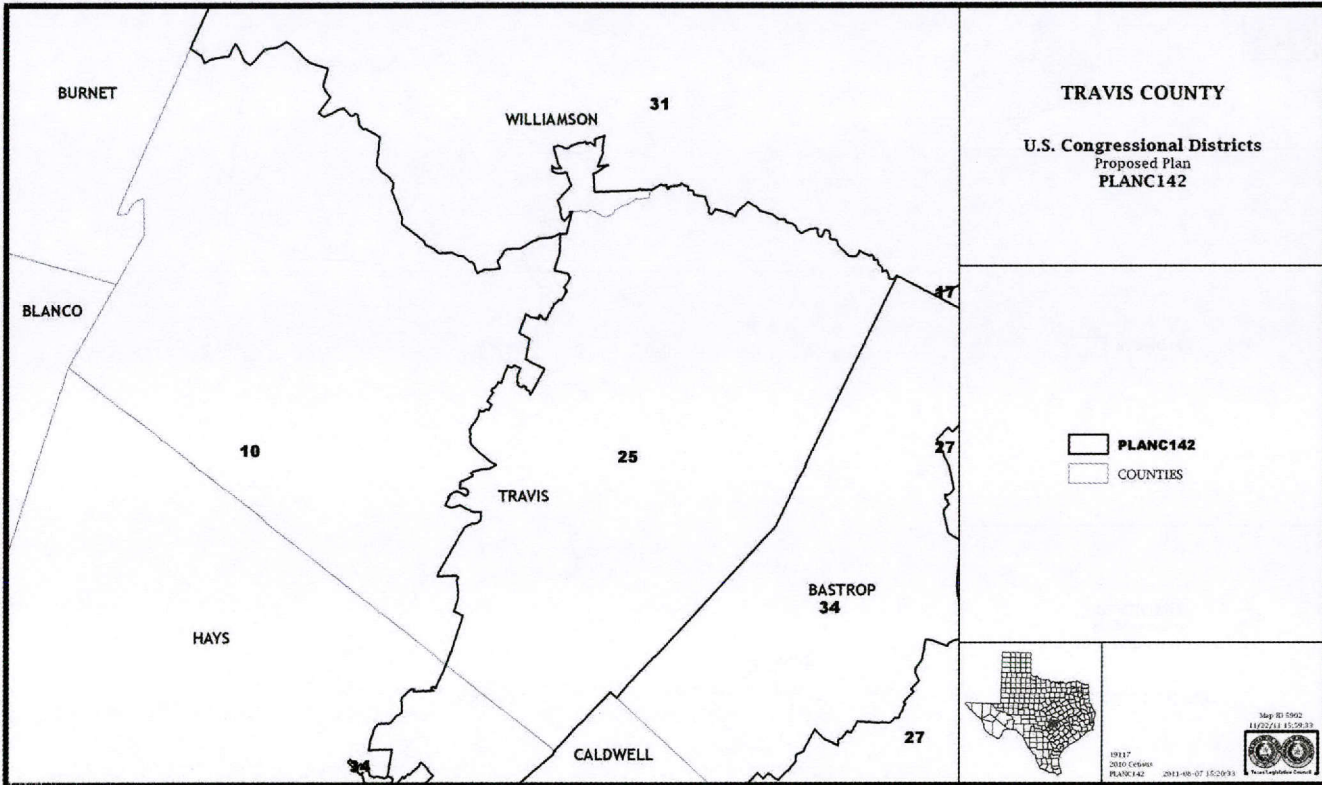


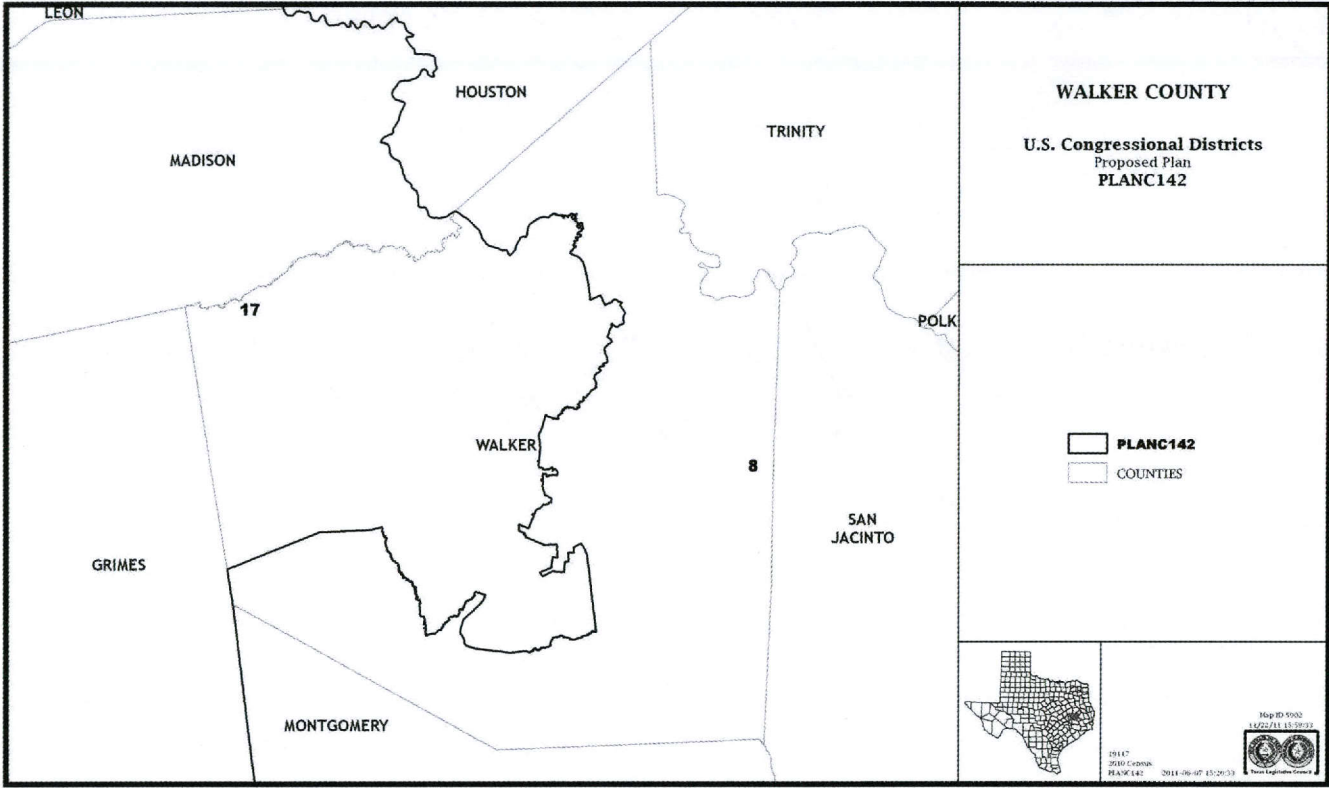


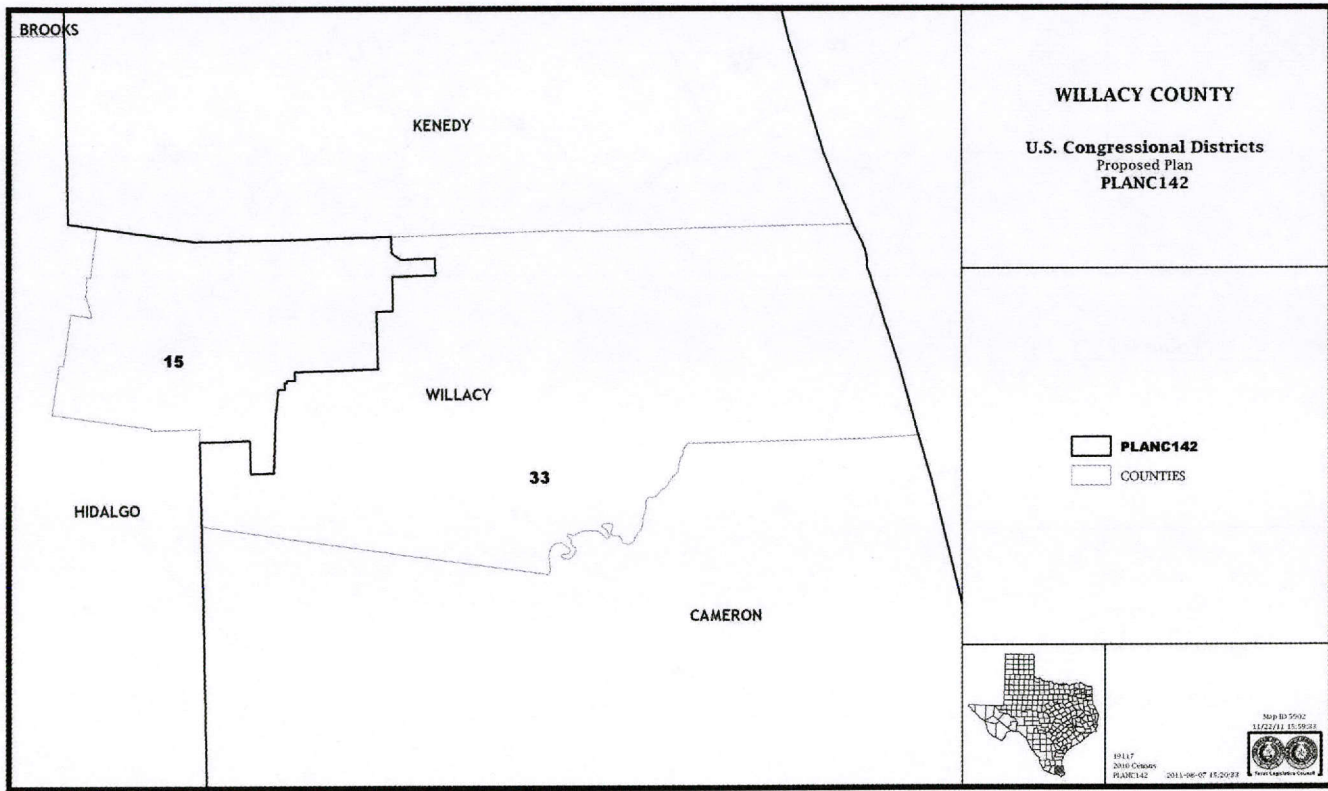


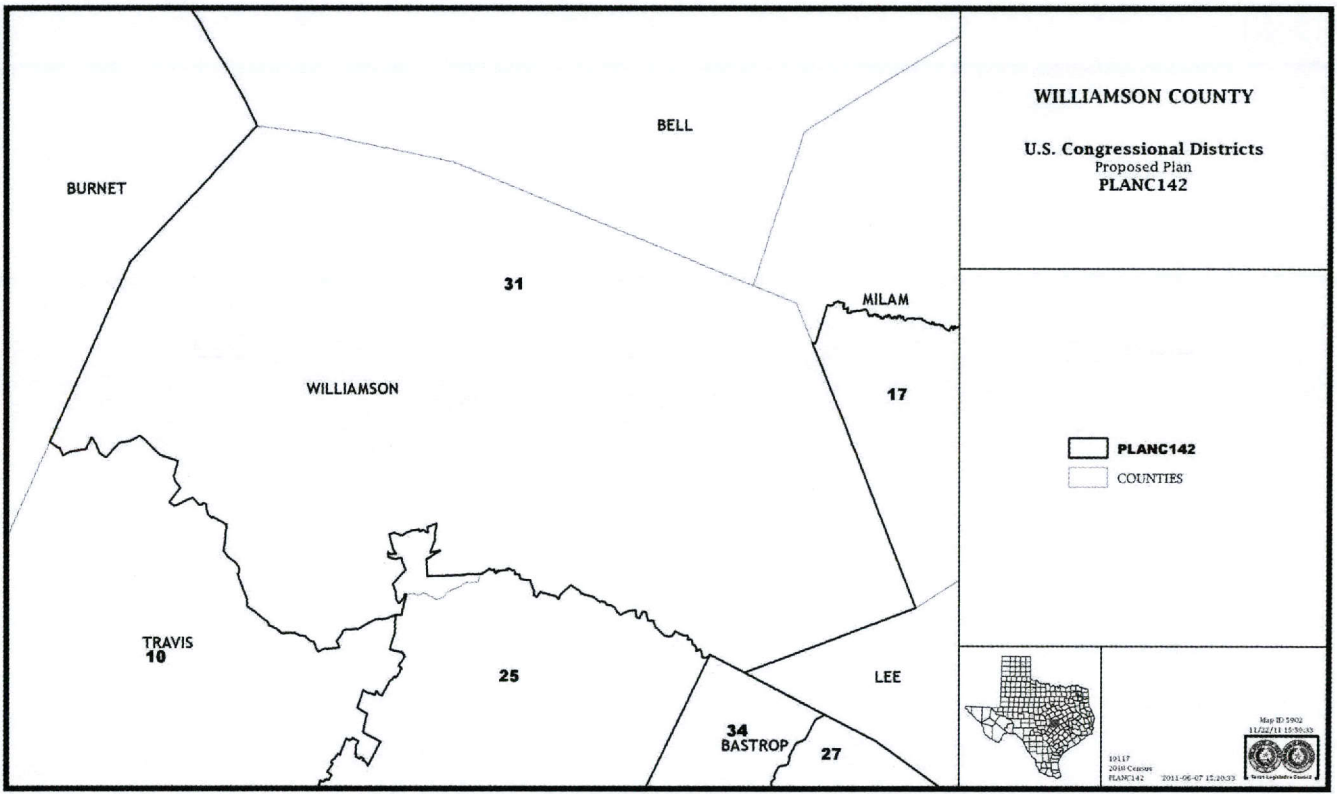




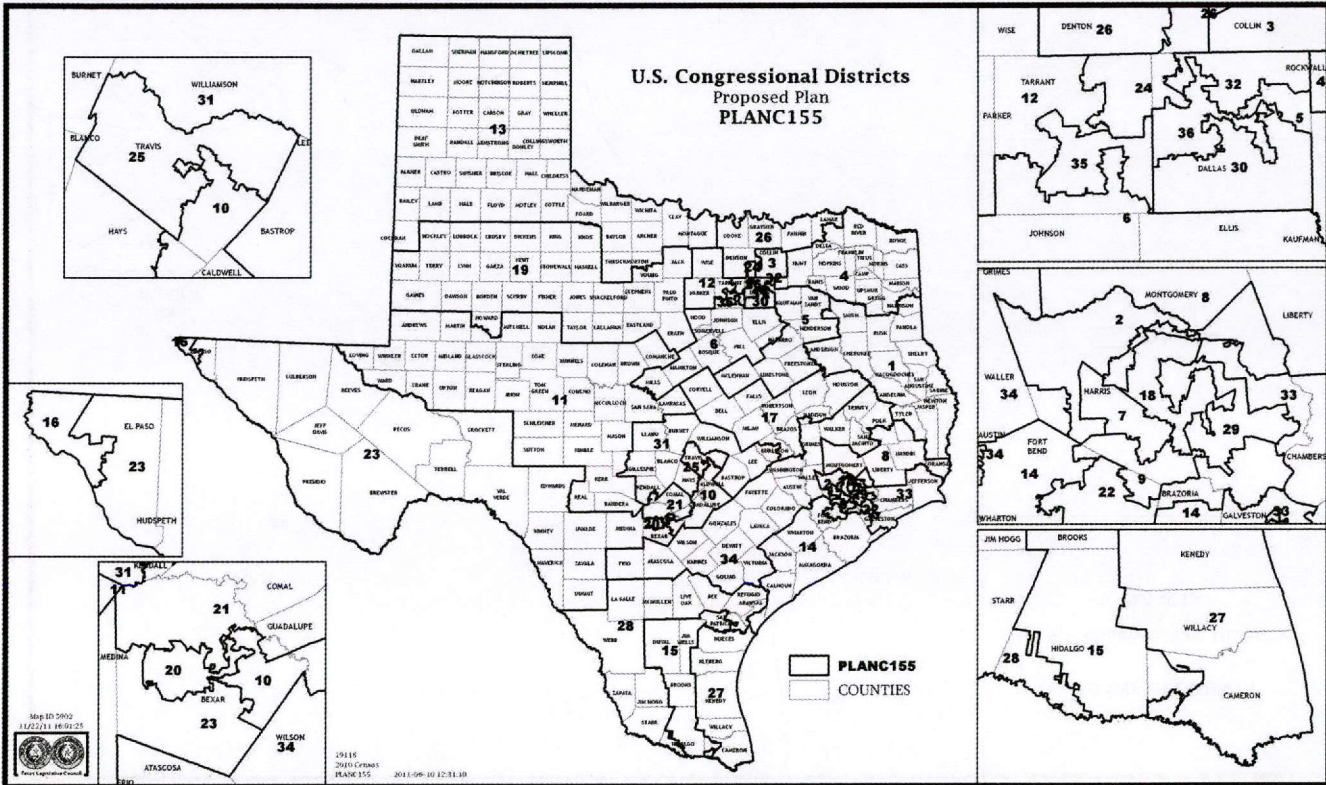


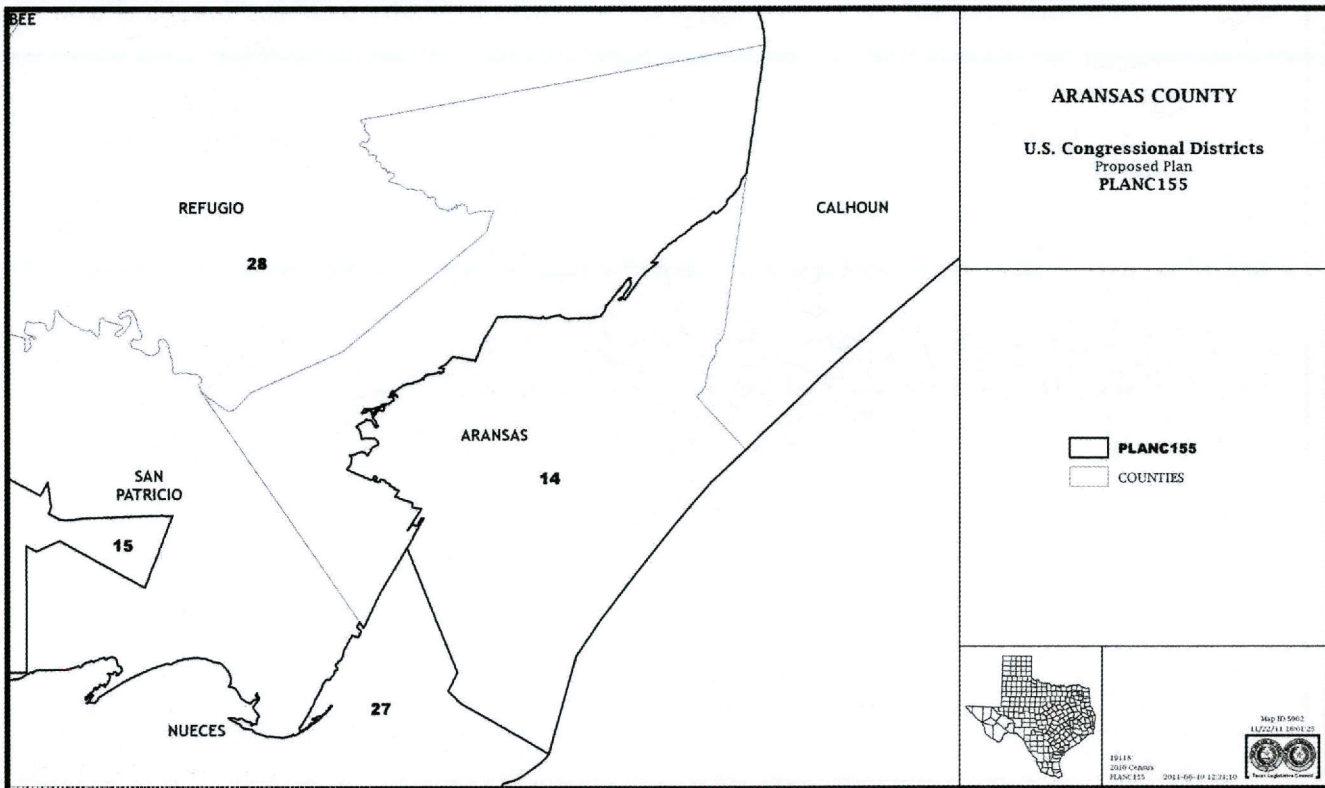


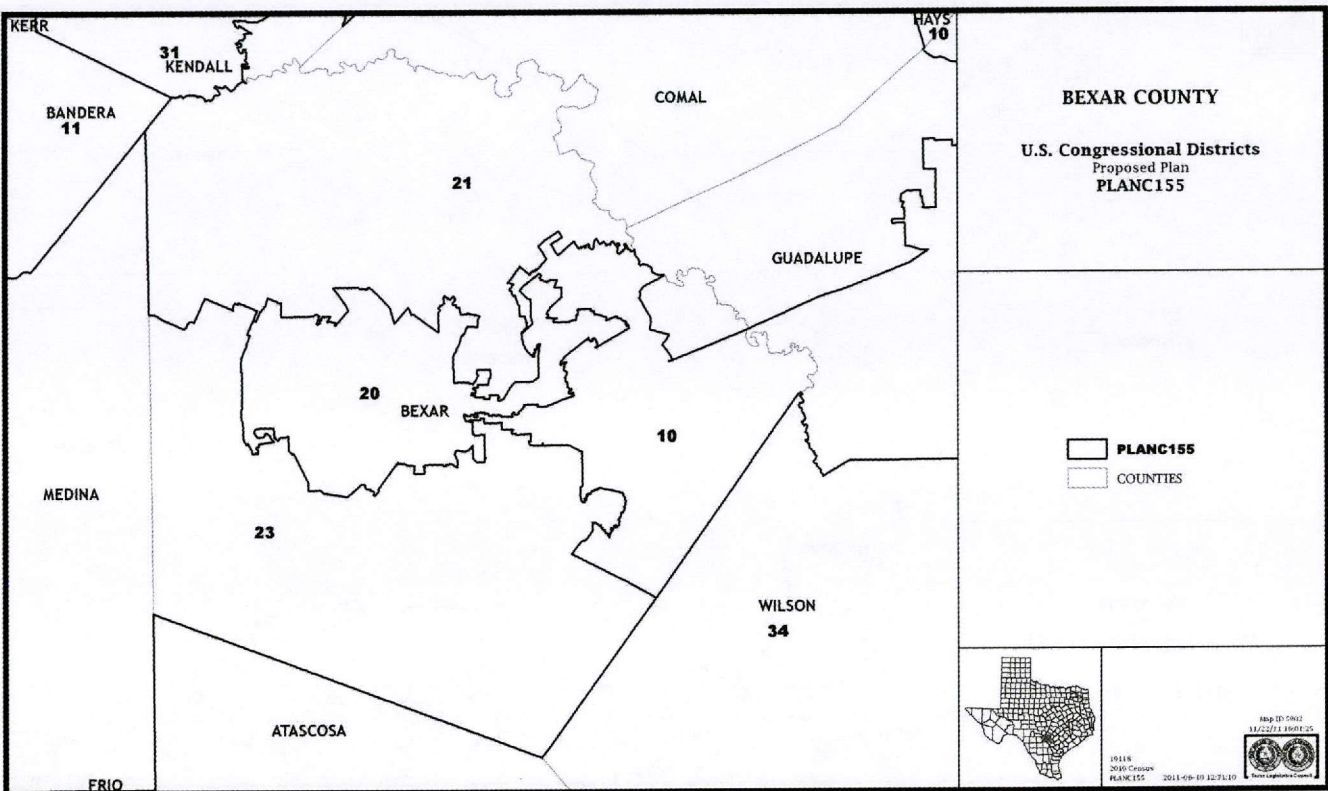


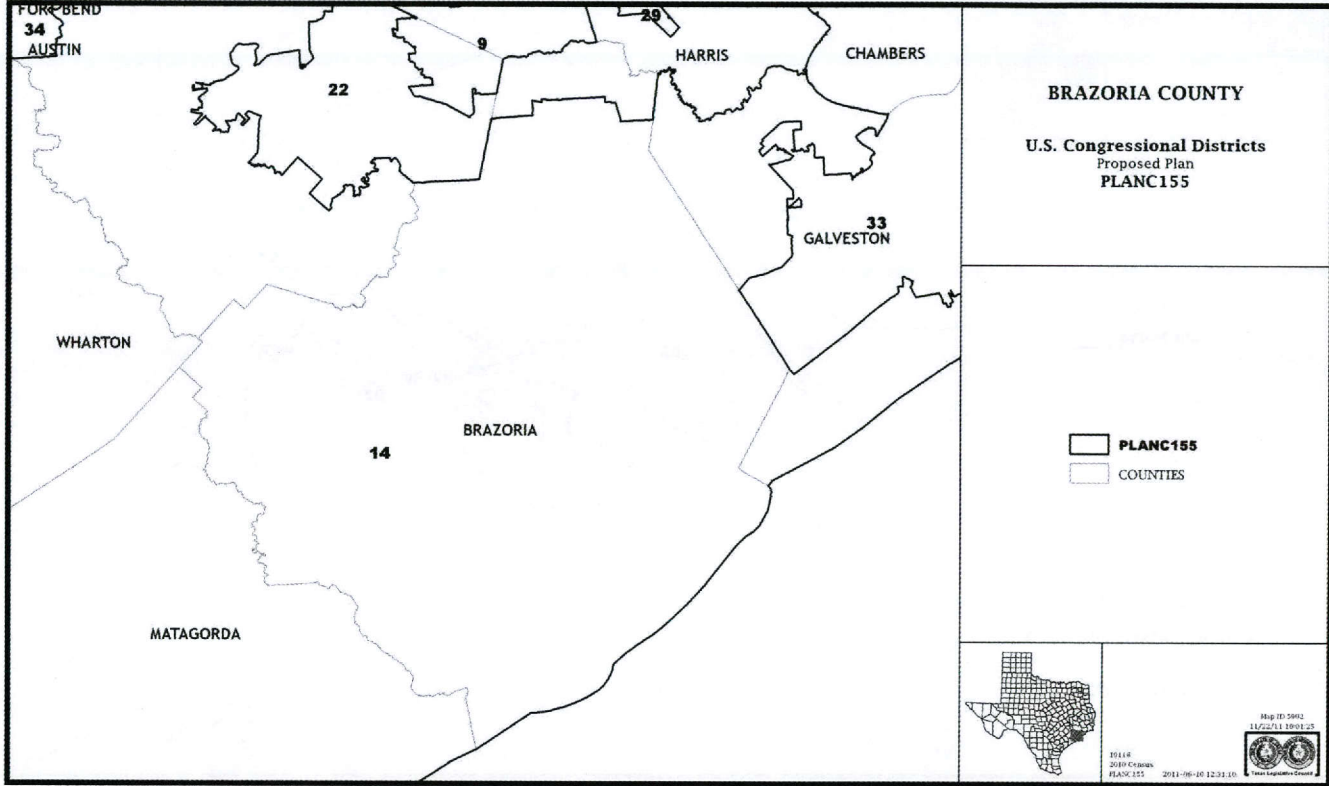


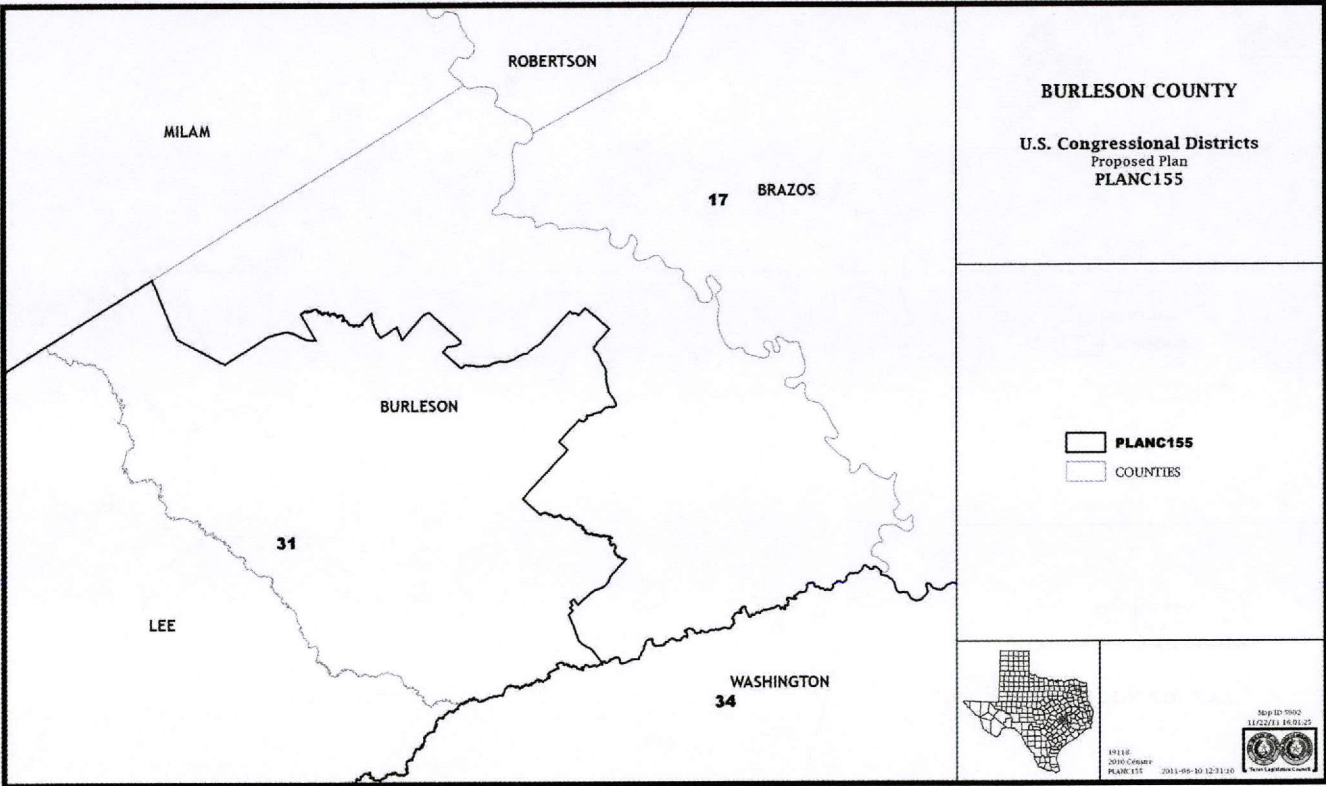
Amendment No. 12 (by Turner, et al)

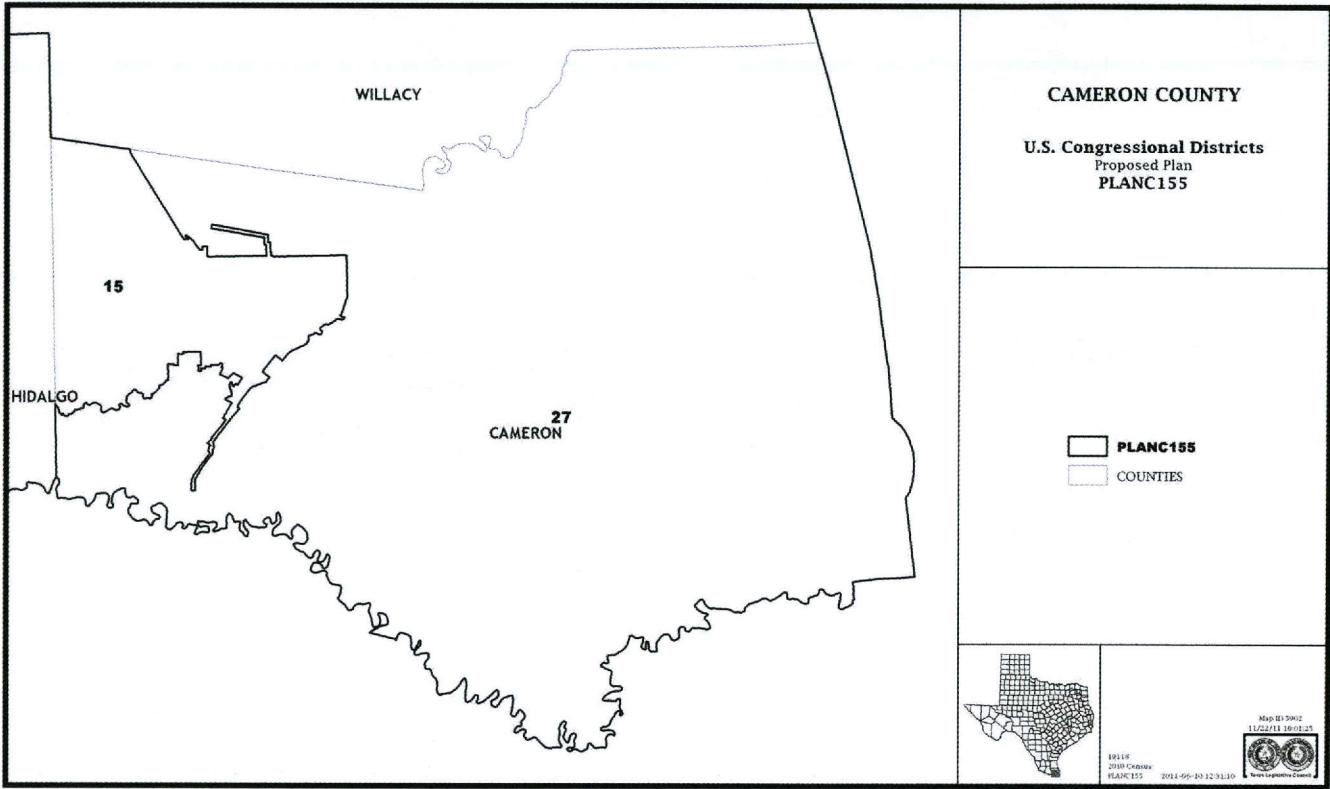


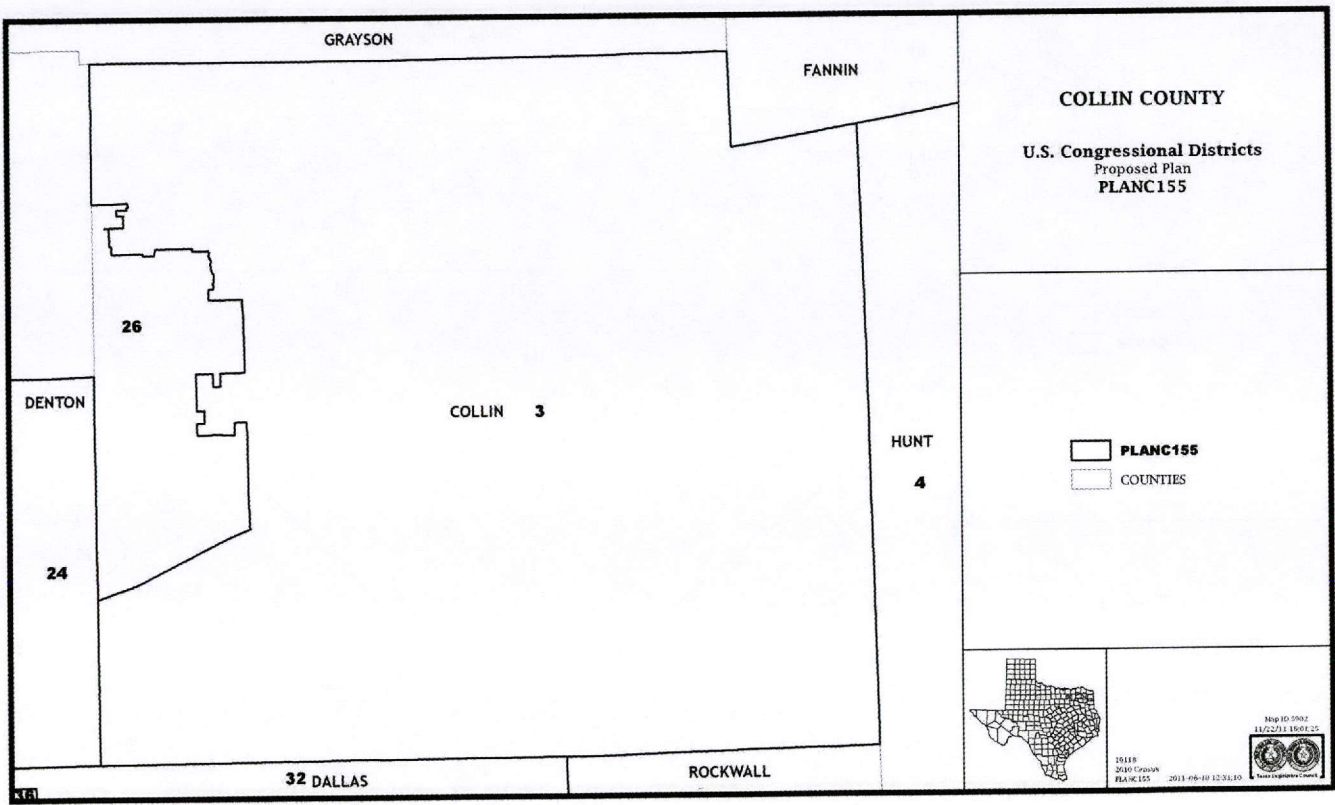


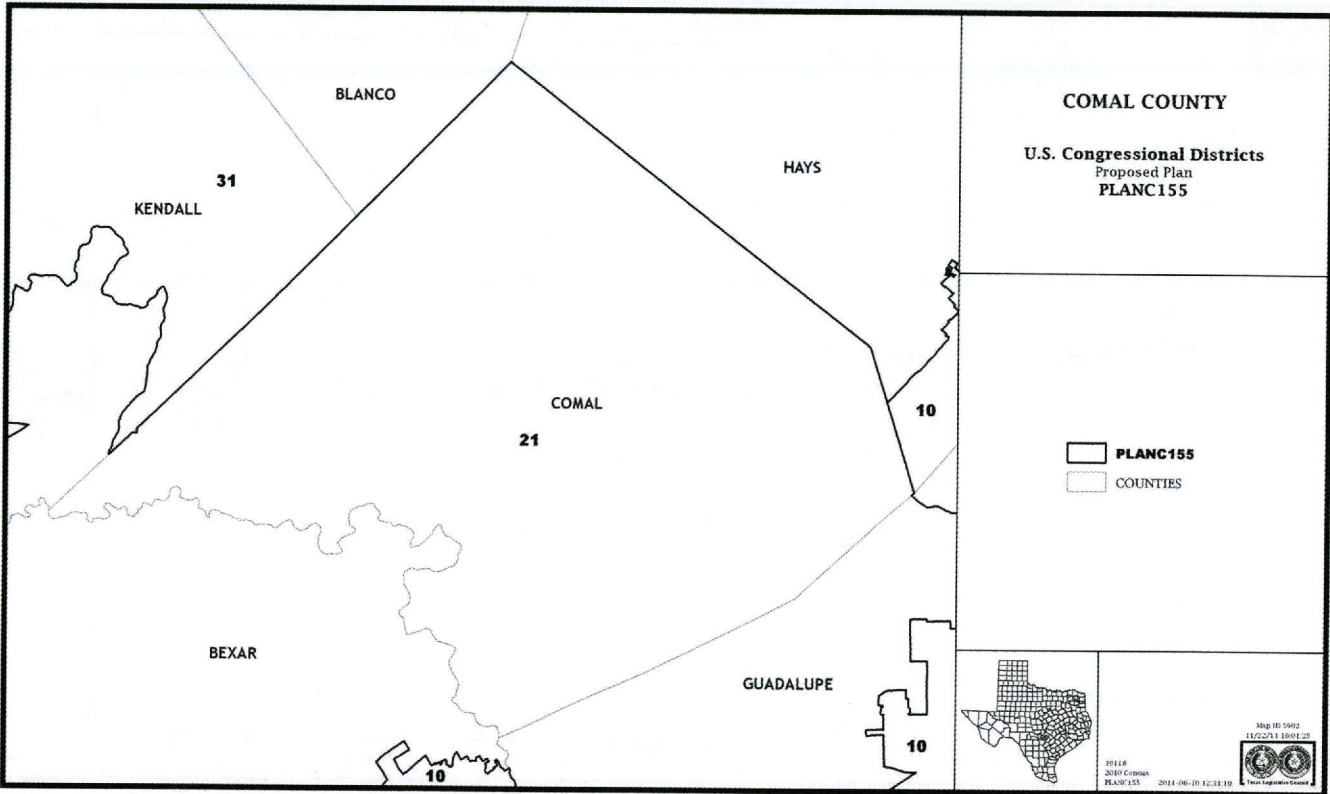


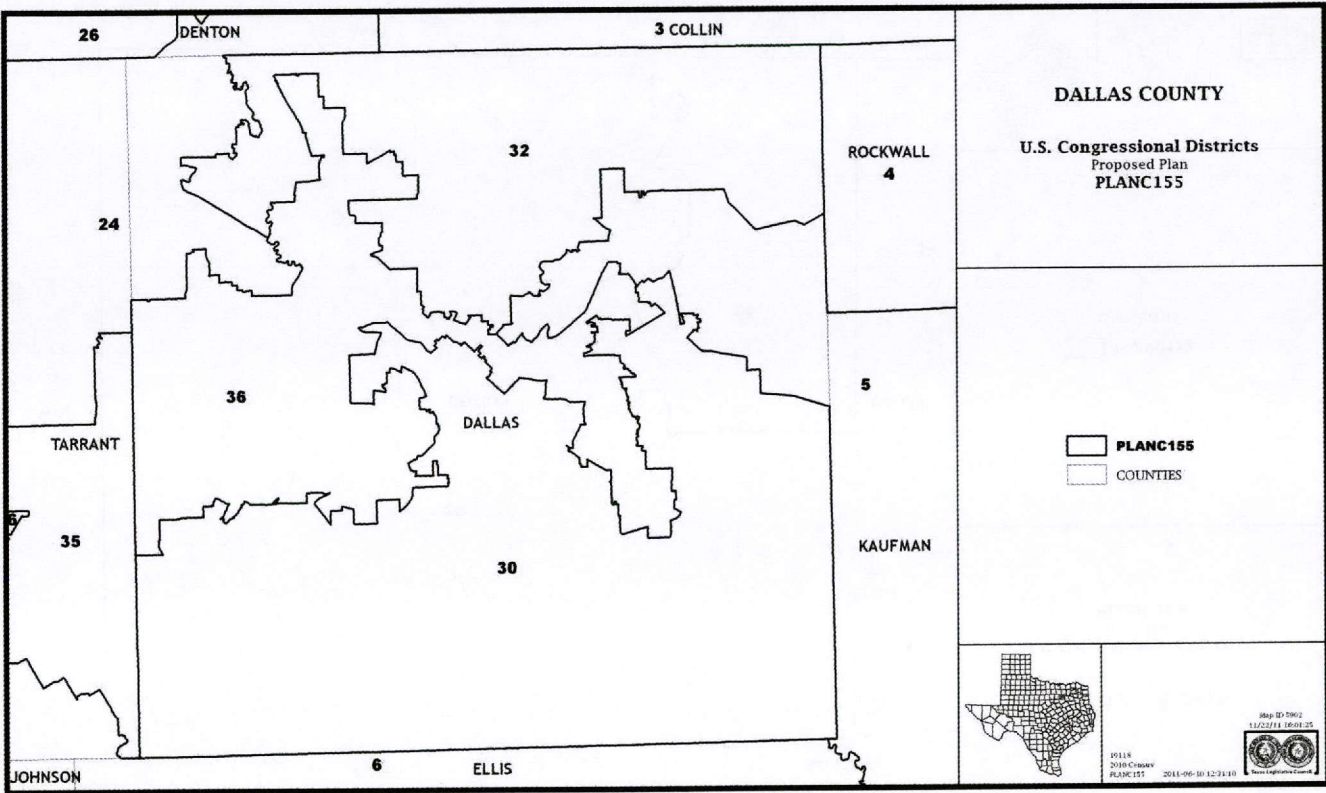


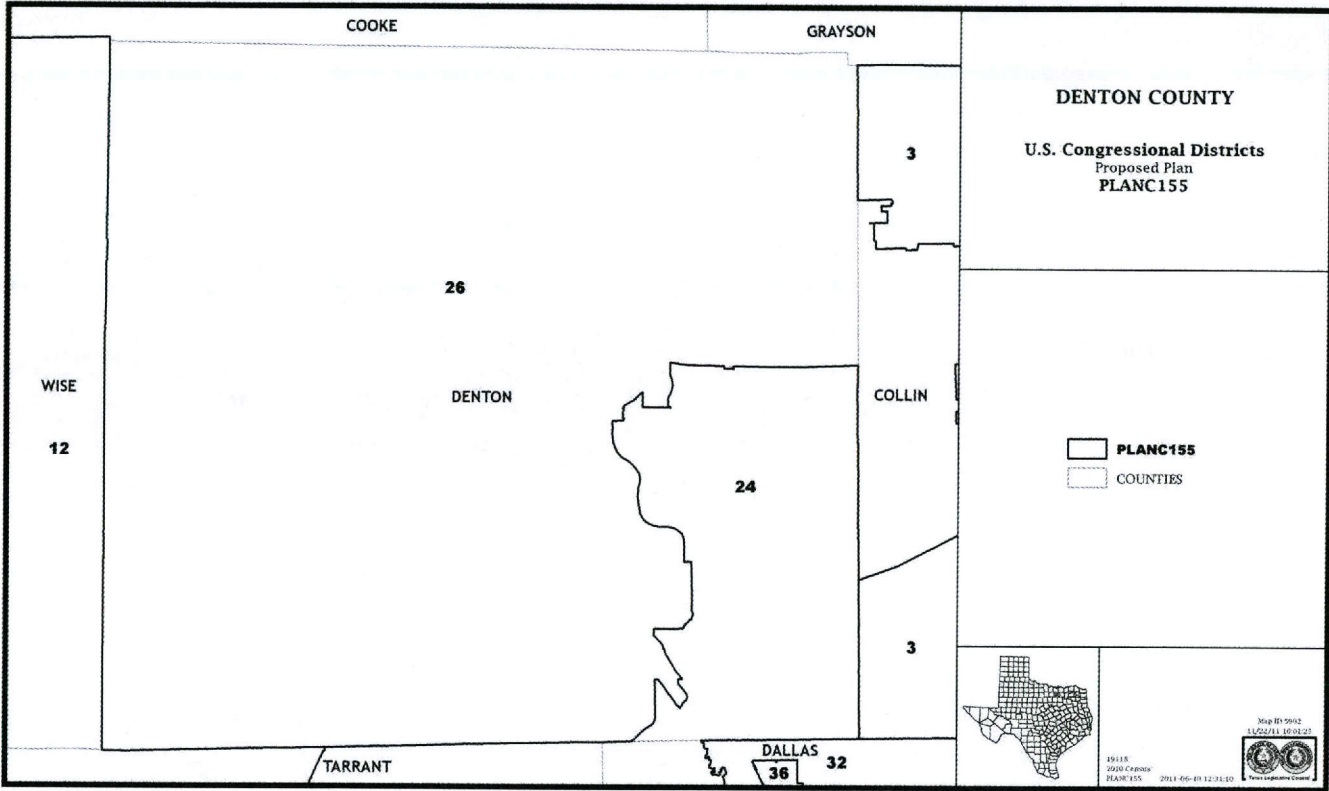


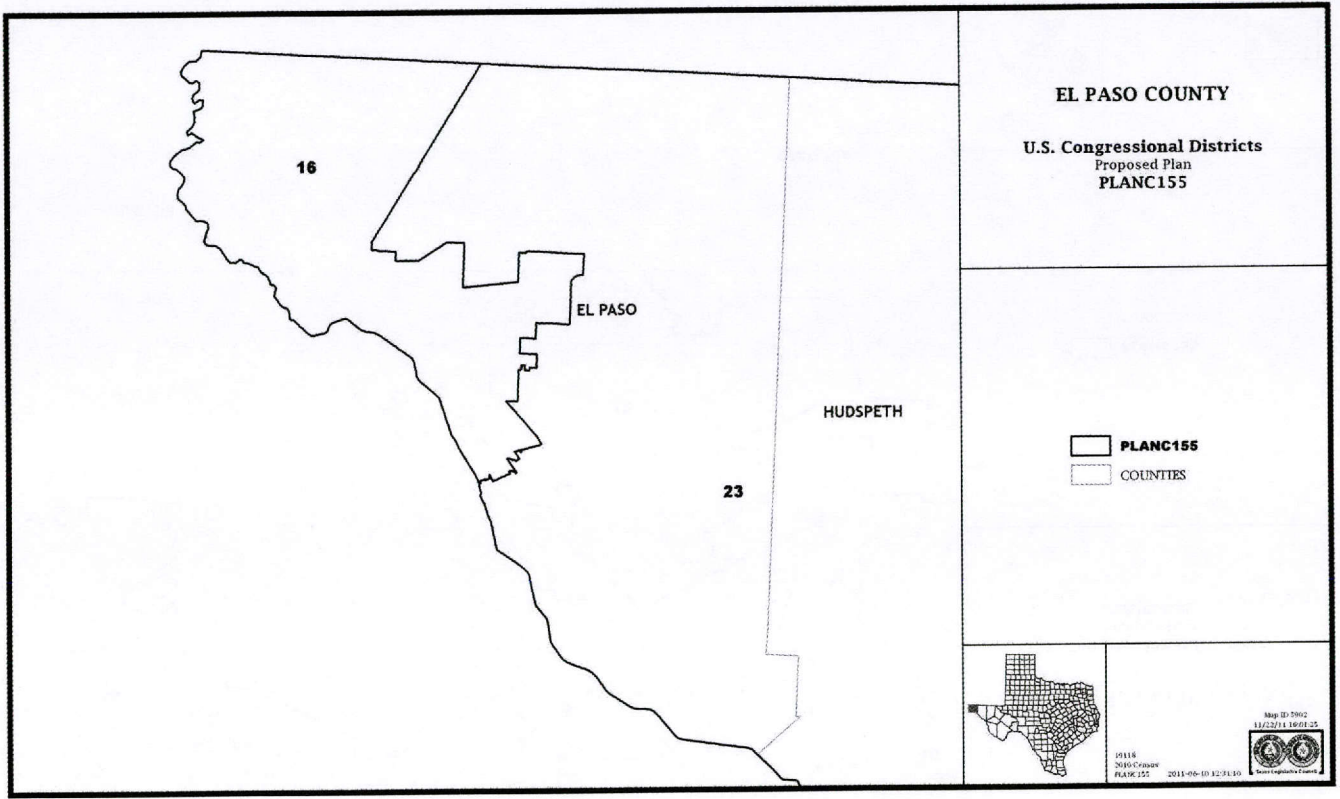


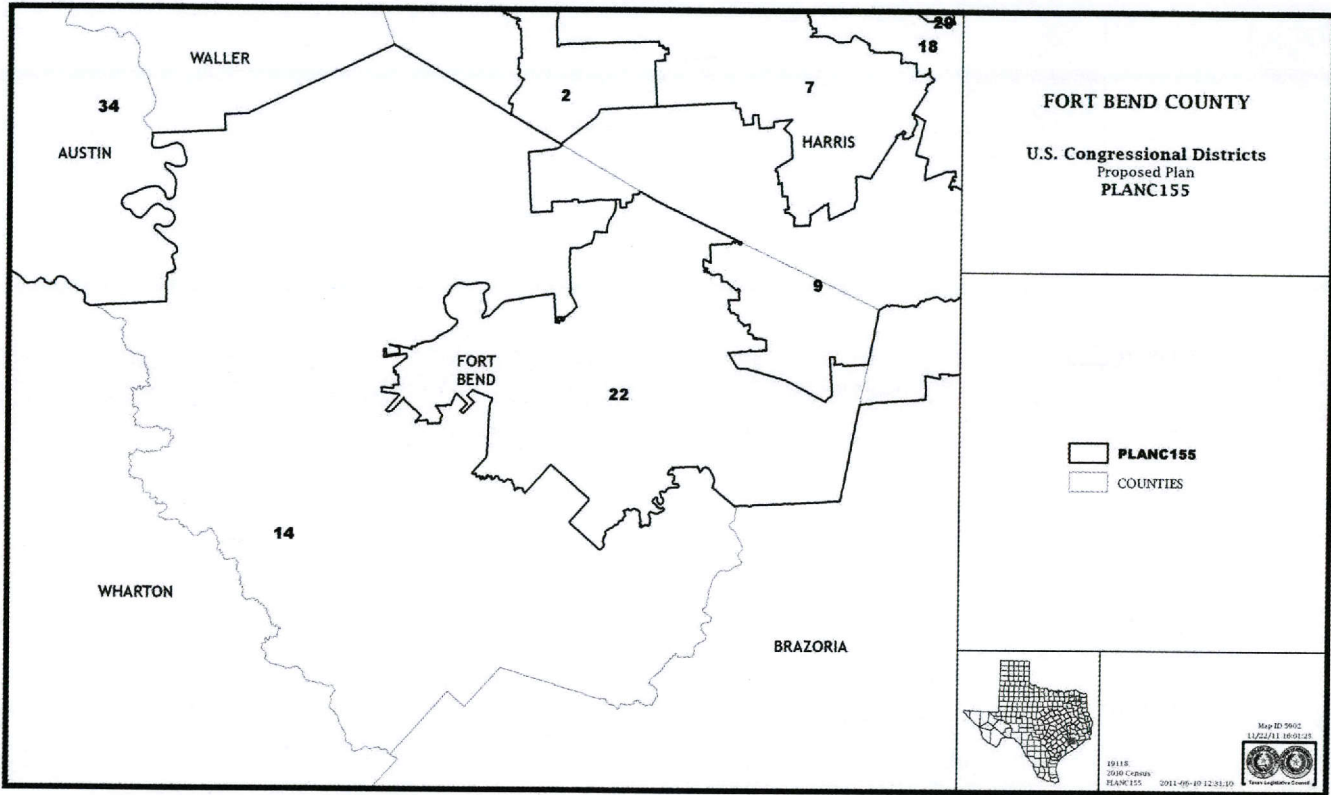


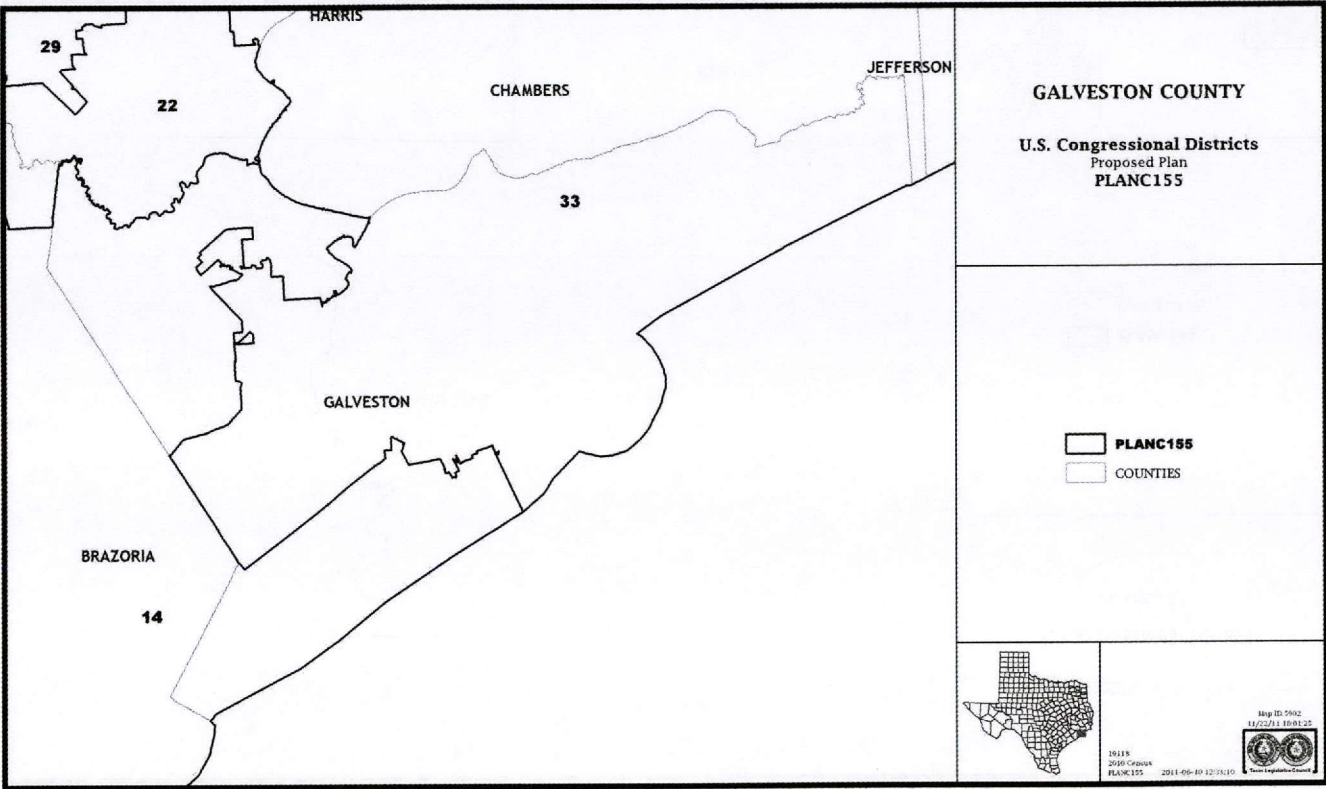


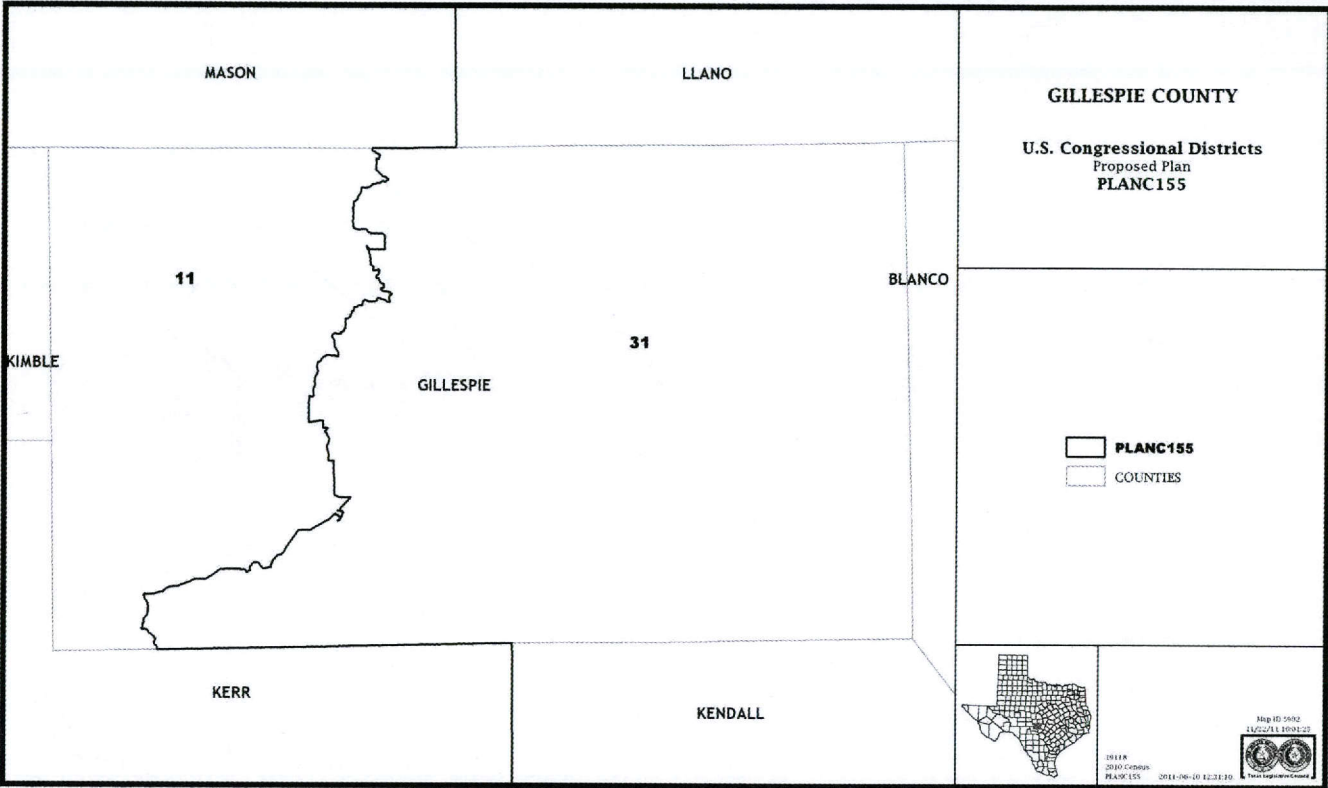


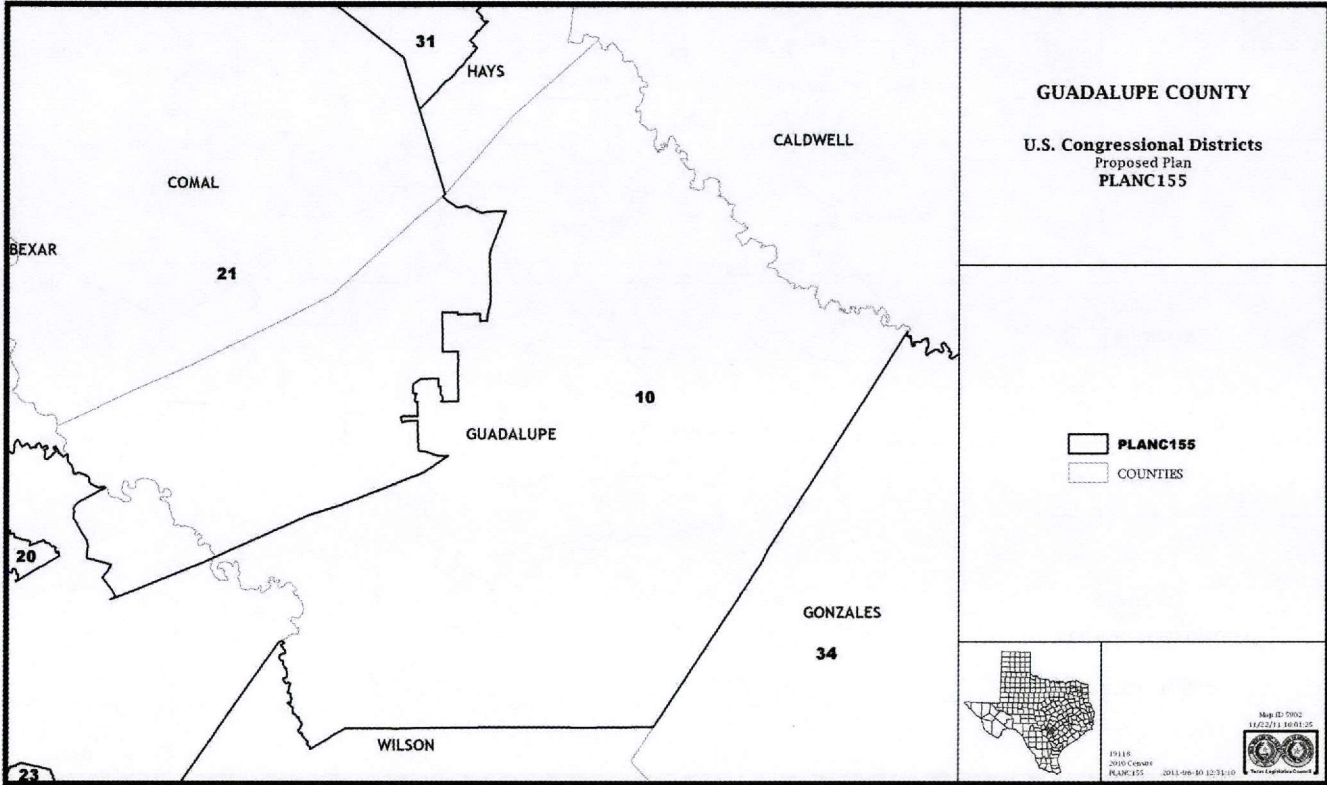


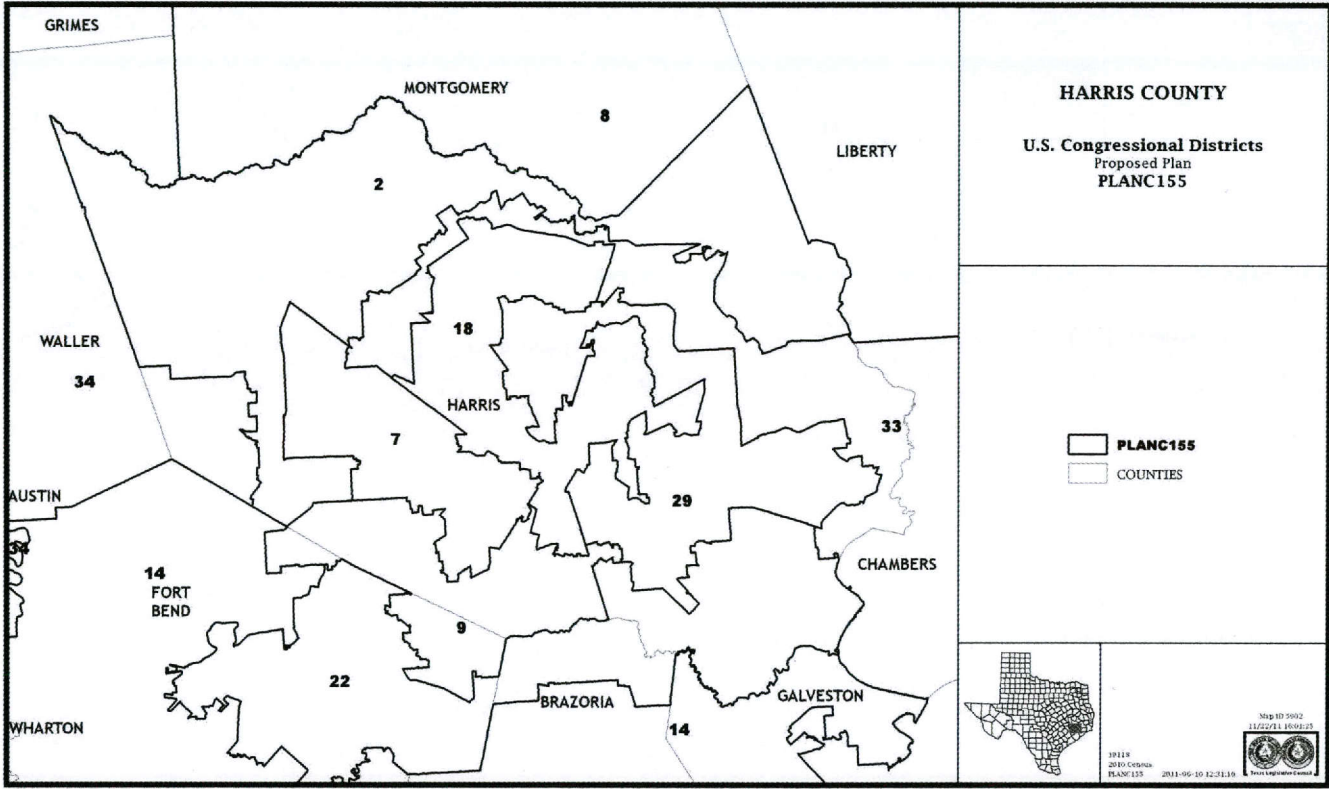


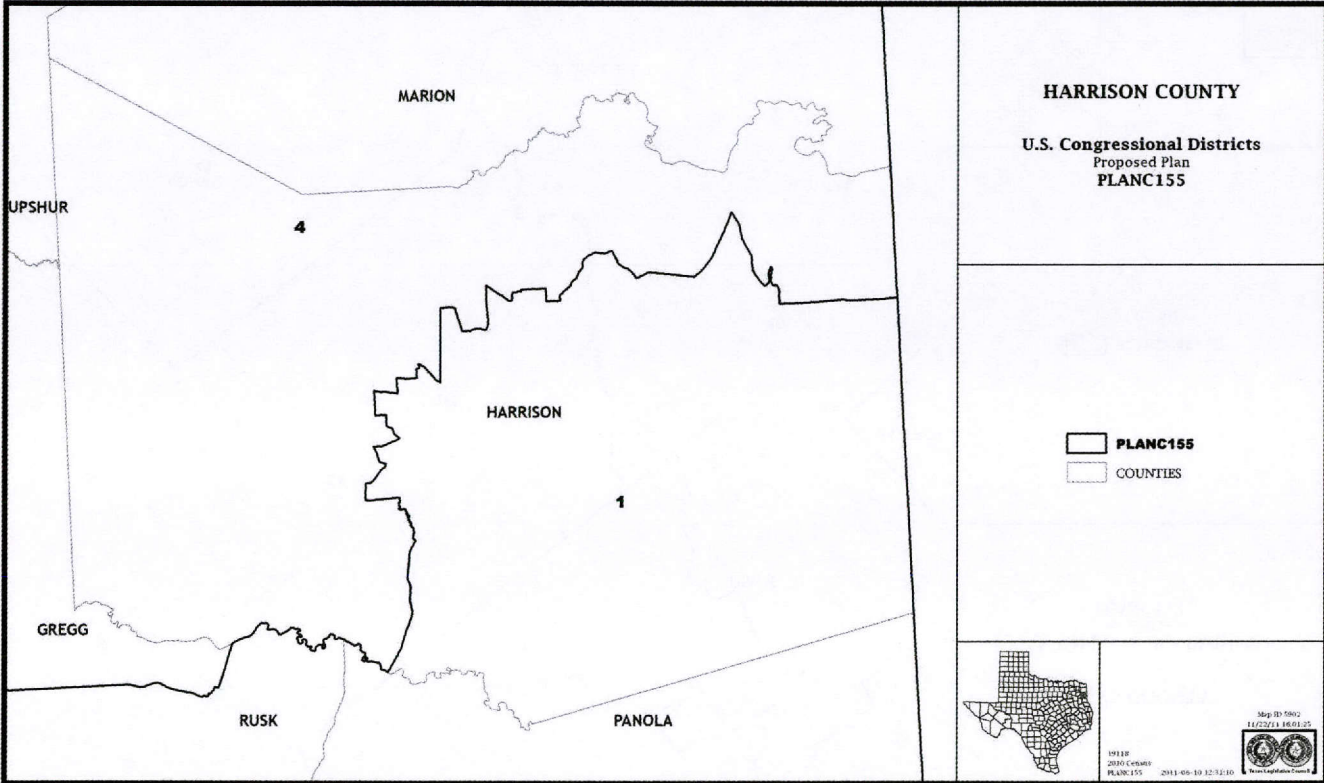


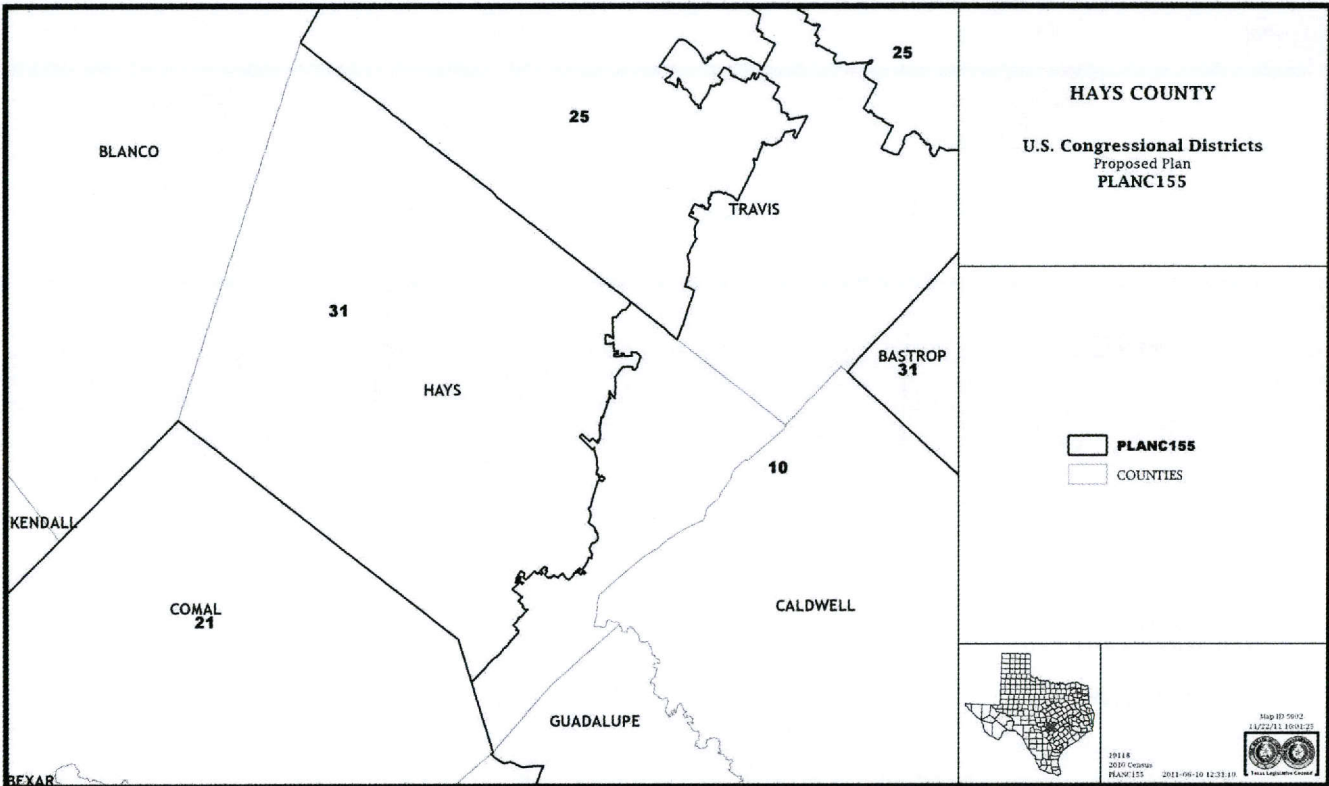


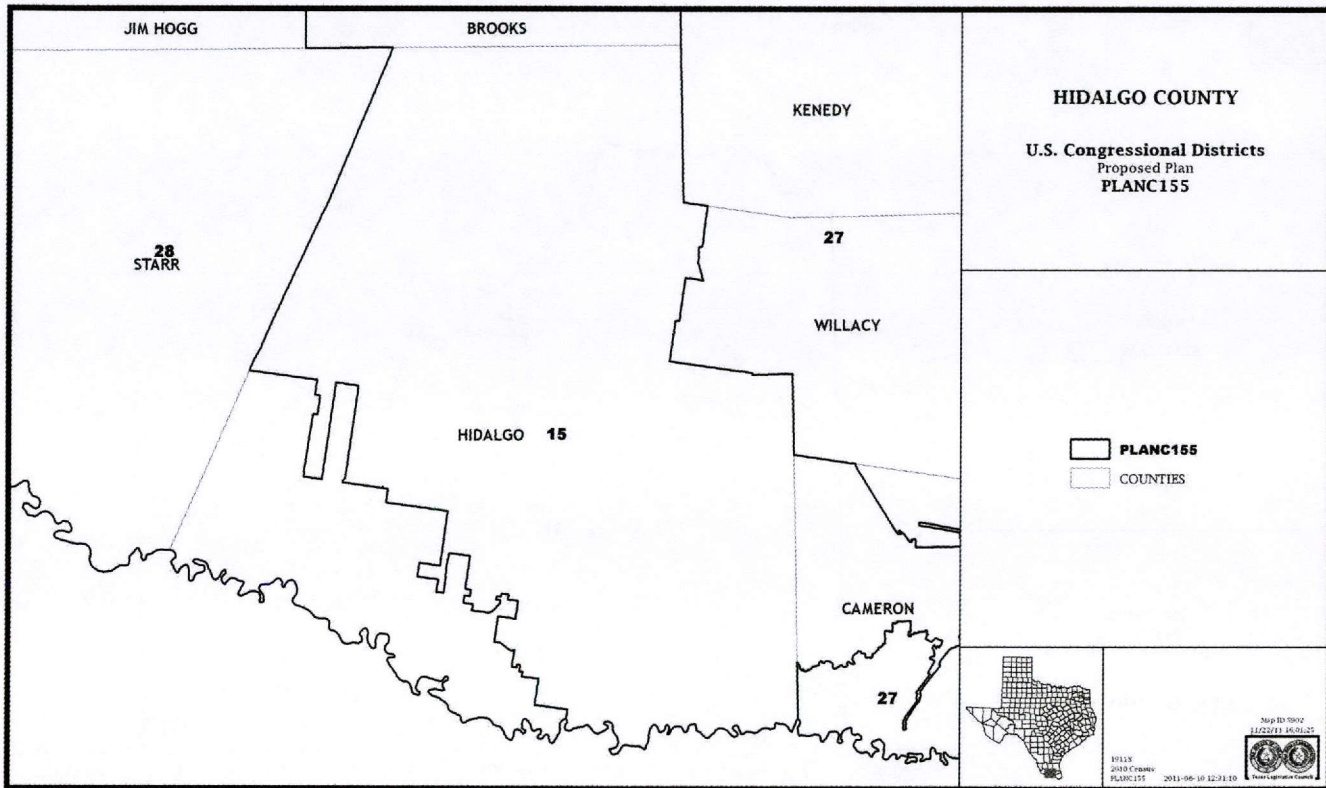


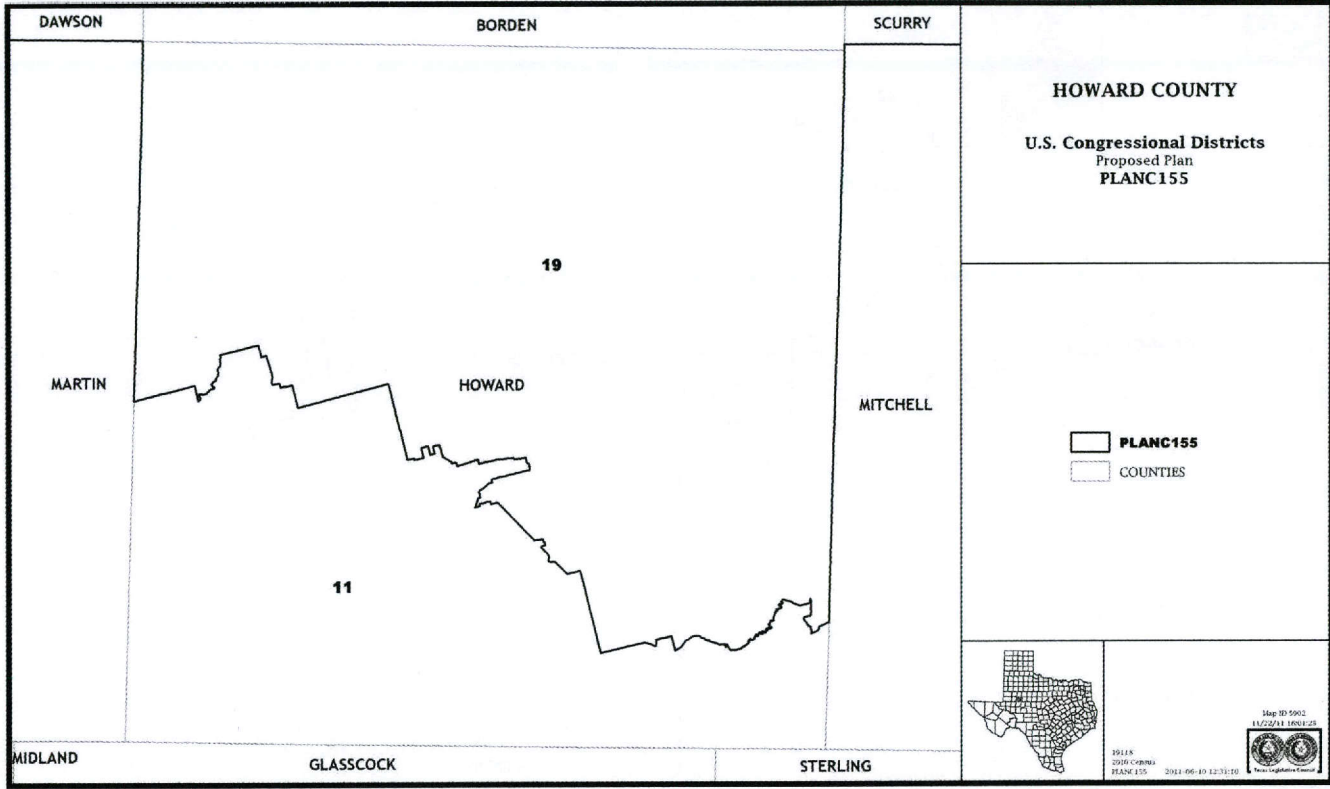








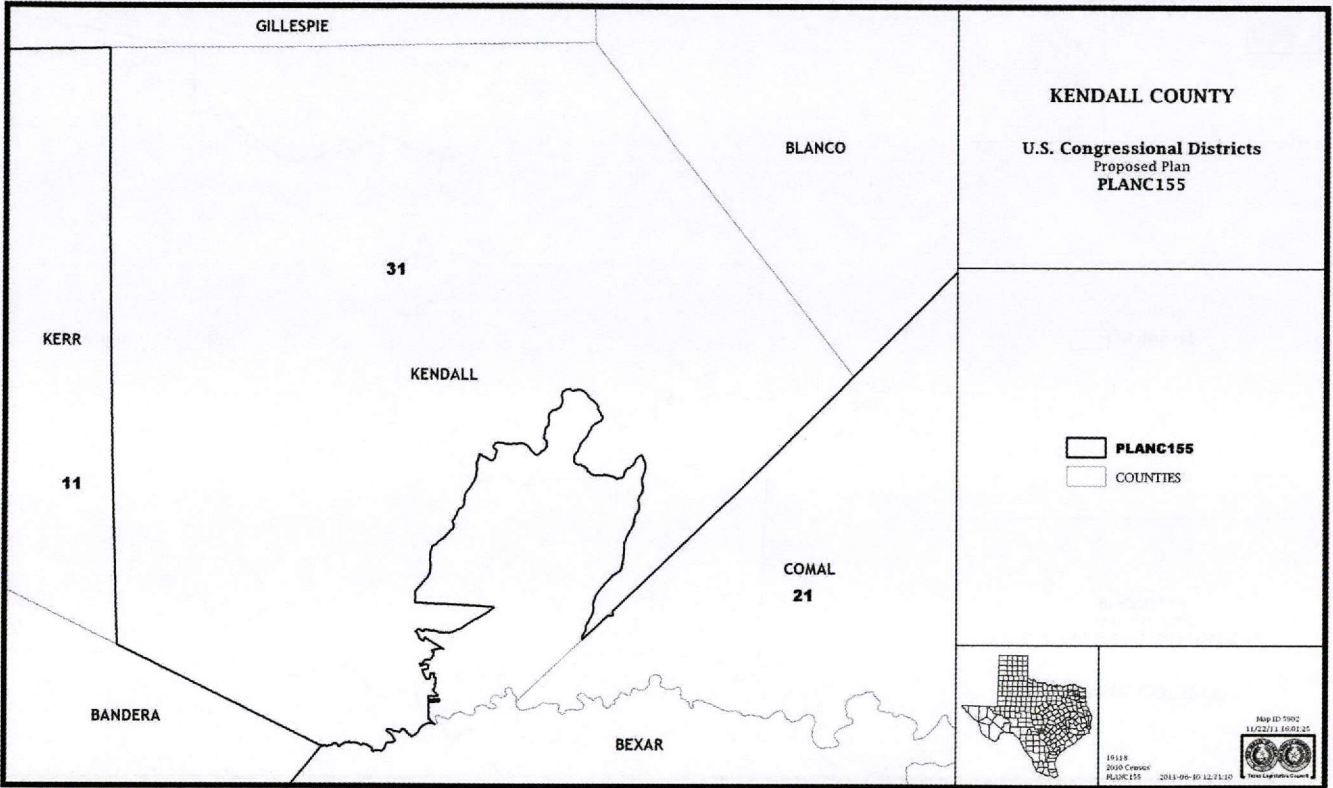


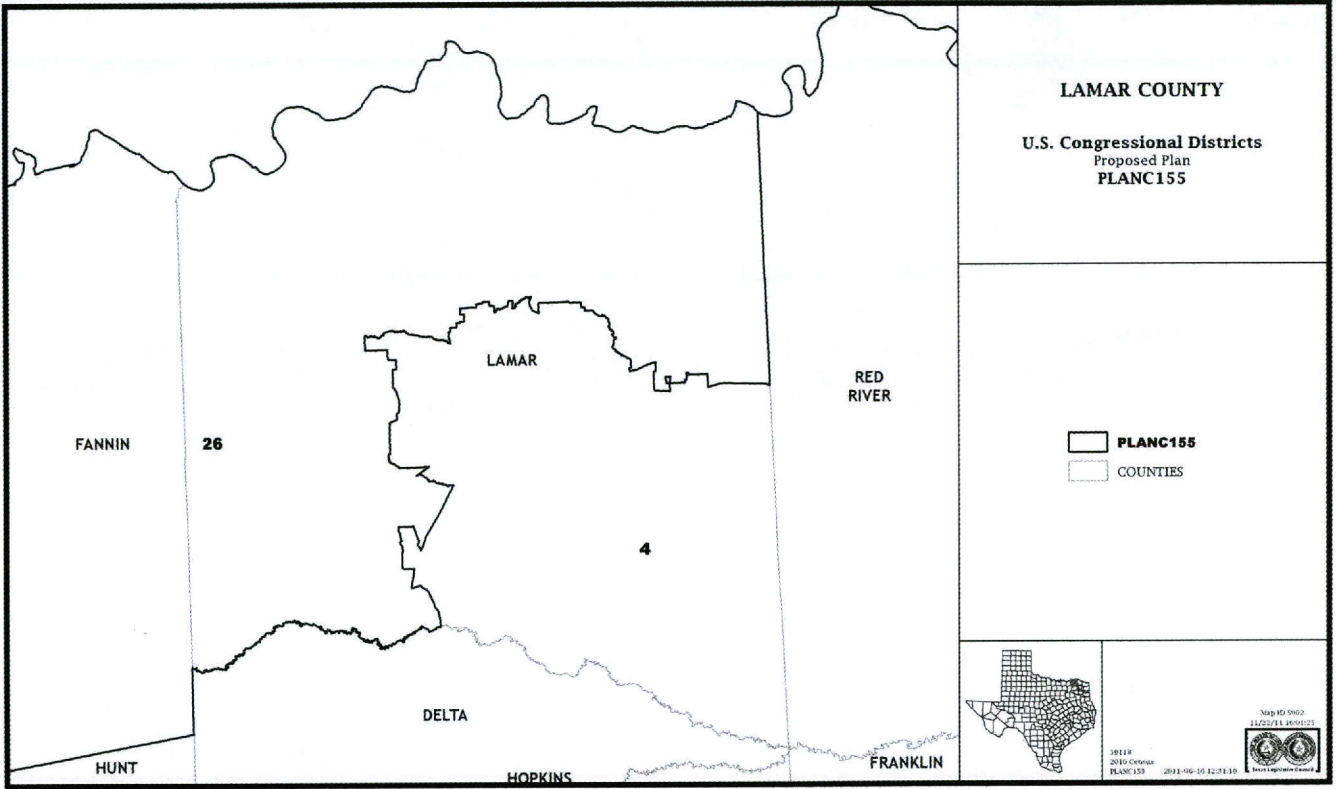


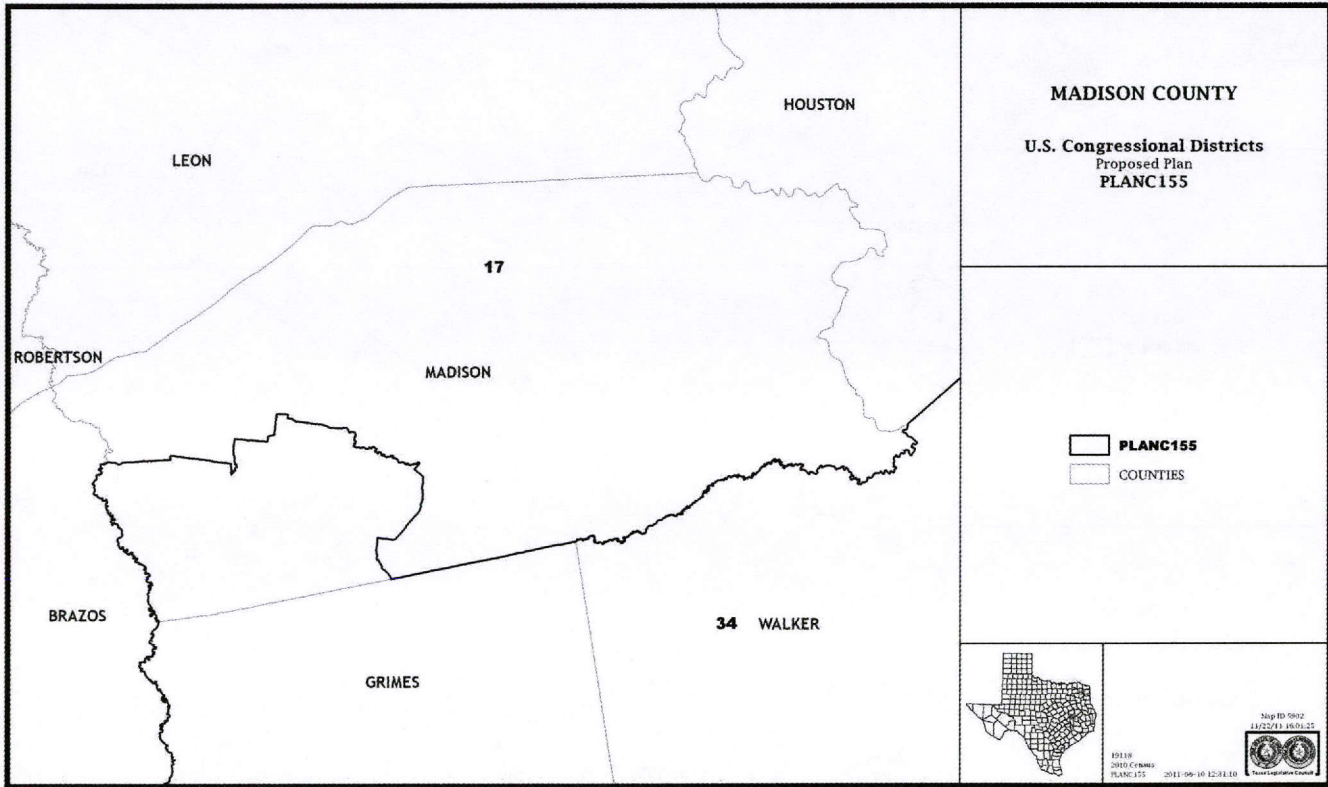
2018
2018 C-9890
PLANC155 2018-06-01 12:31:00

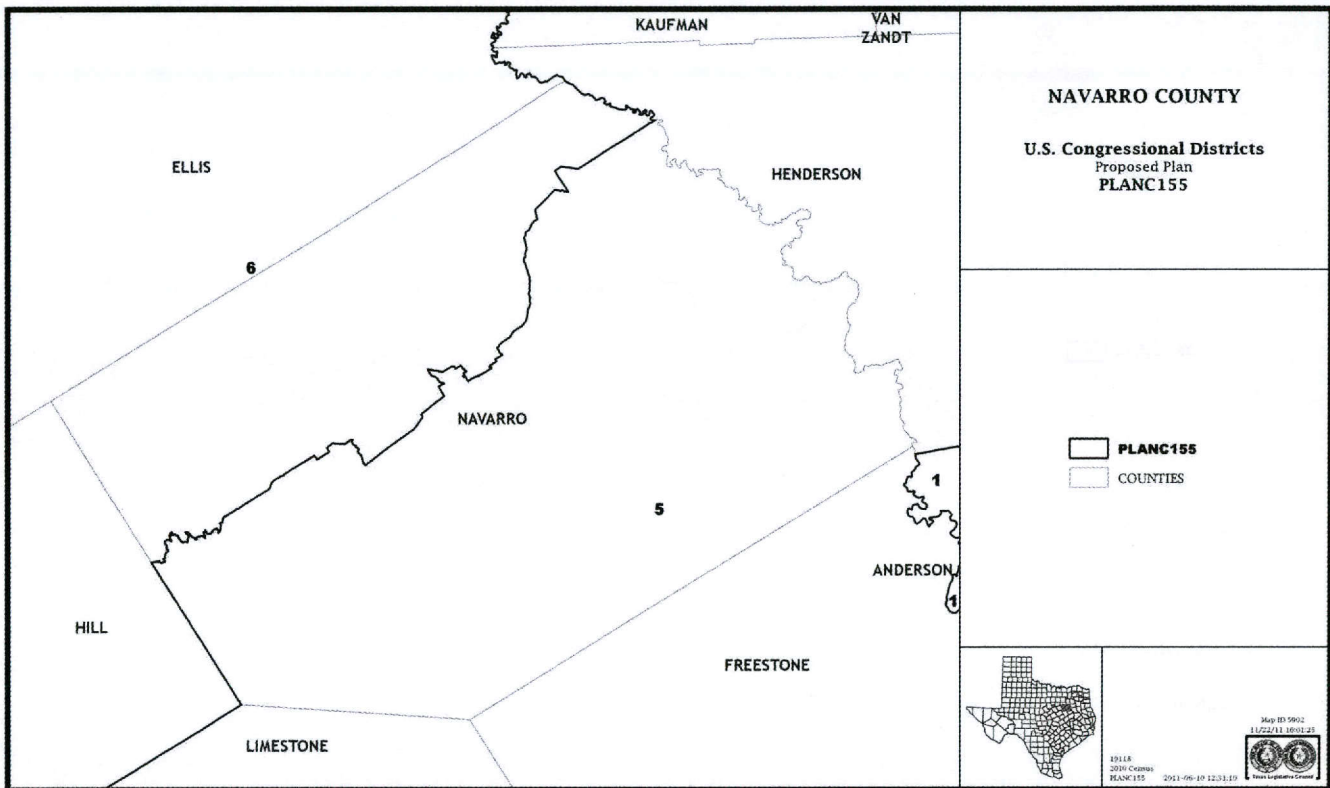
Map ID 5902
11/22/18 1624:07

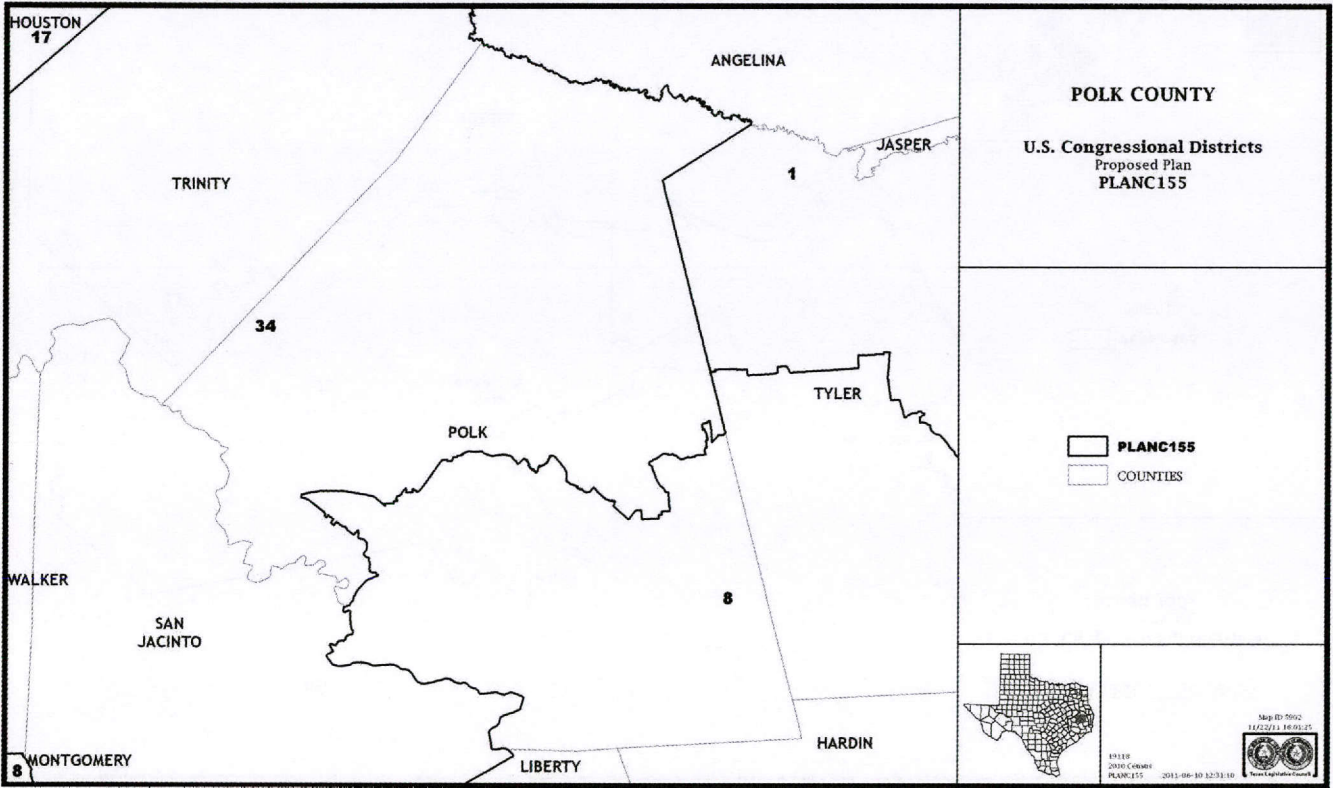


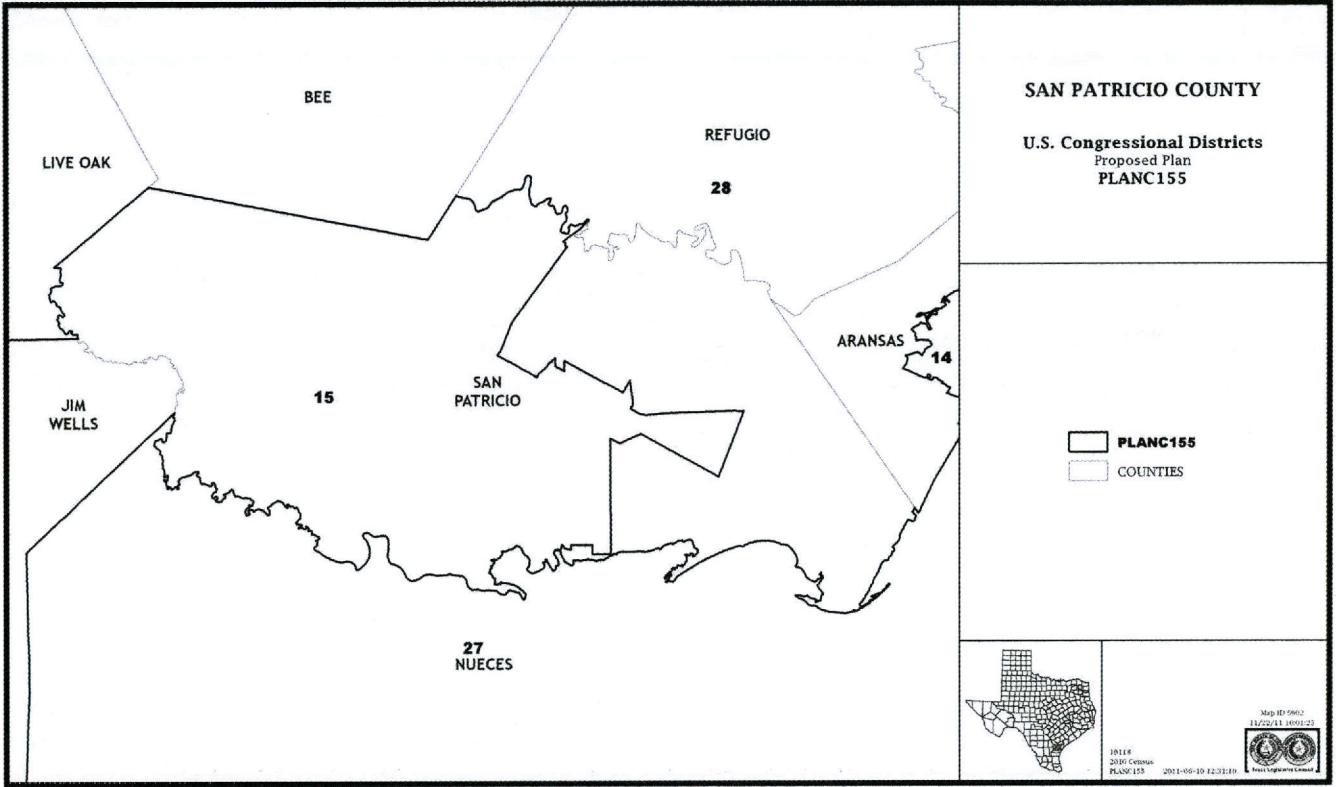


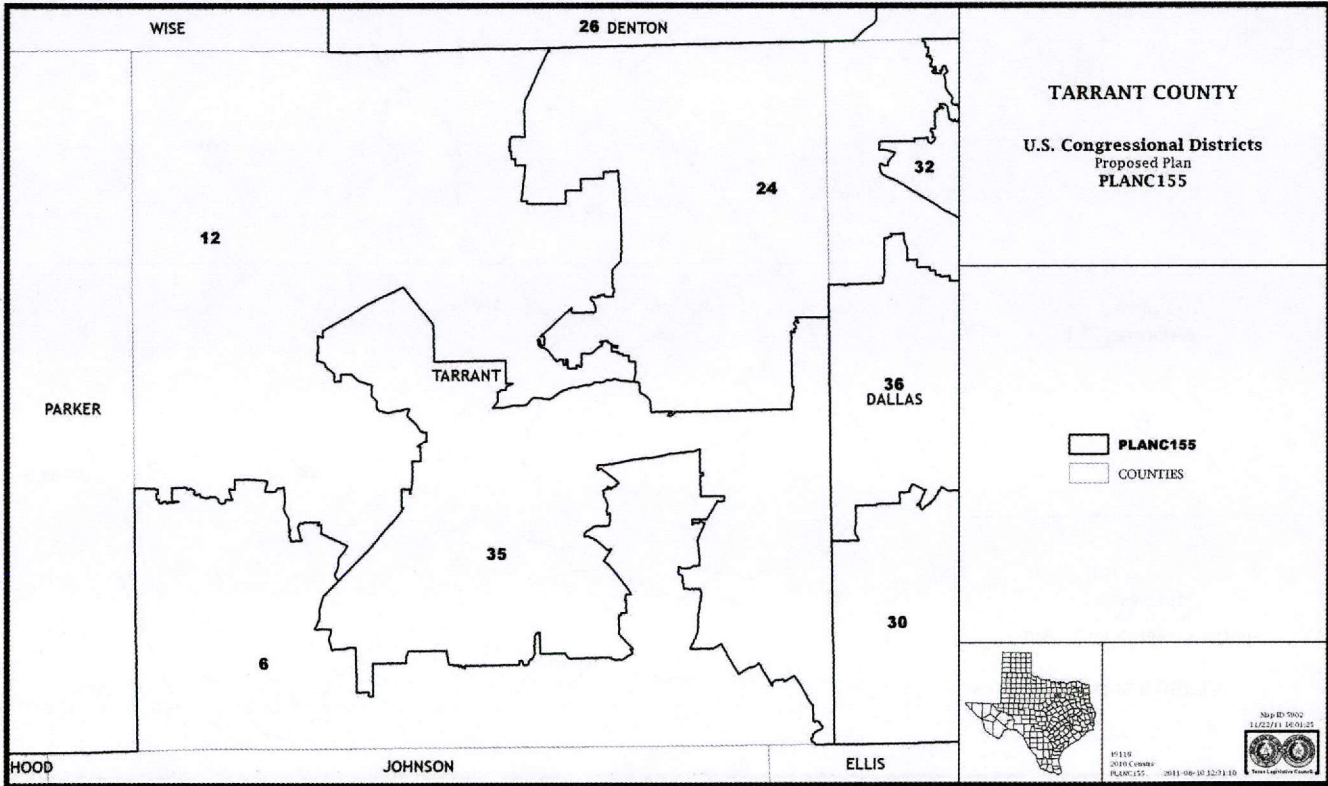


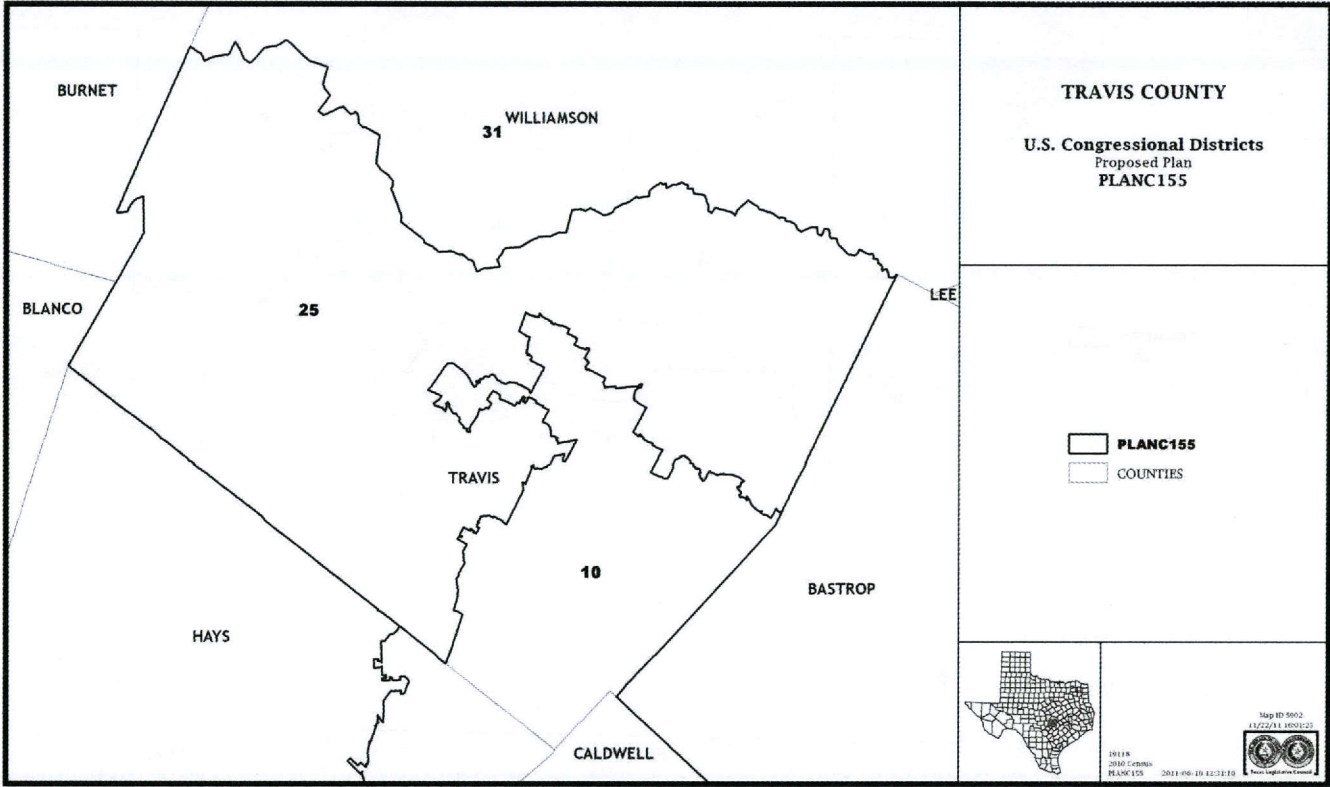


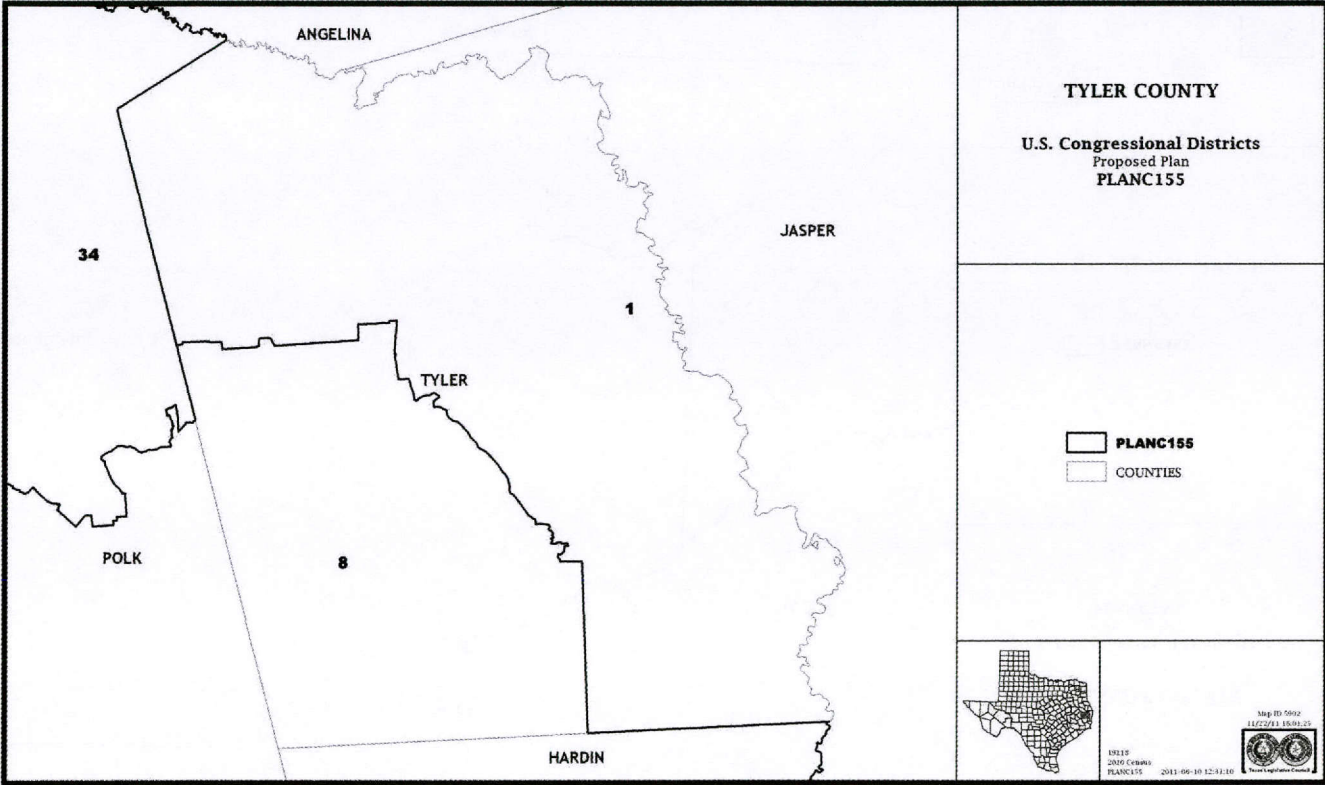


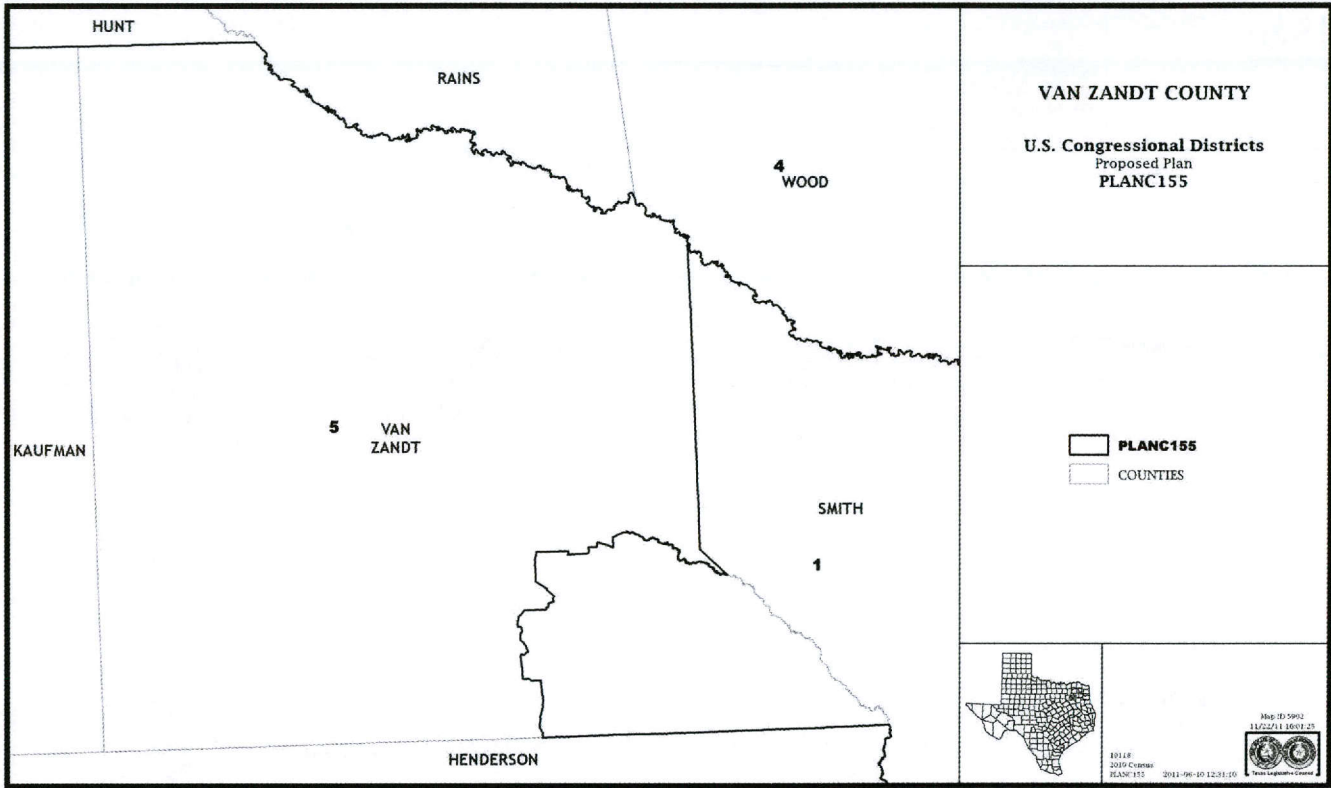


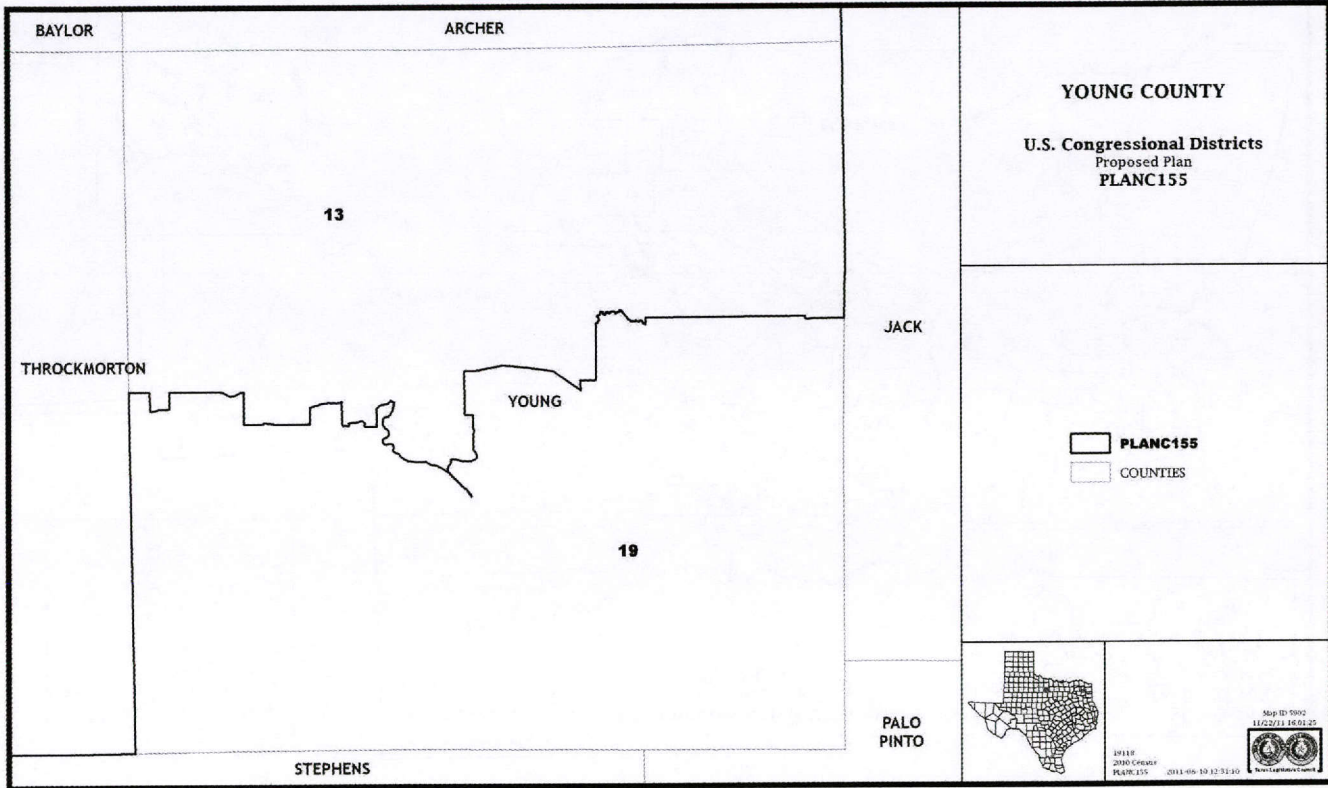




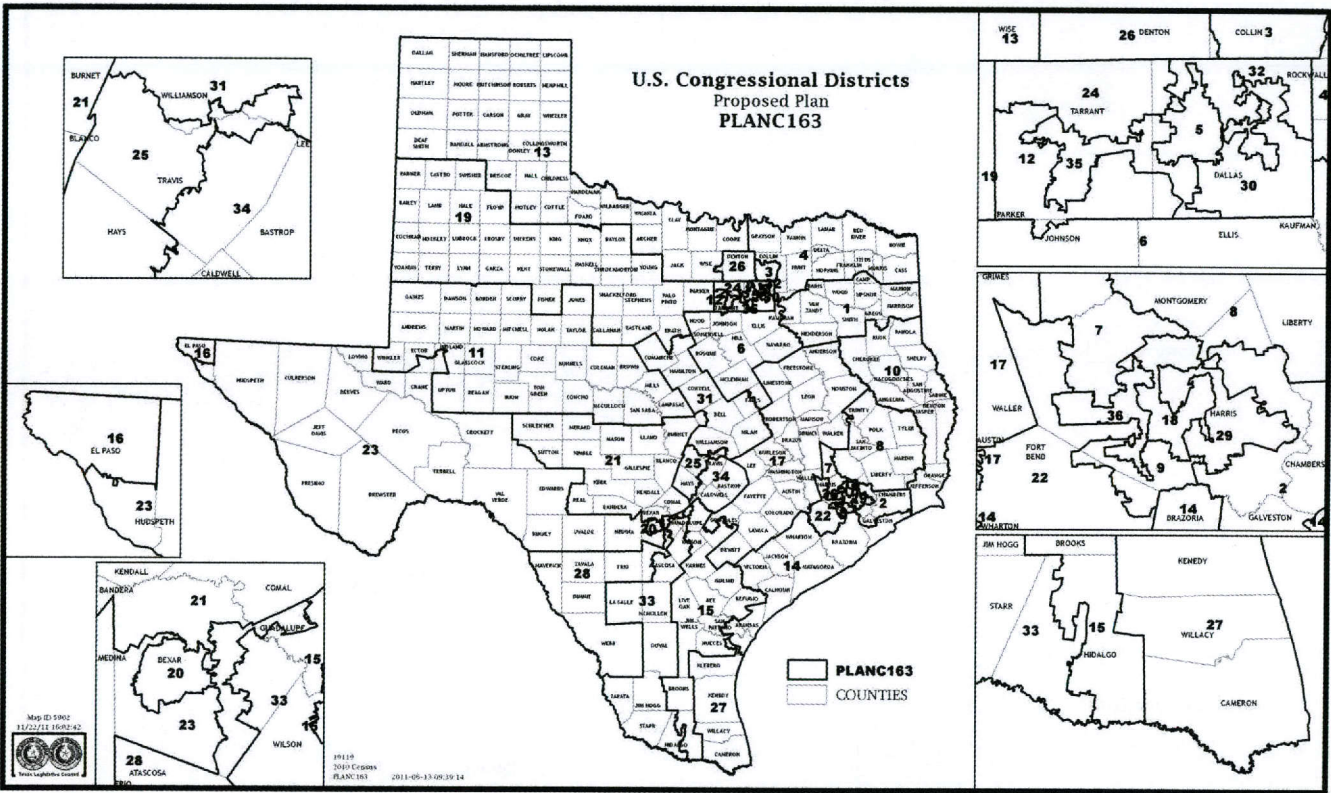


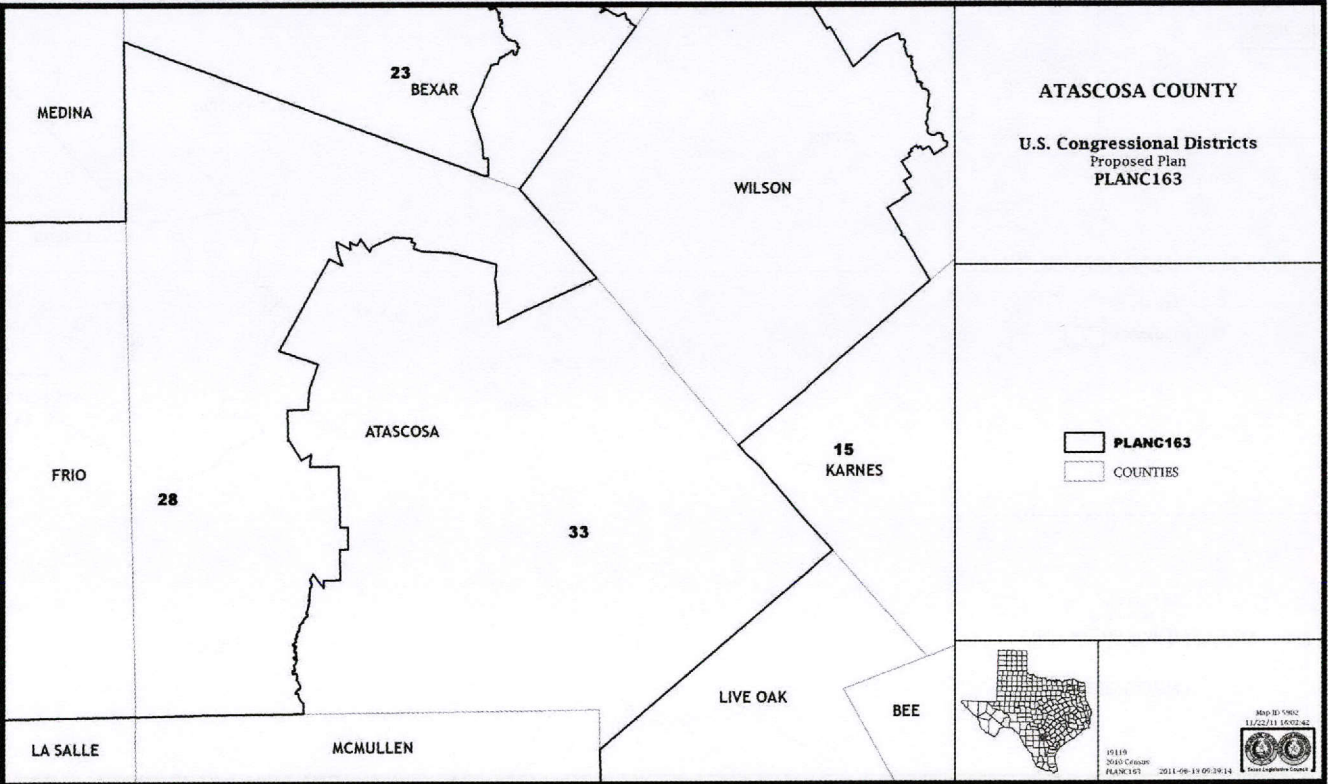


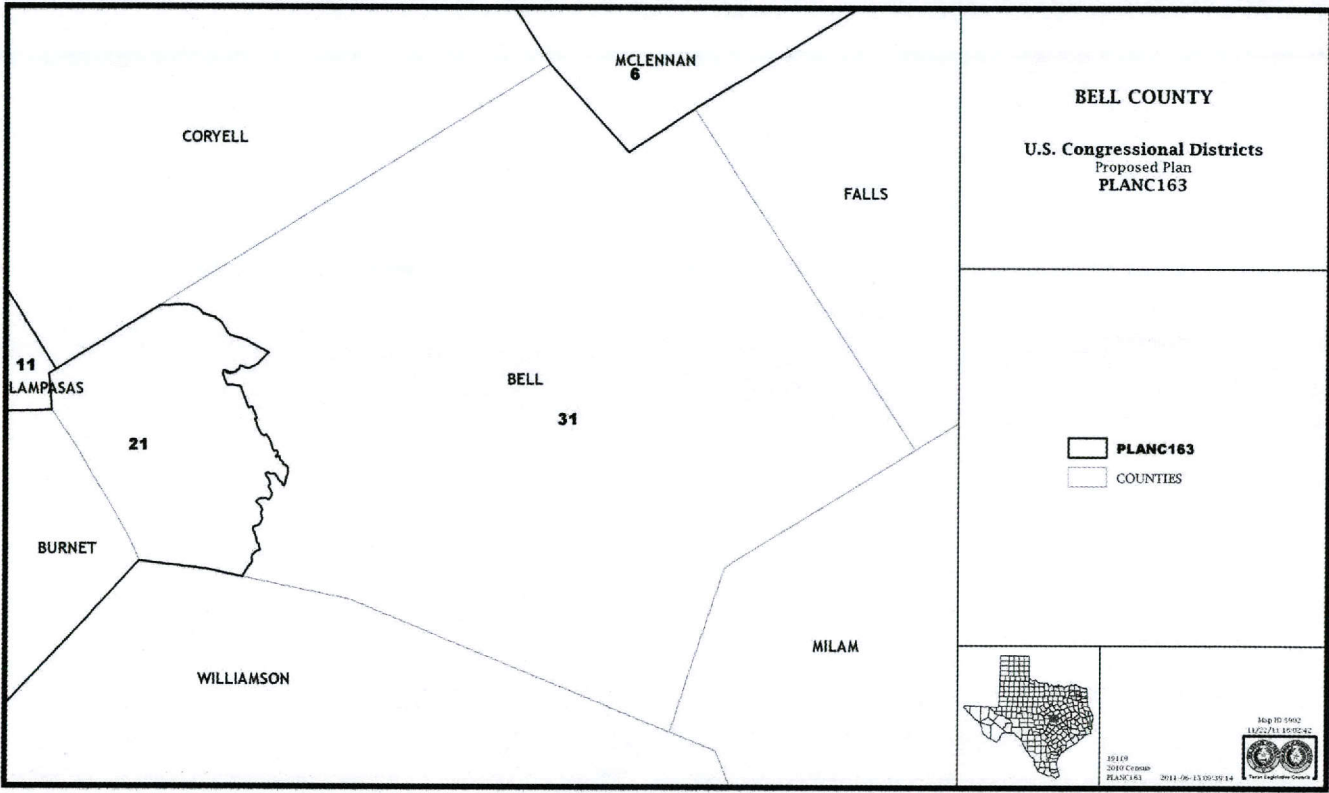


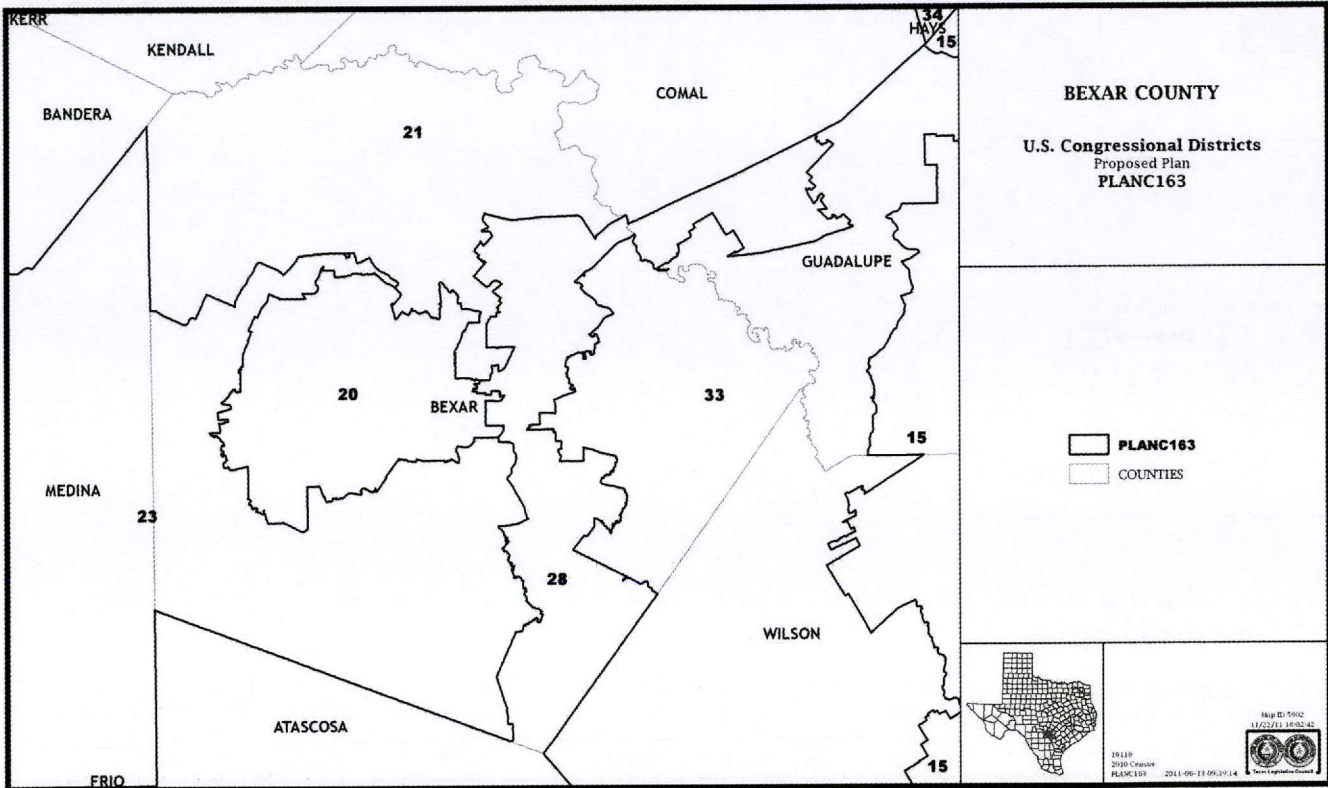


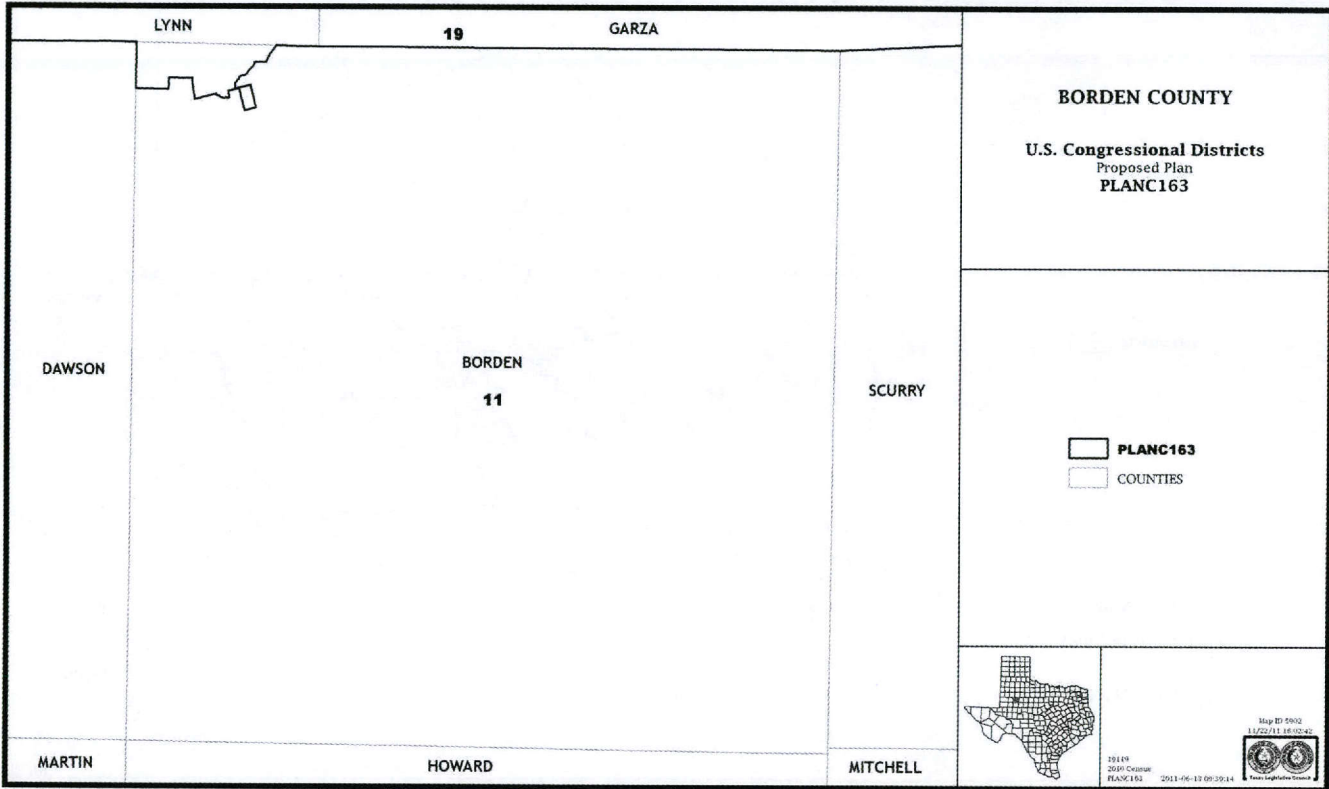
Amendment No. 13 (by Martinez Fischer)

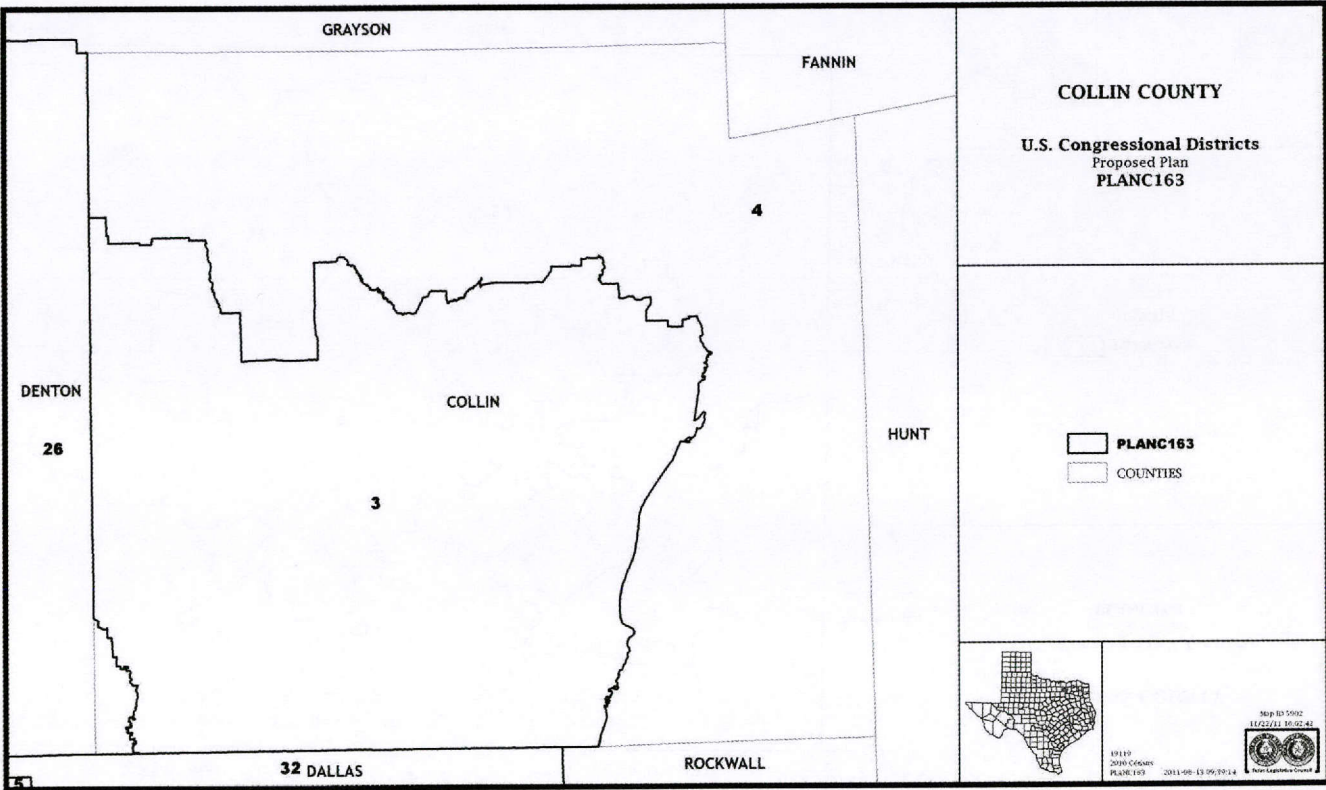


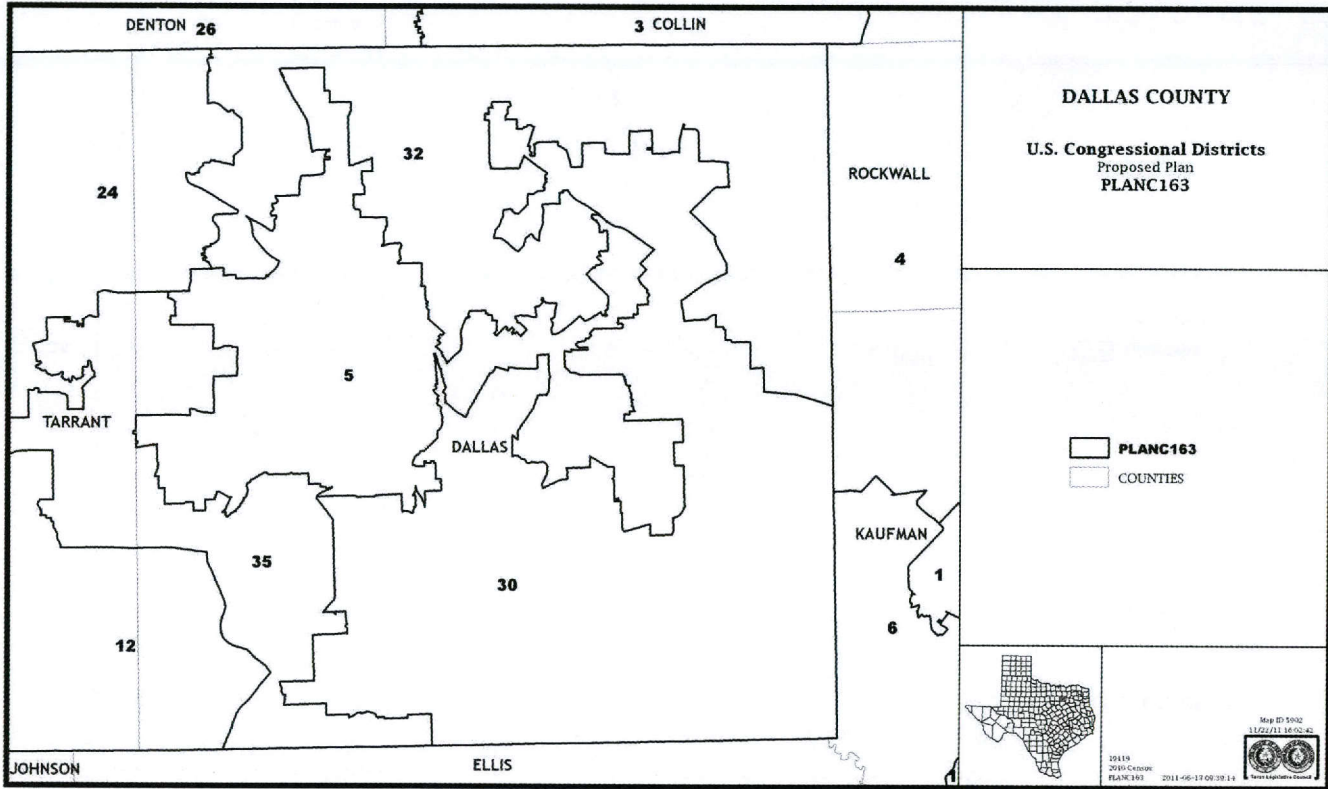


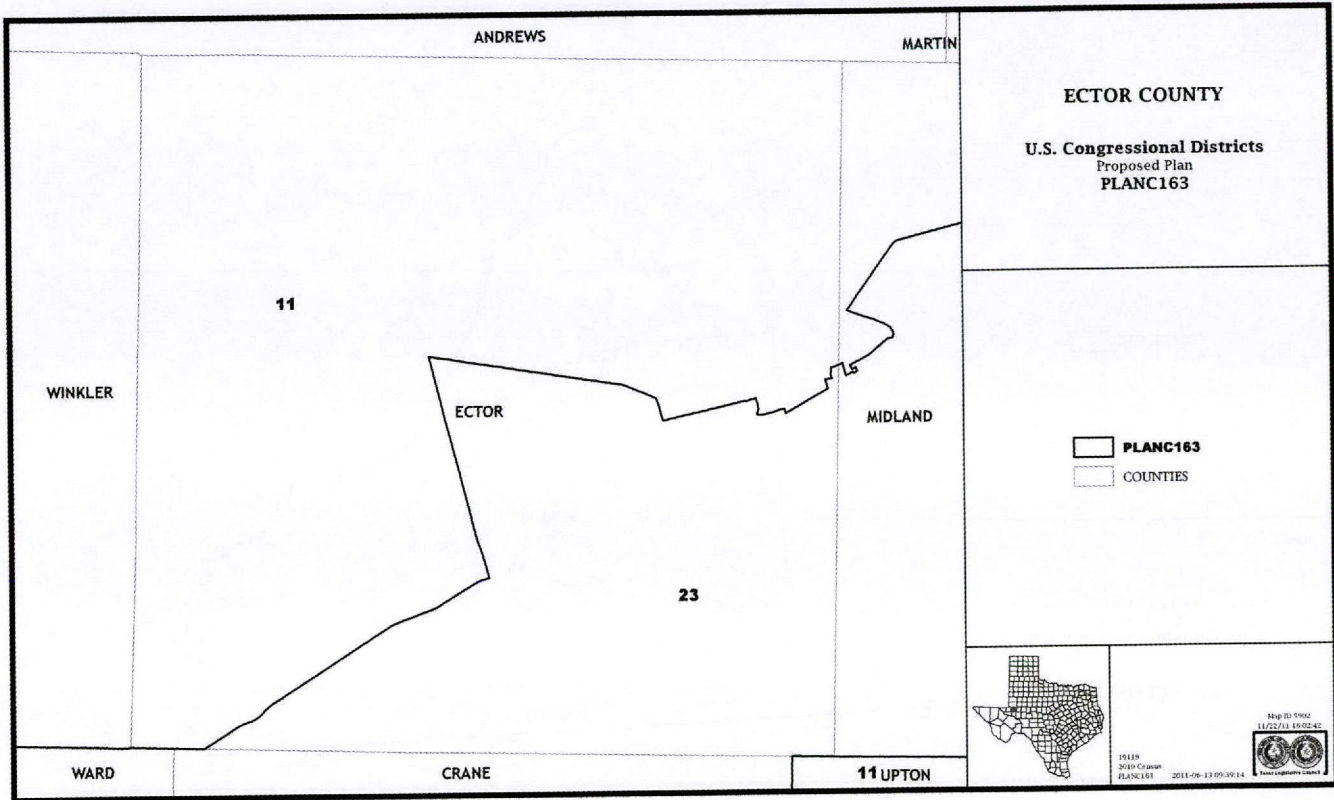


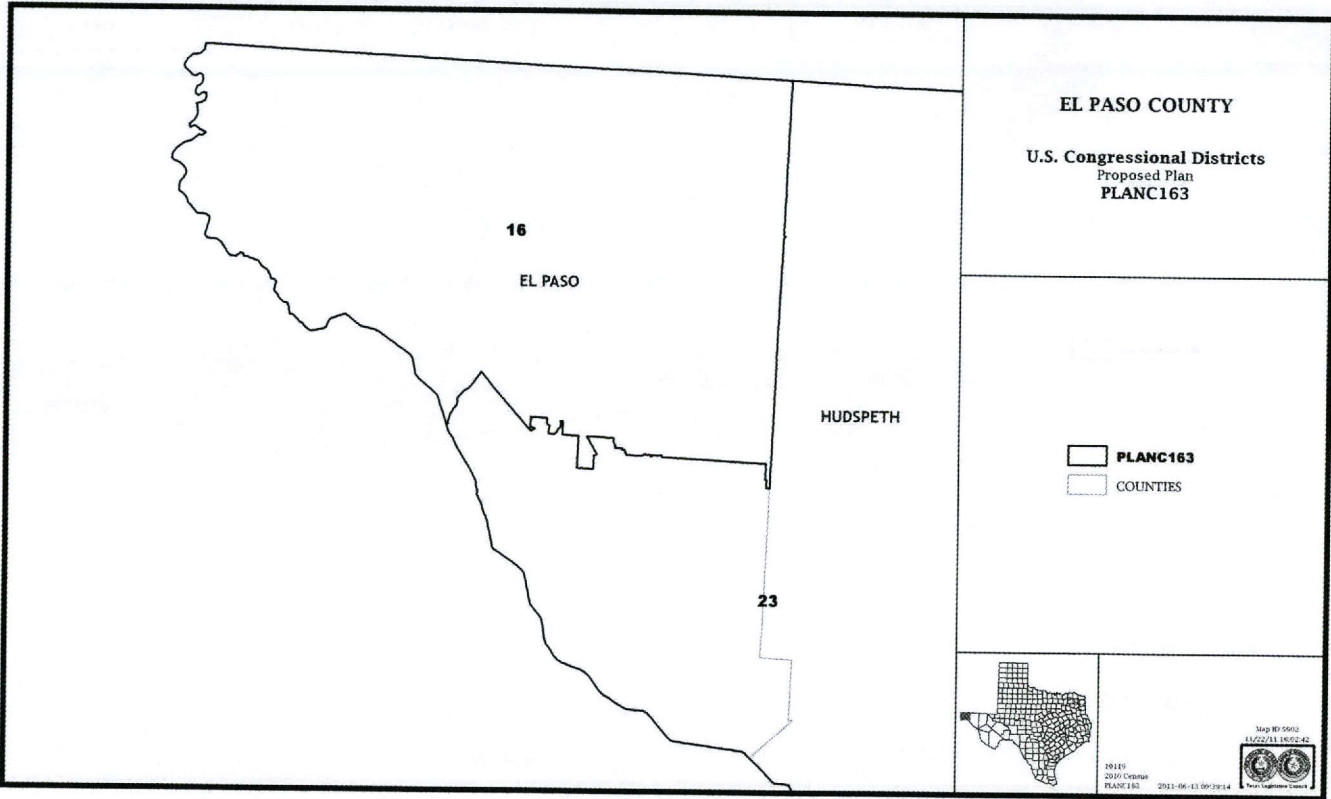


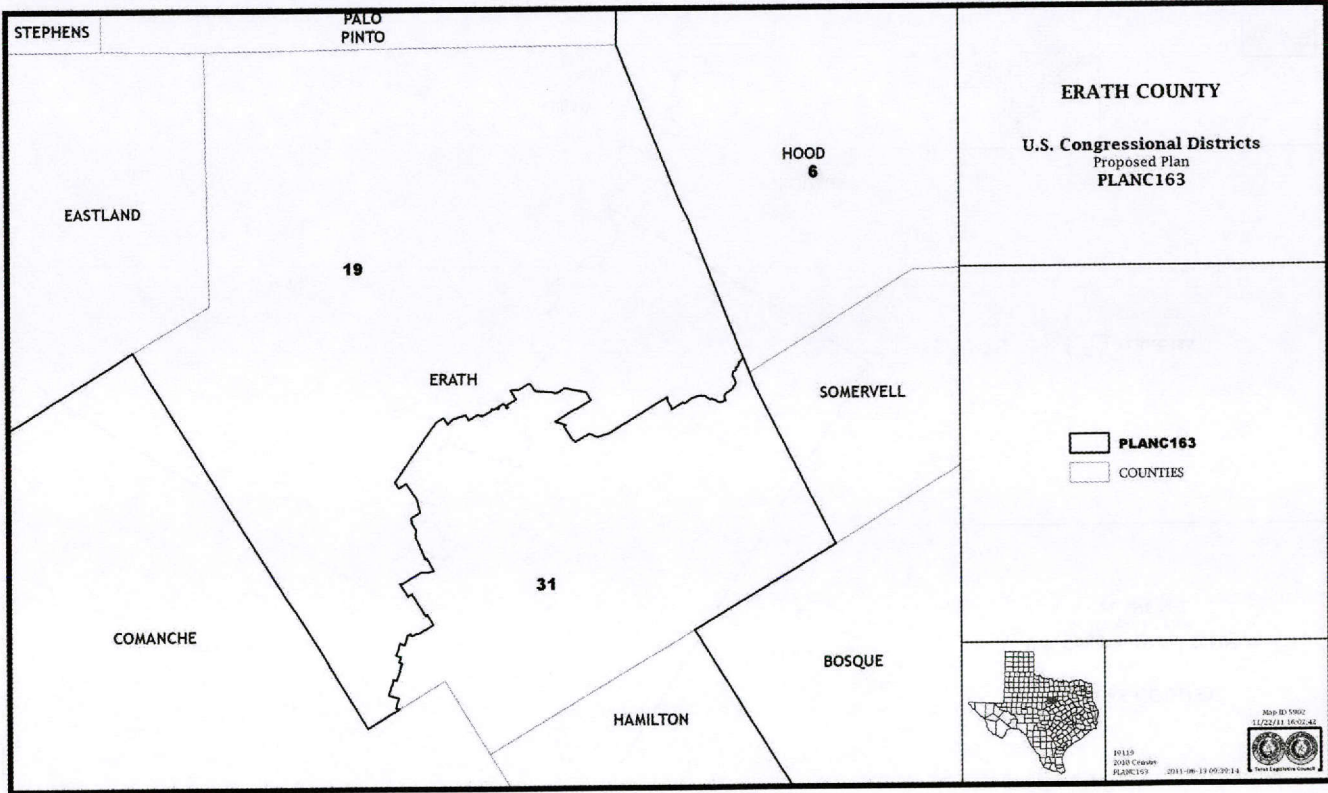


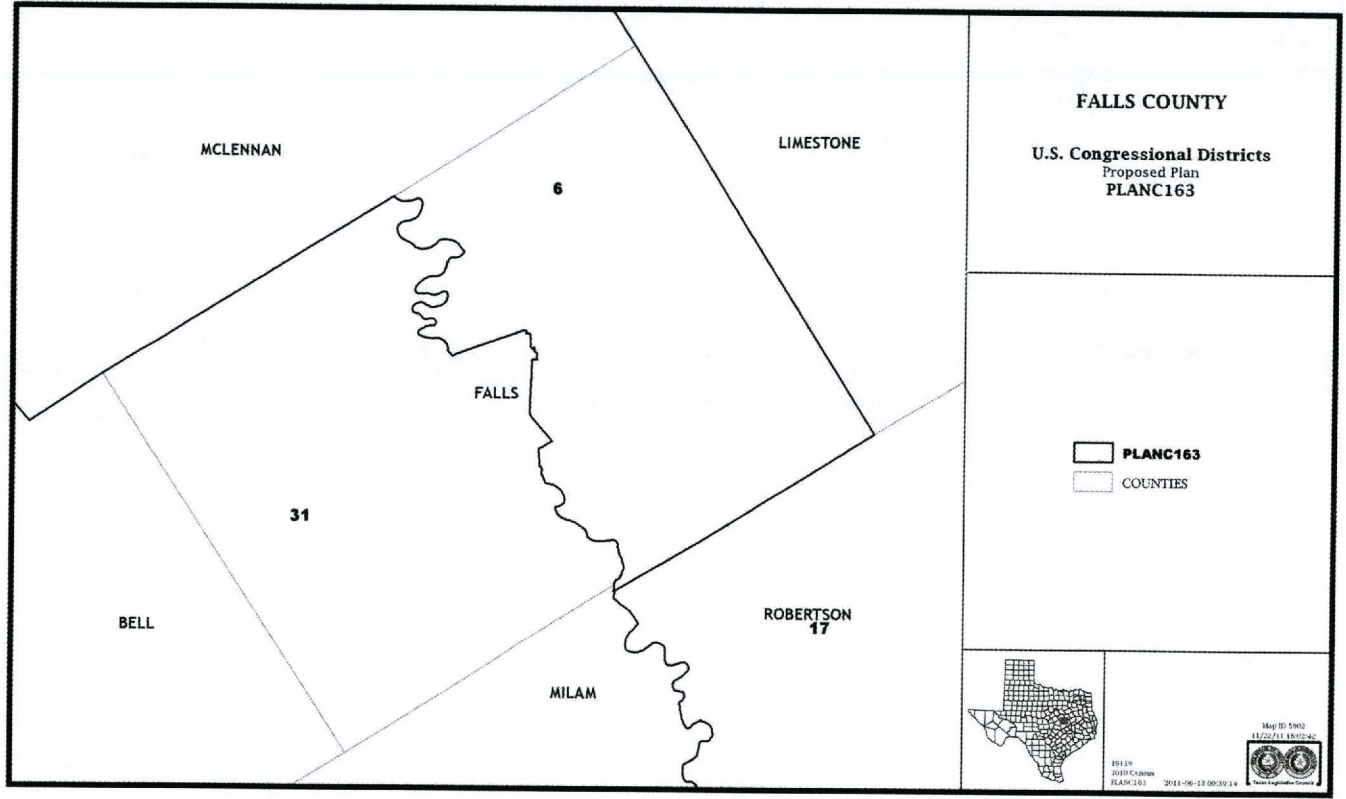


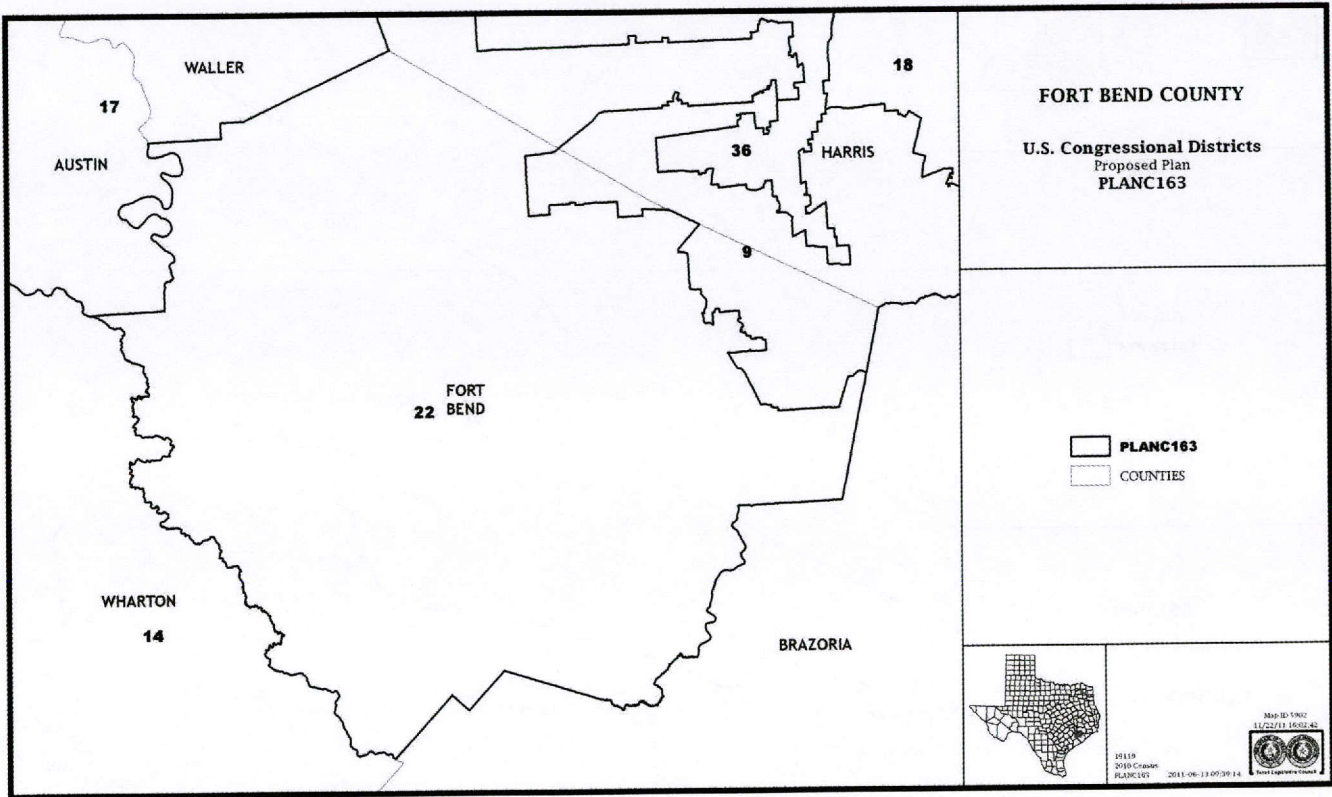


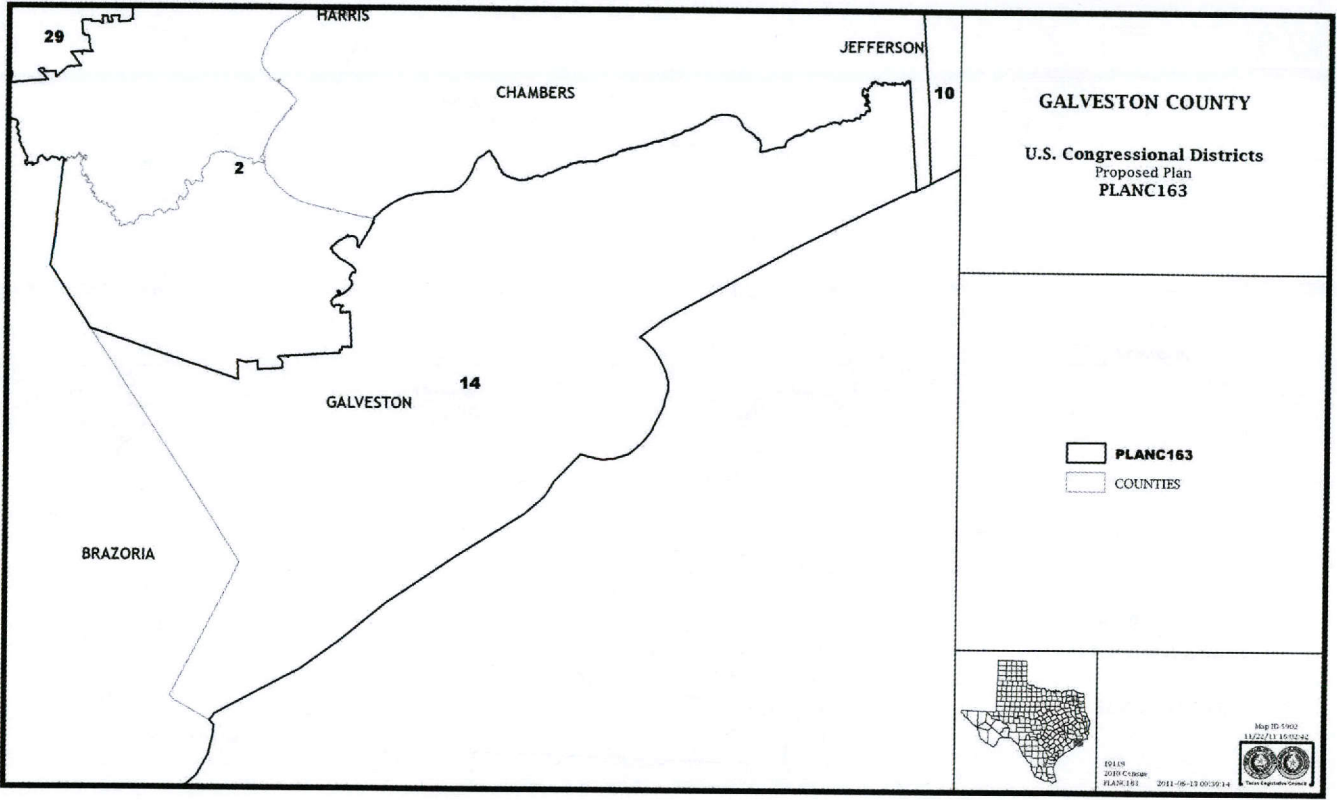


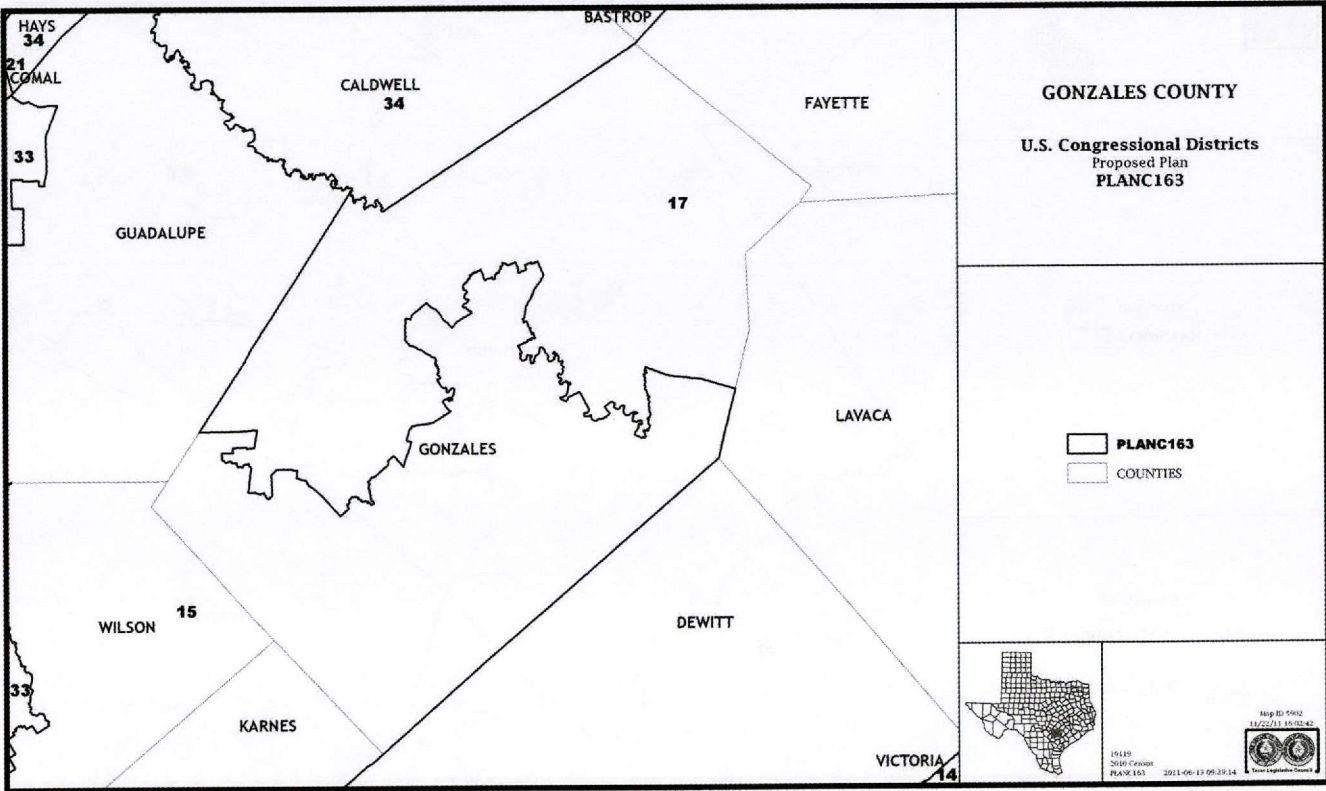


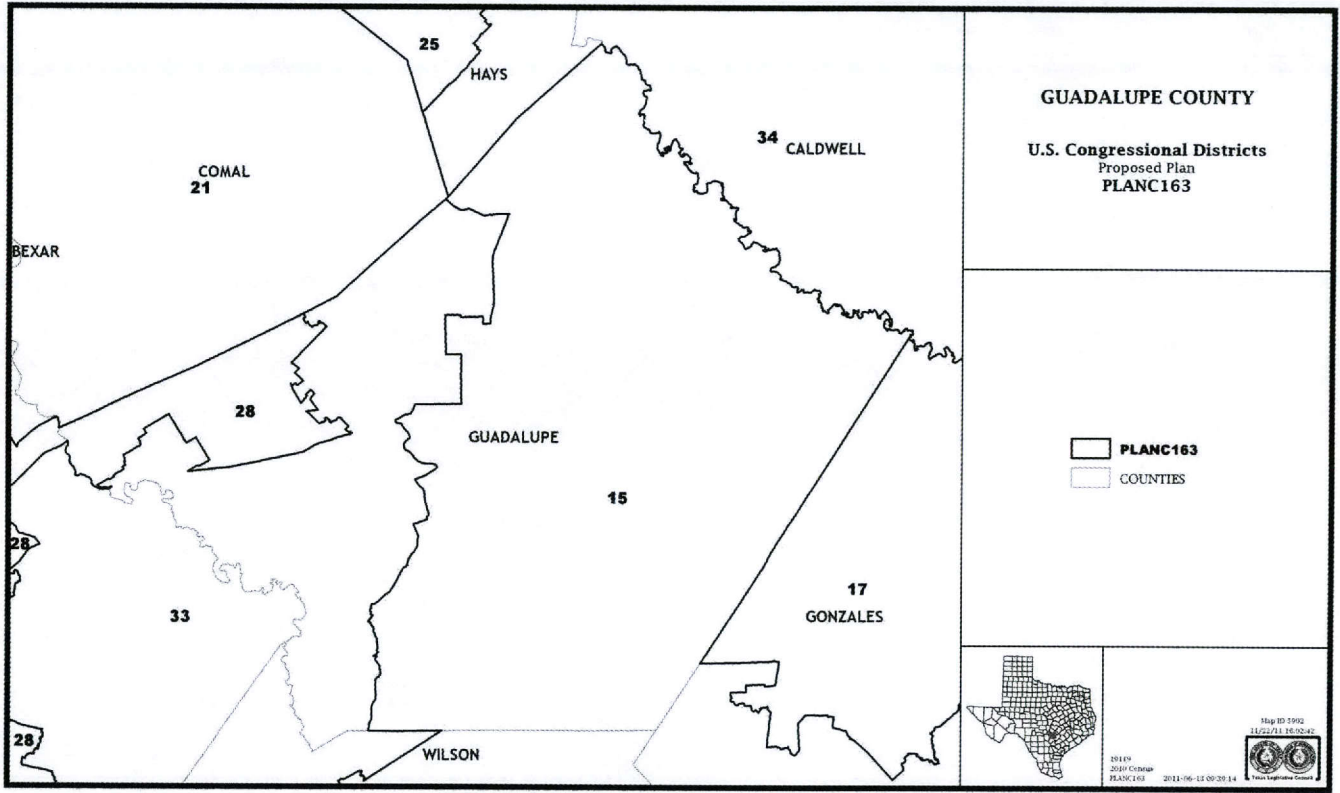


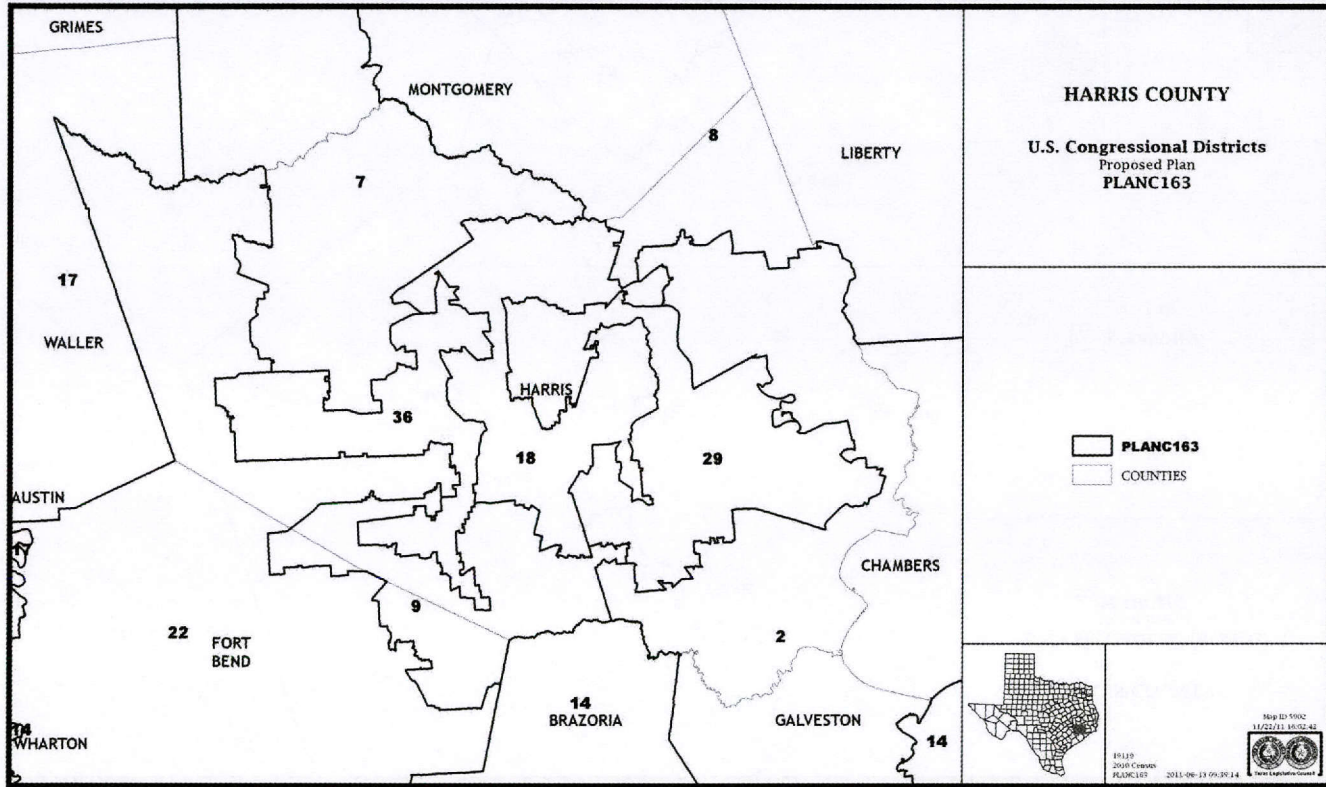


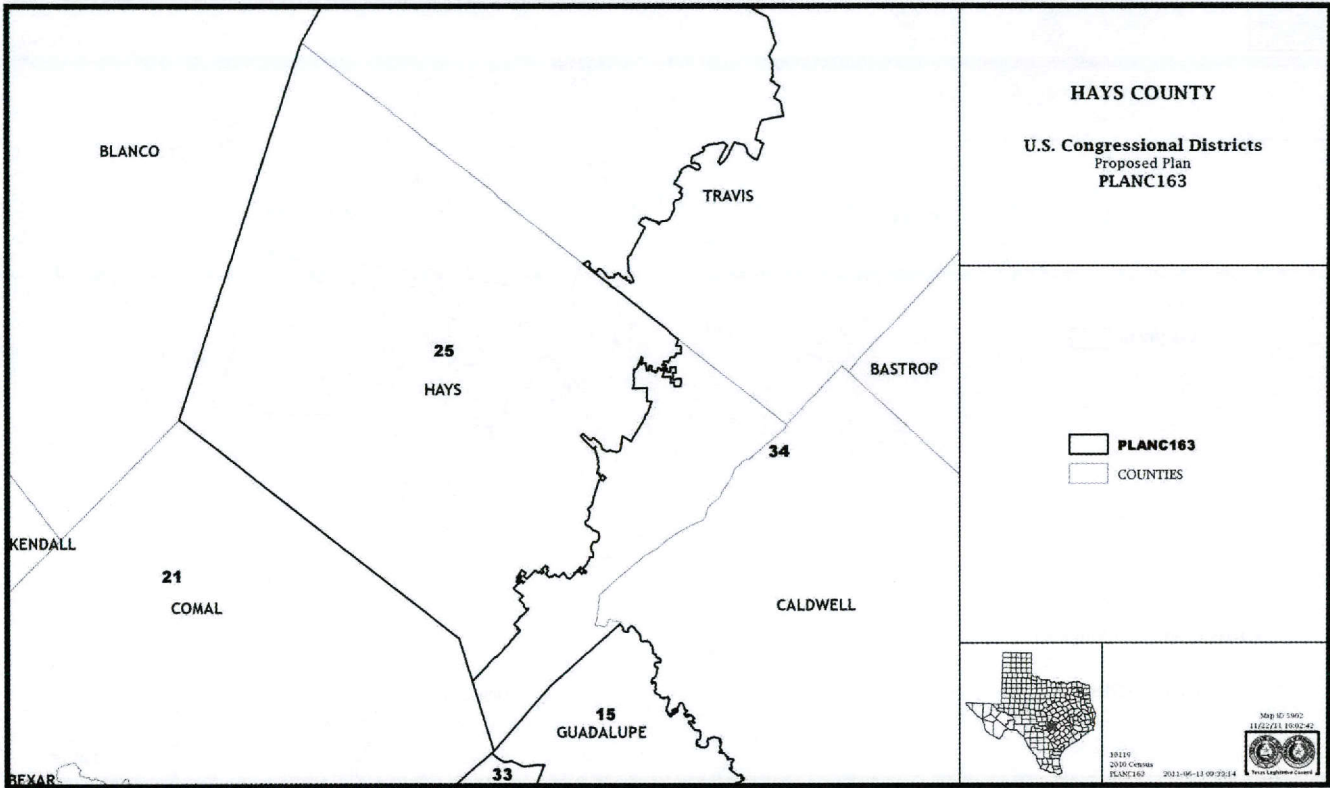


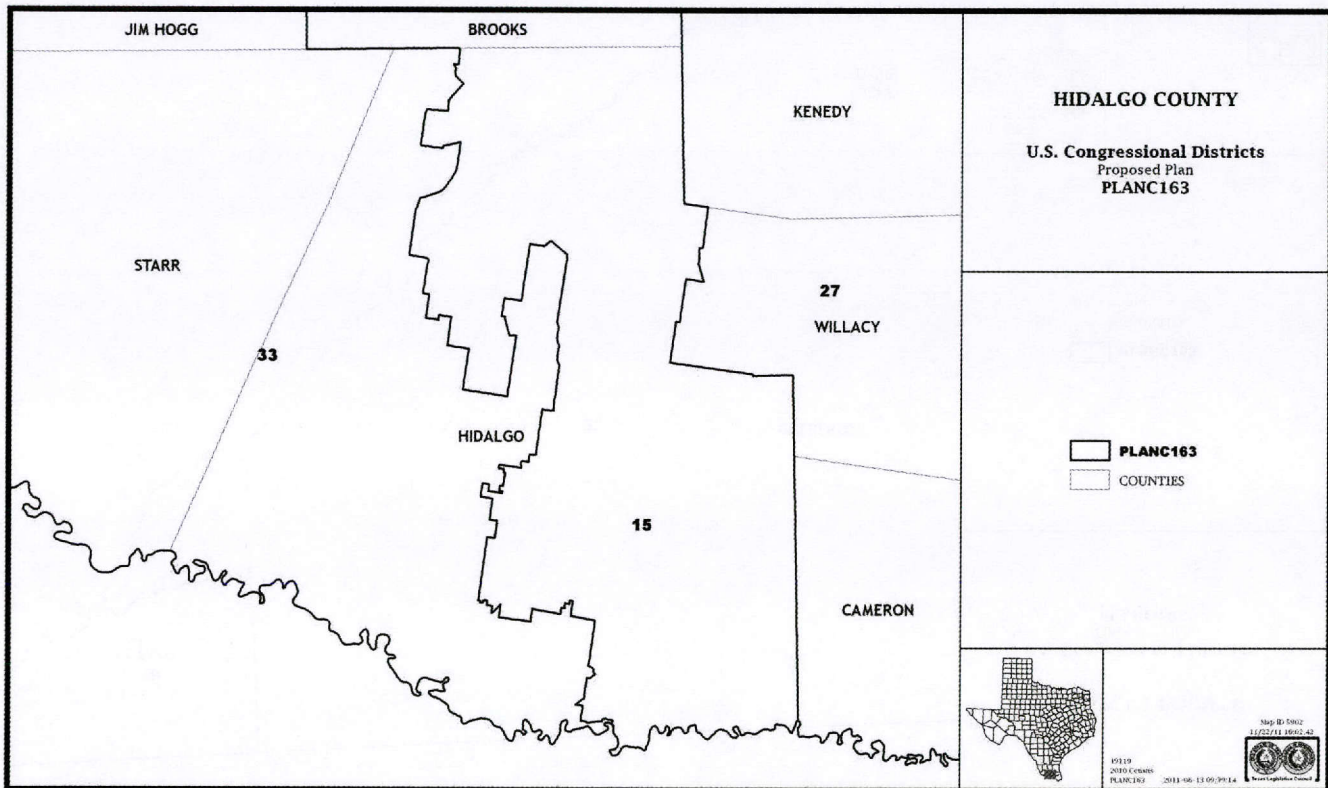


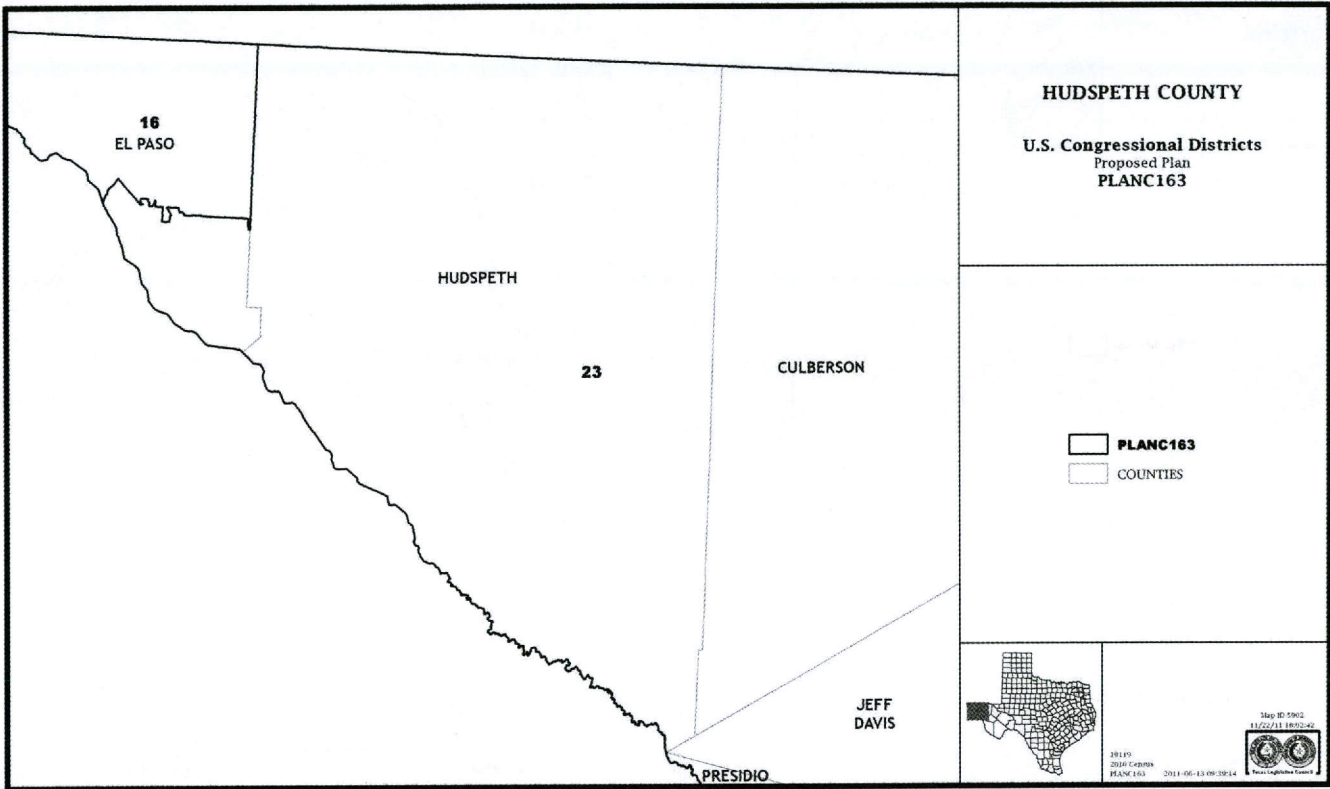


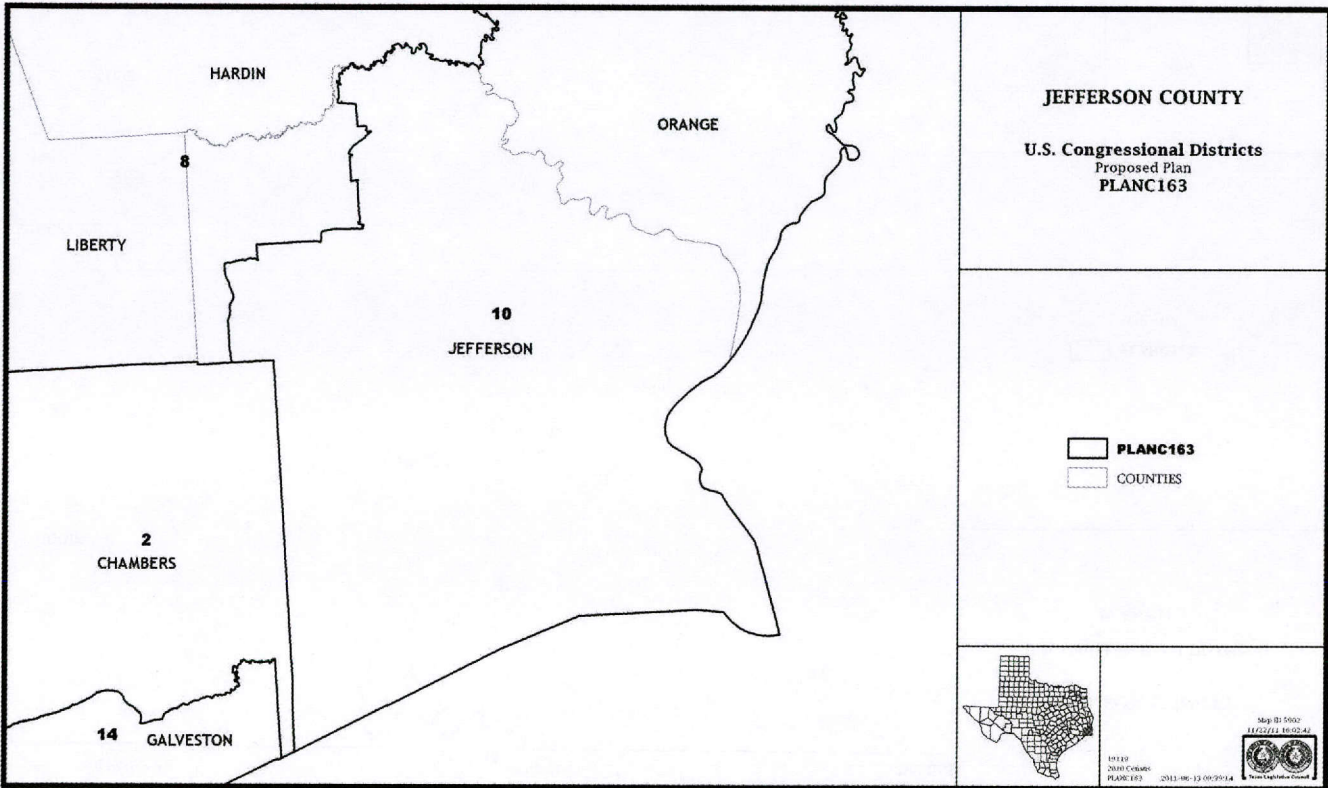


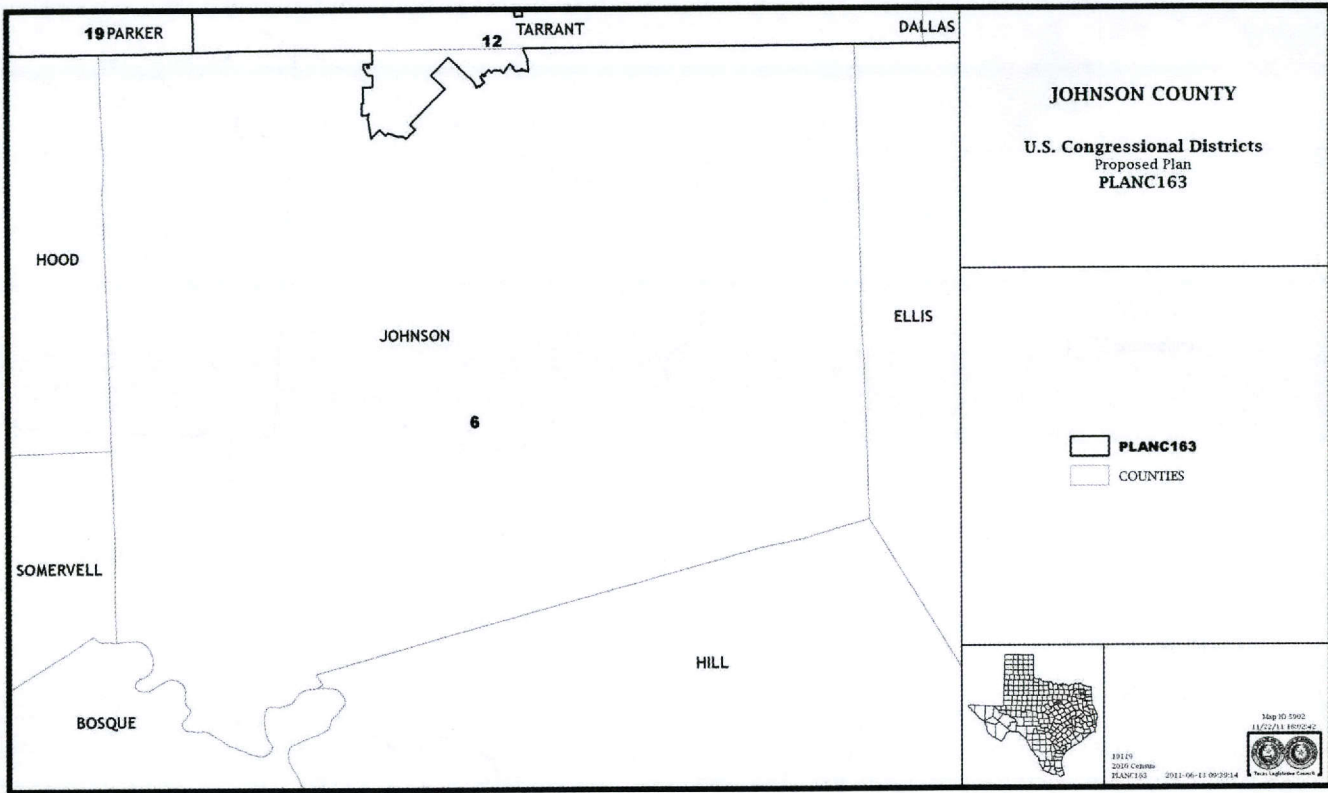


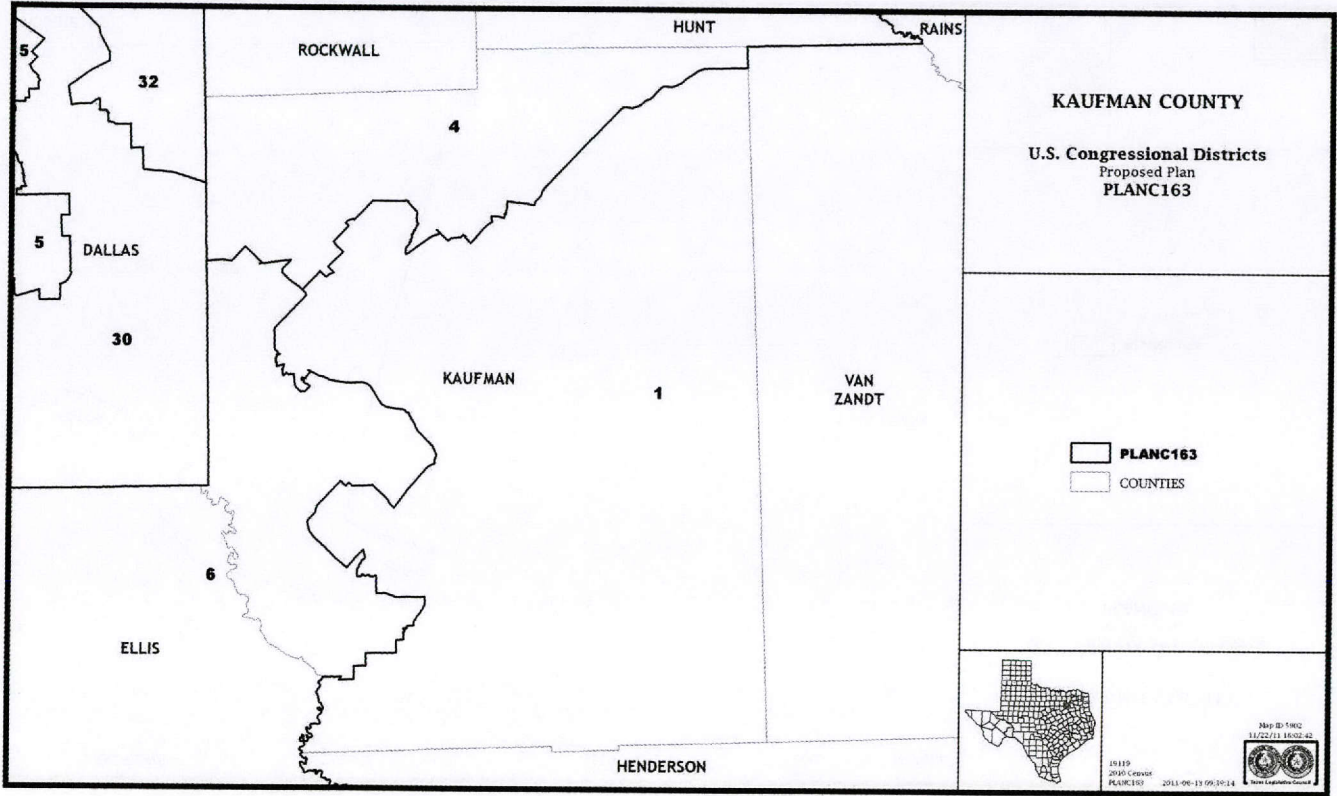


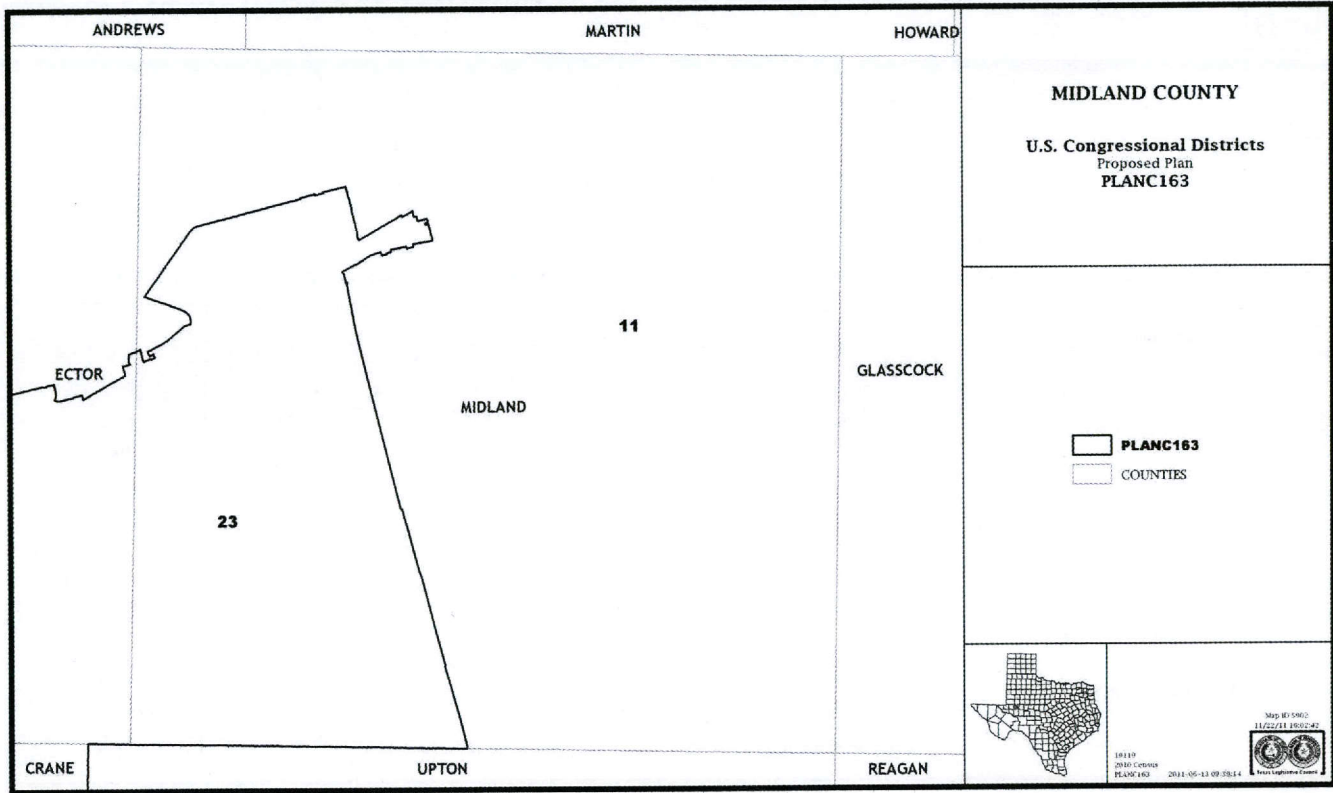


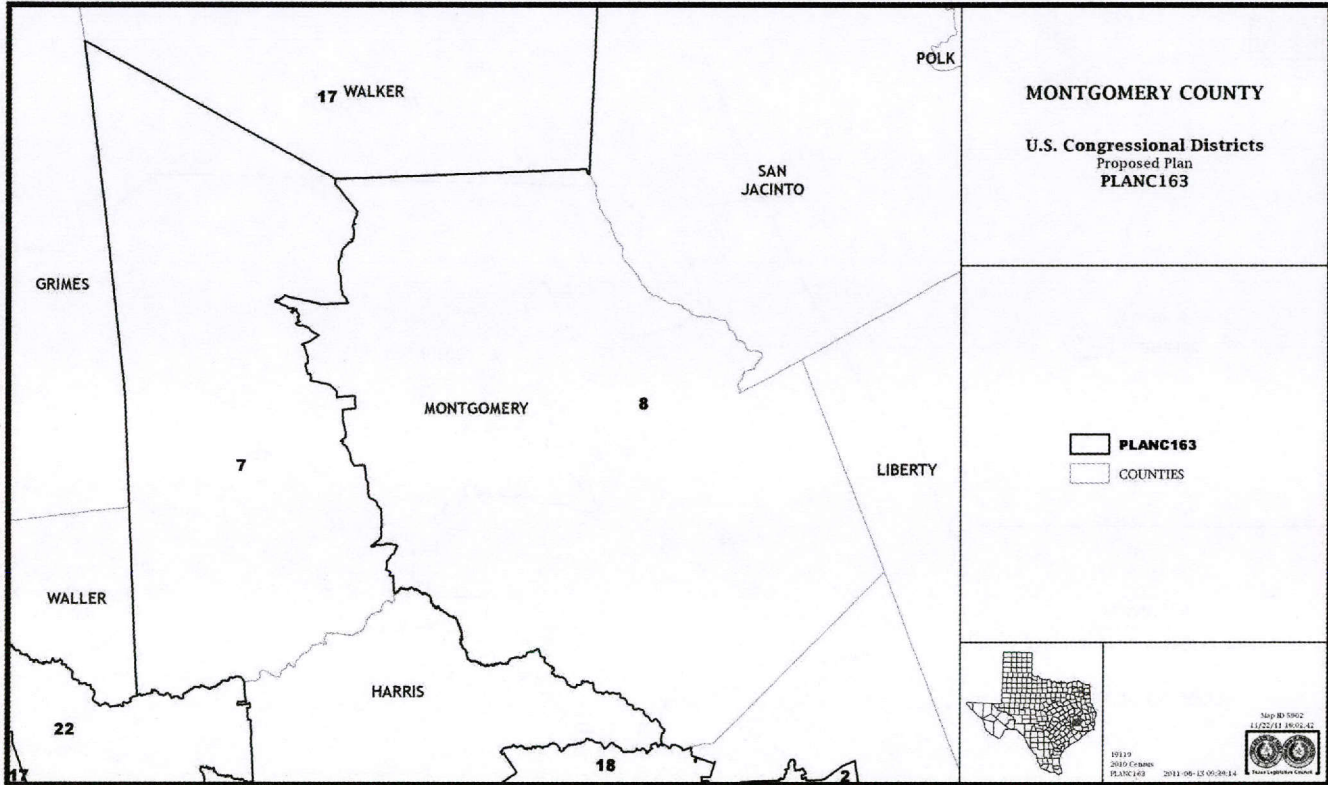


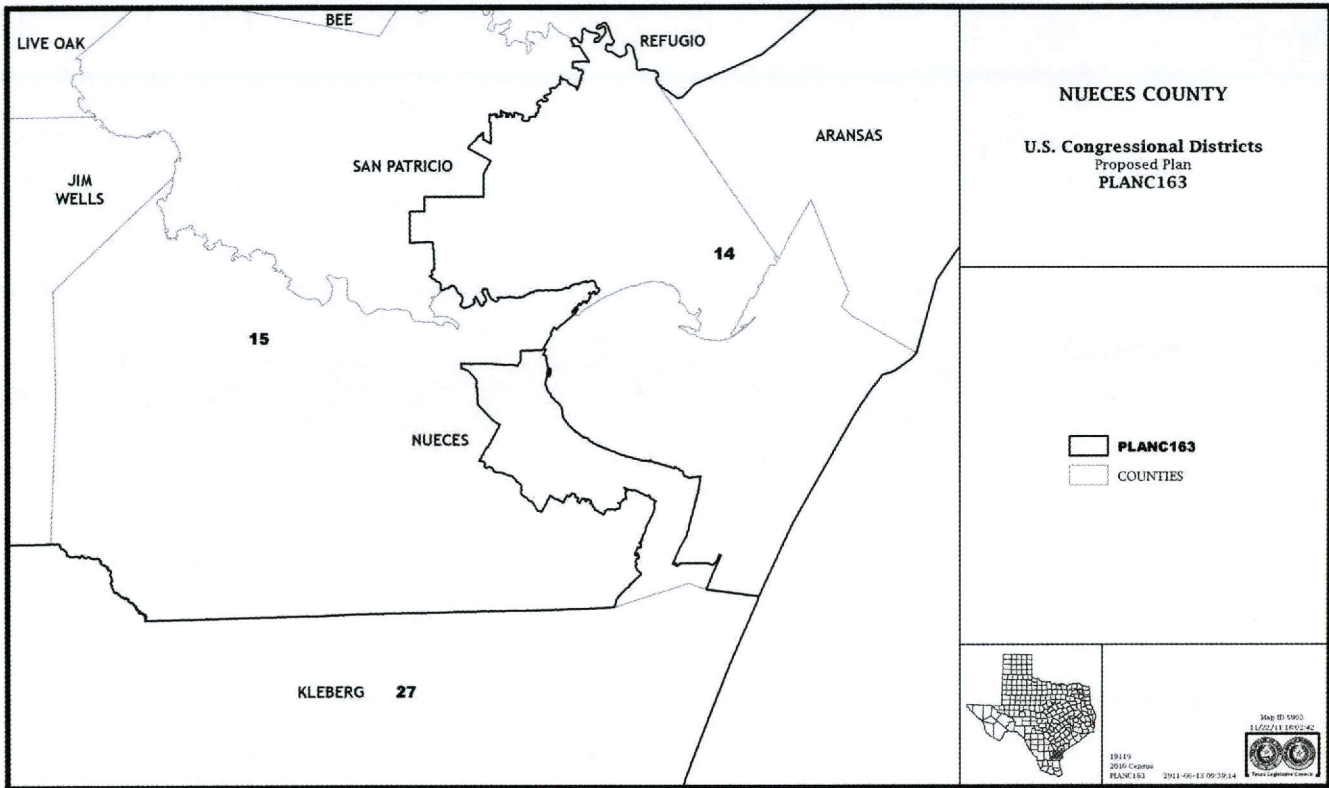


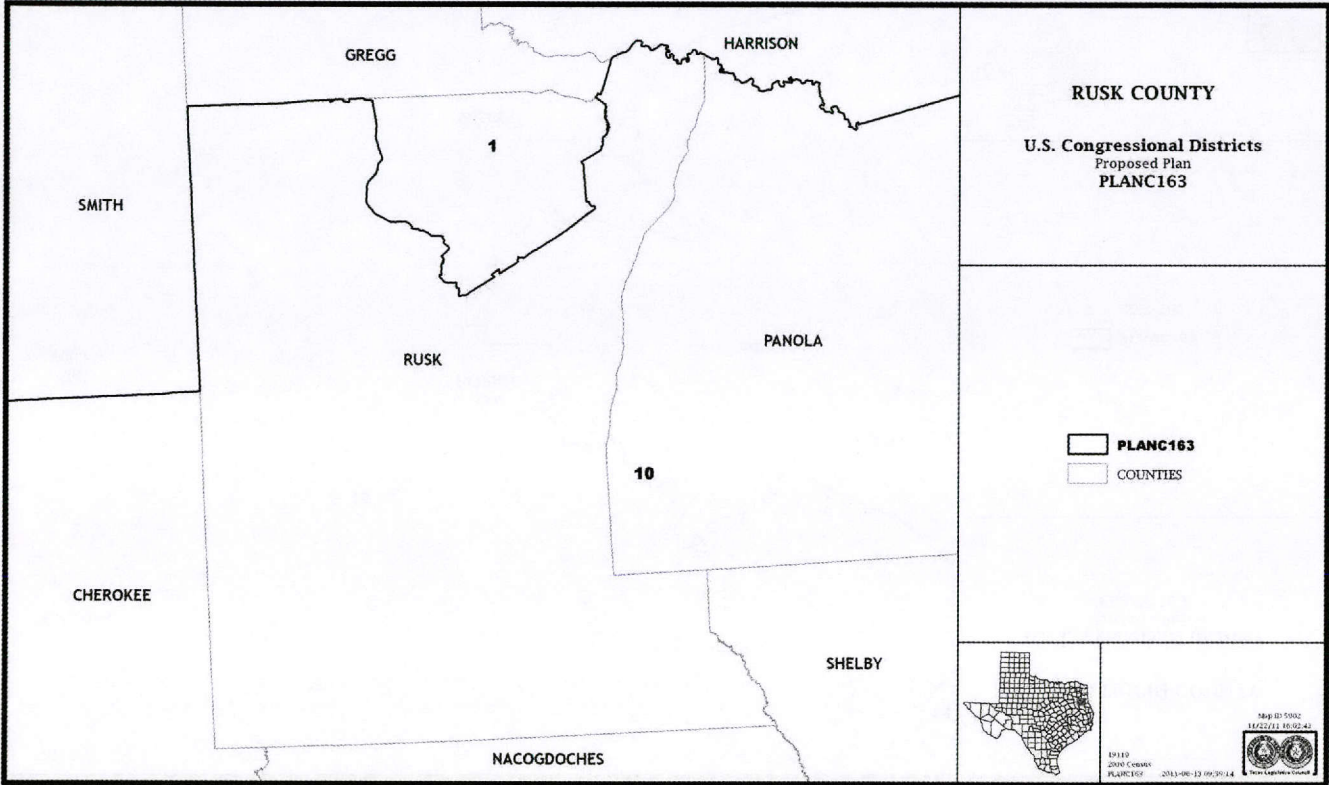


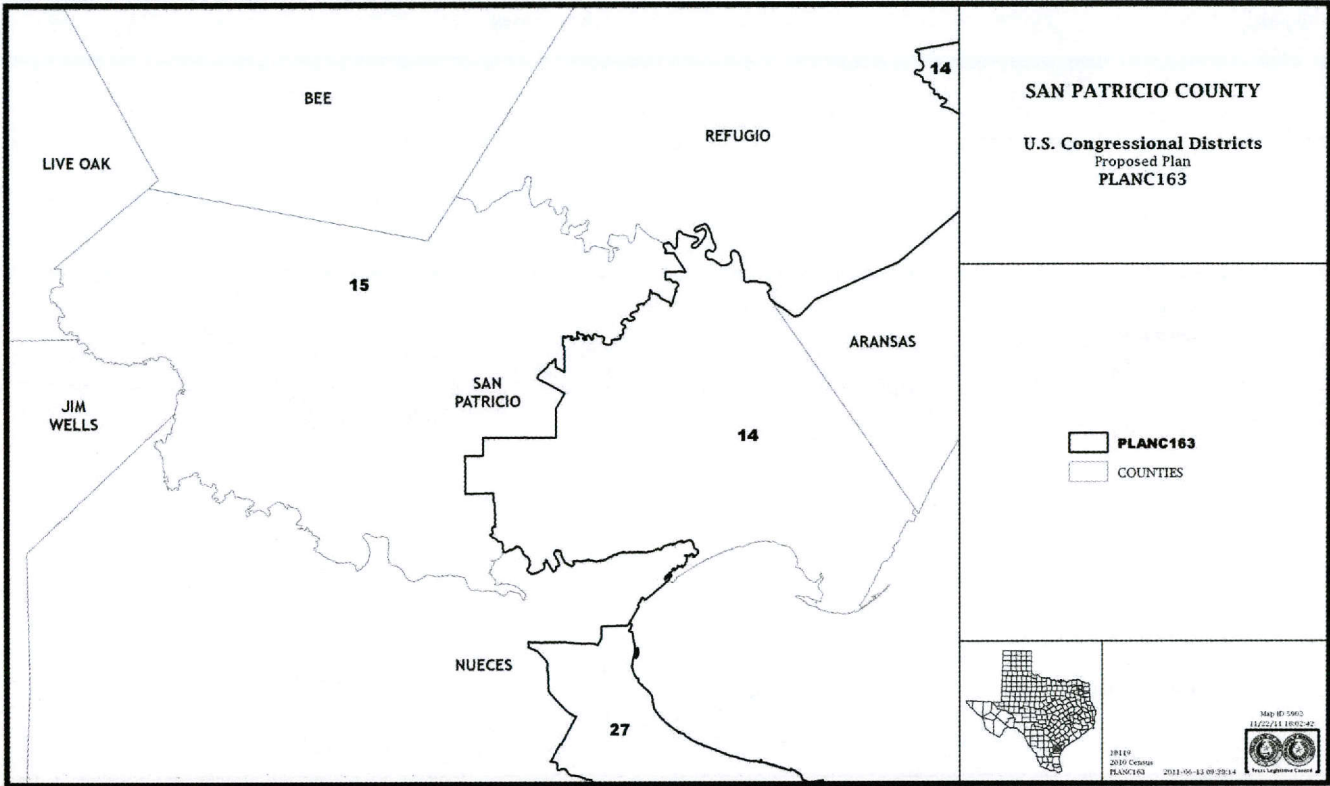


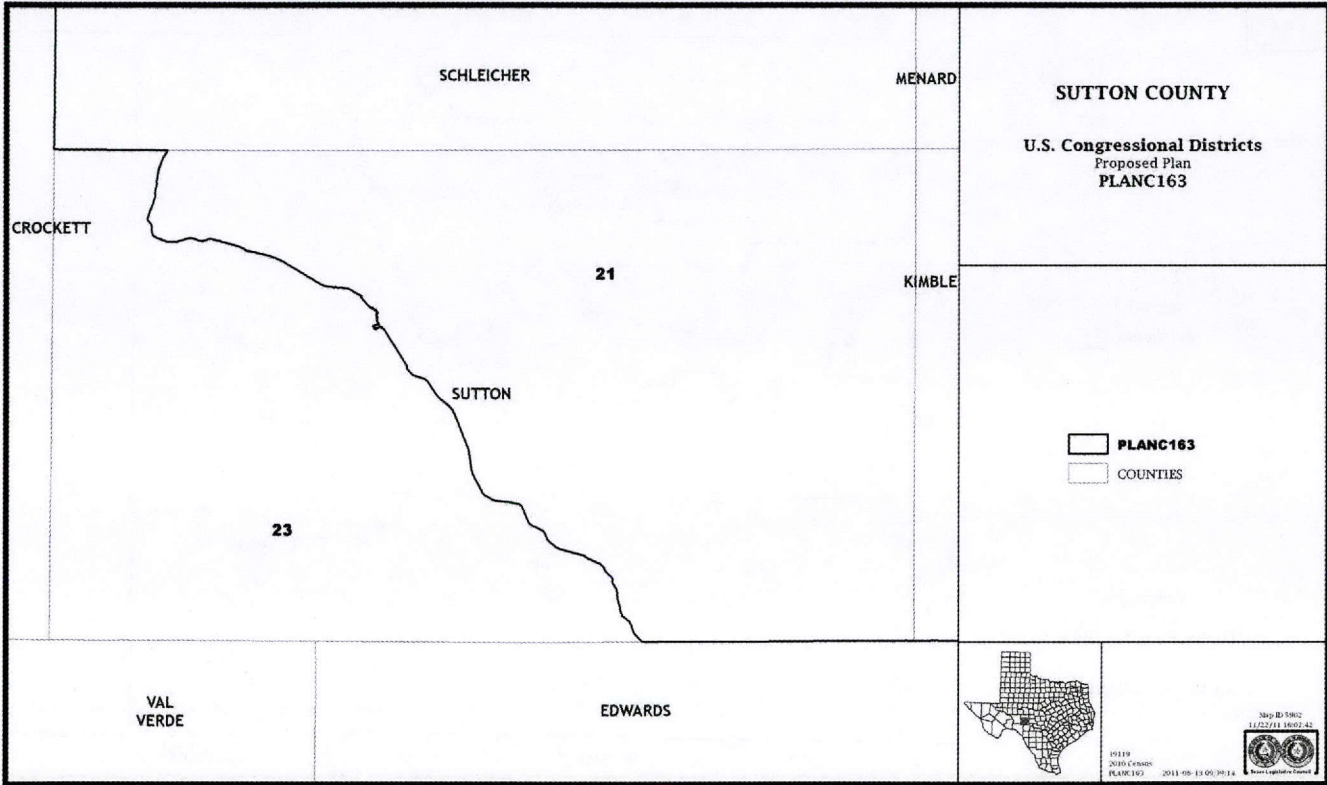


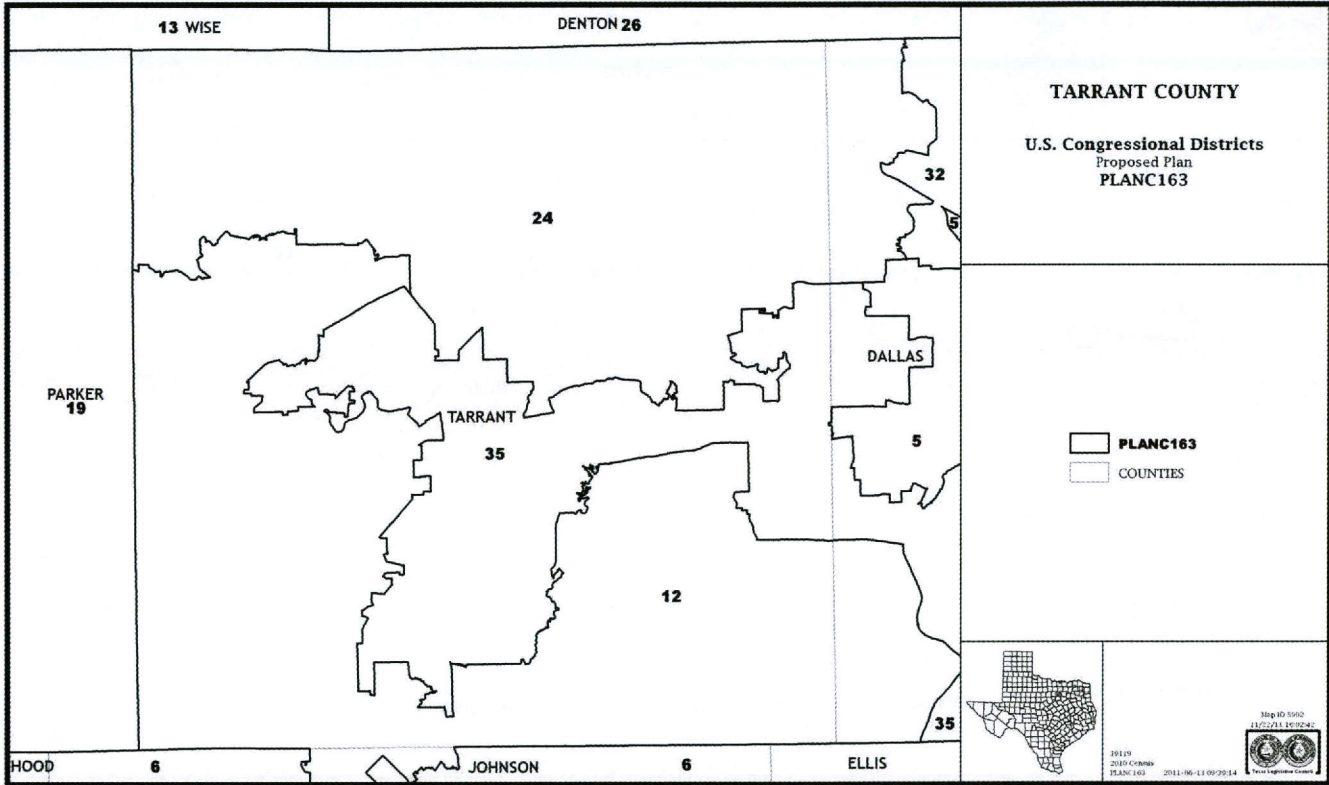


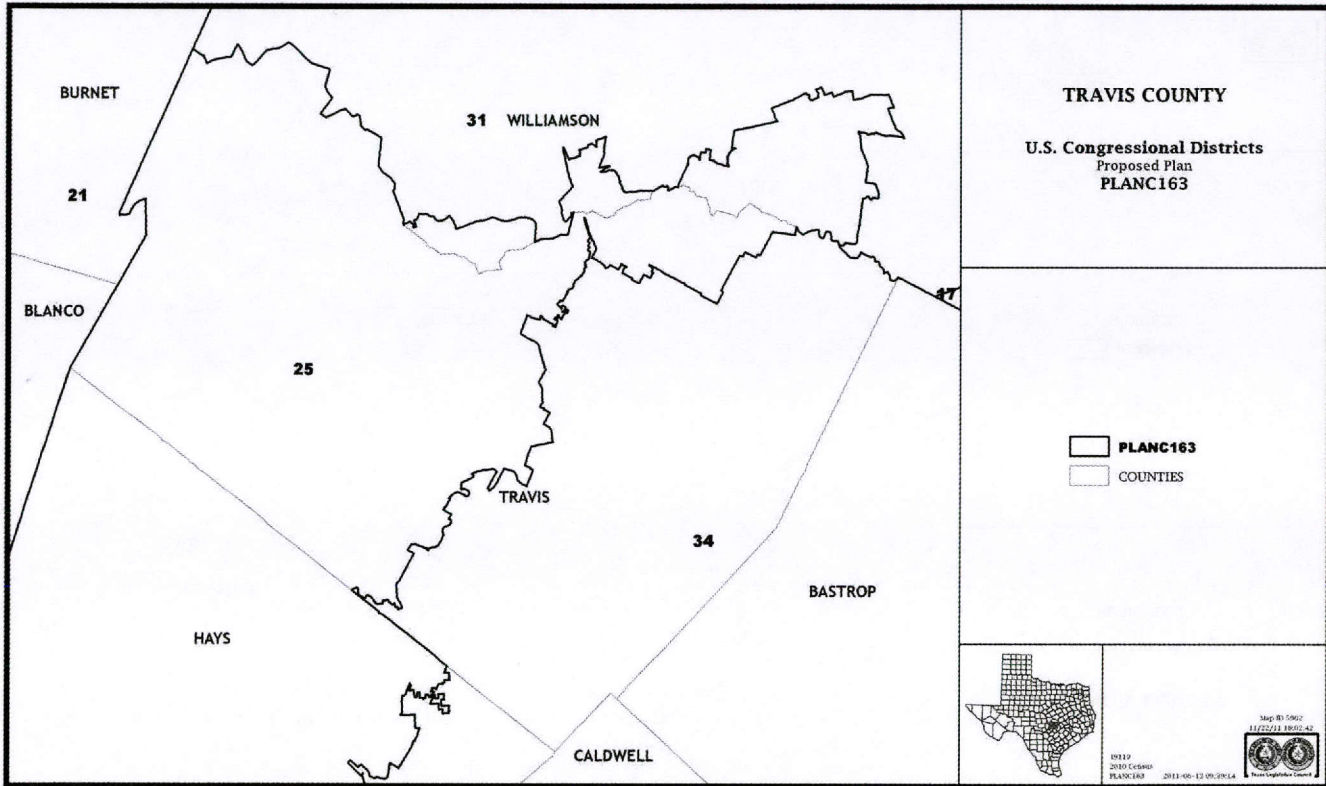


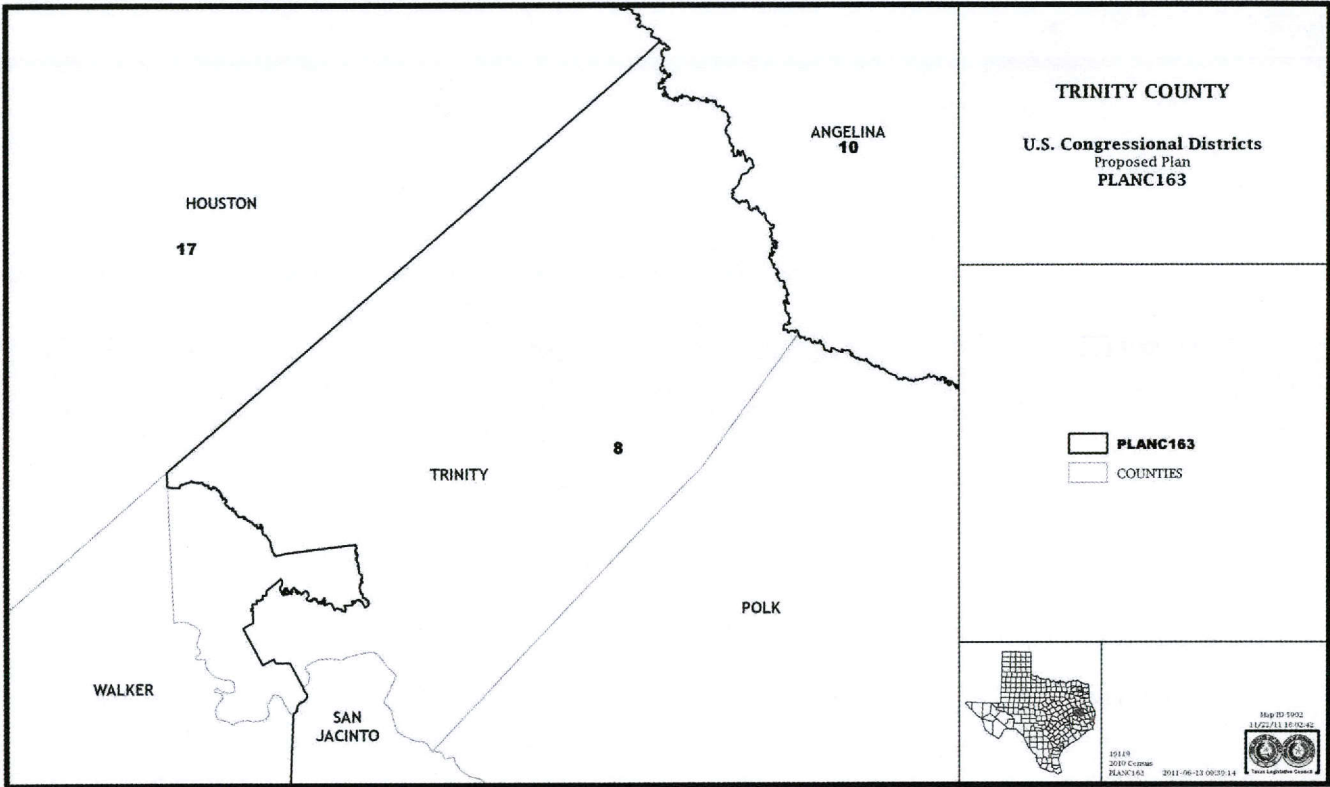


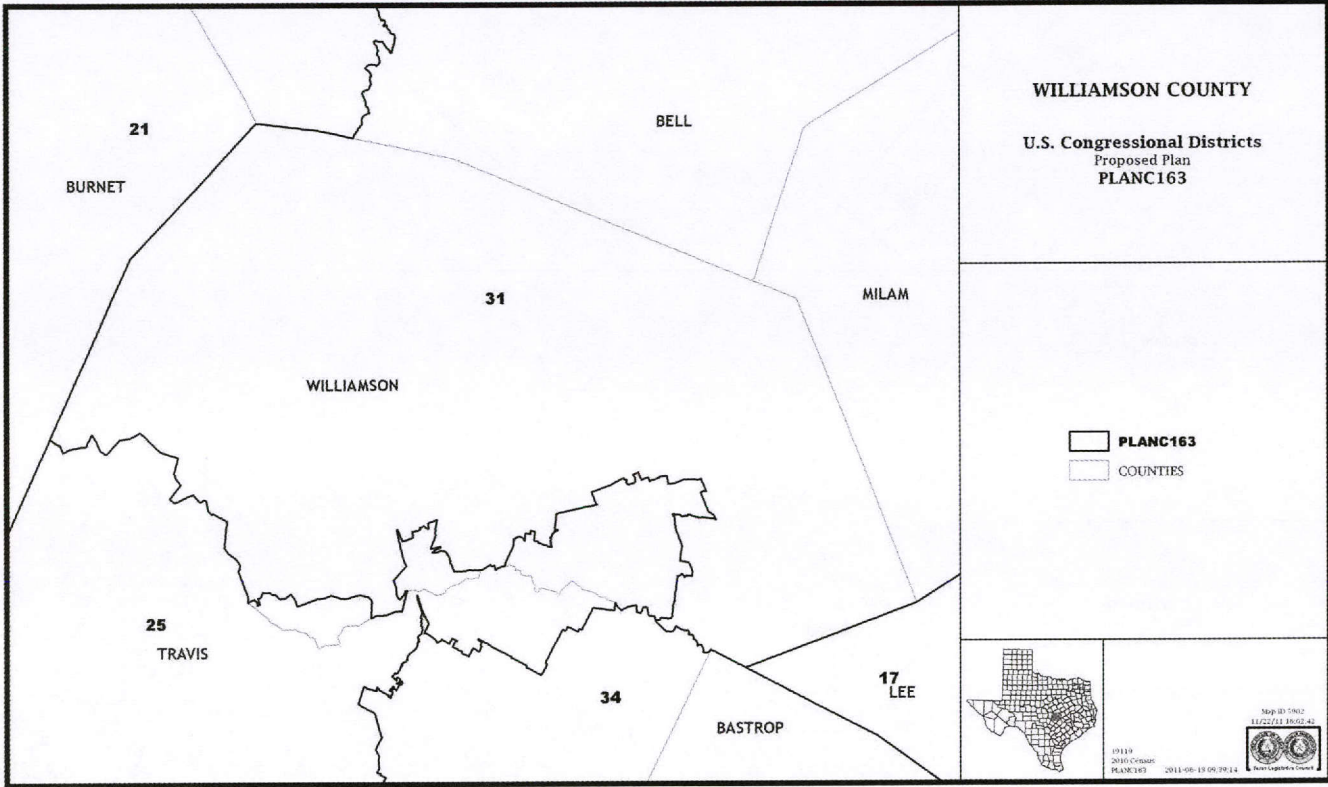


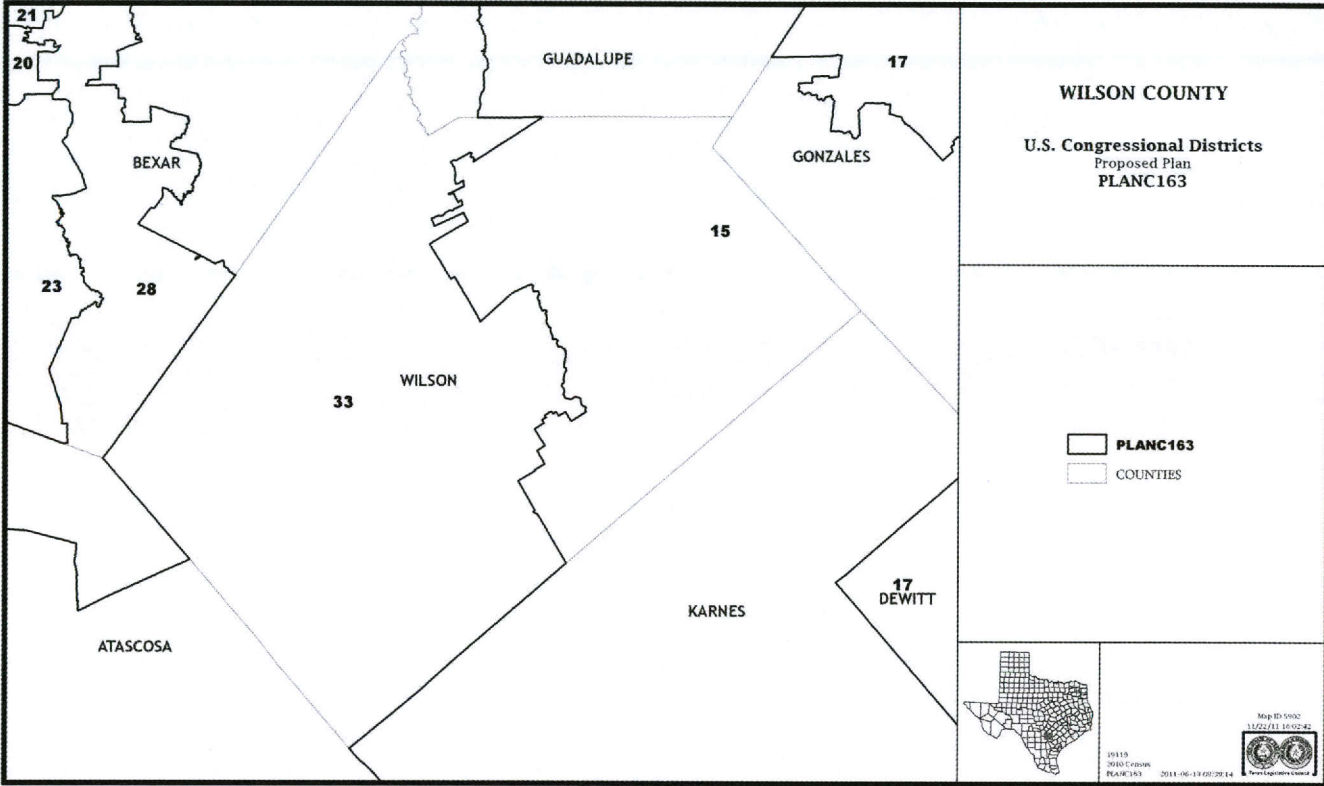


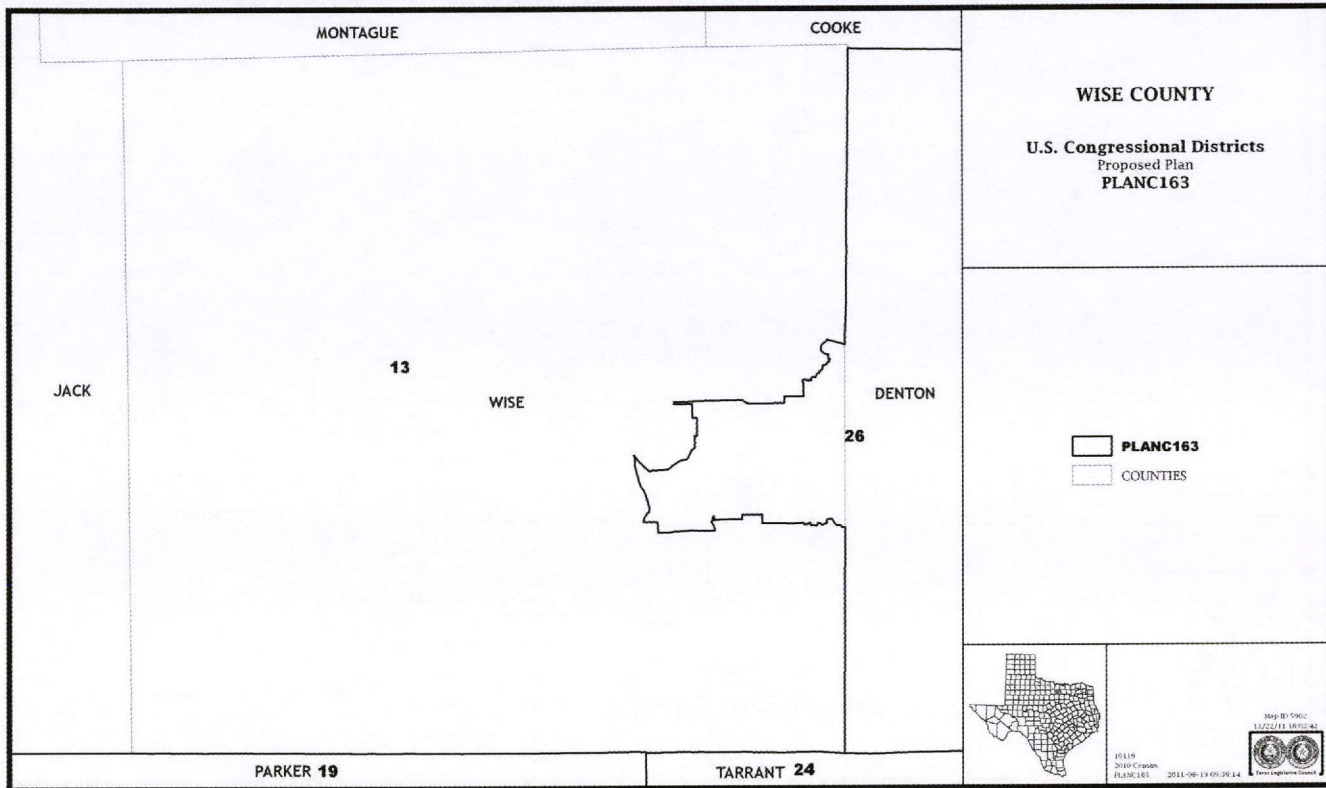


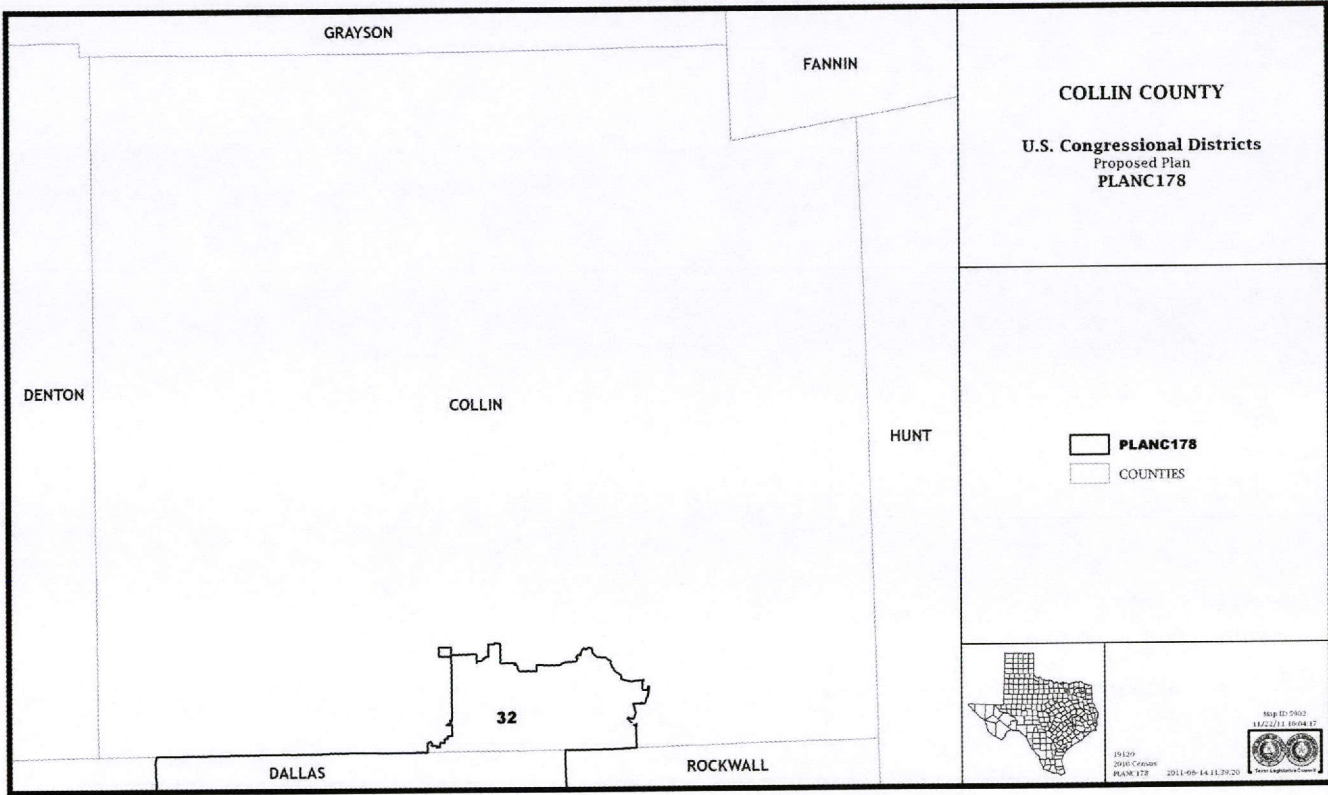


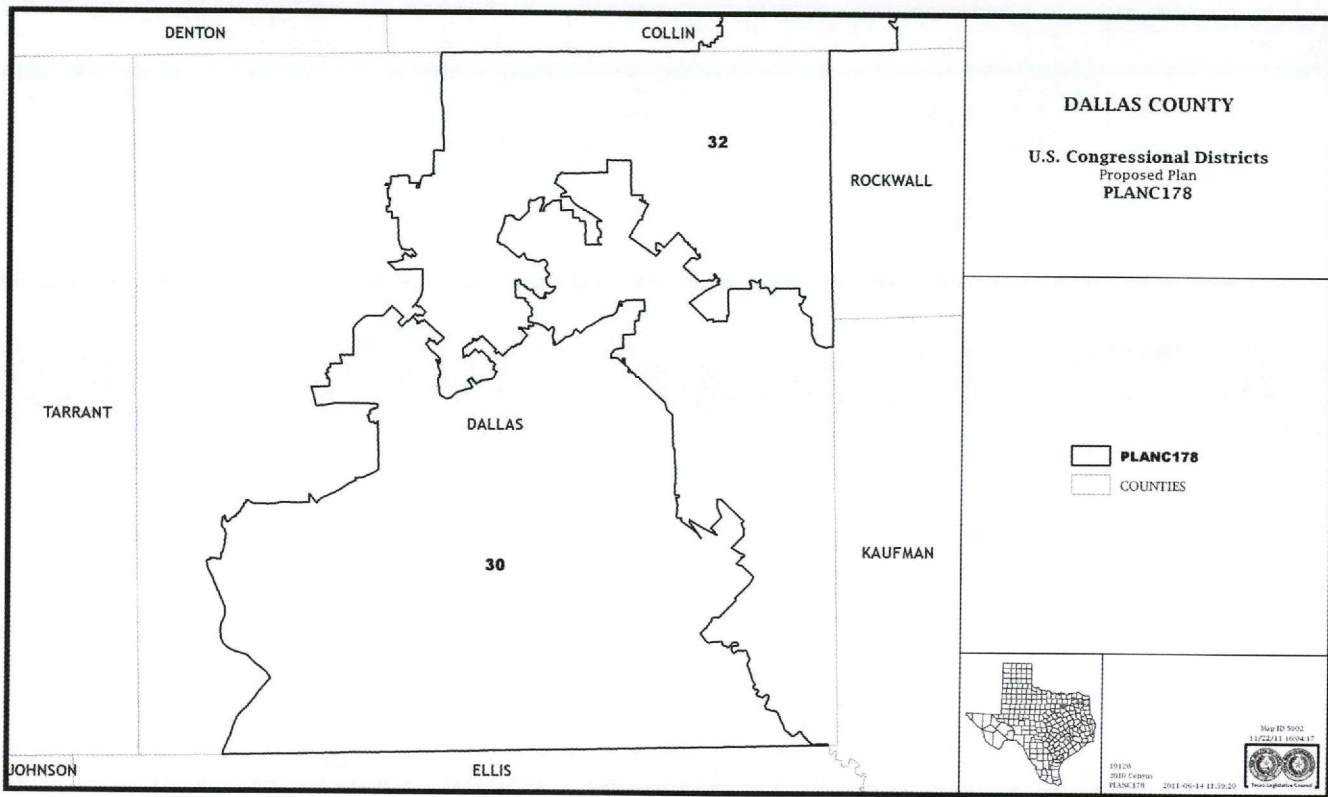




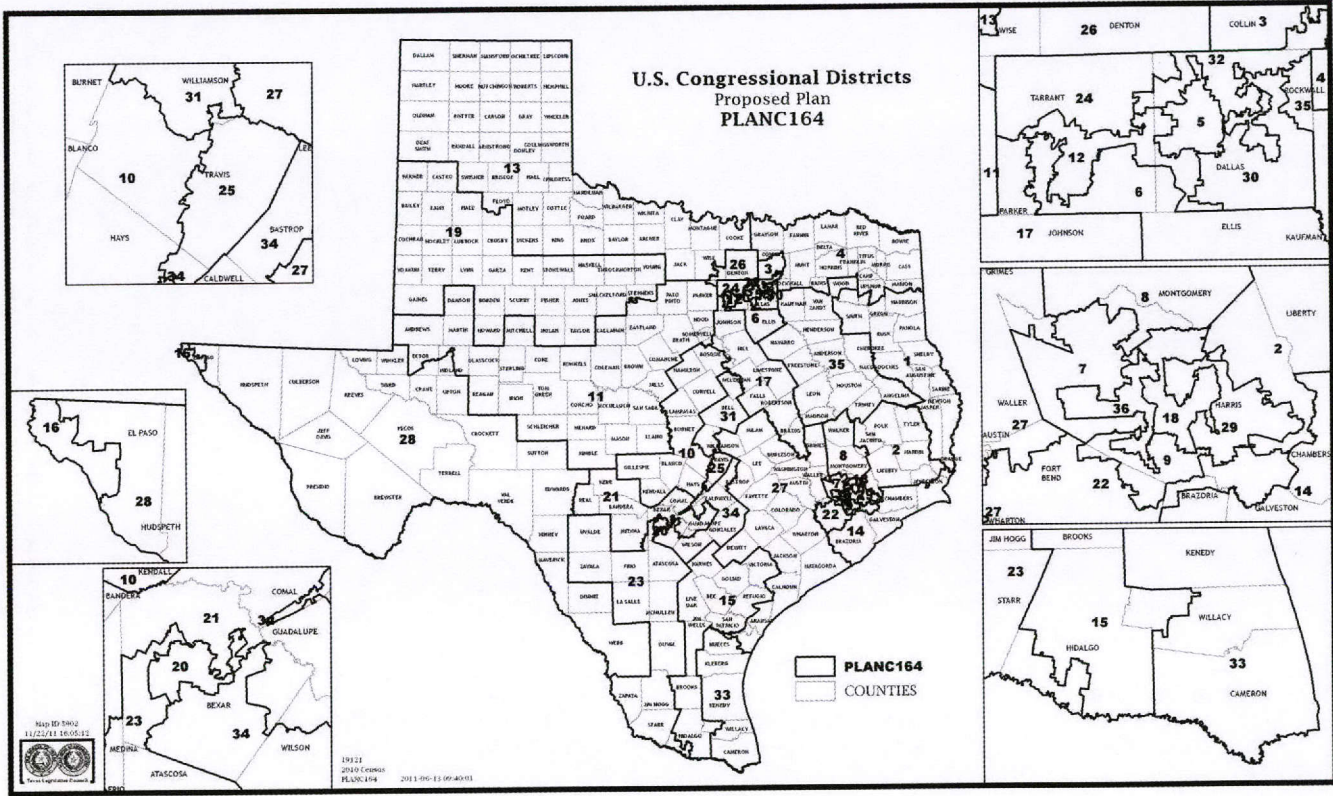


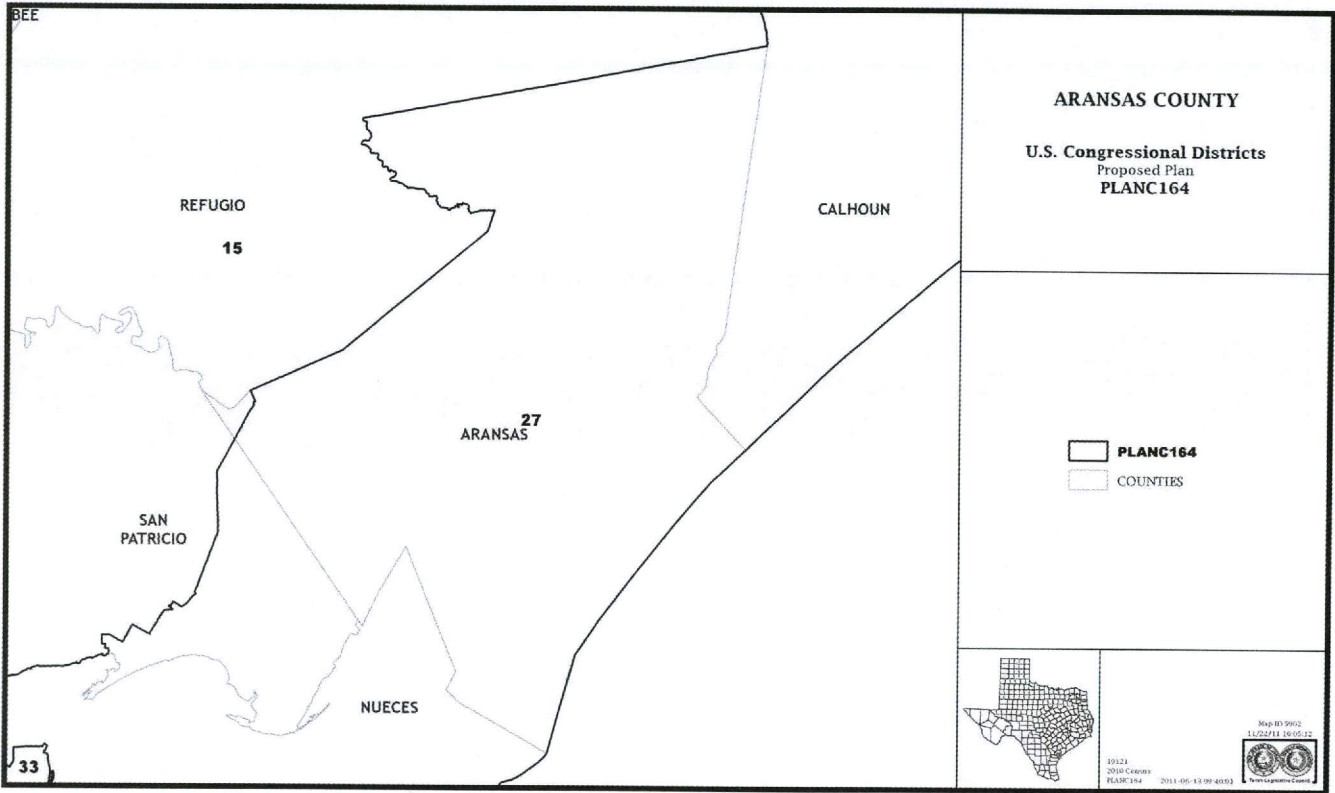


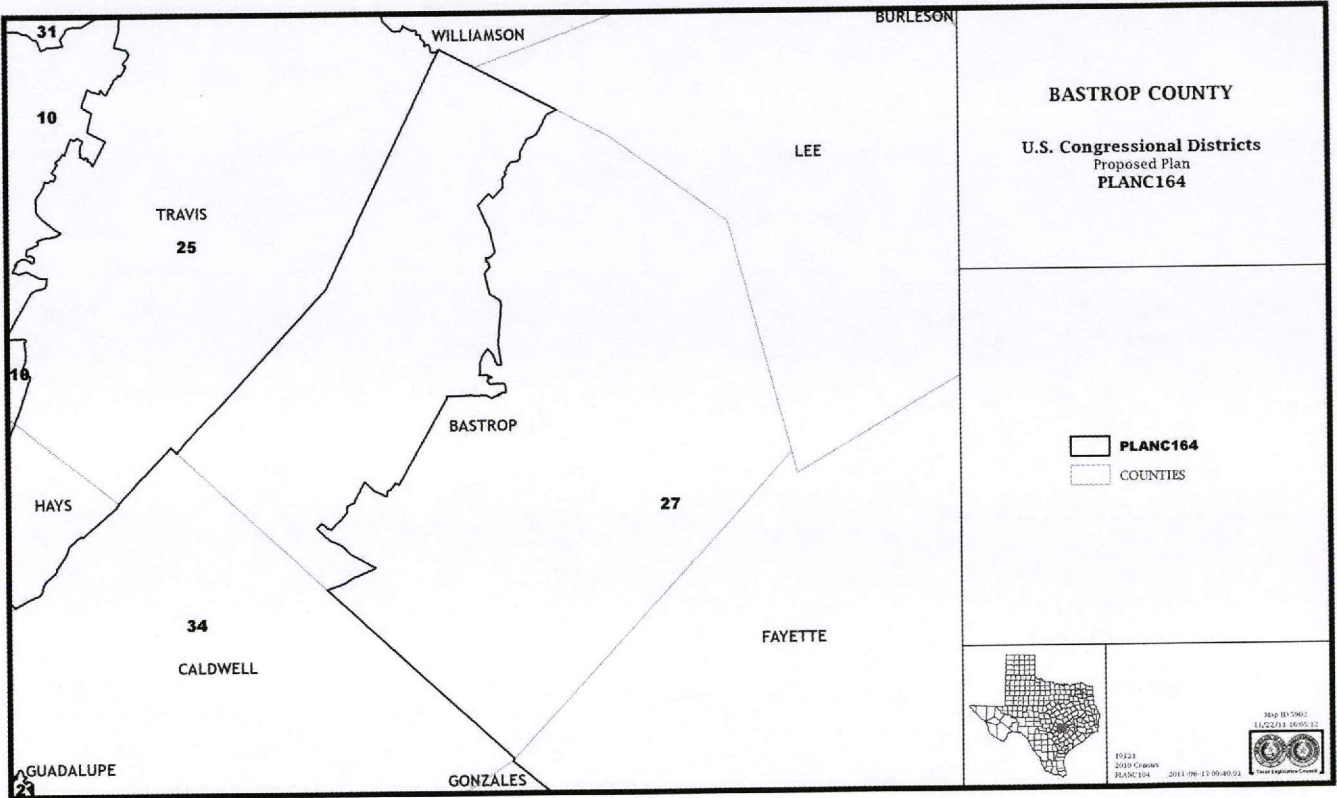


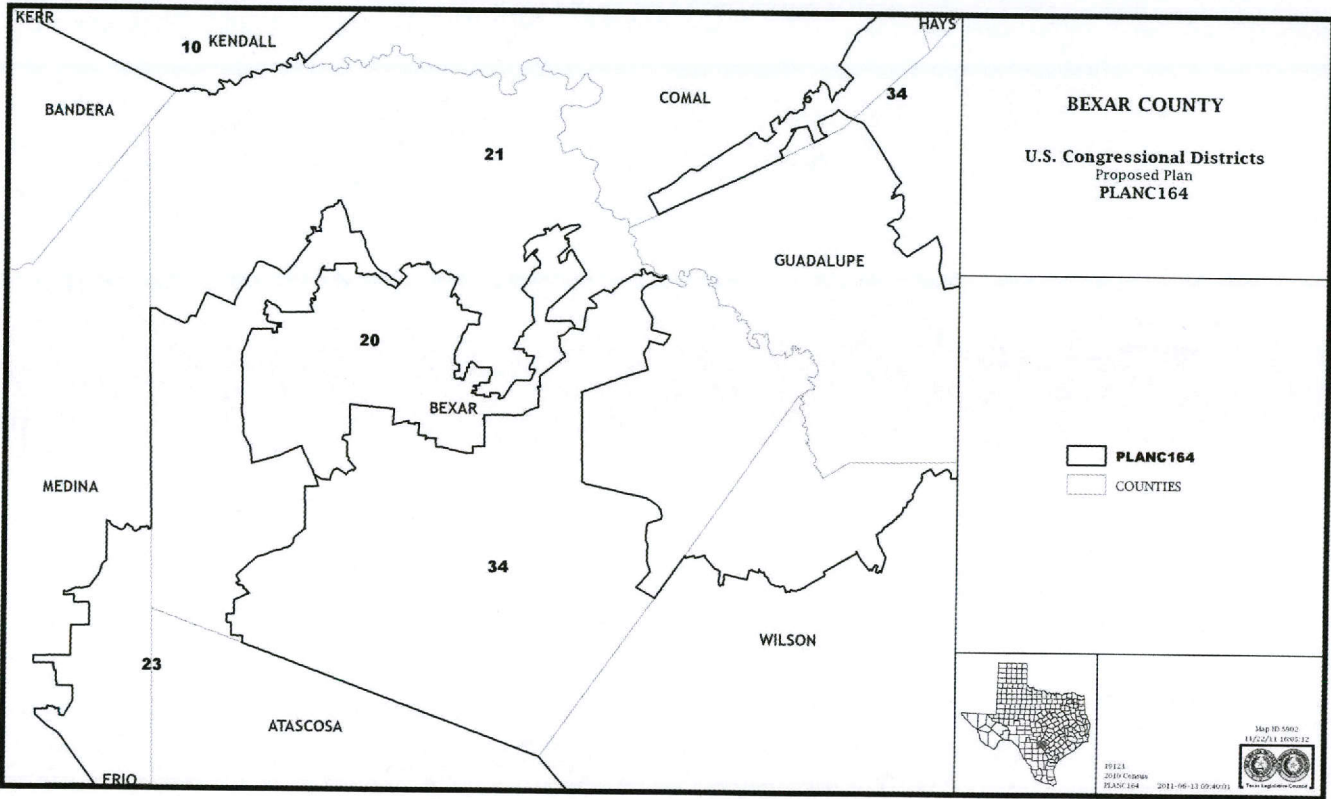


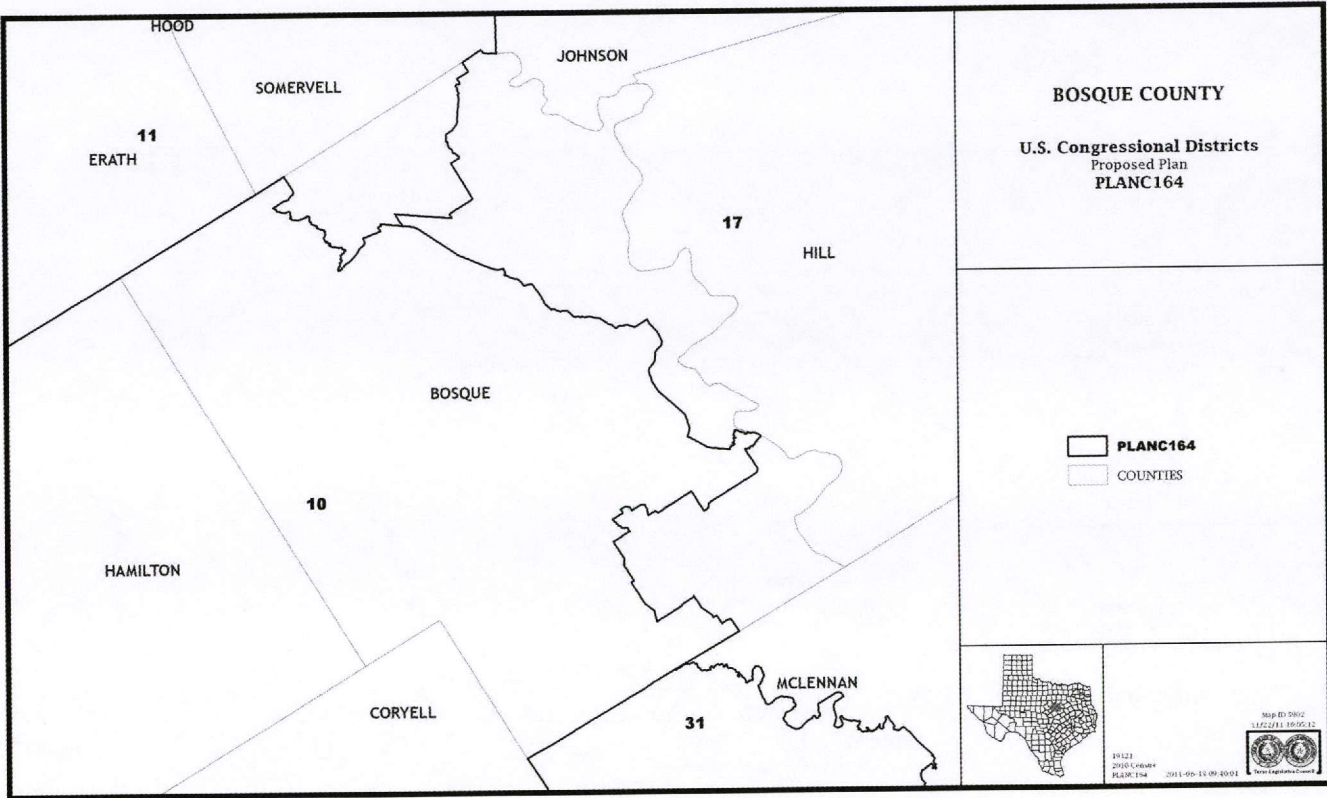
Amendment No. 15 (by Martinez Fischer)

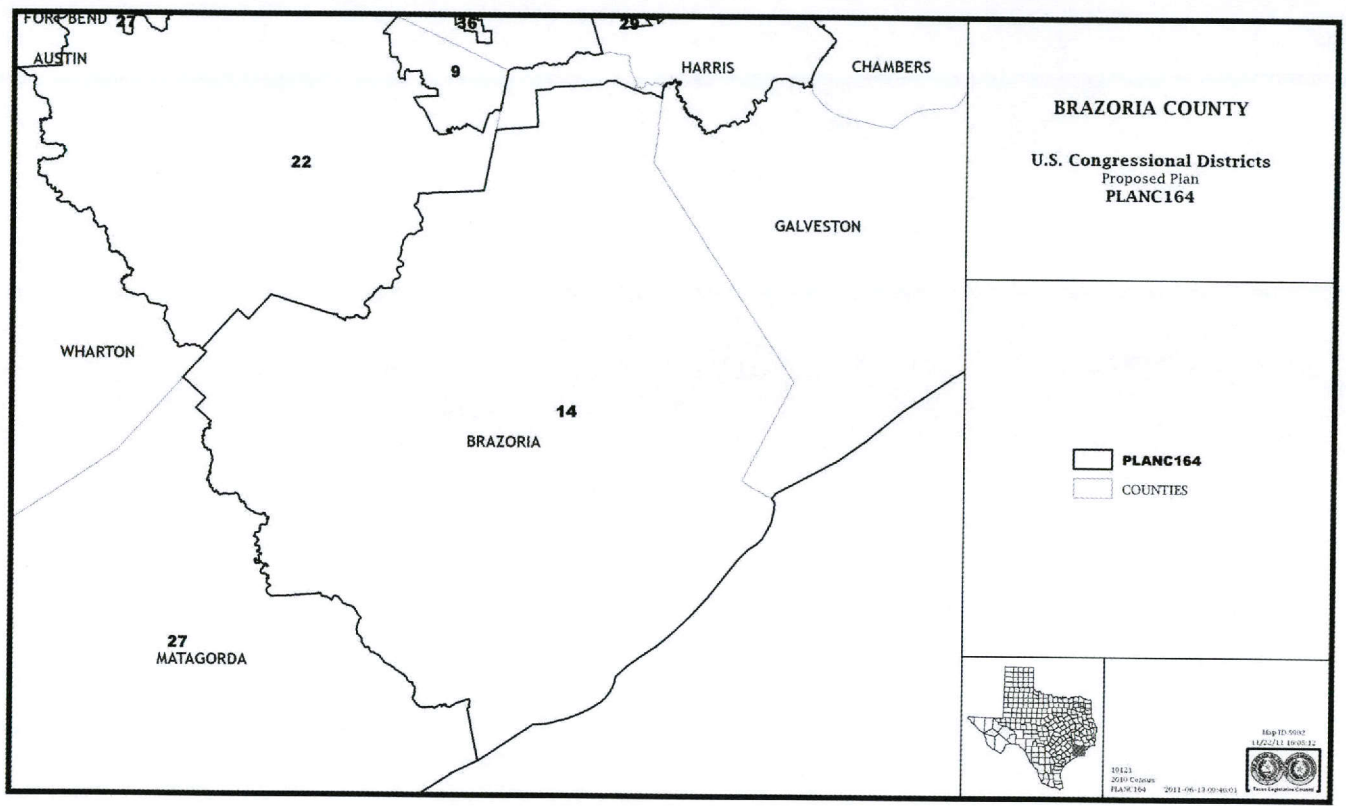


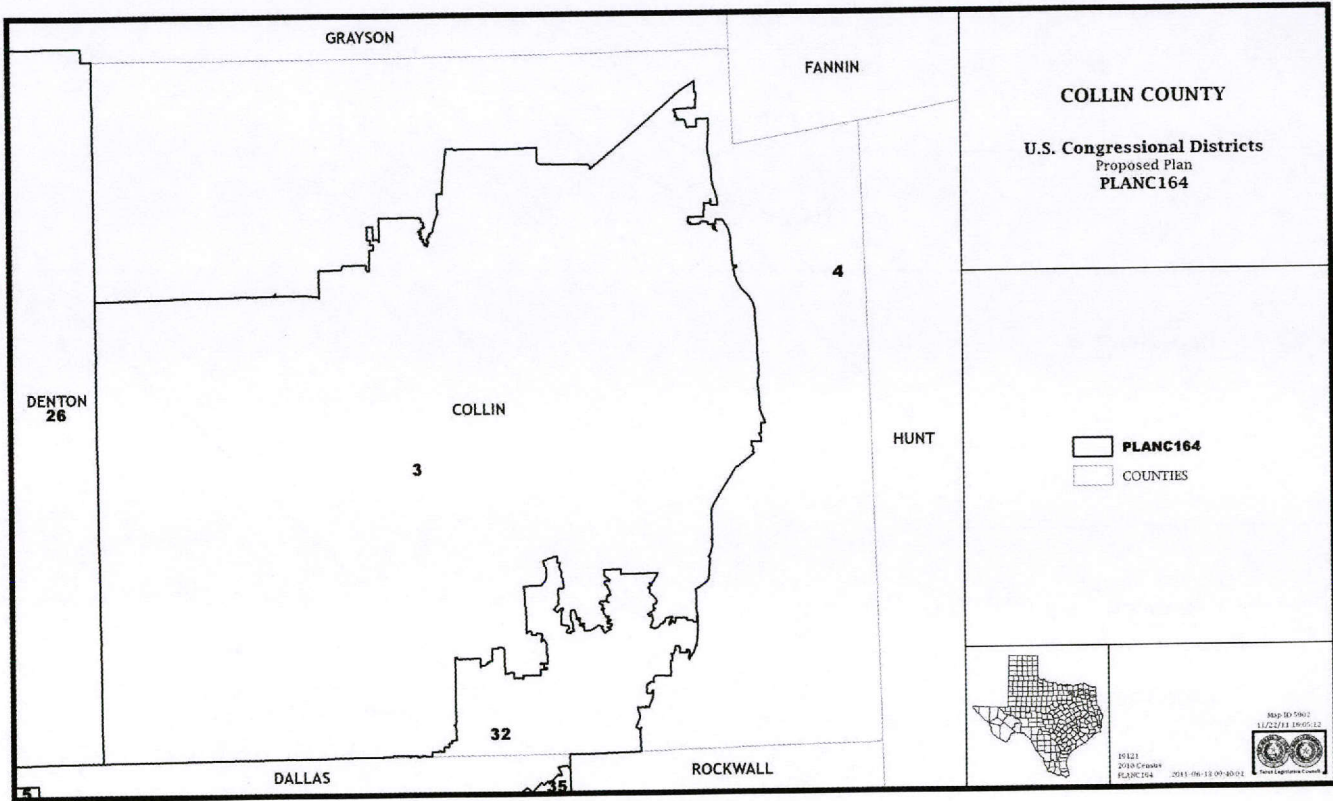


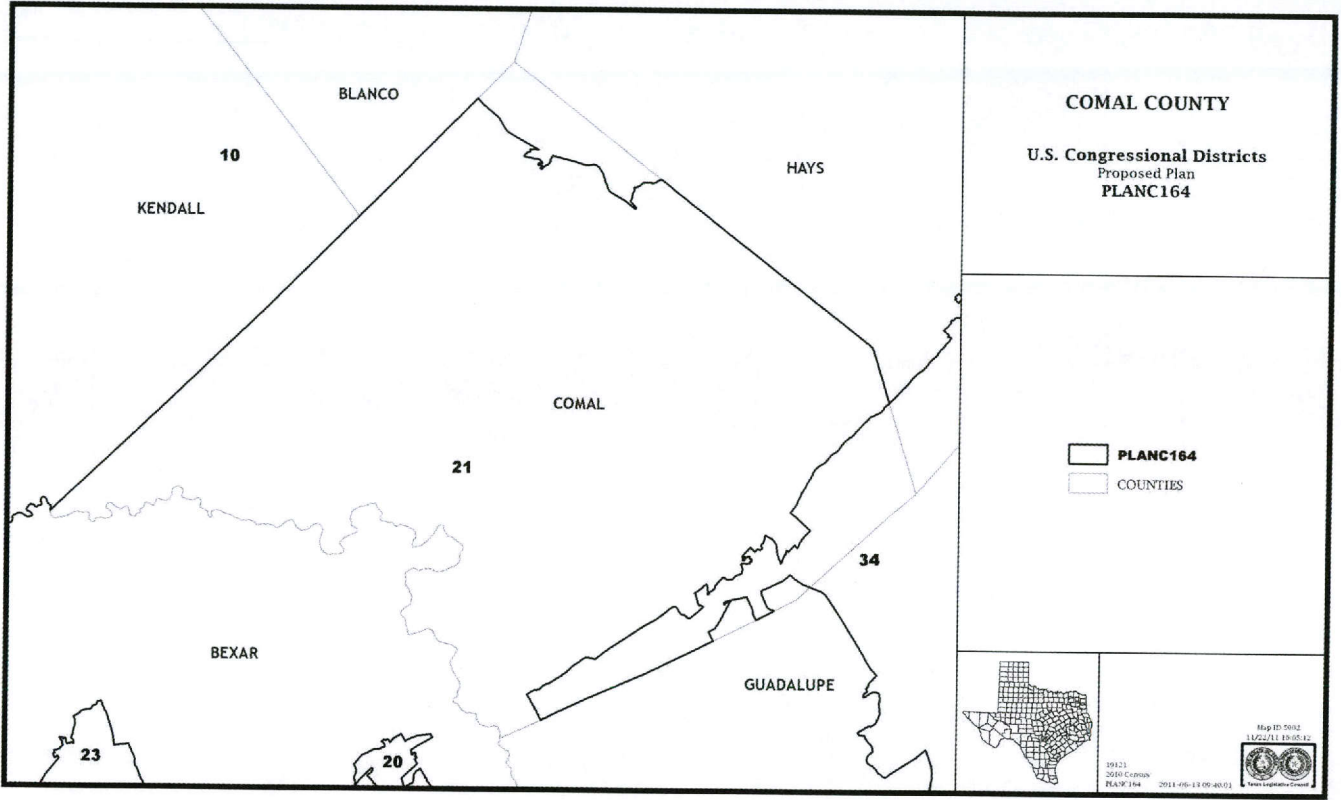


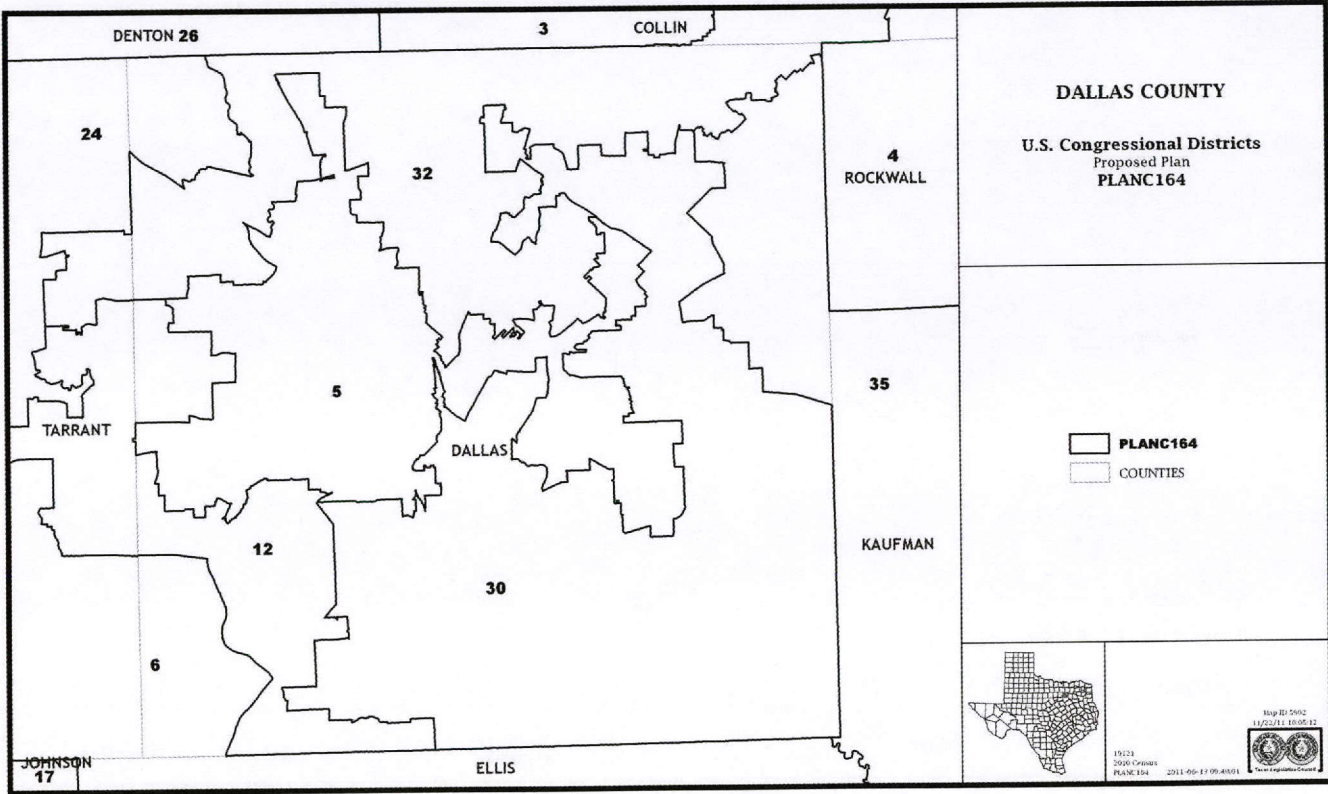


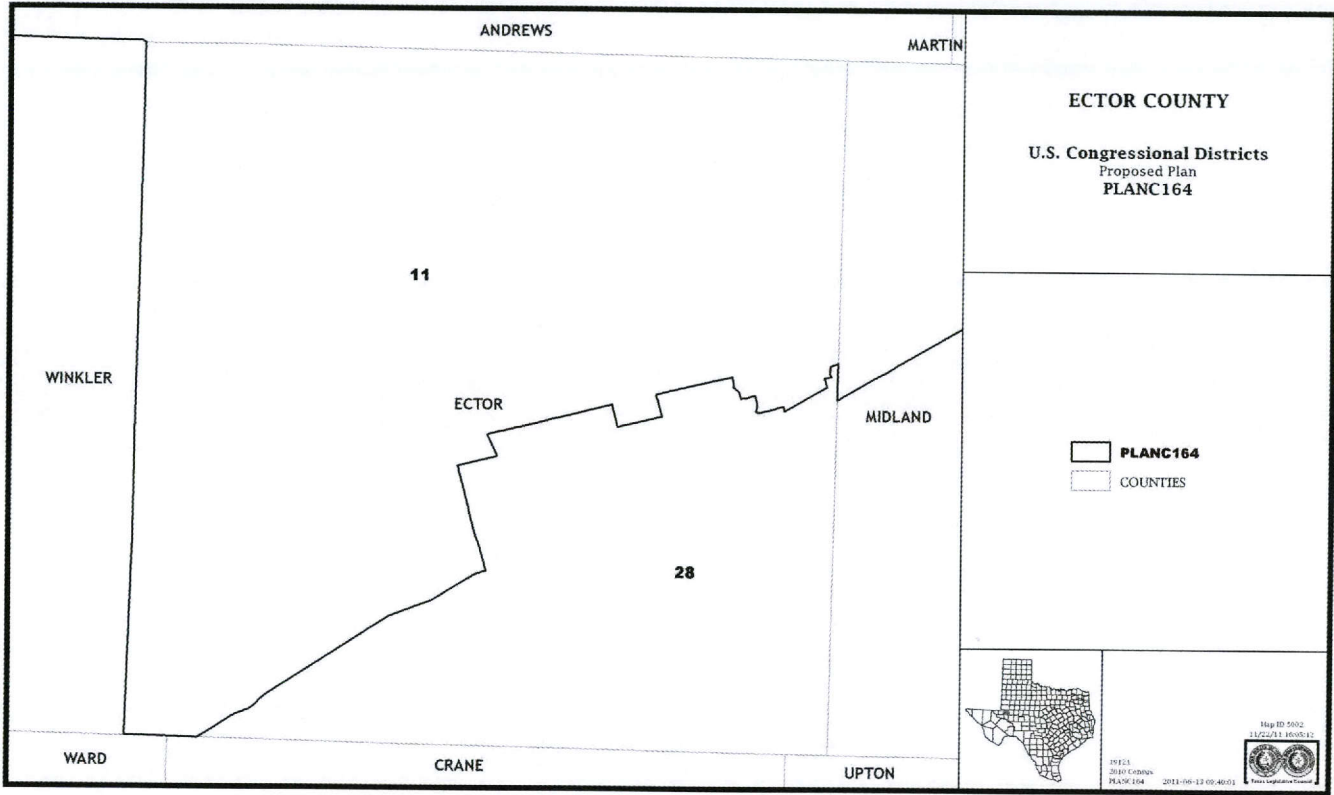


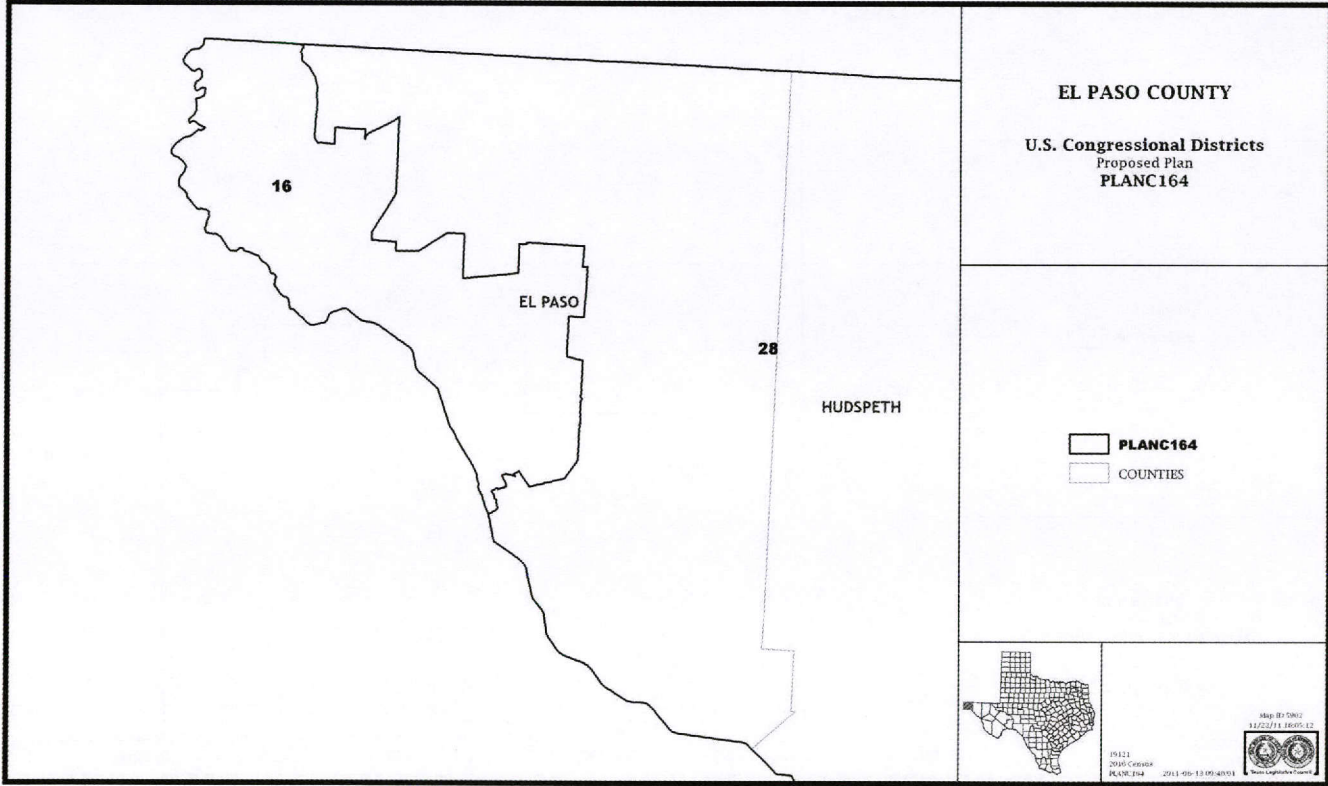


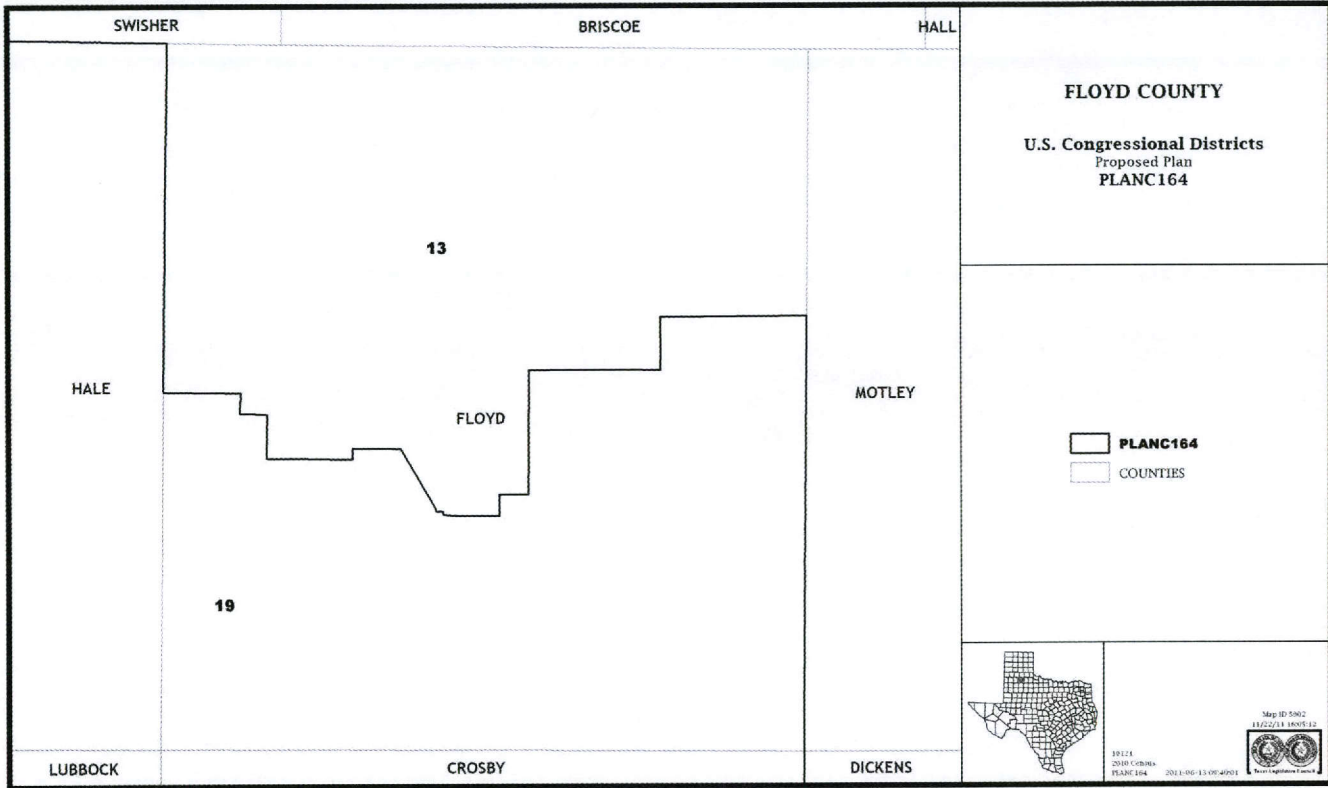


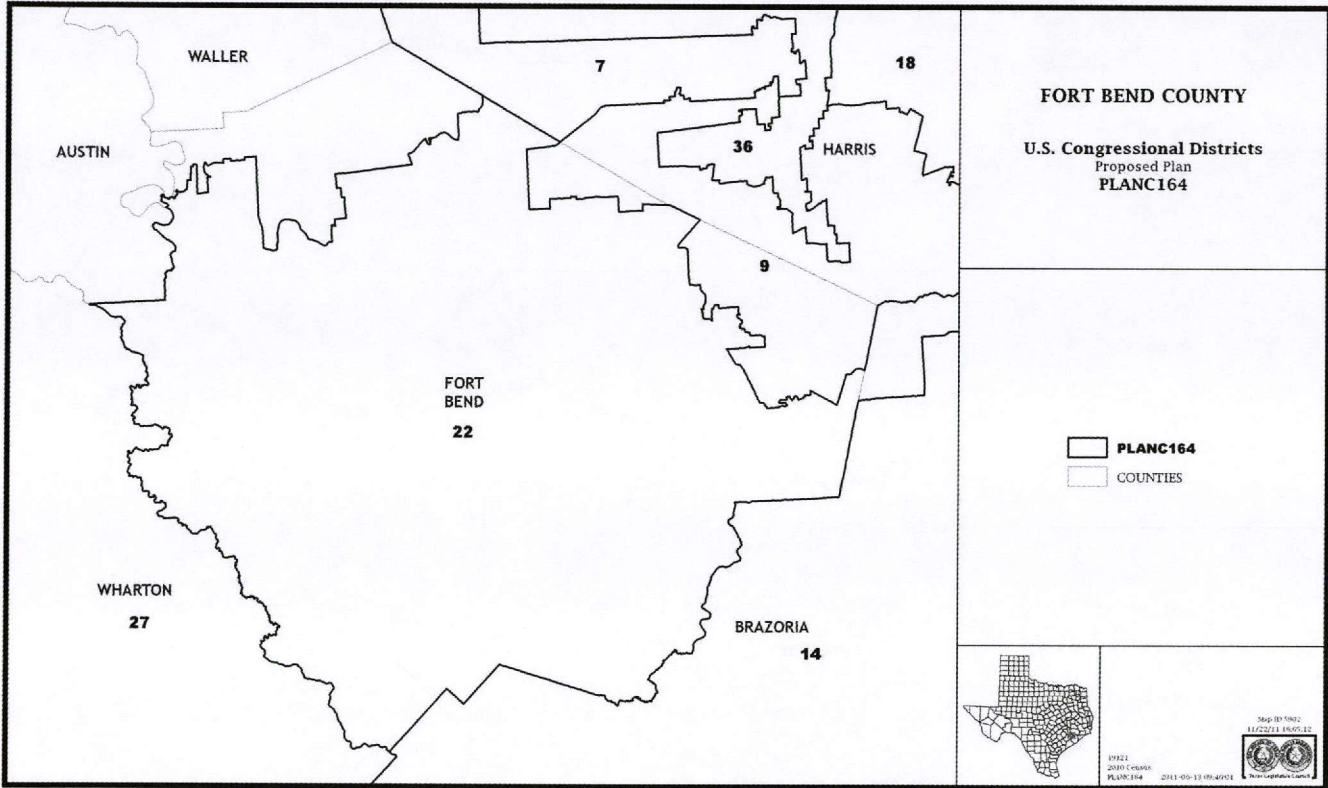


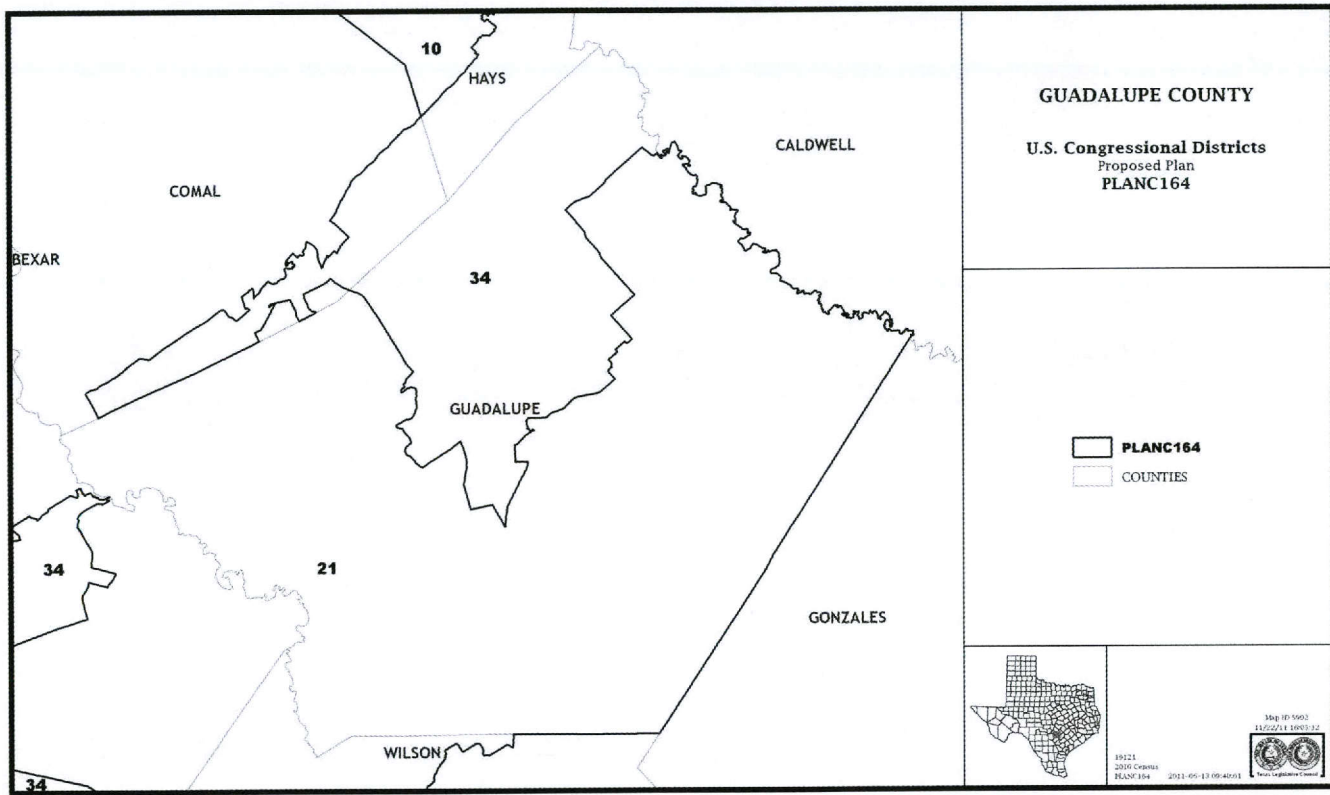


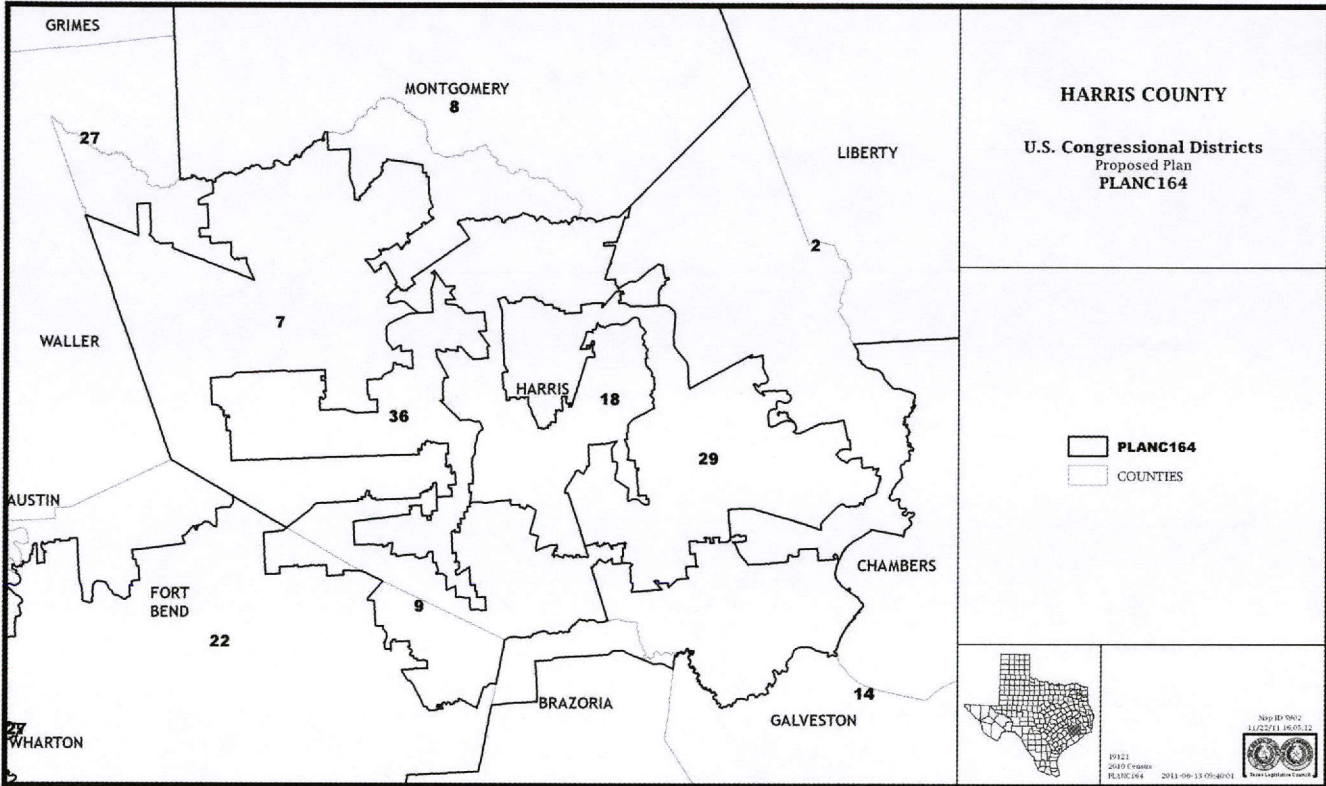


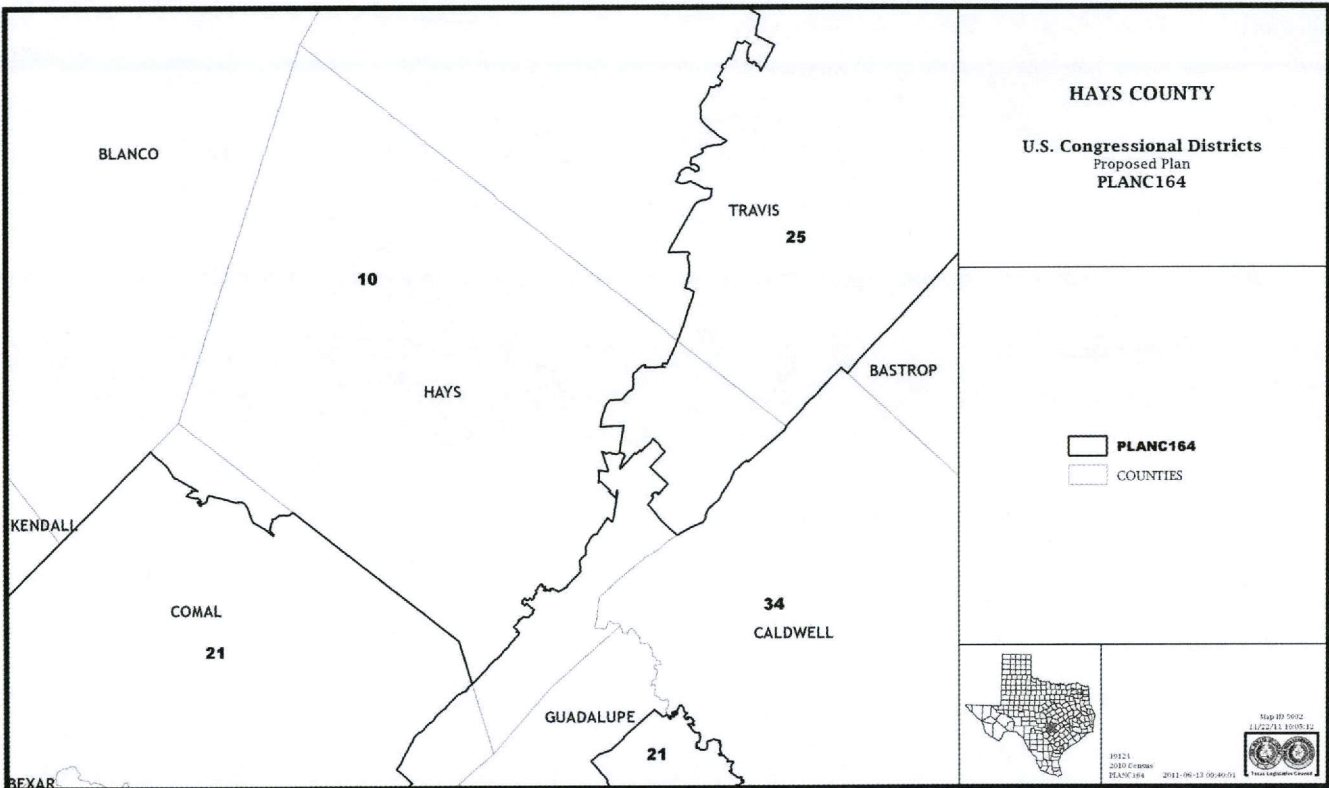


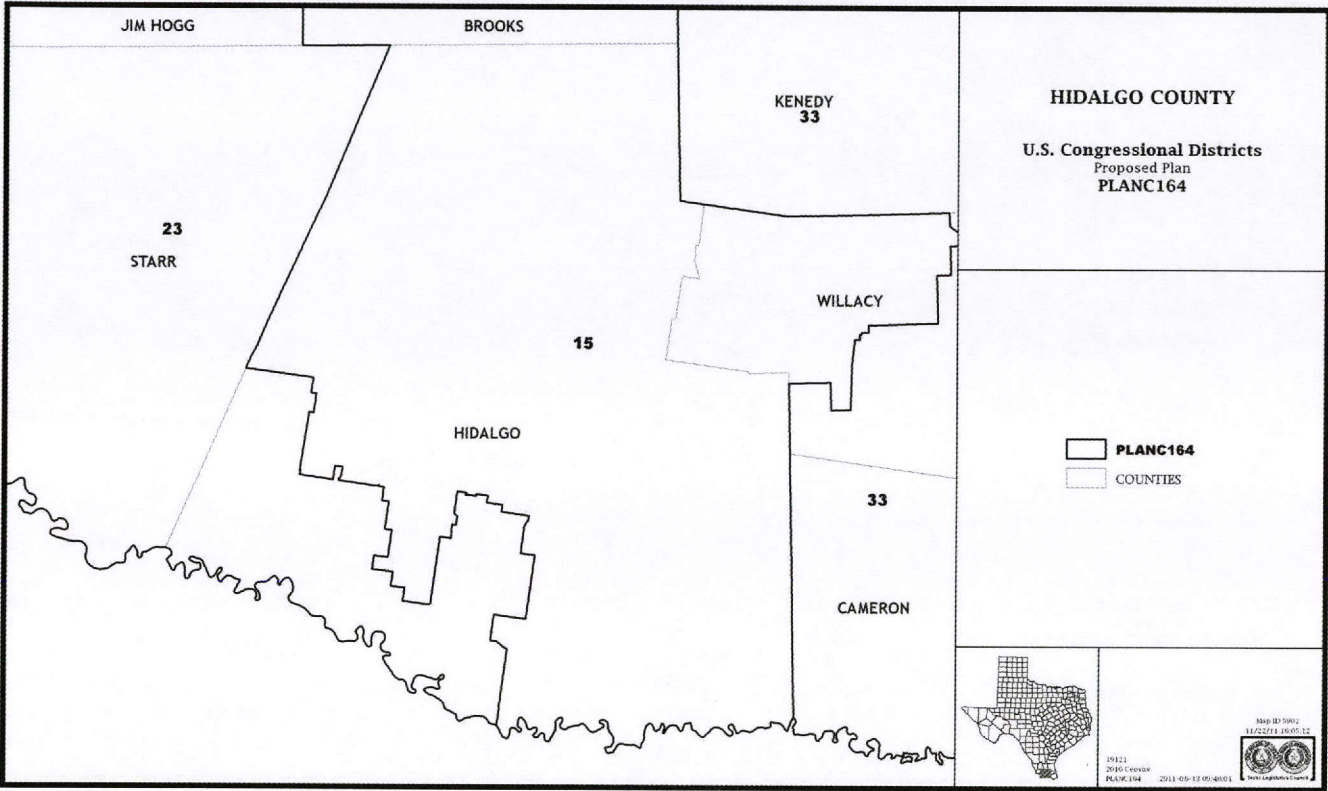


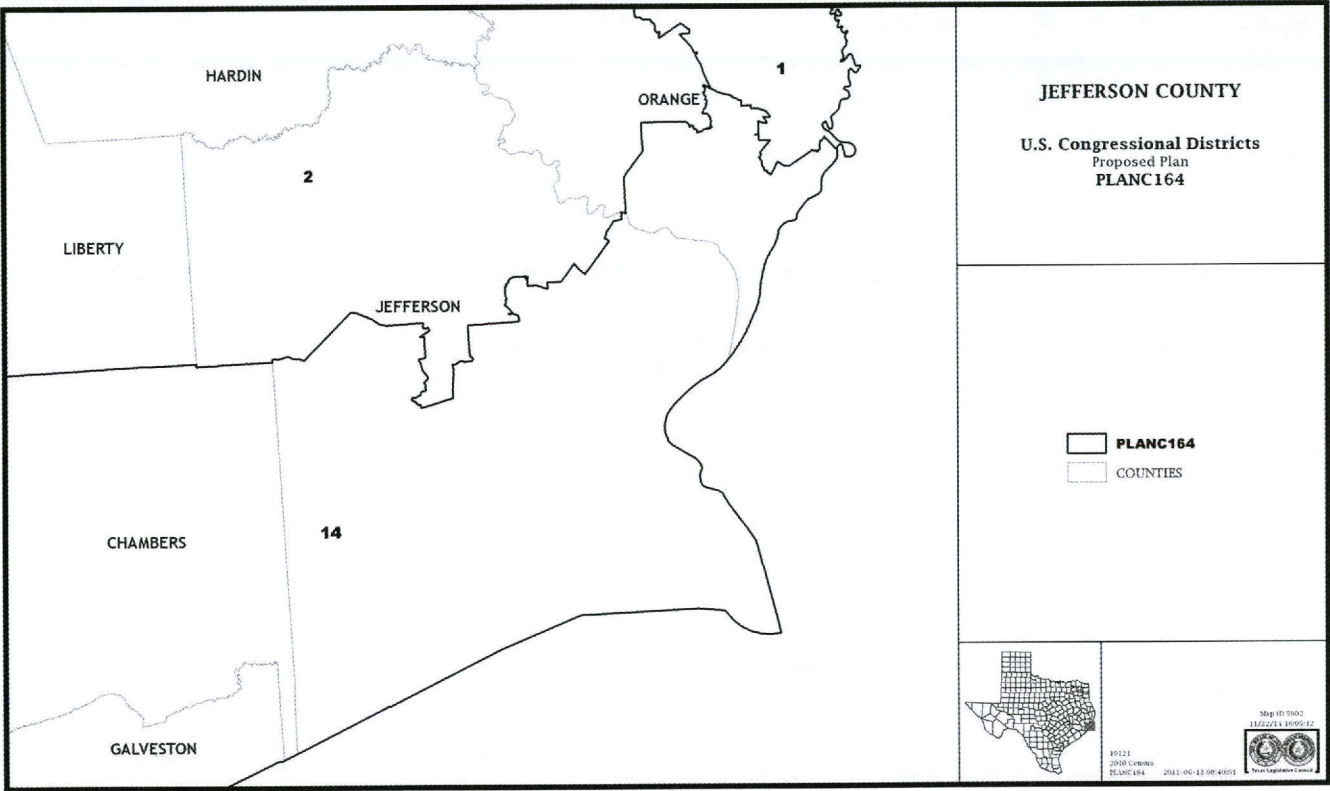


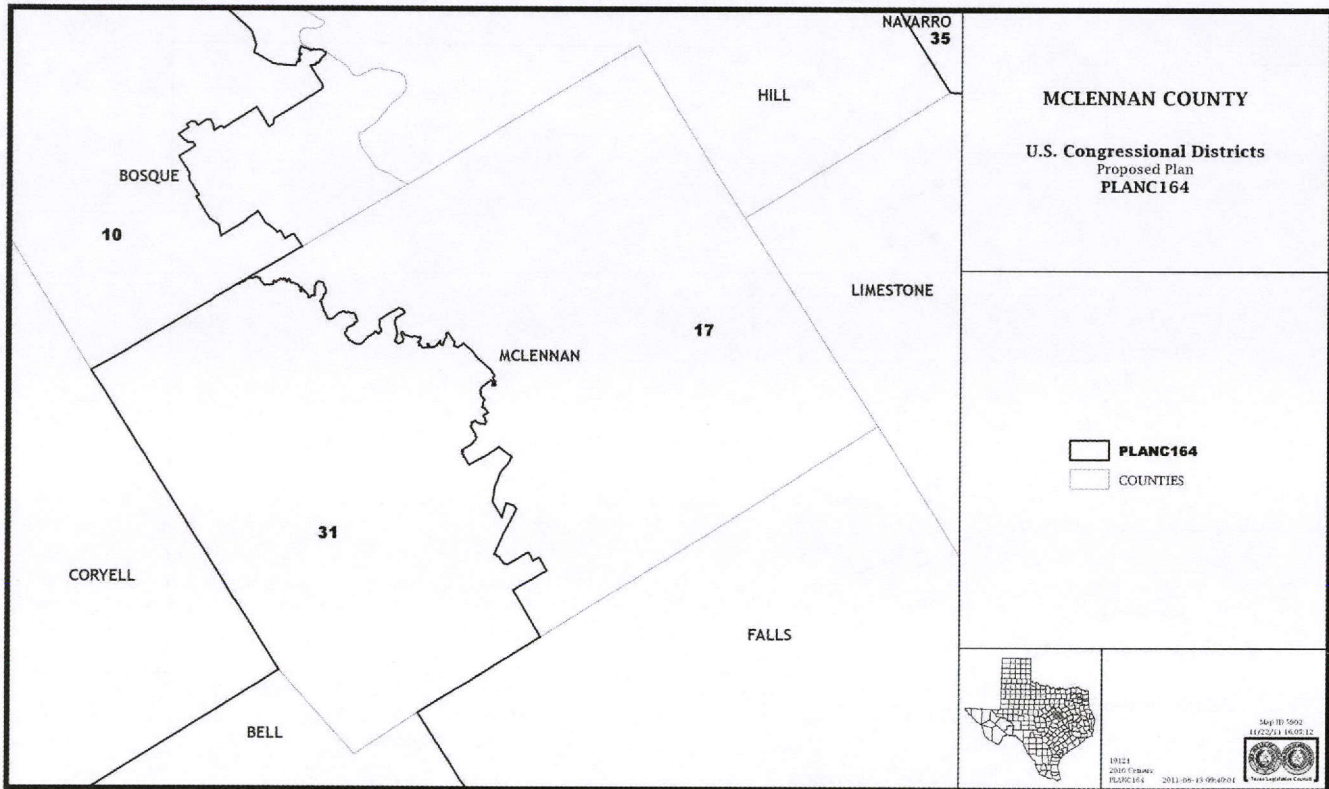


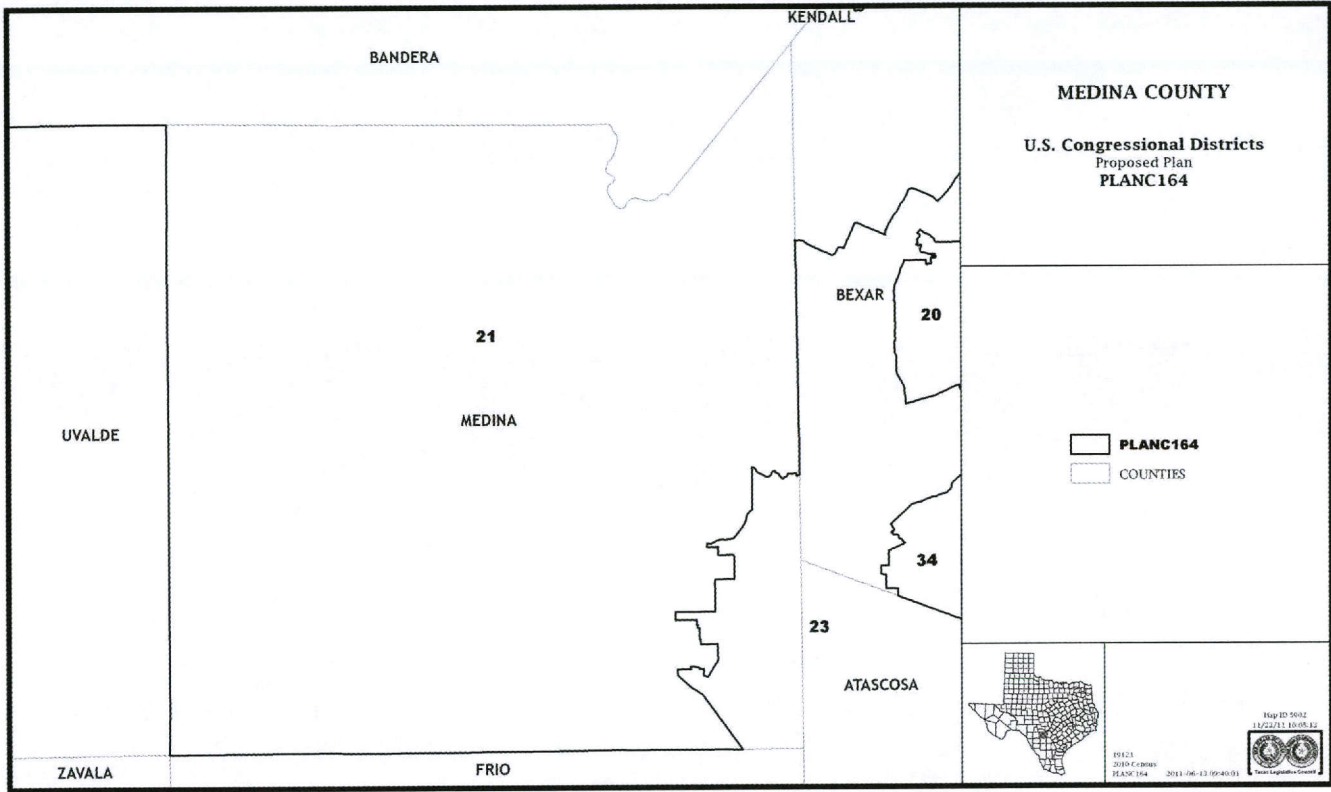


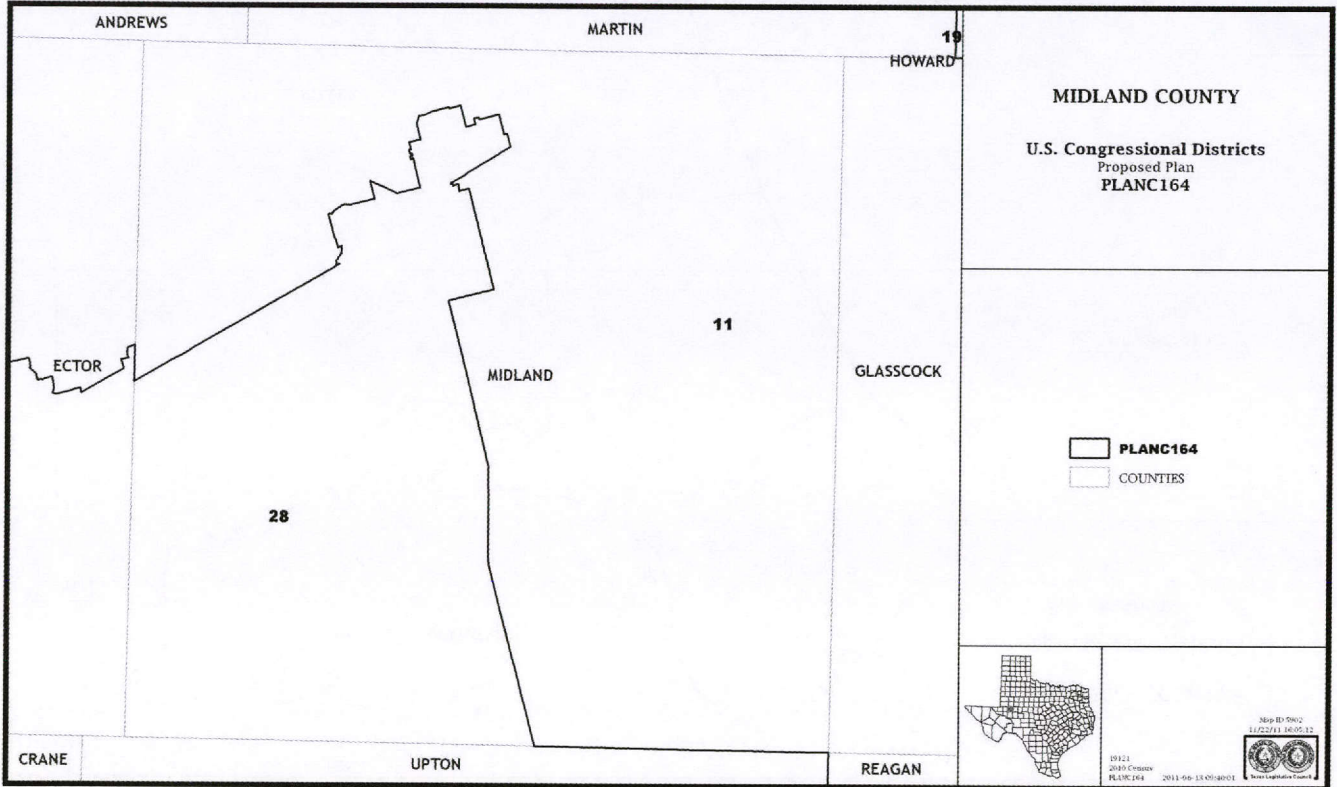


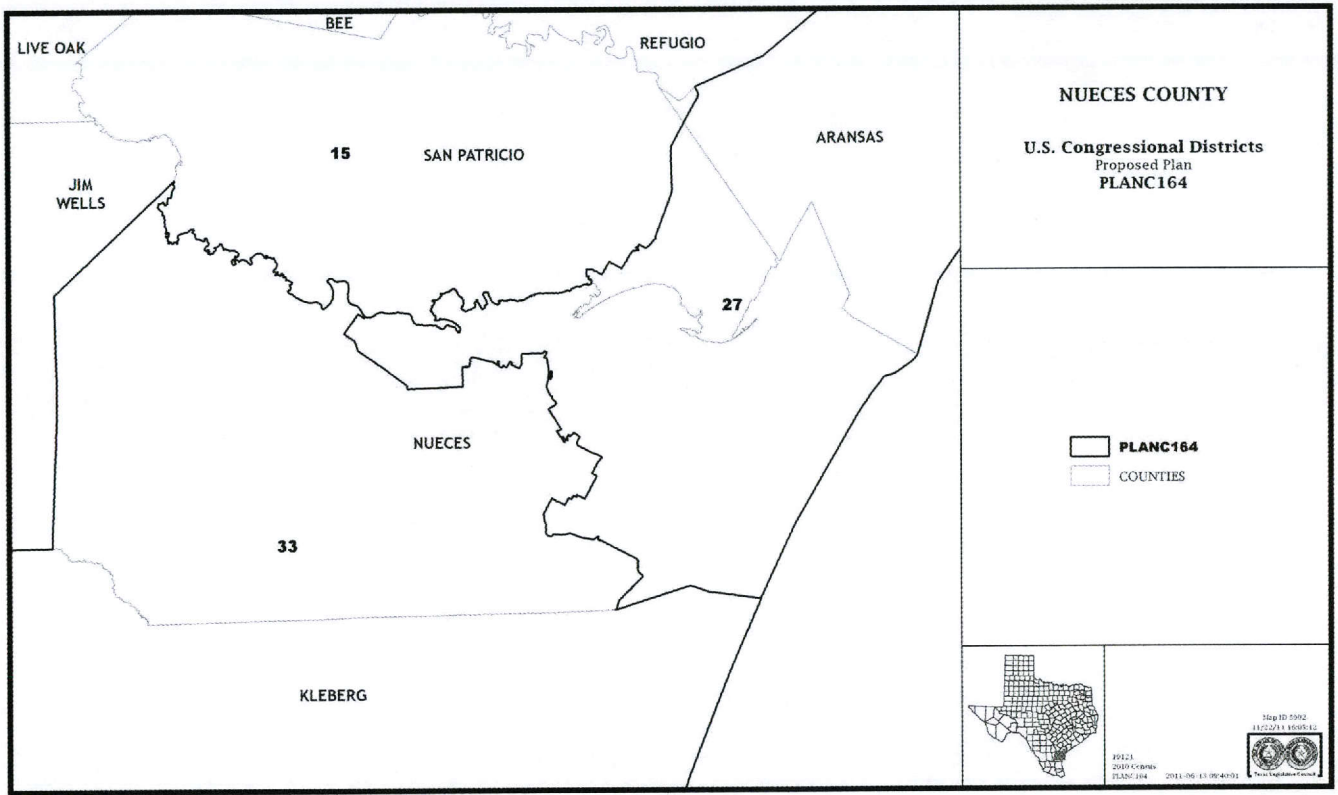


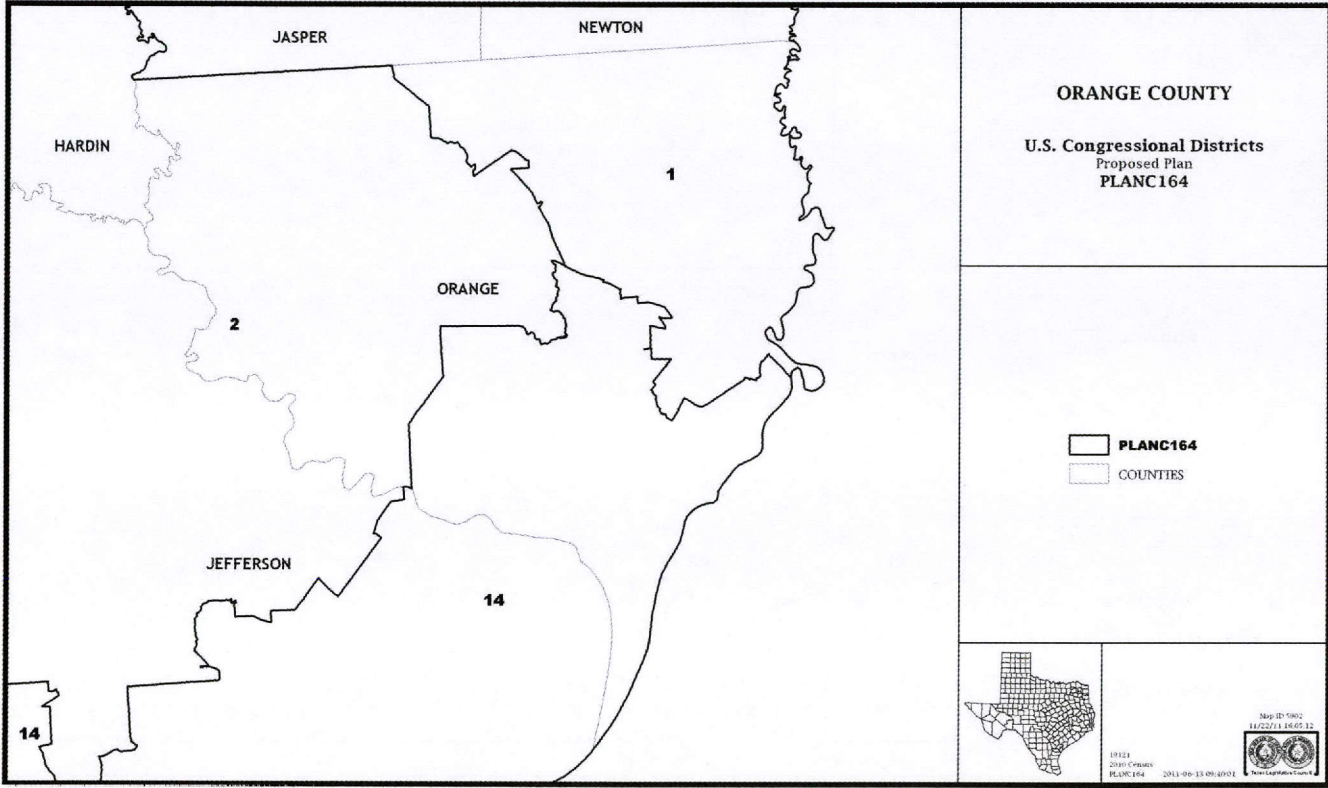


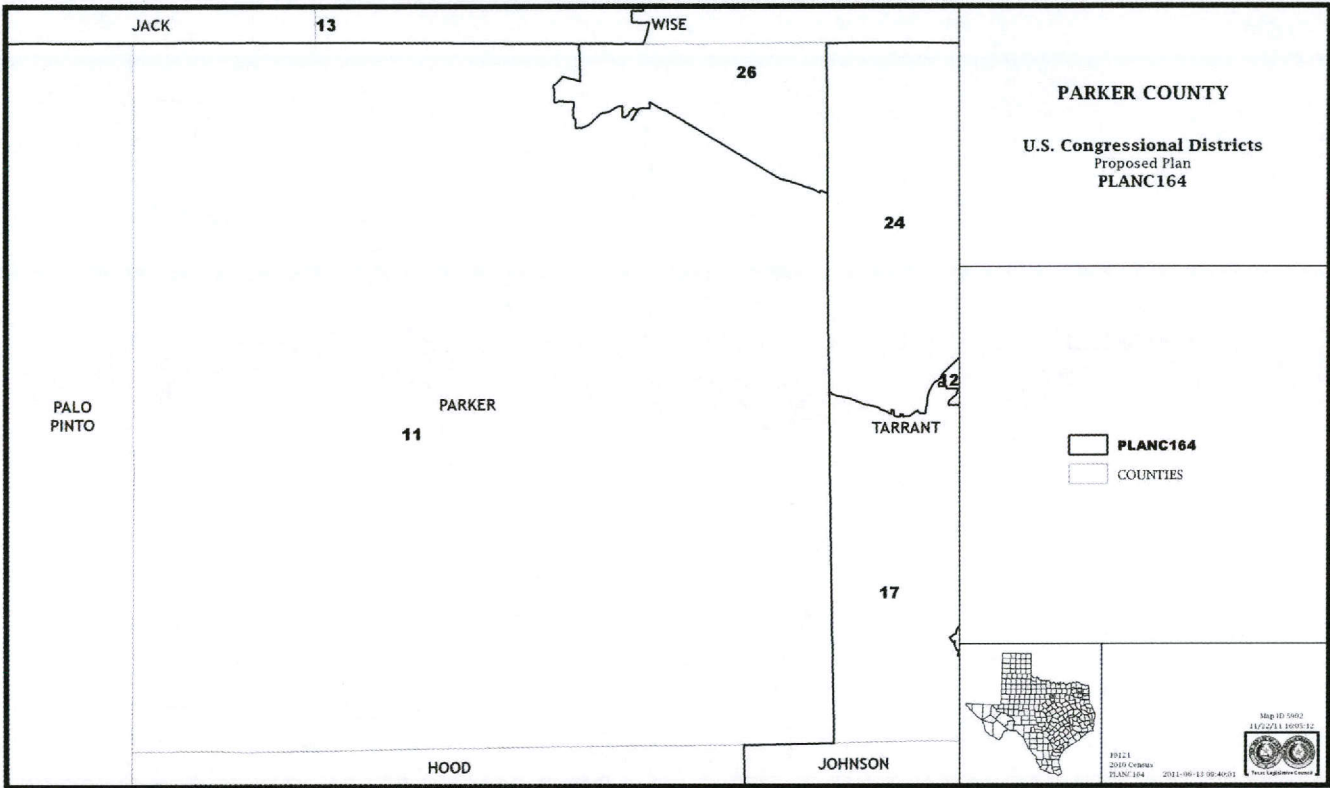


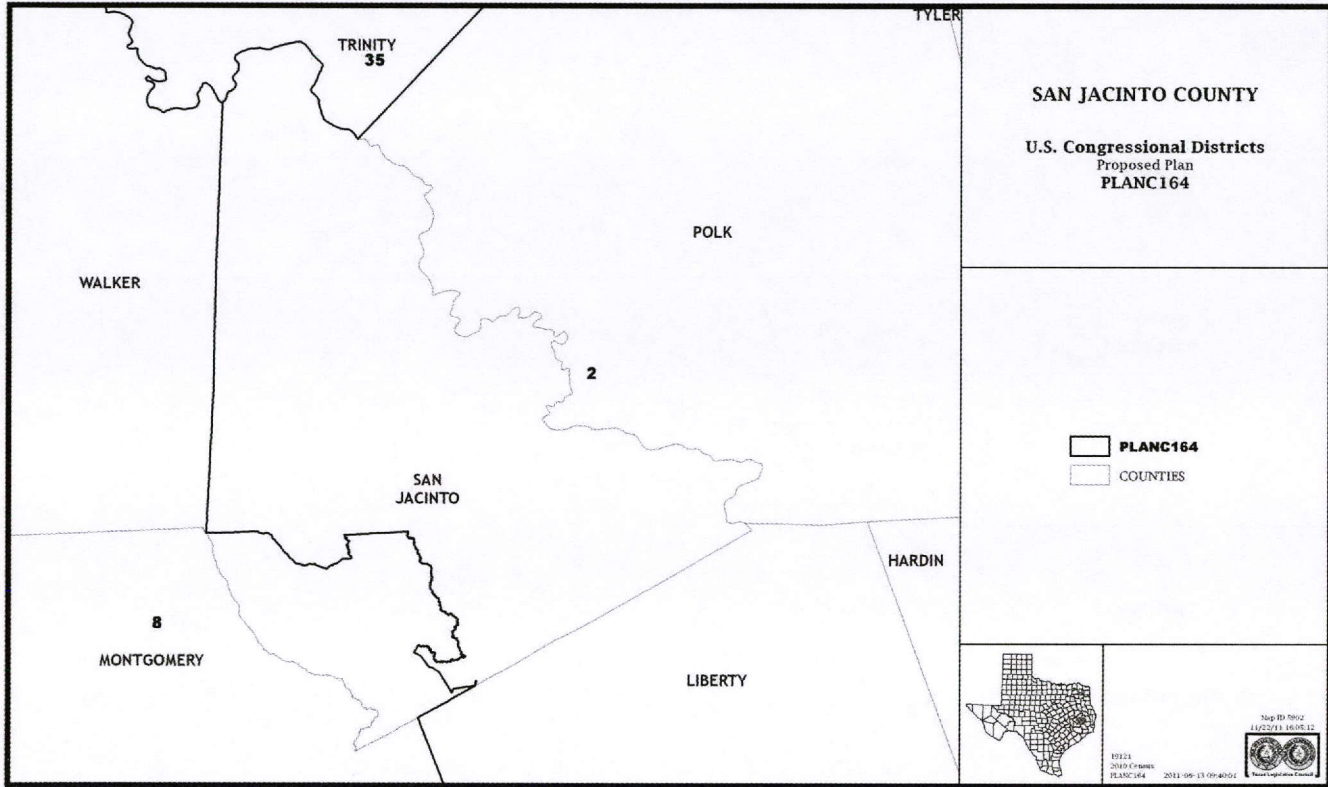


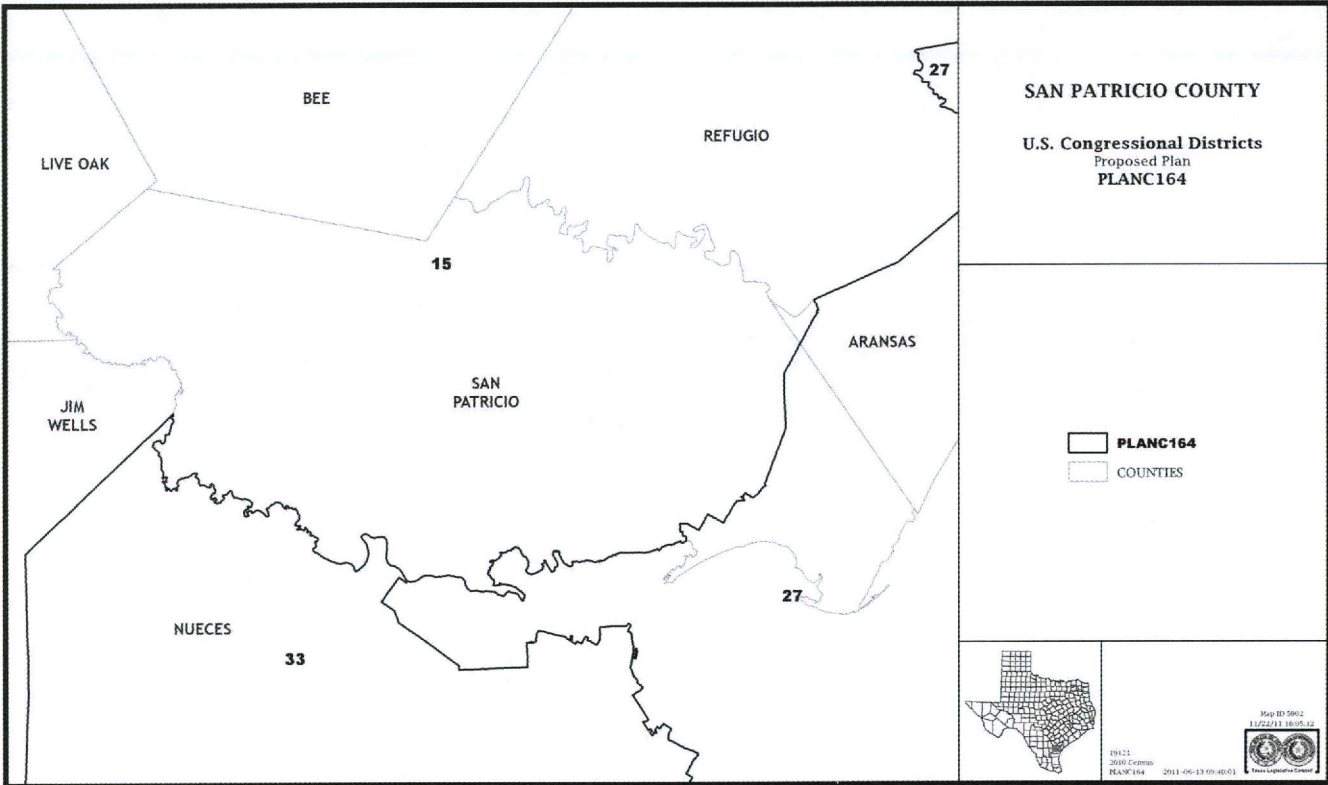


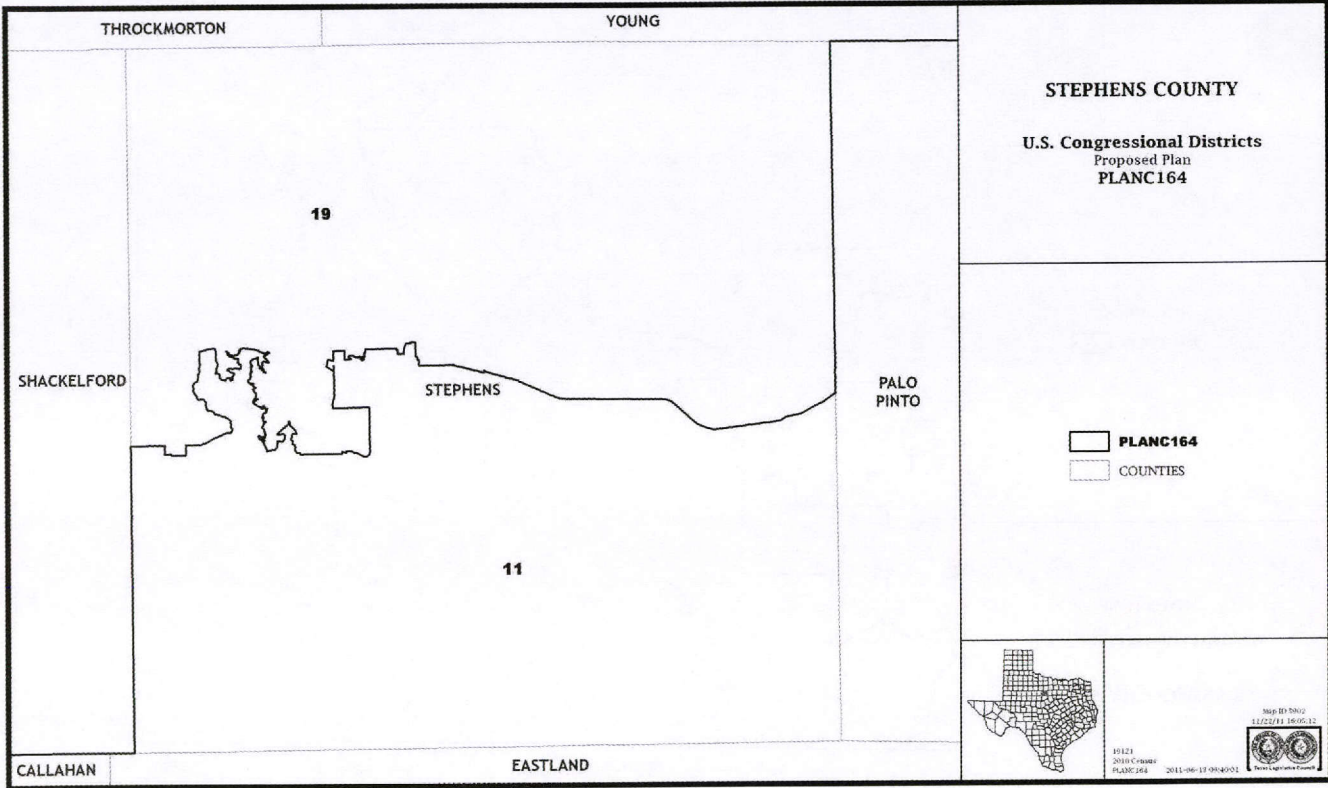


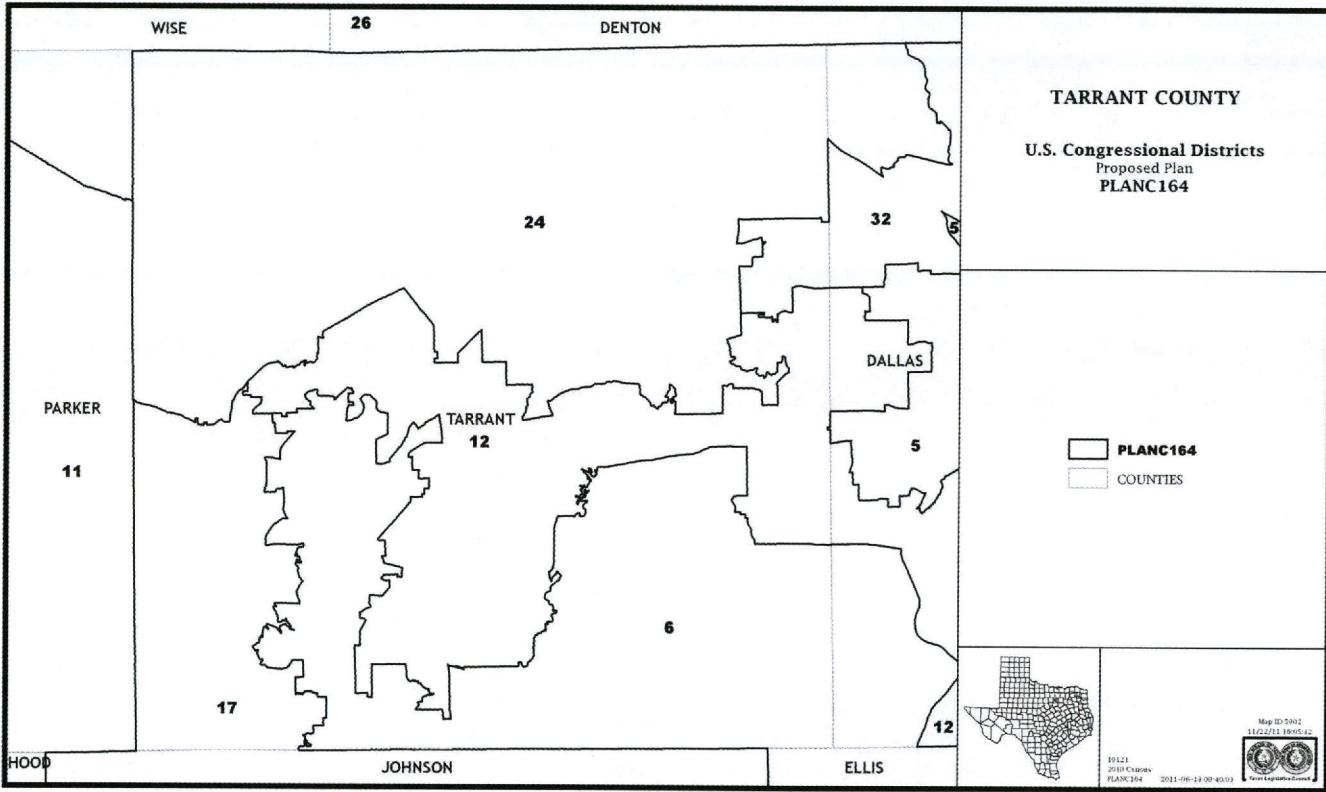


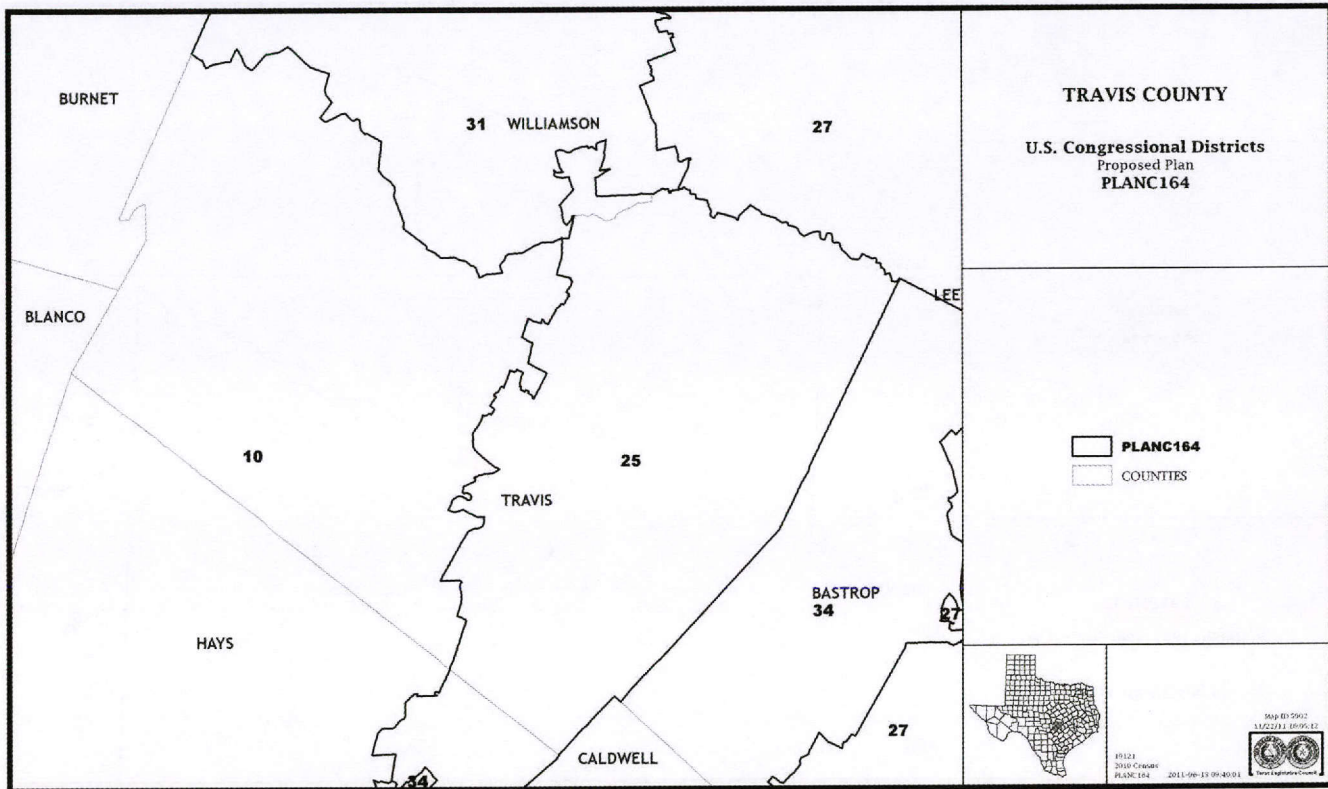


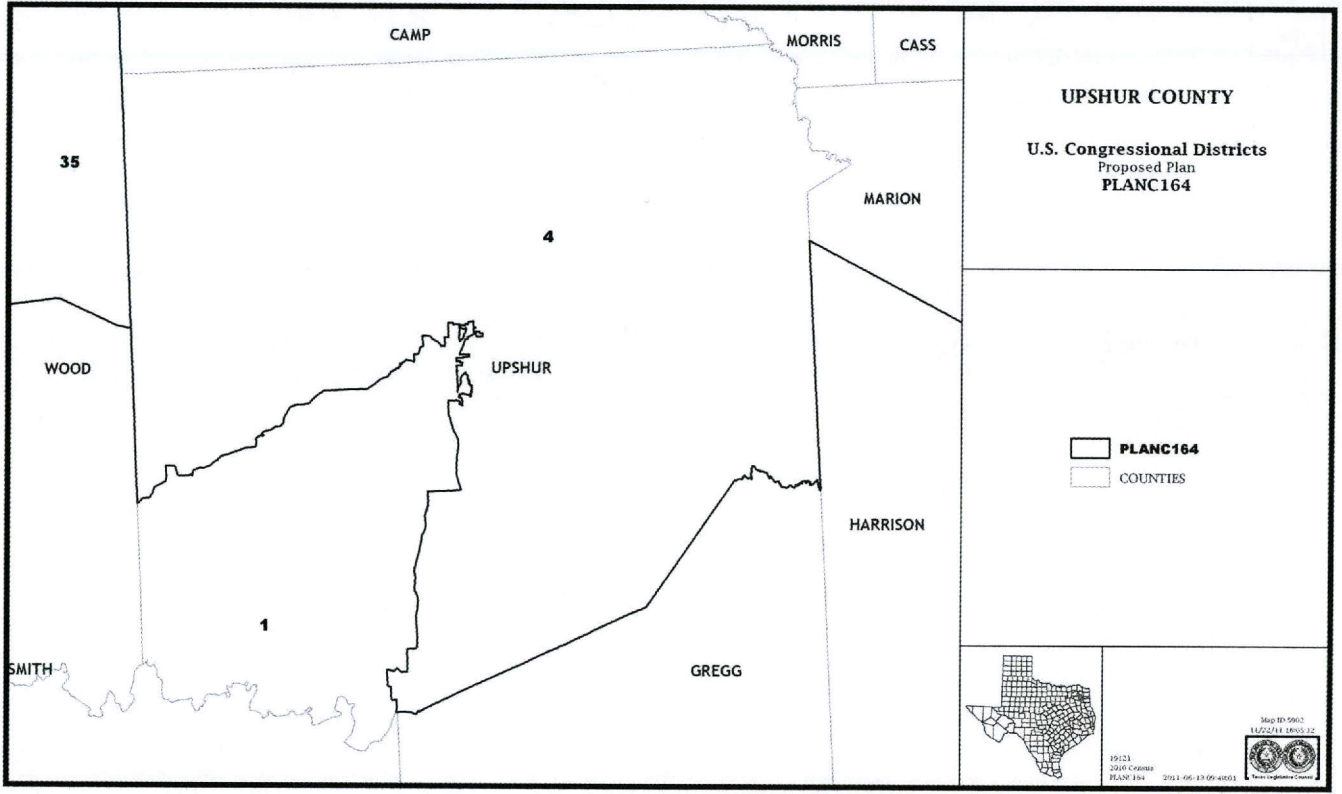


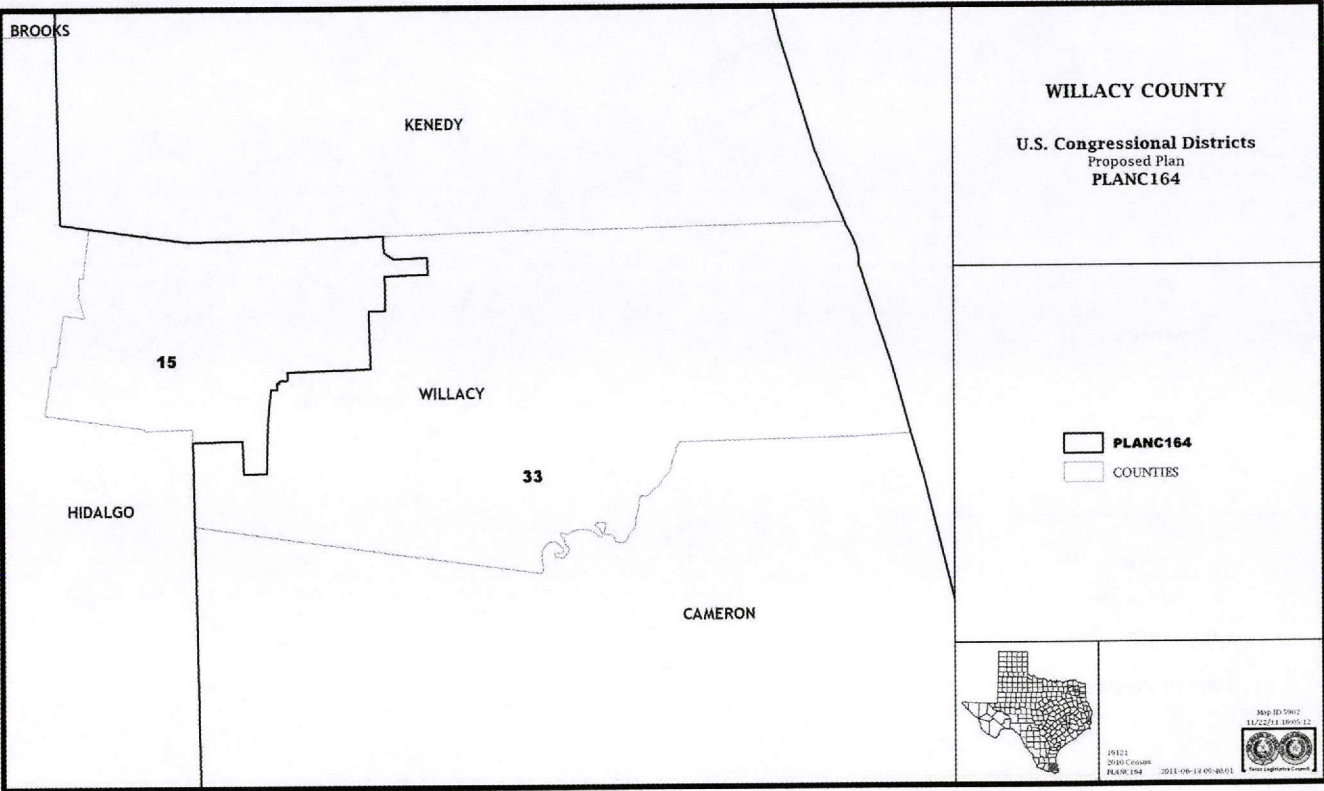


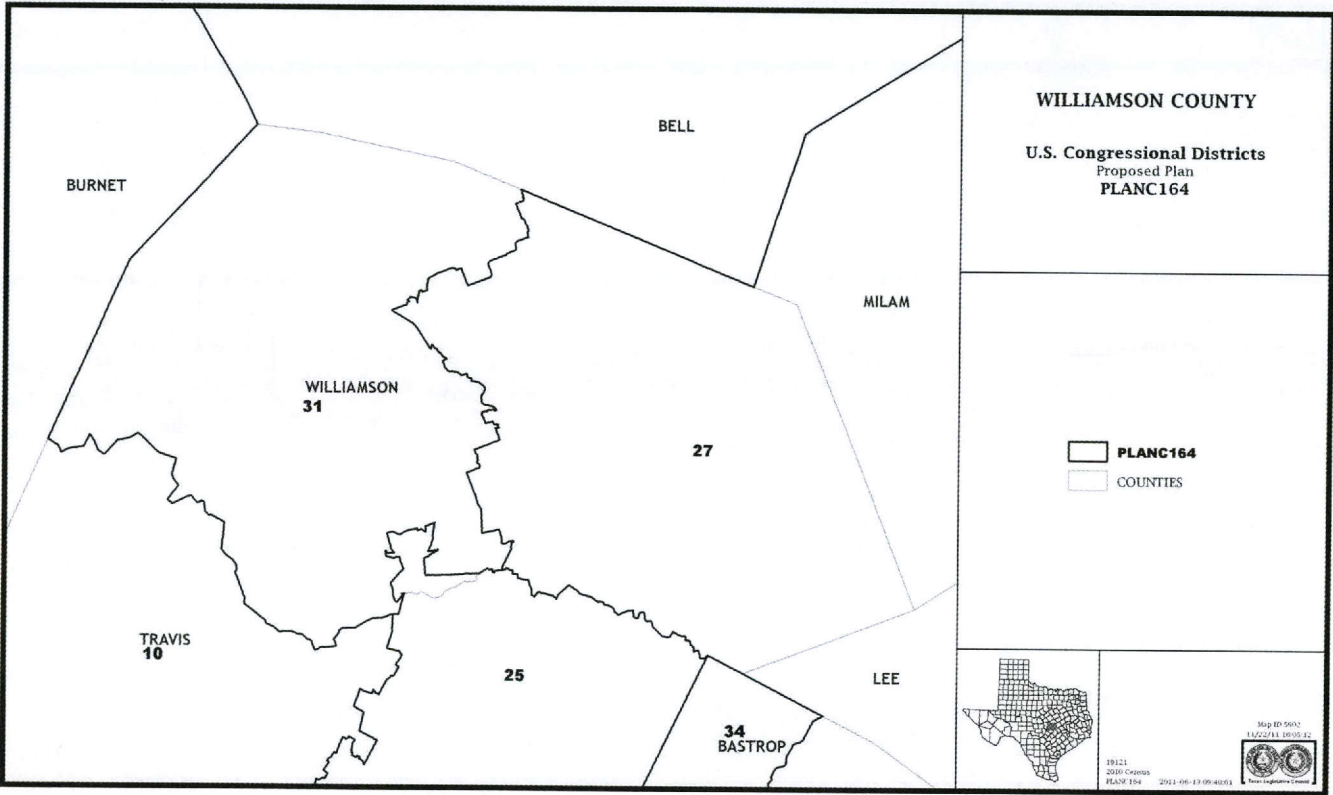


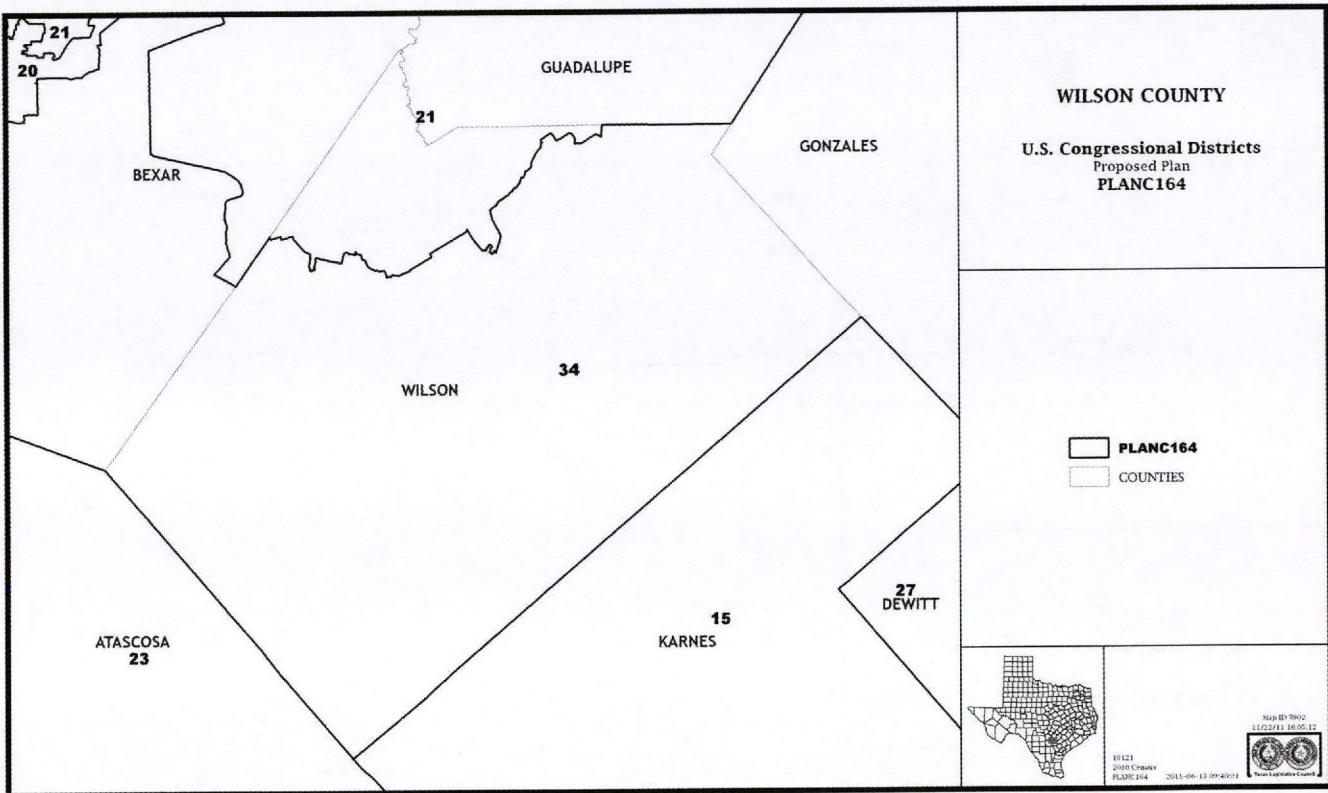


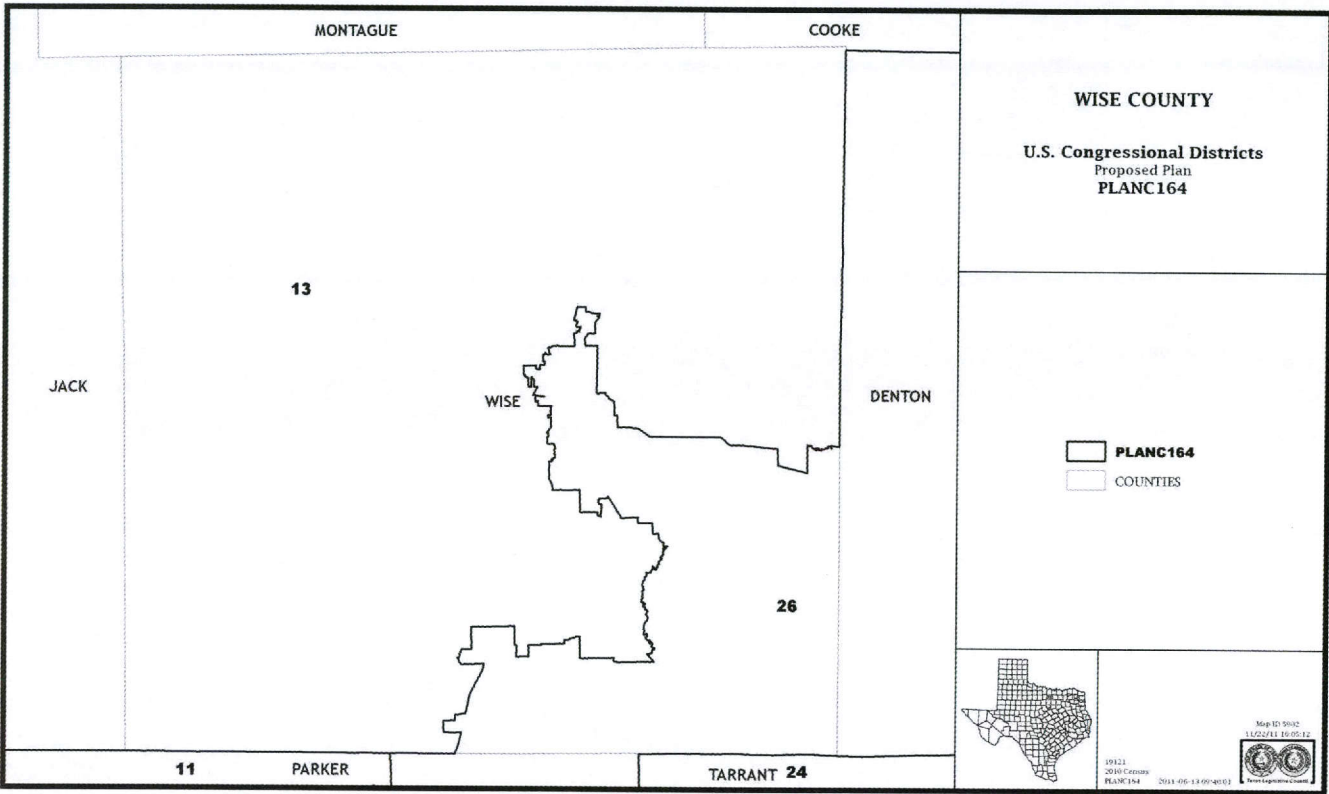


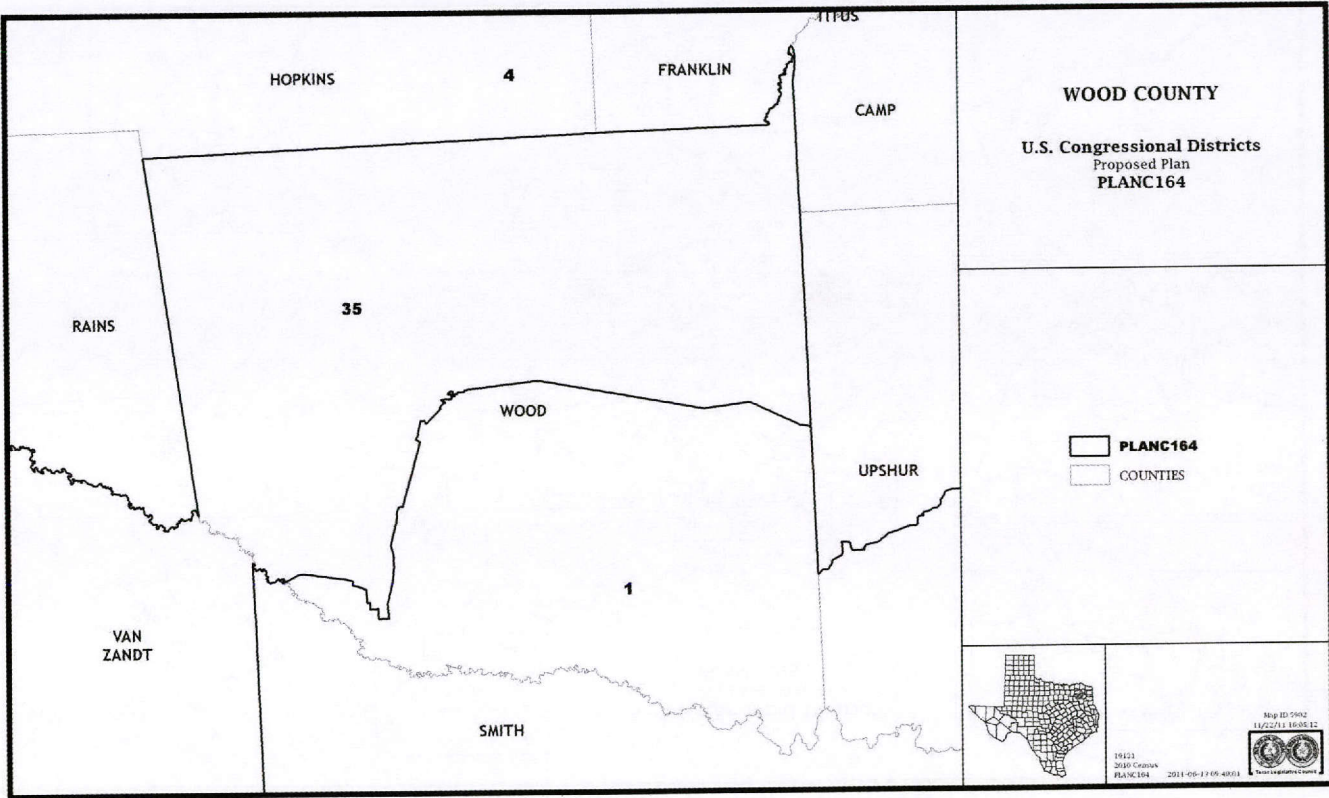


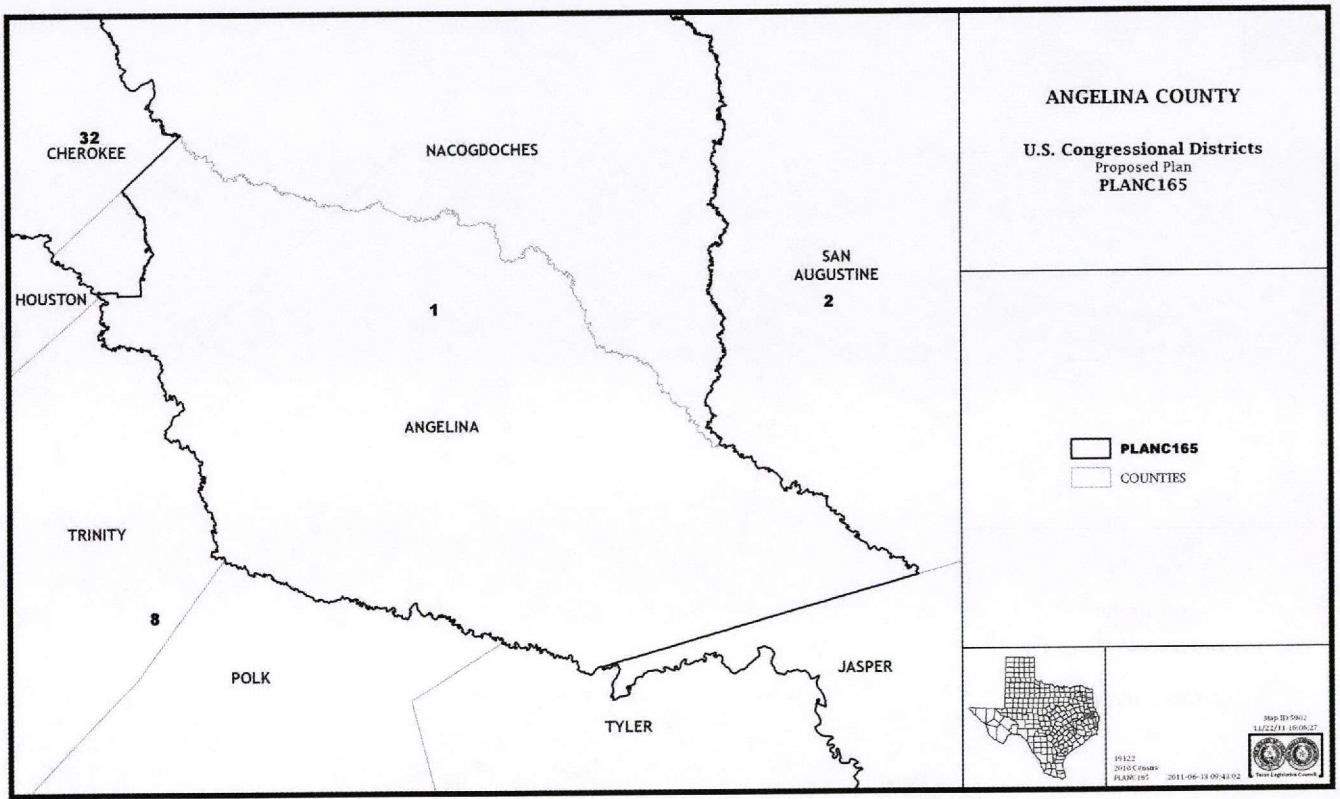


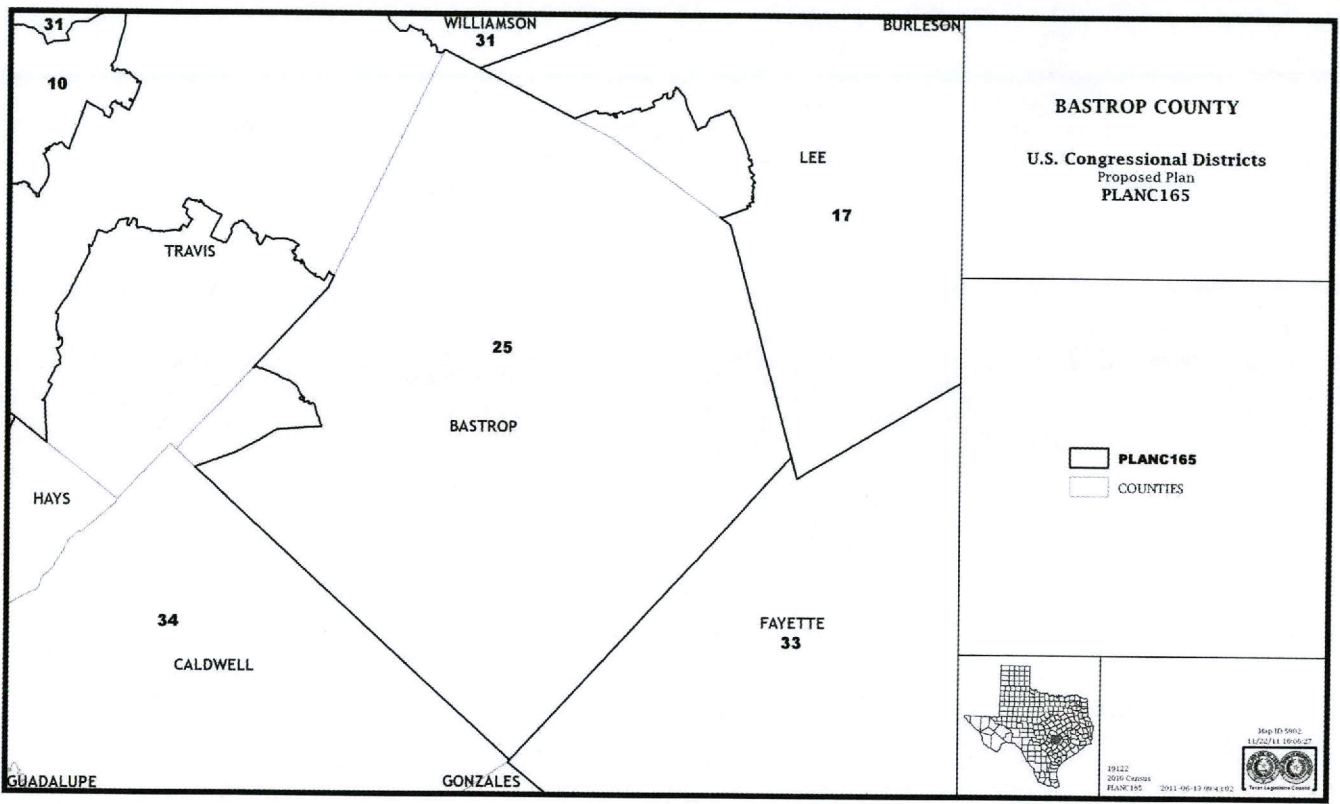


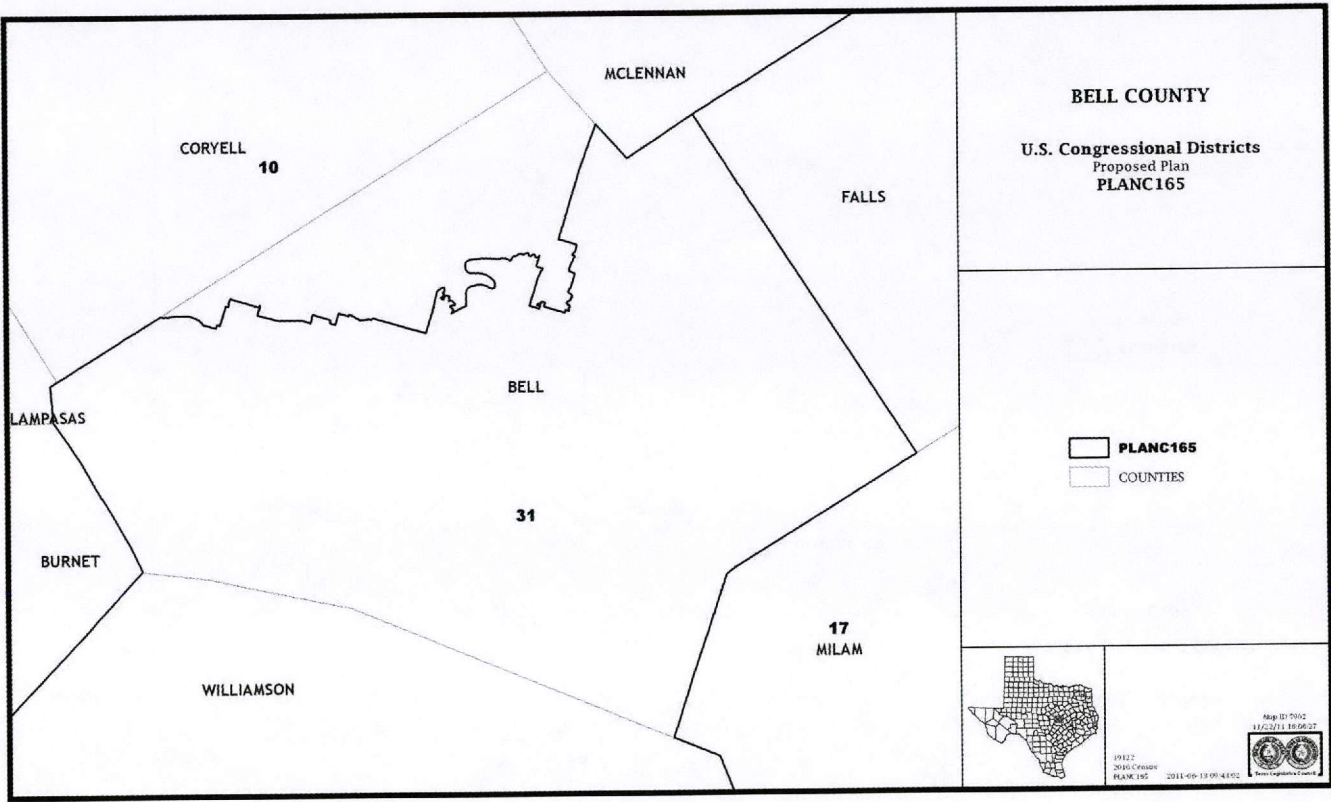


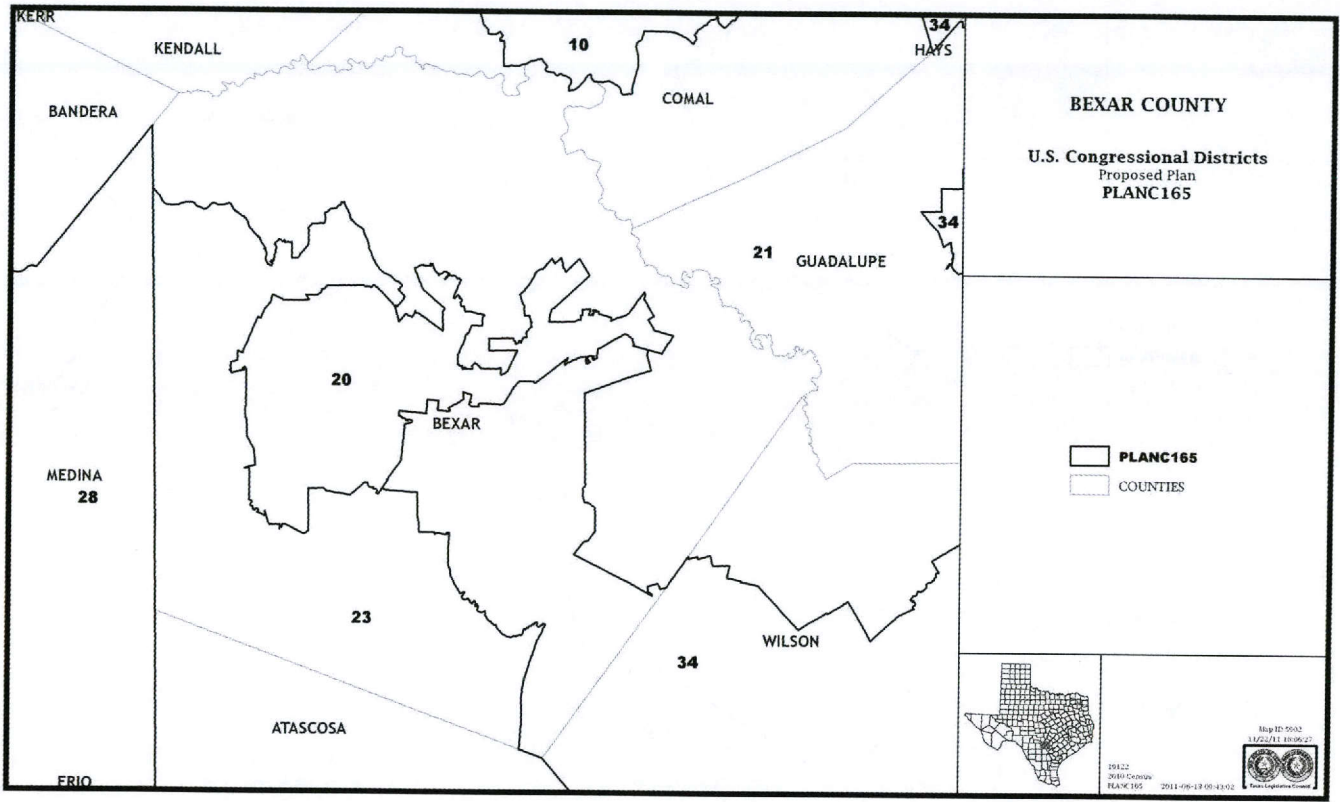


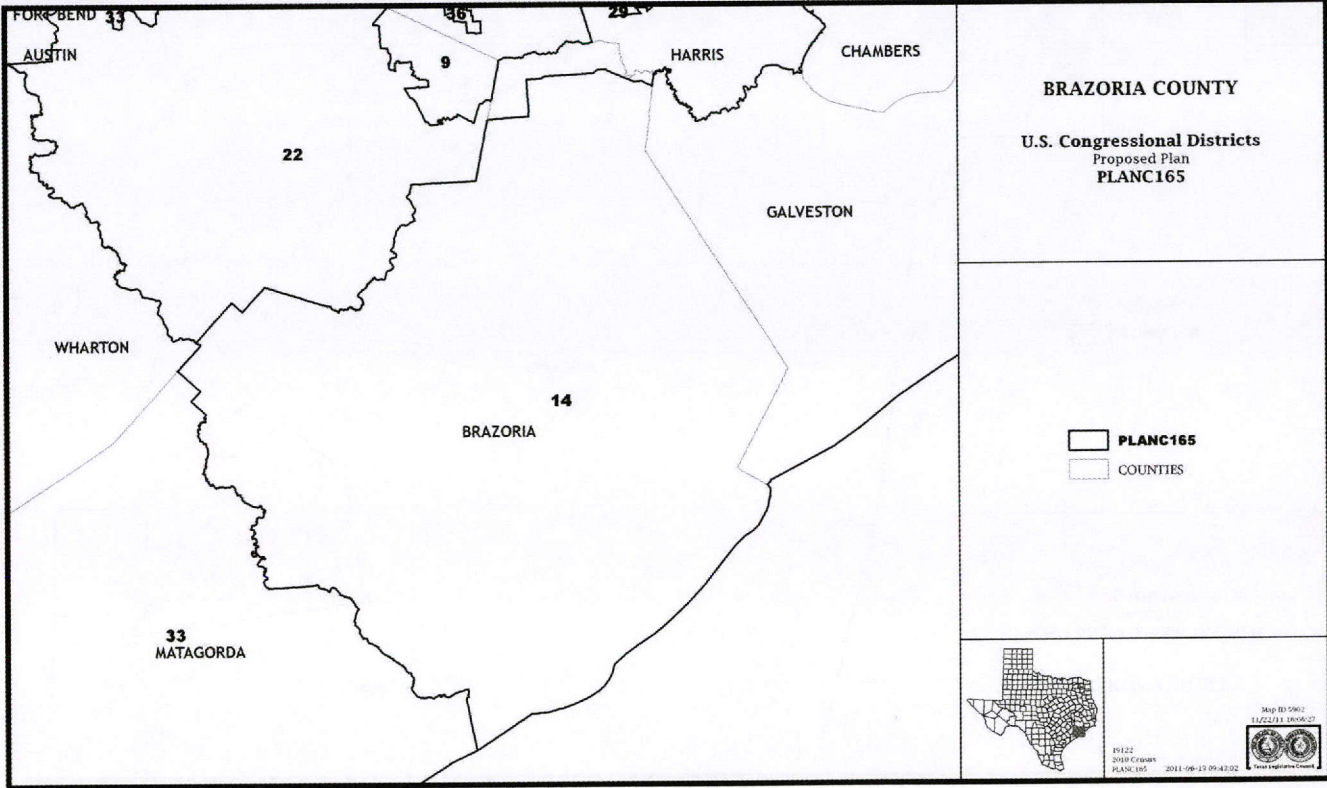


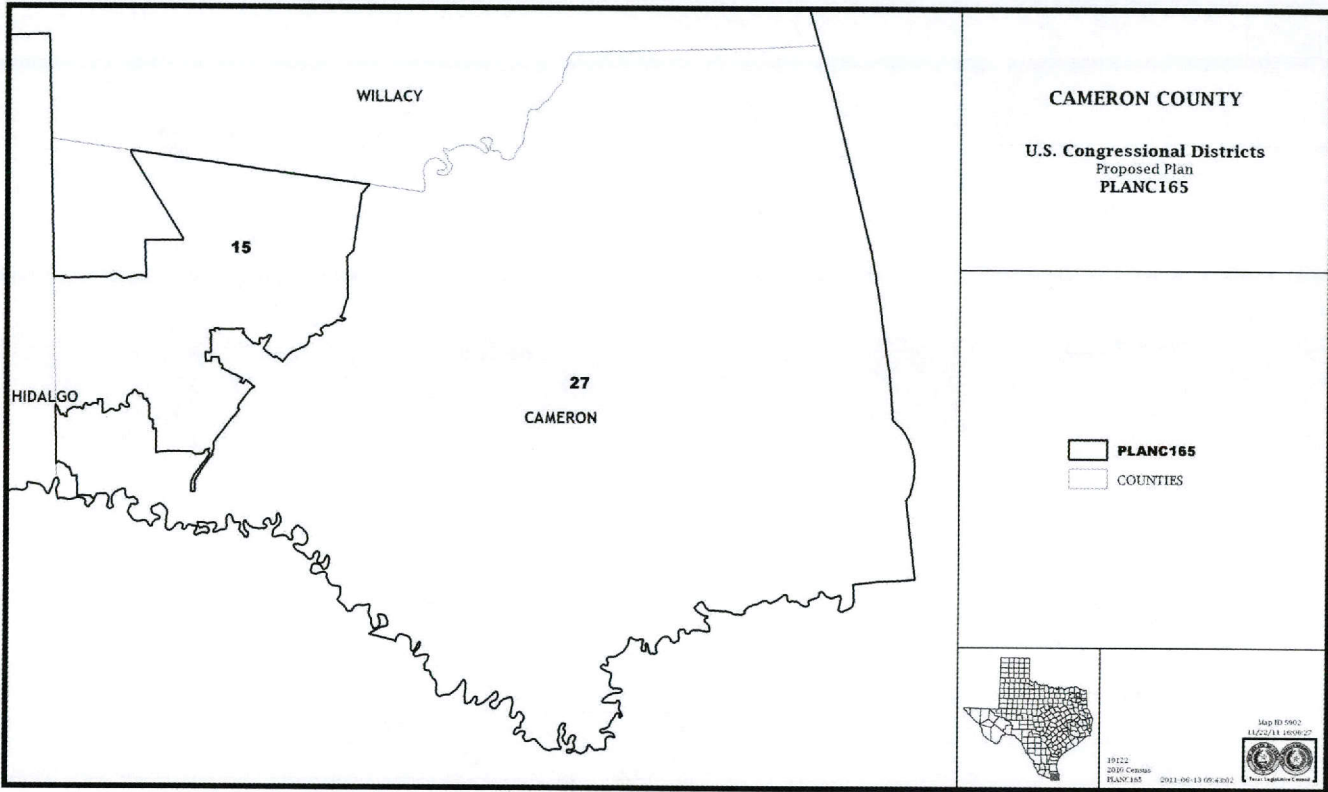


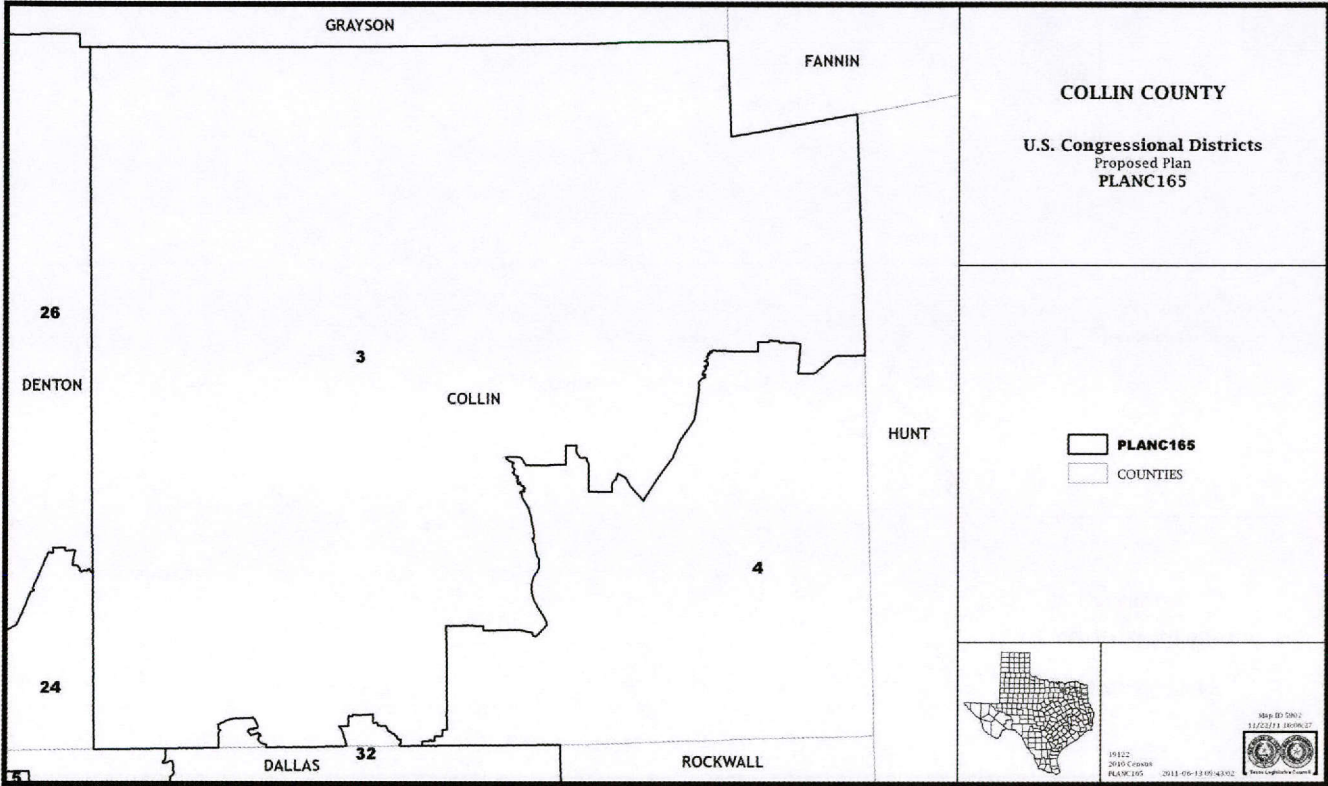


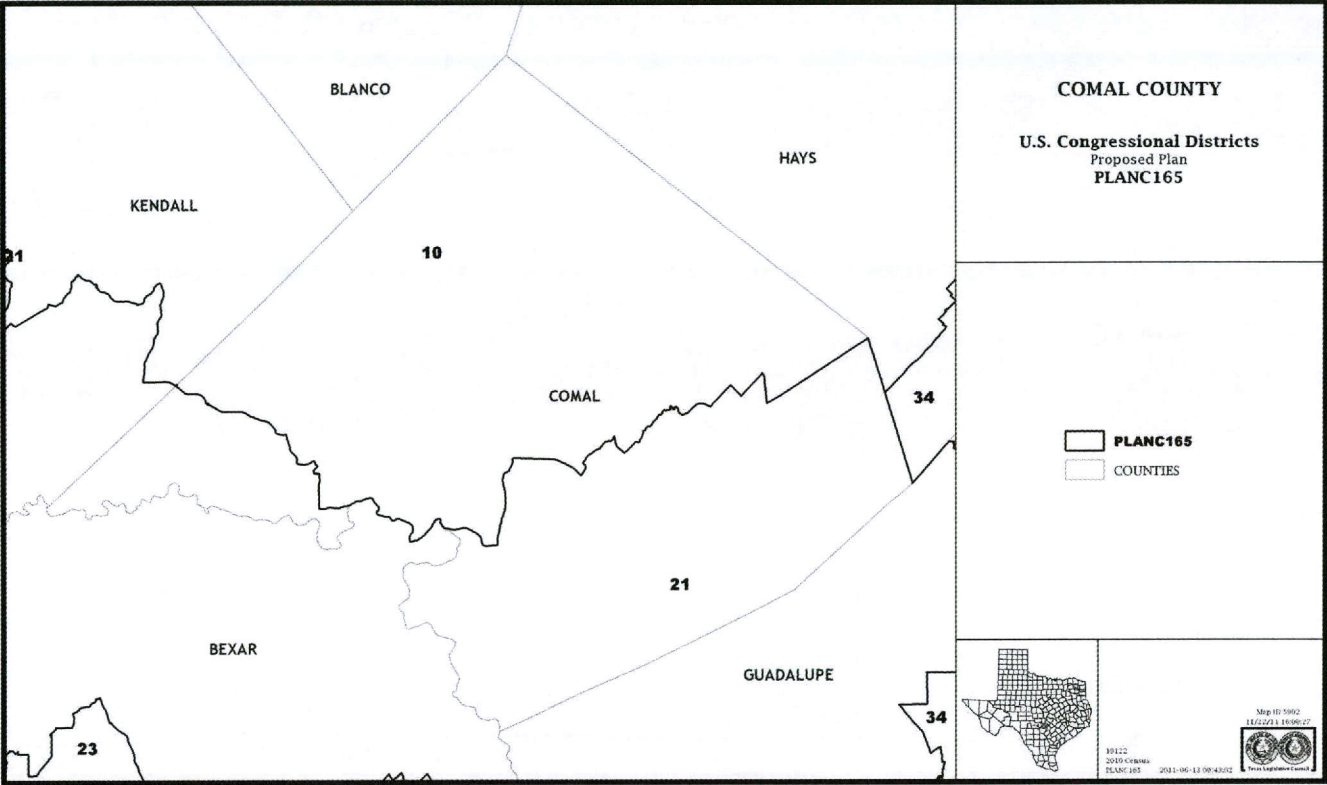


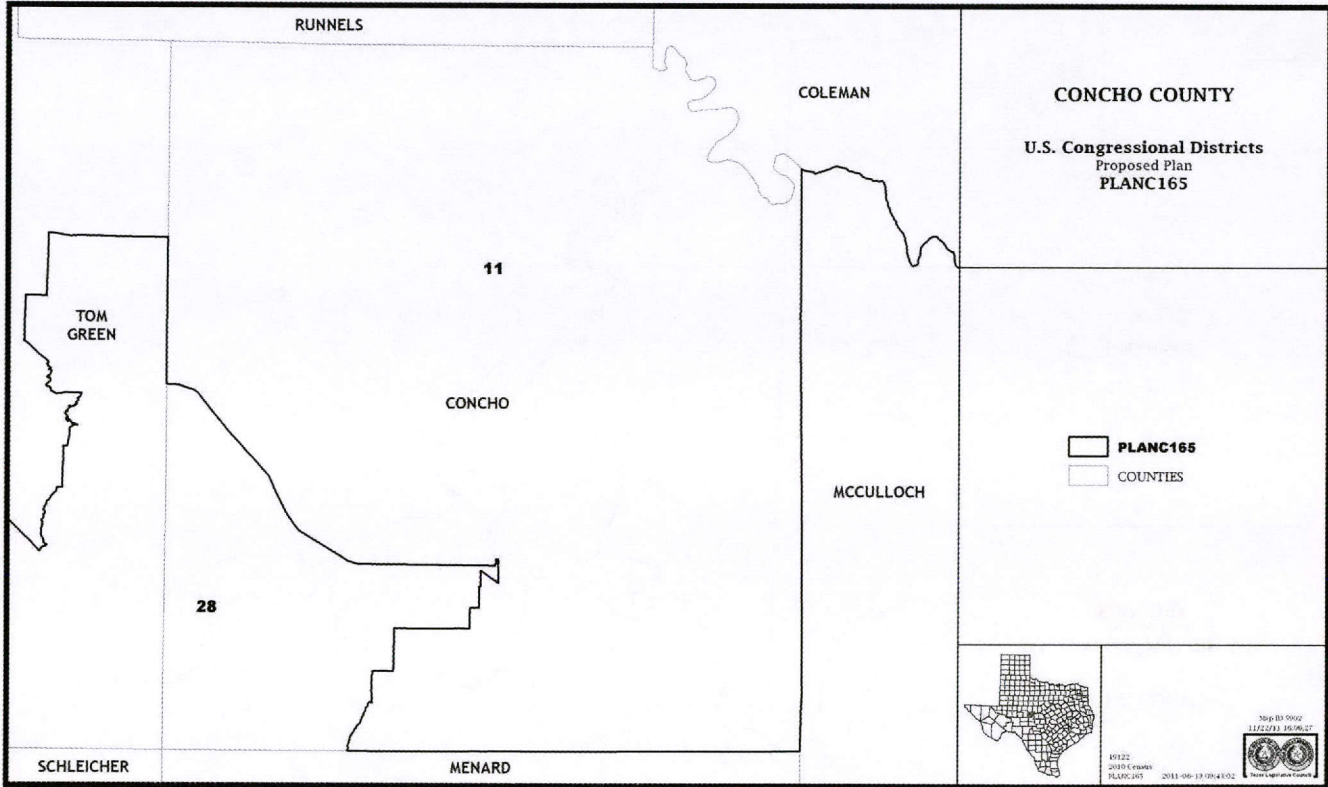


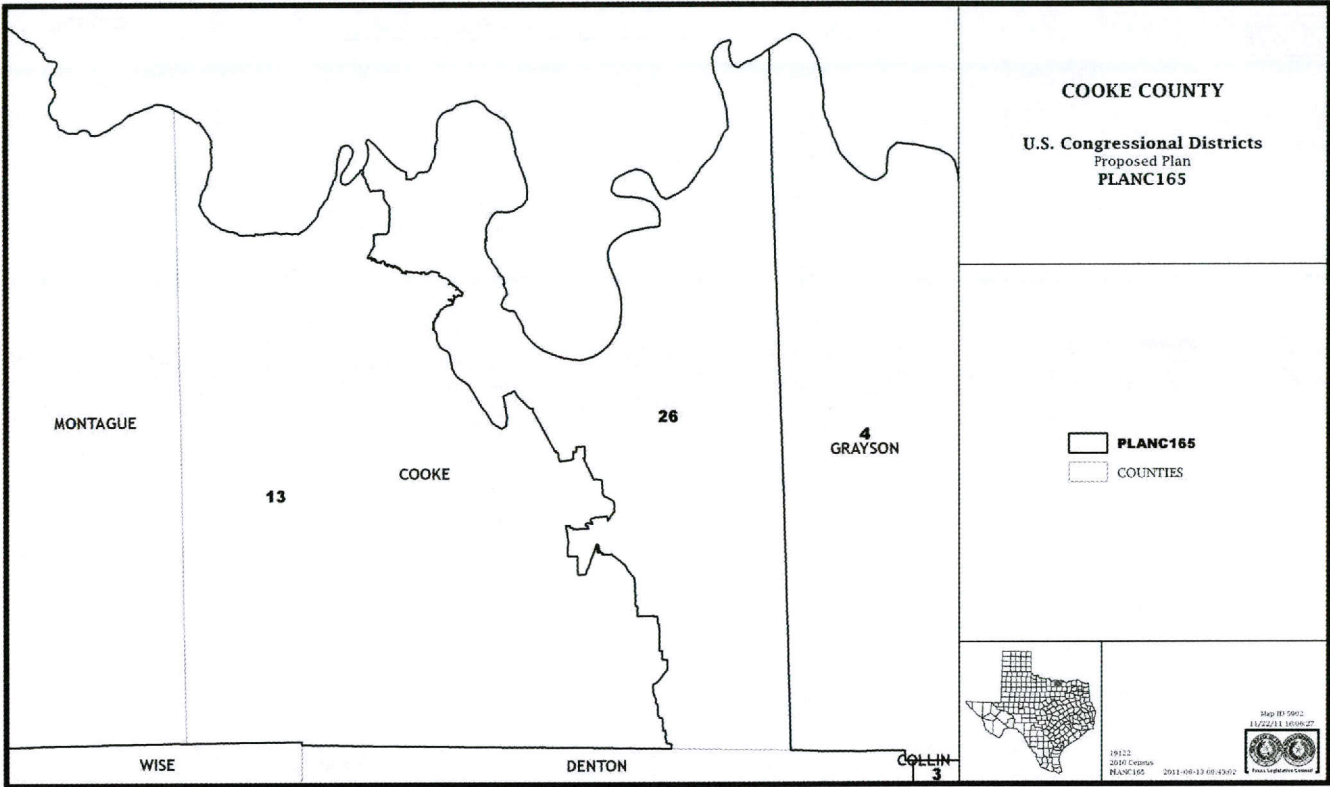


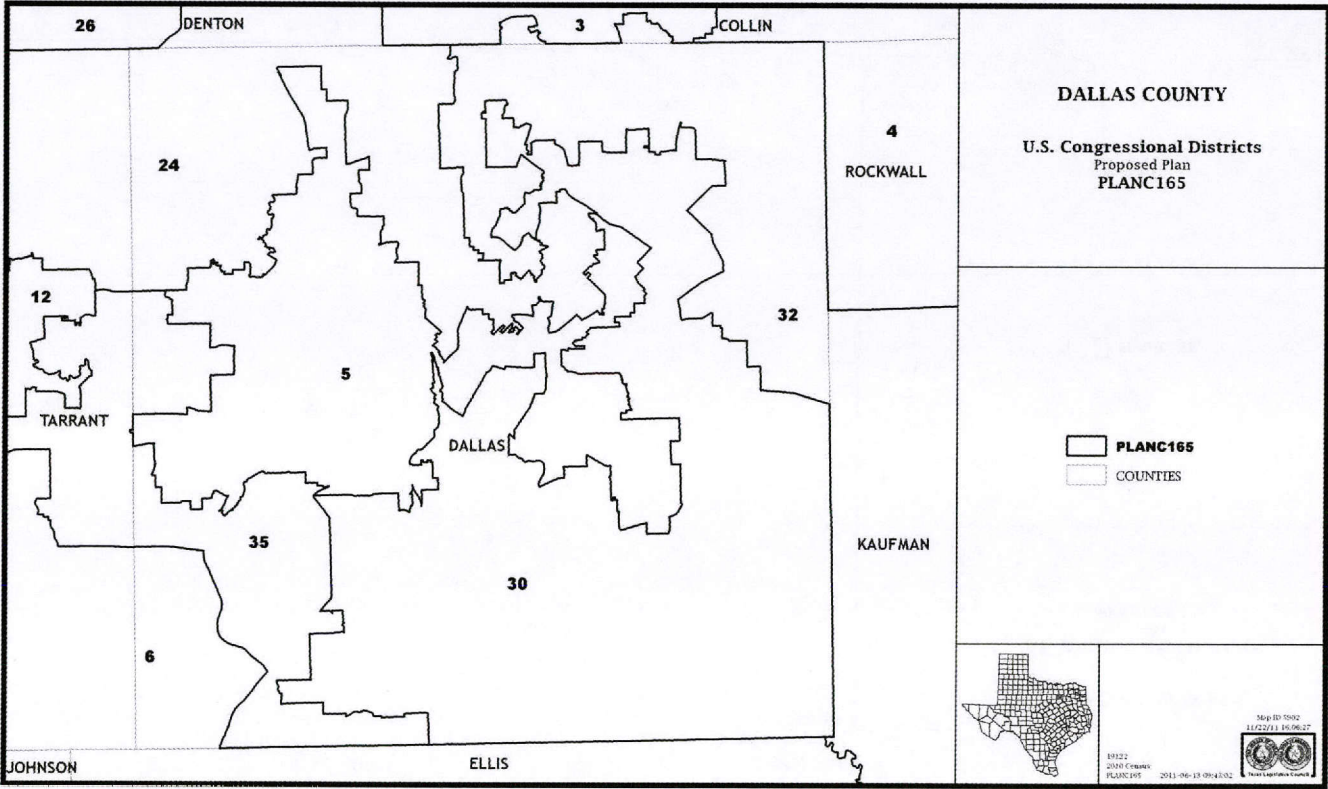


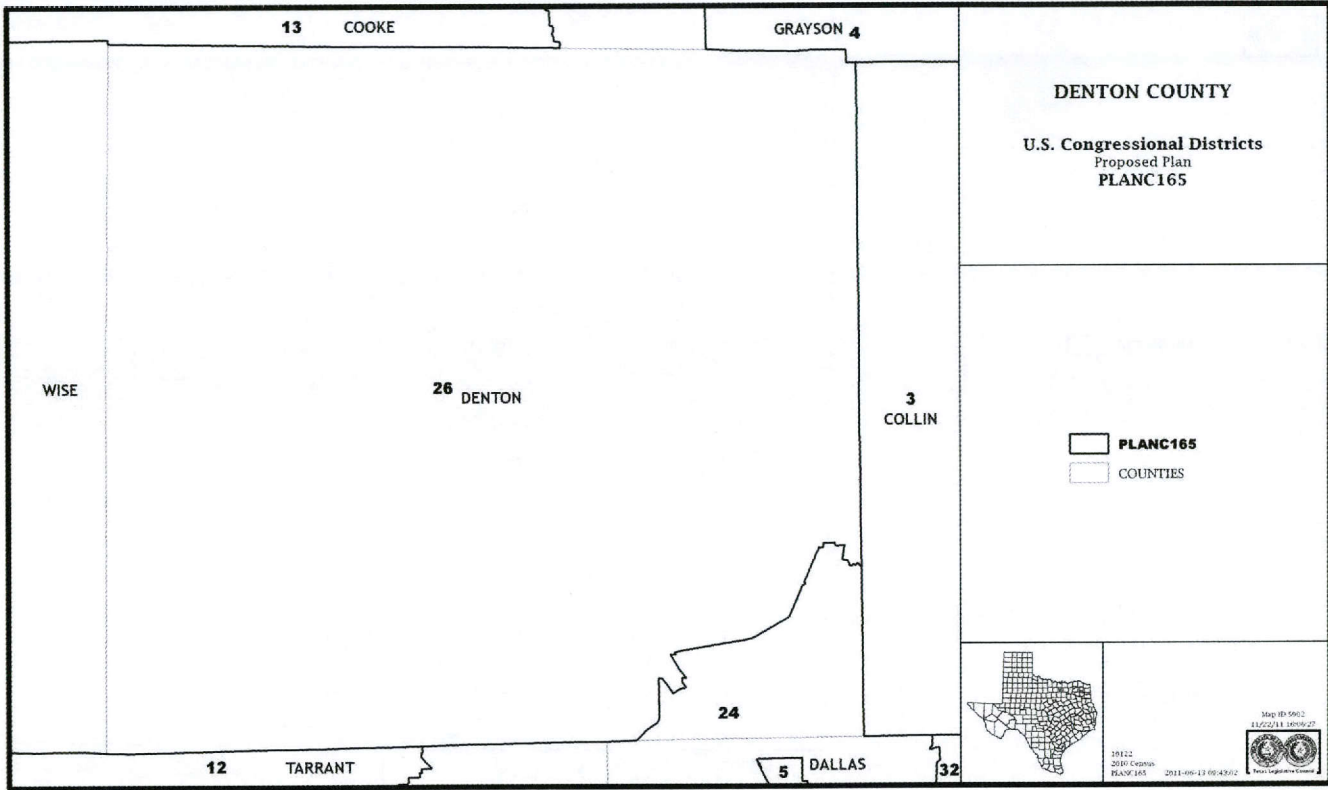


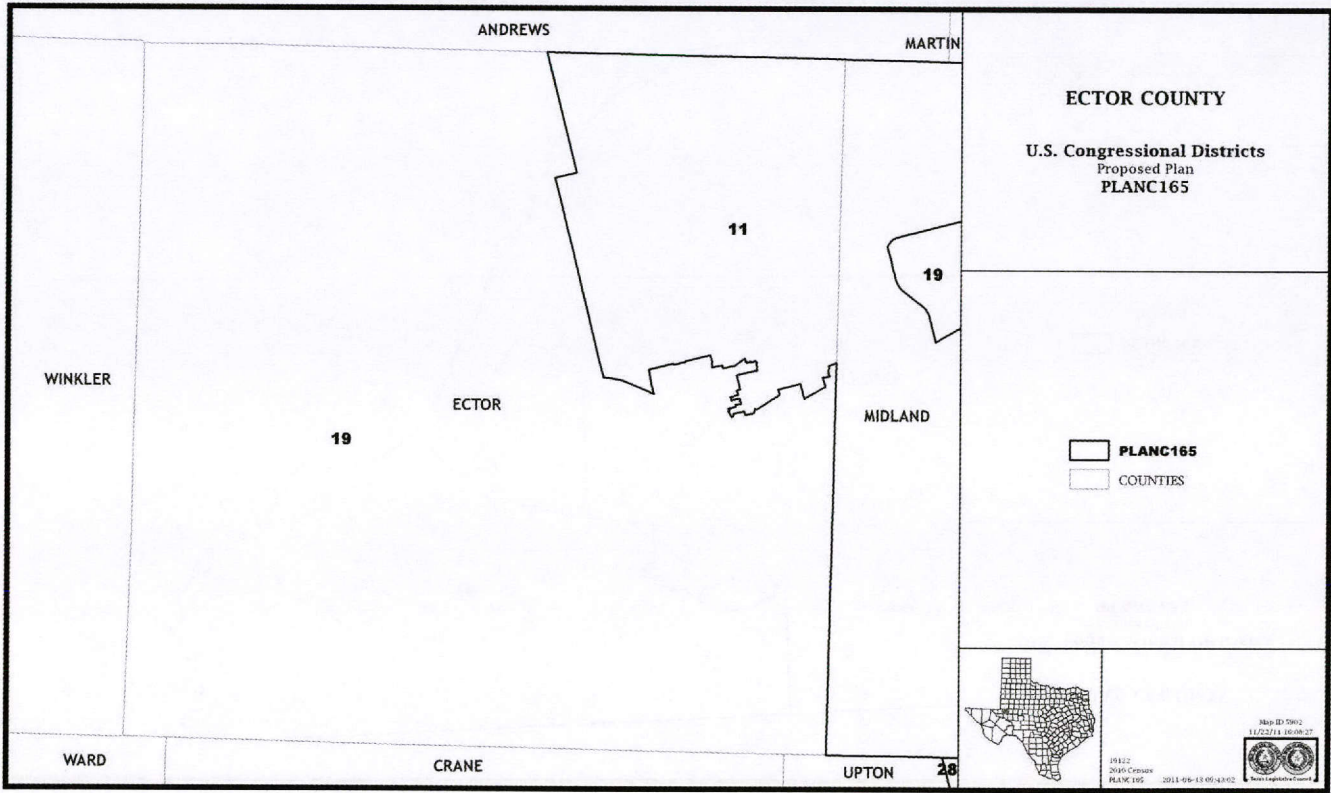


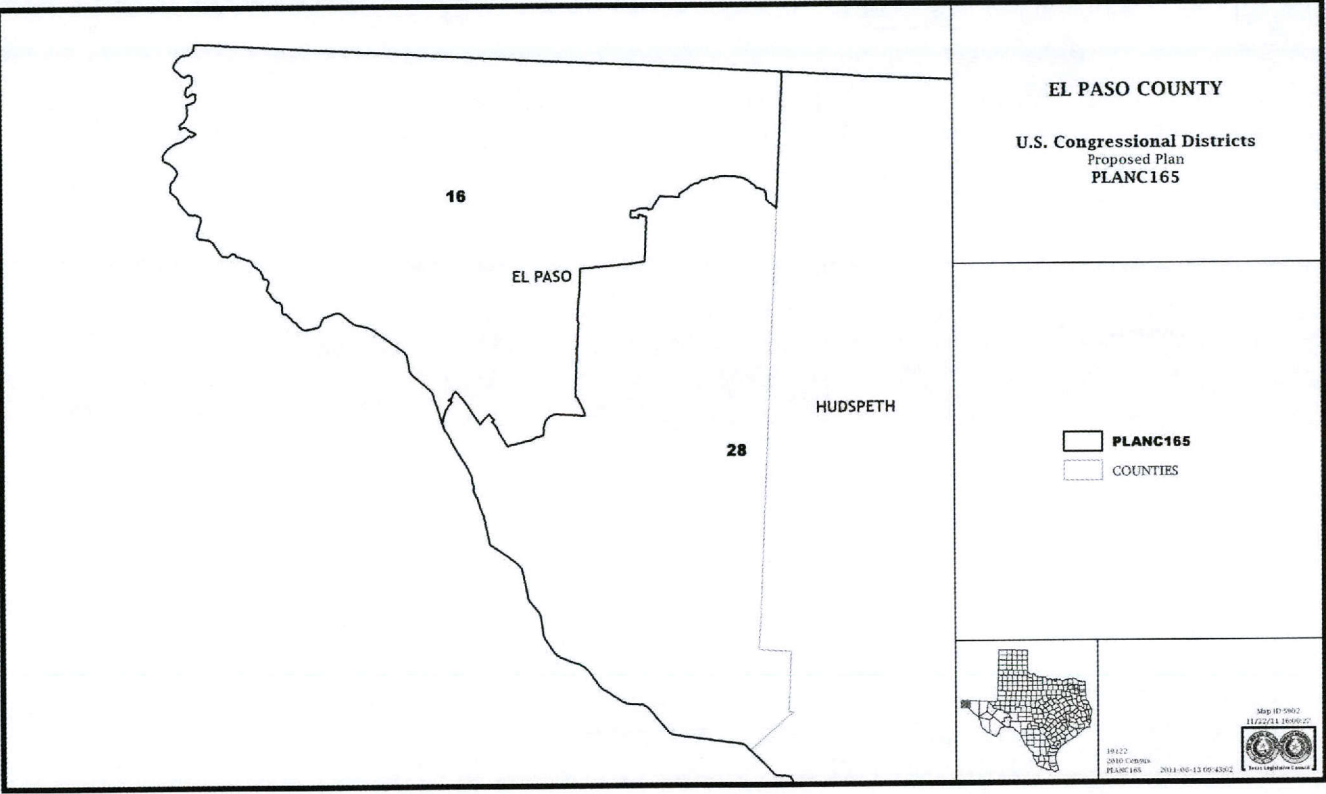


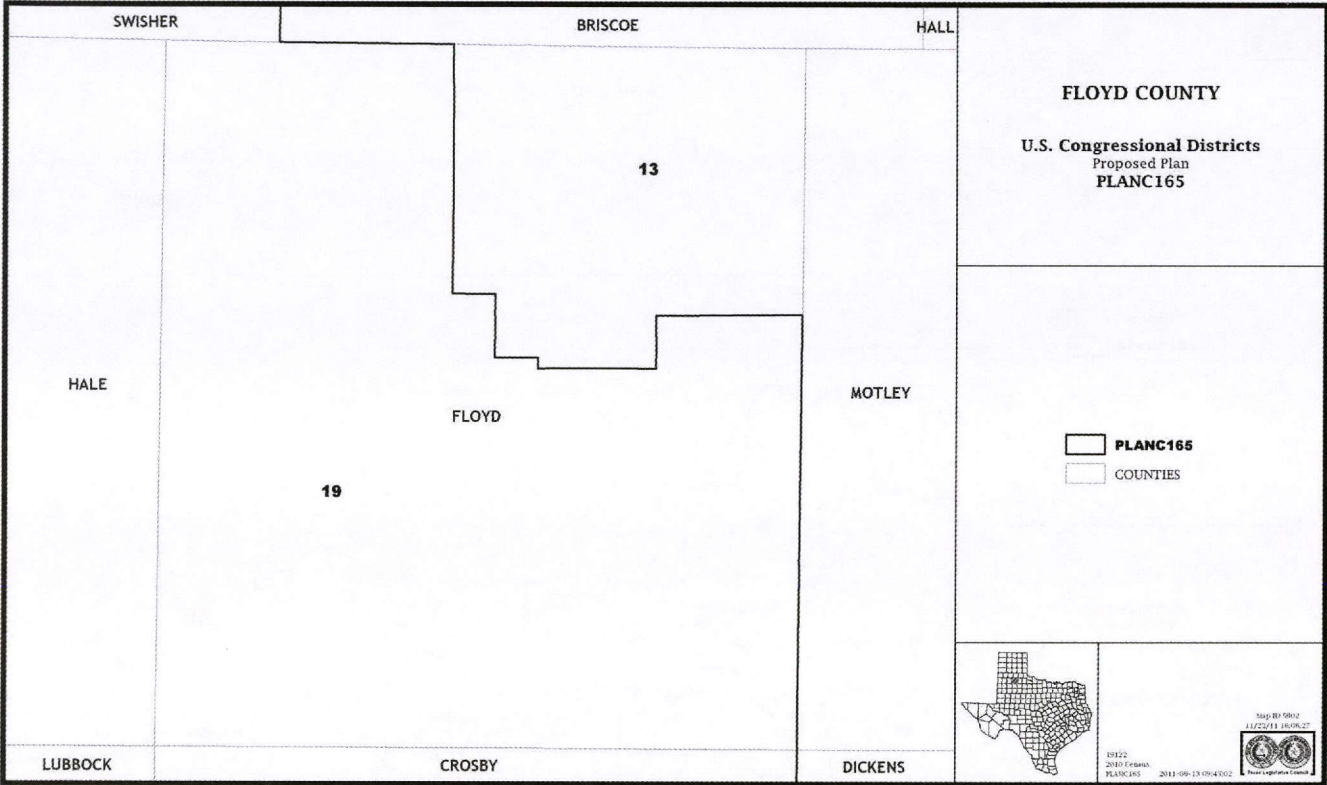


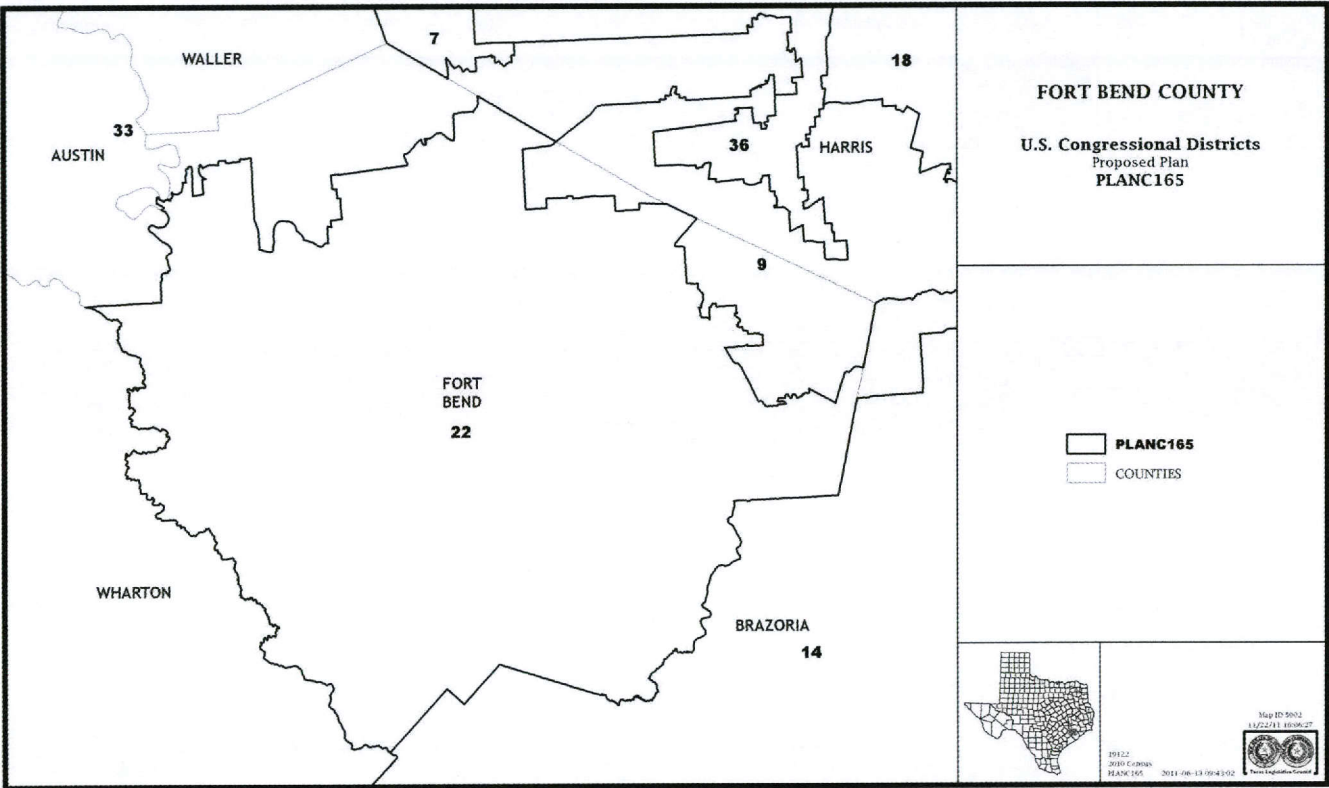


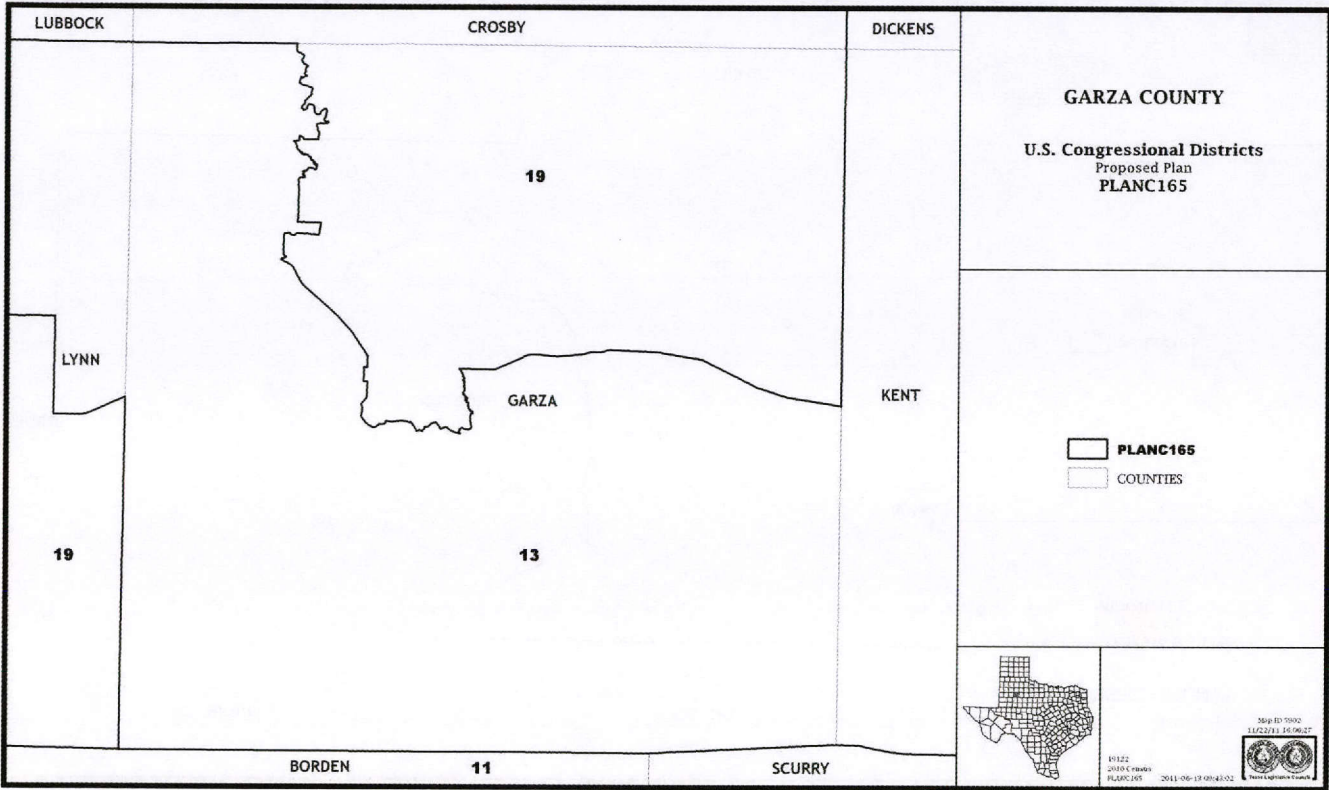


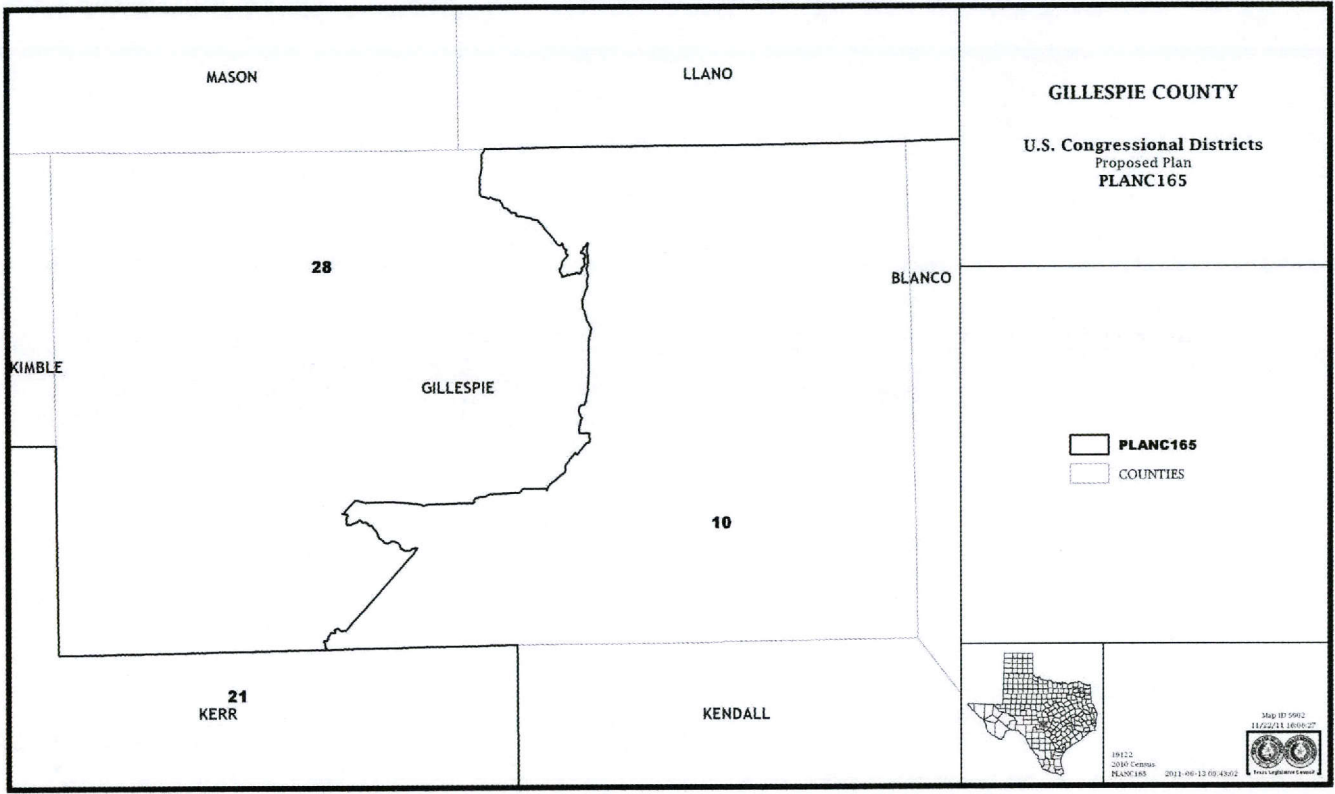


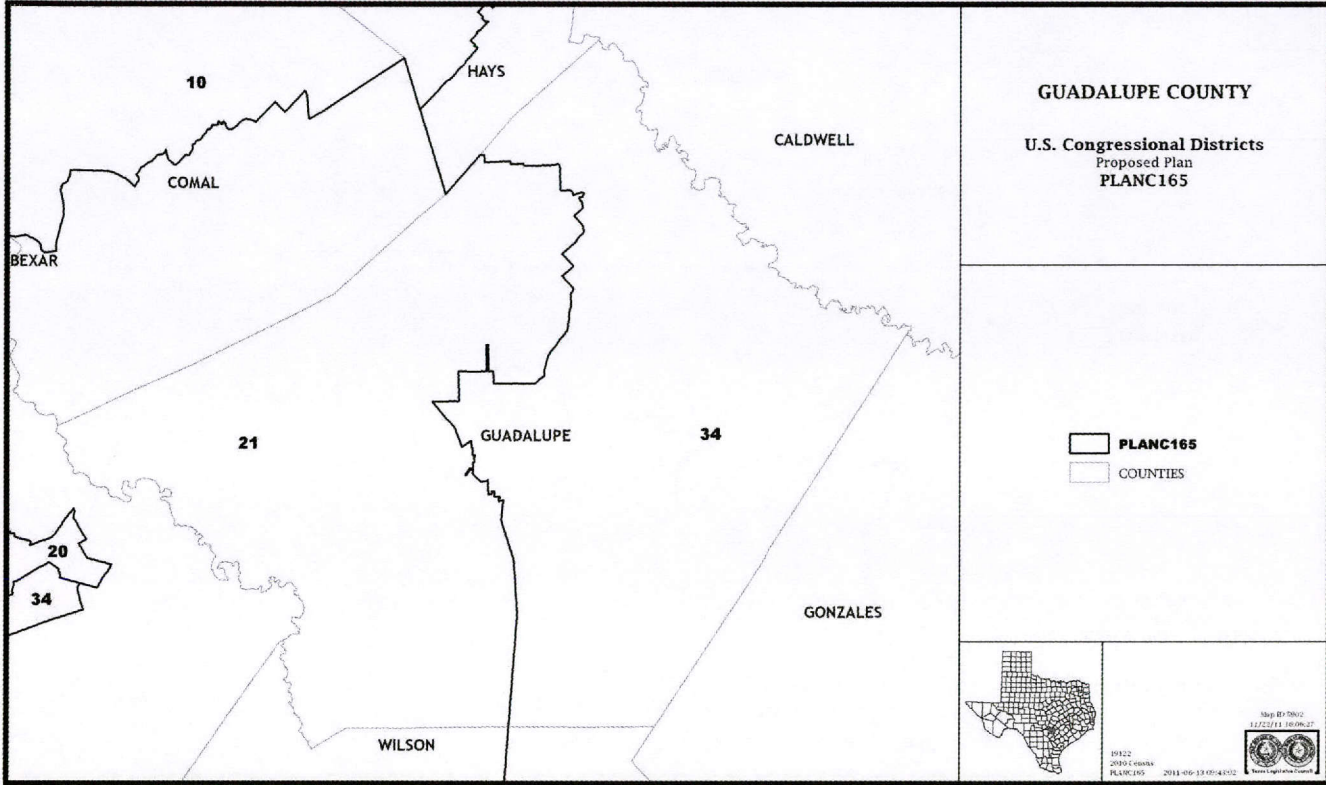


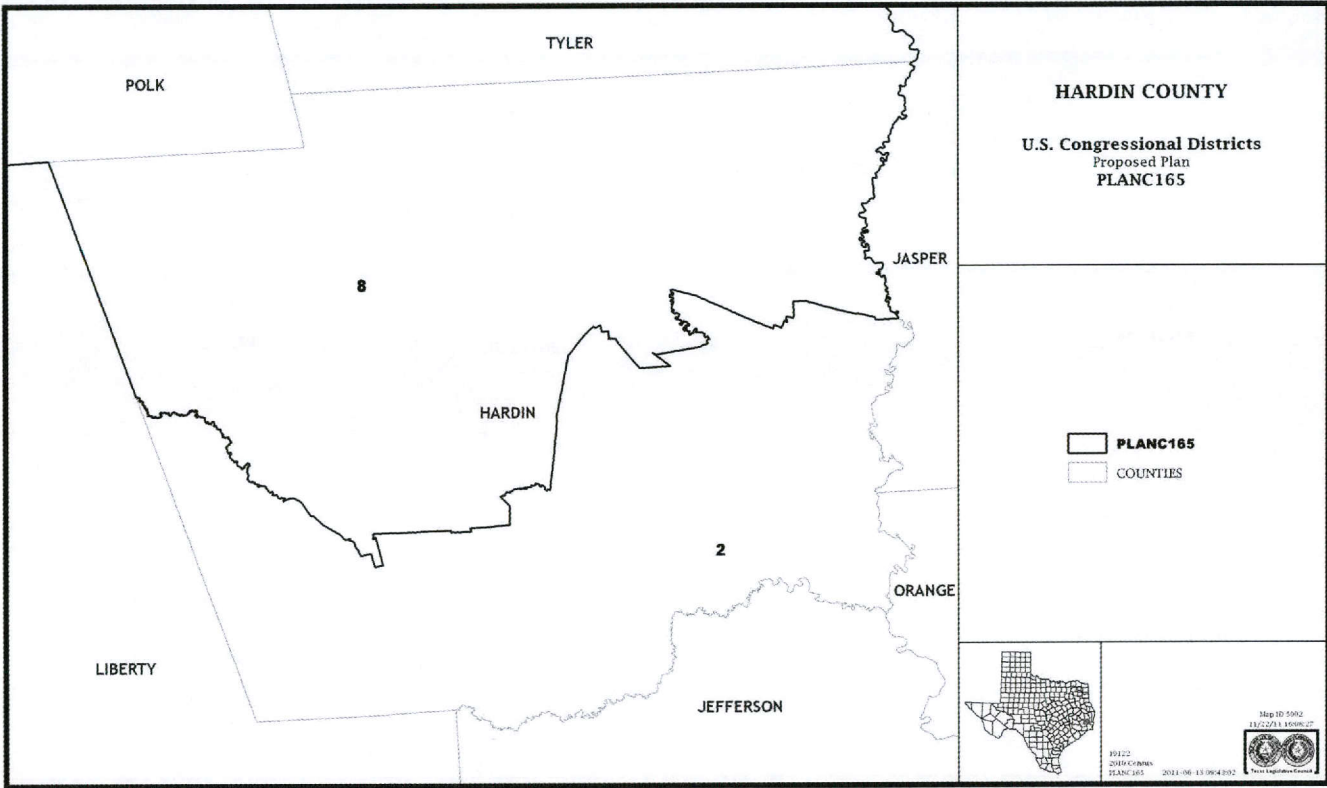


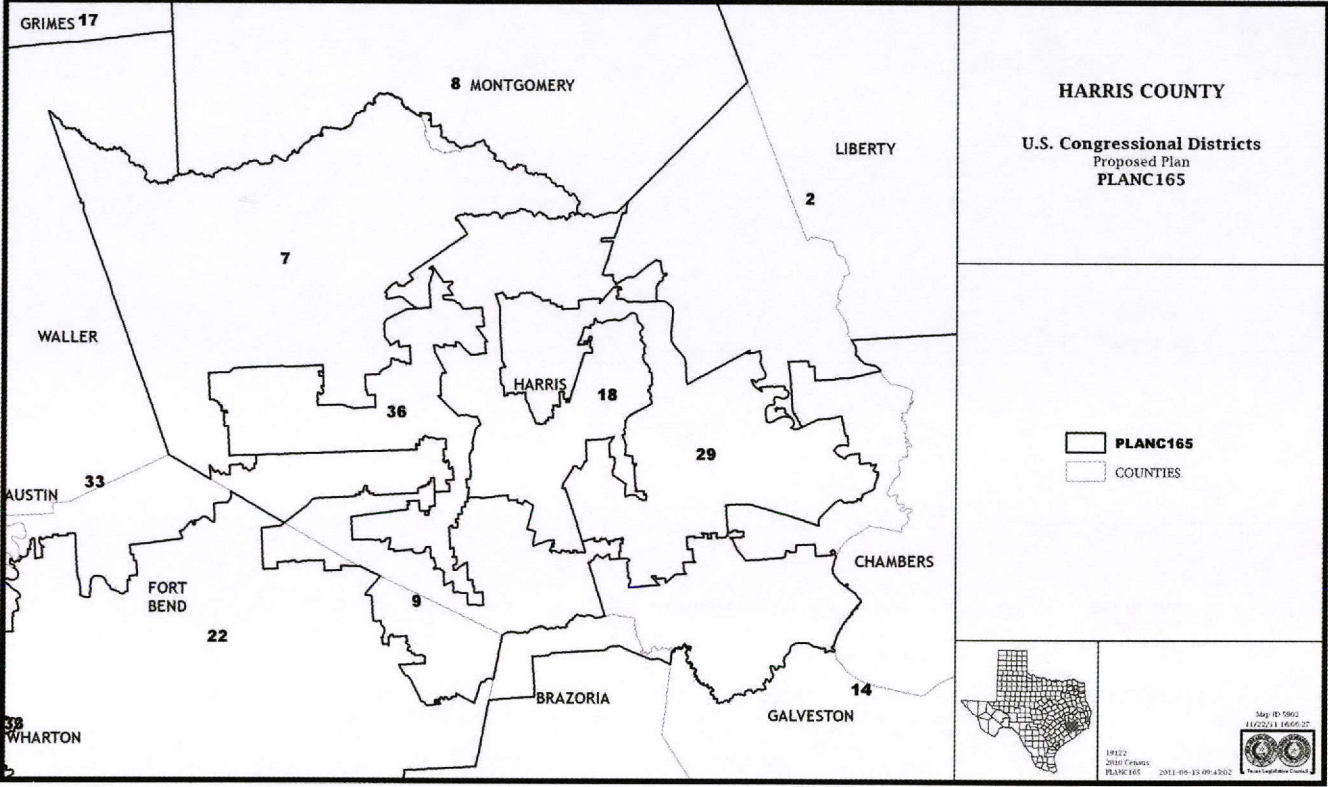


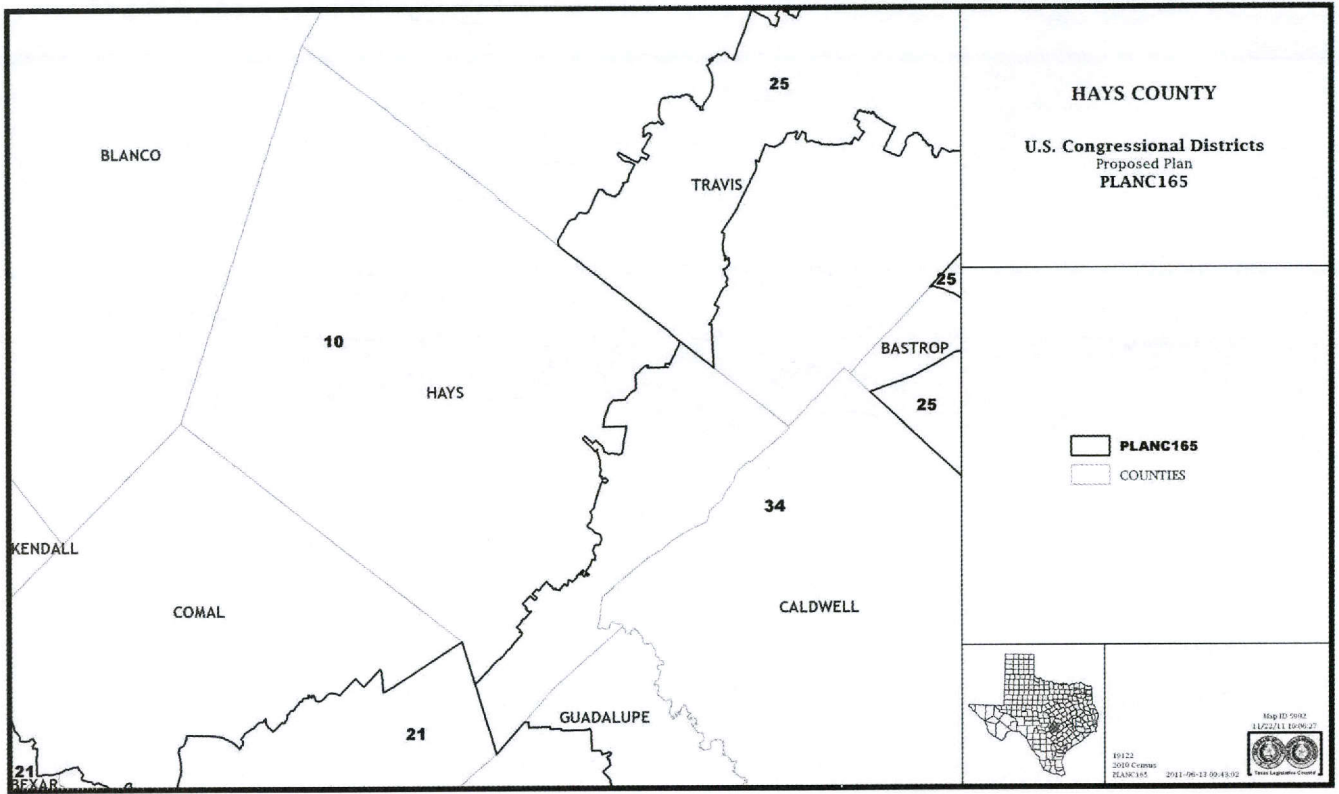


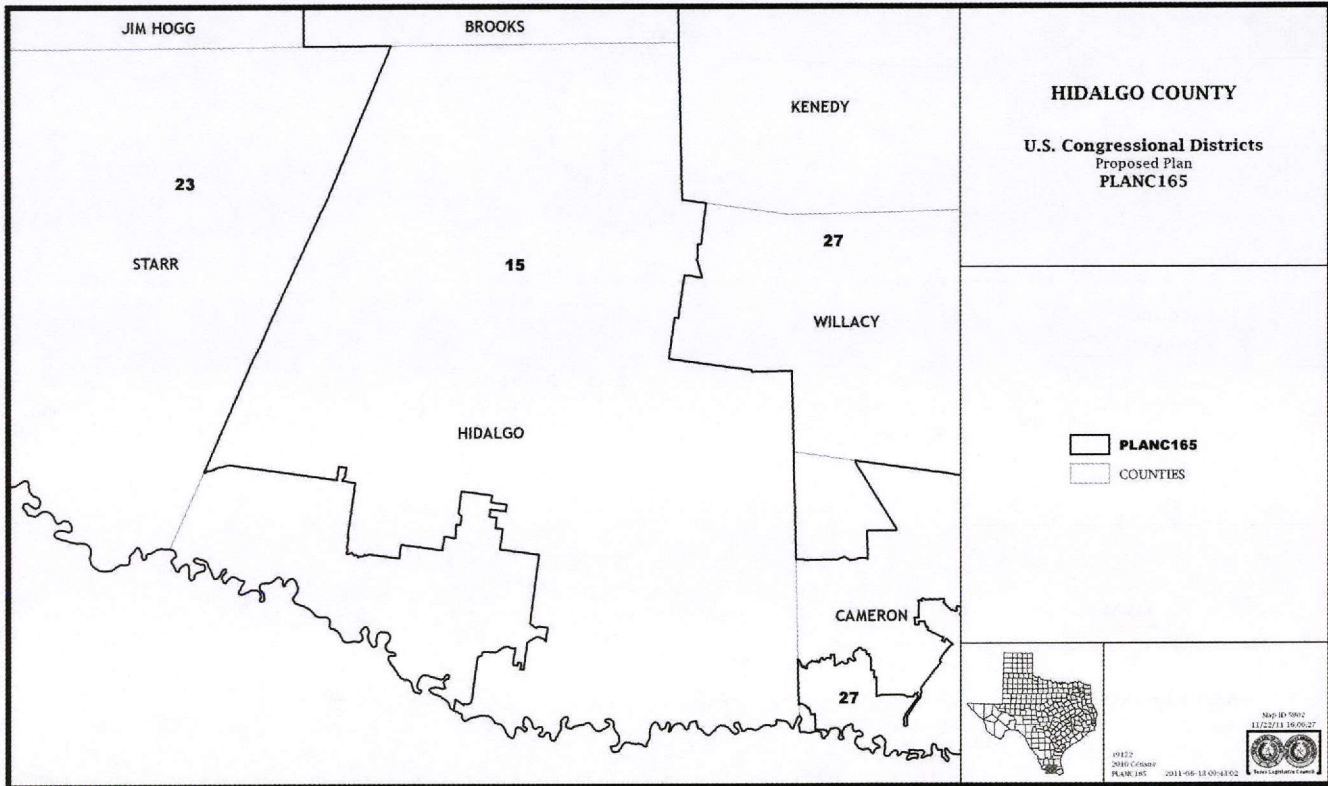


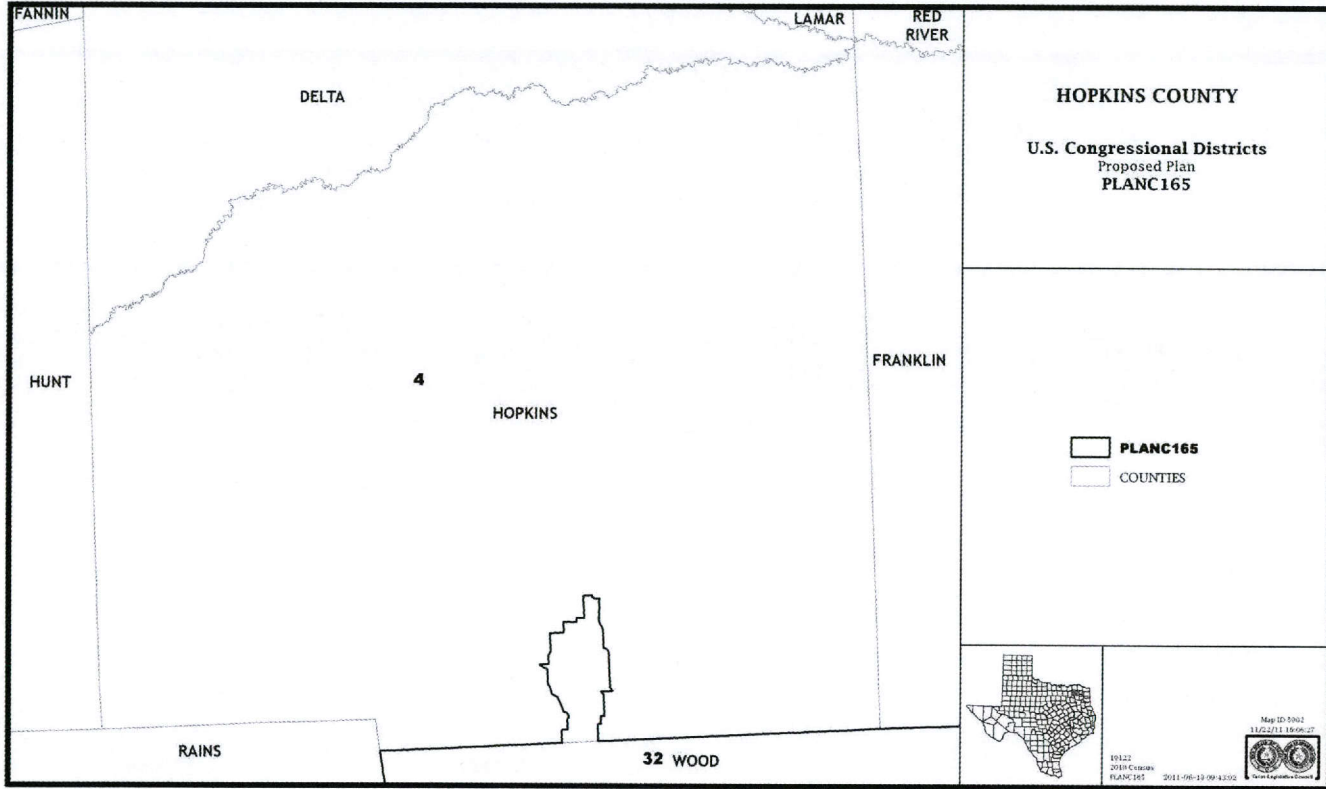


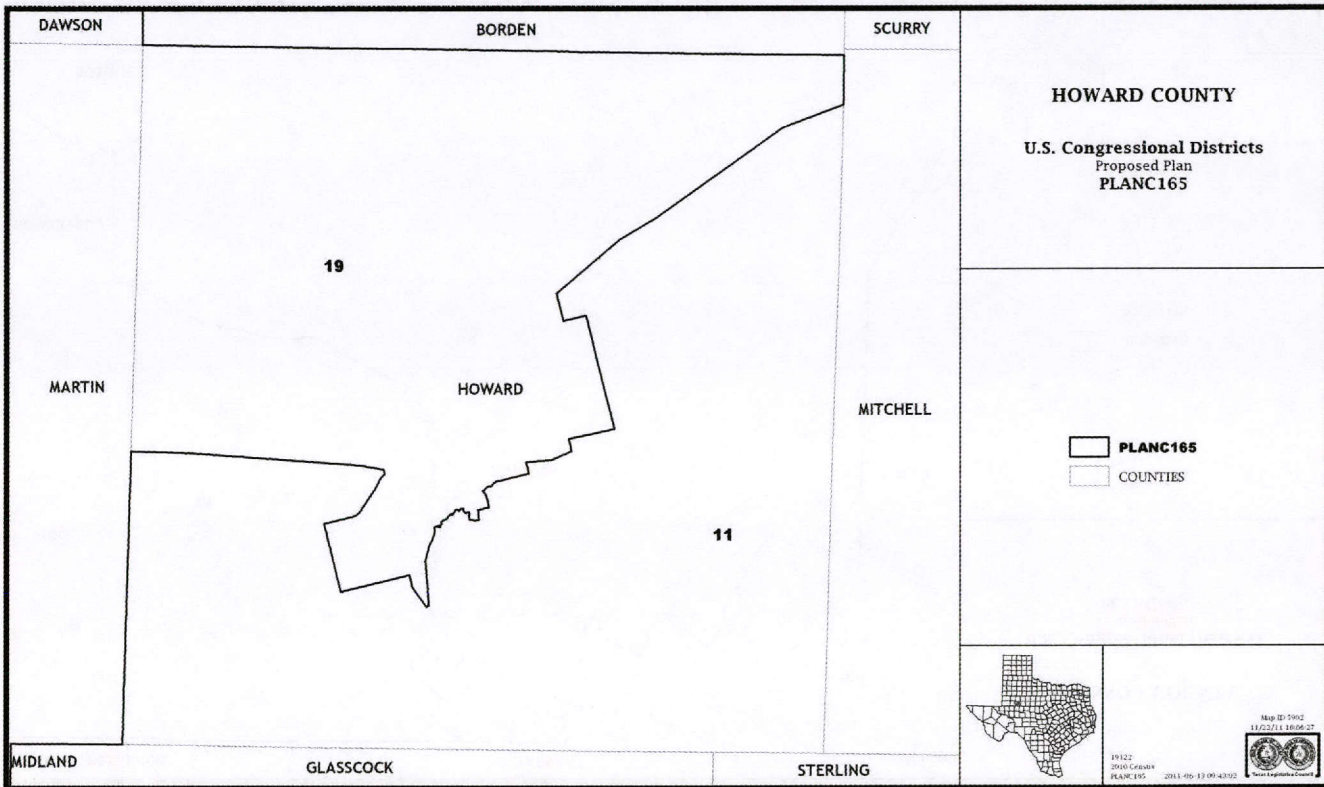


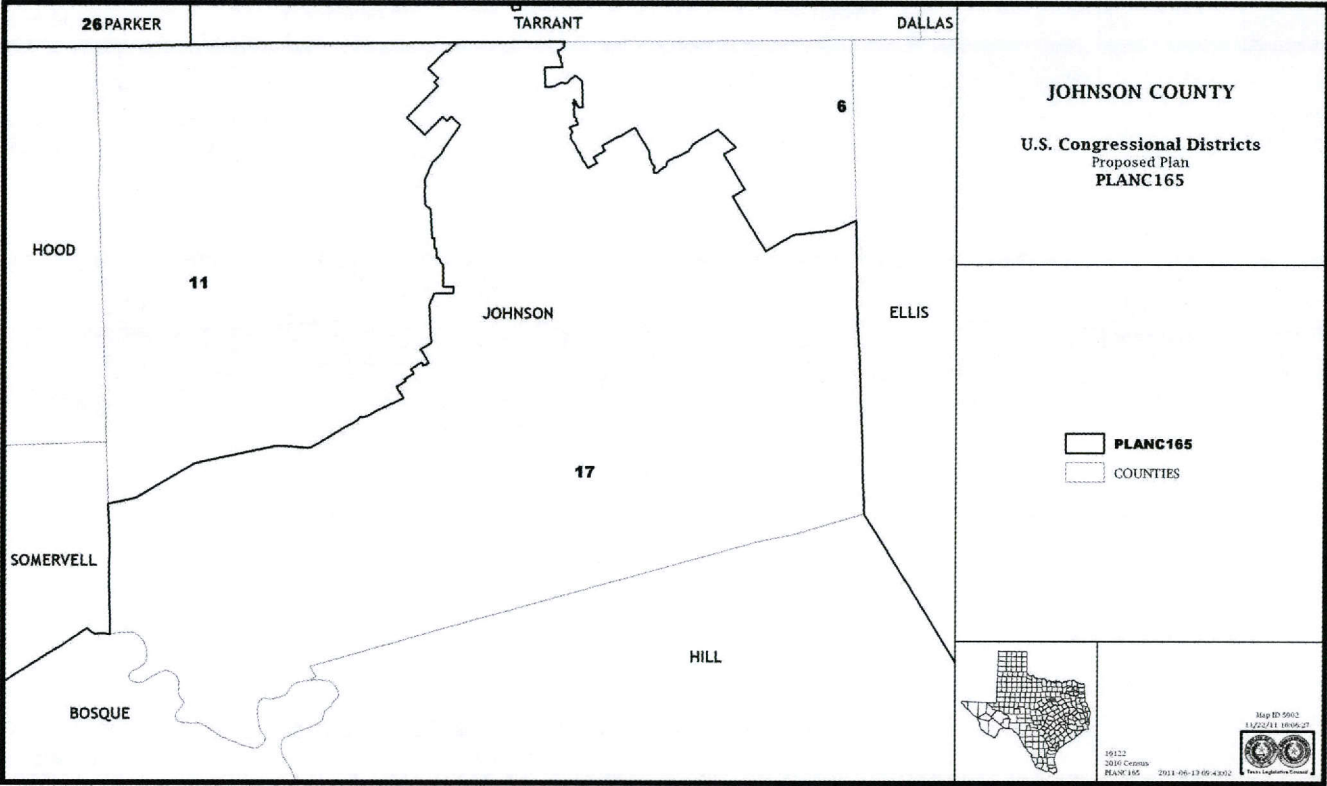


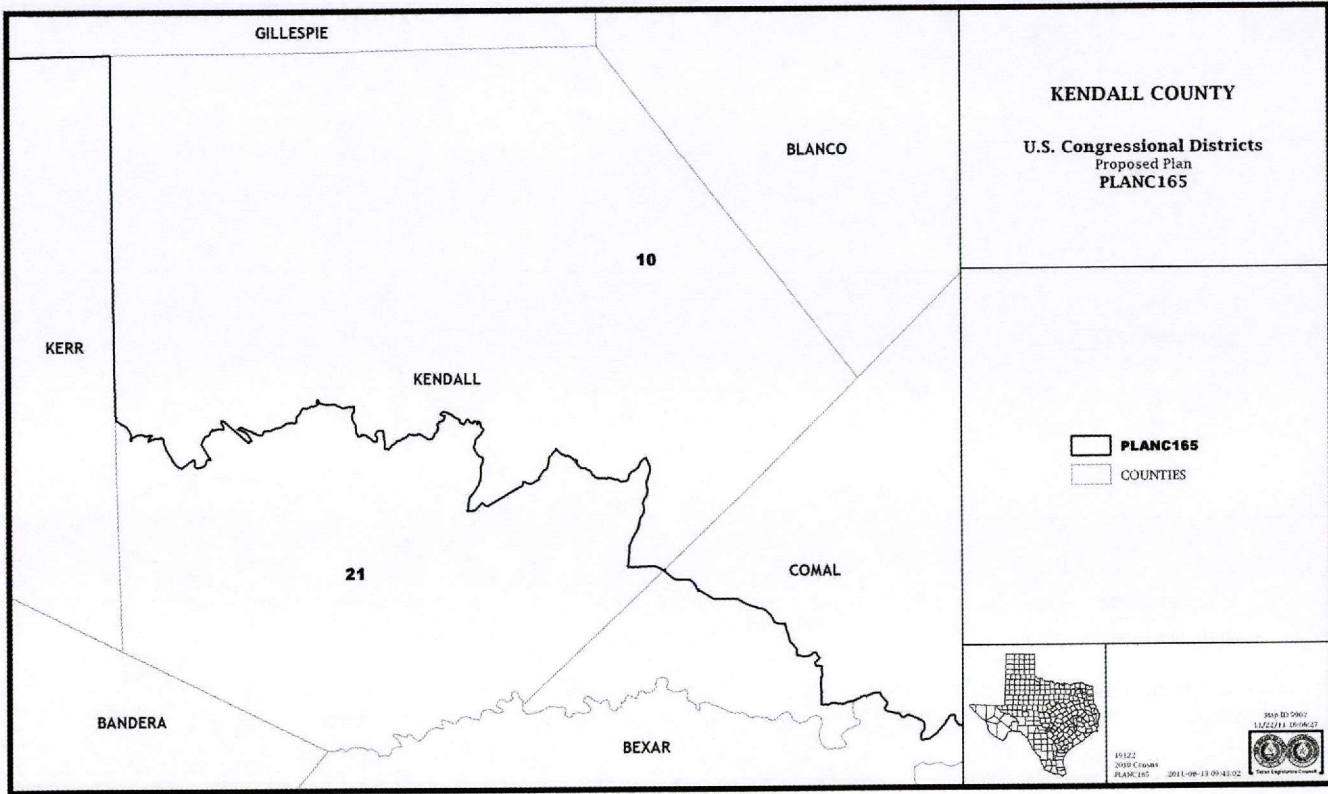


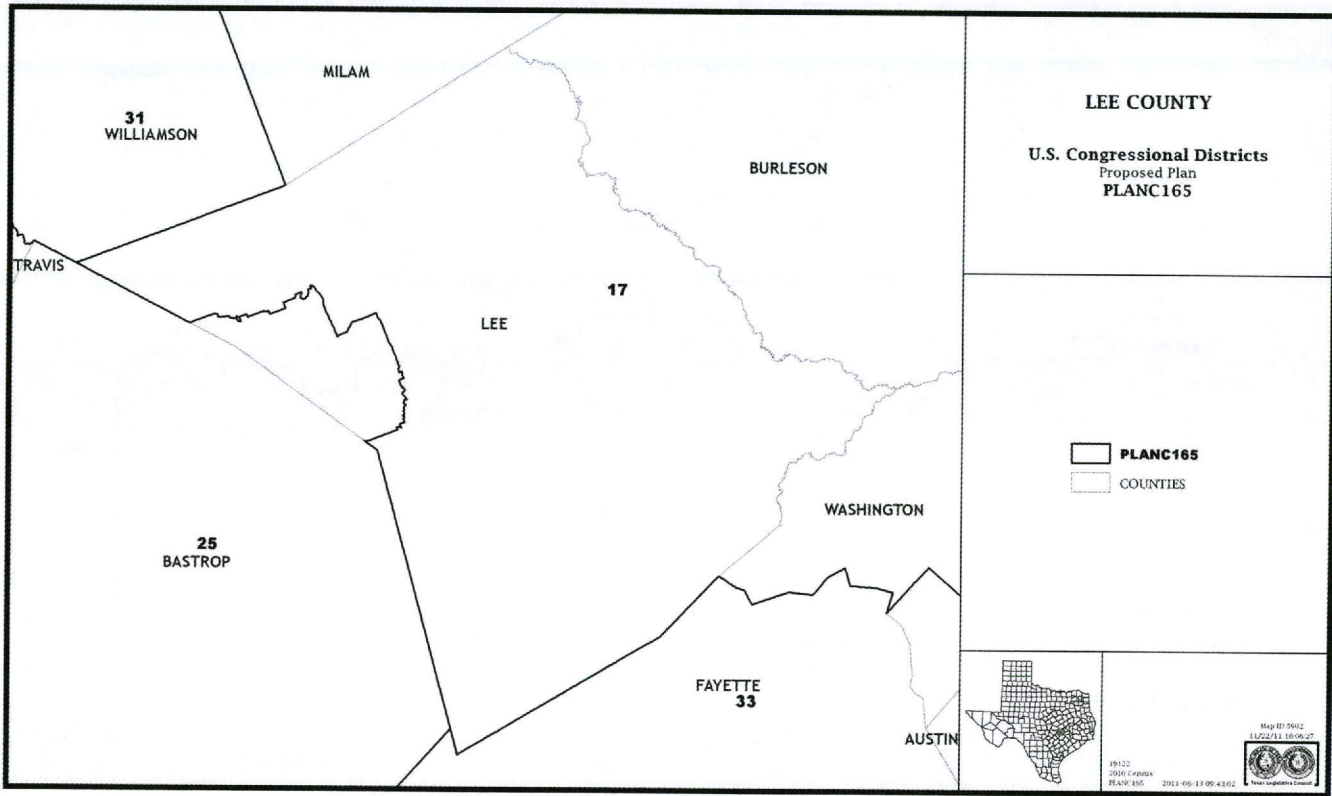


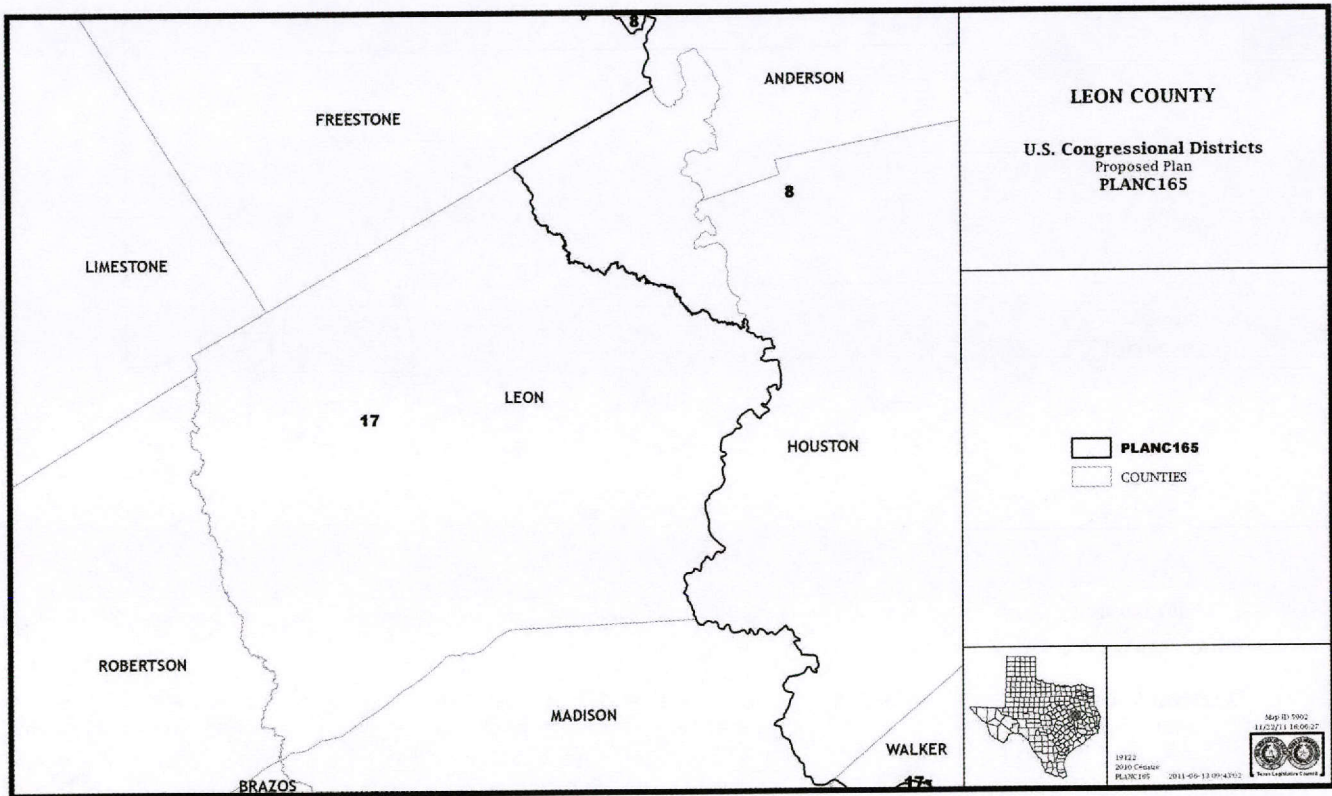


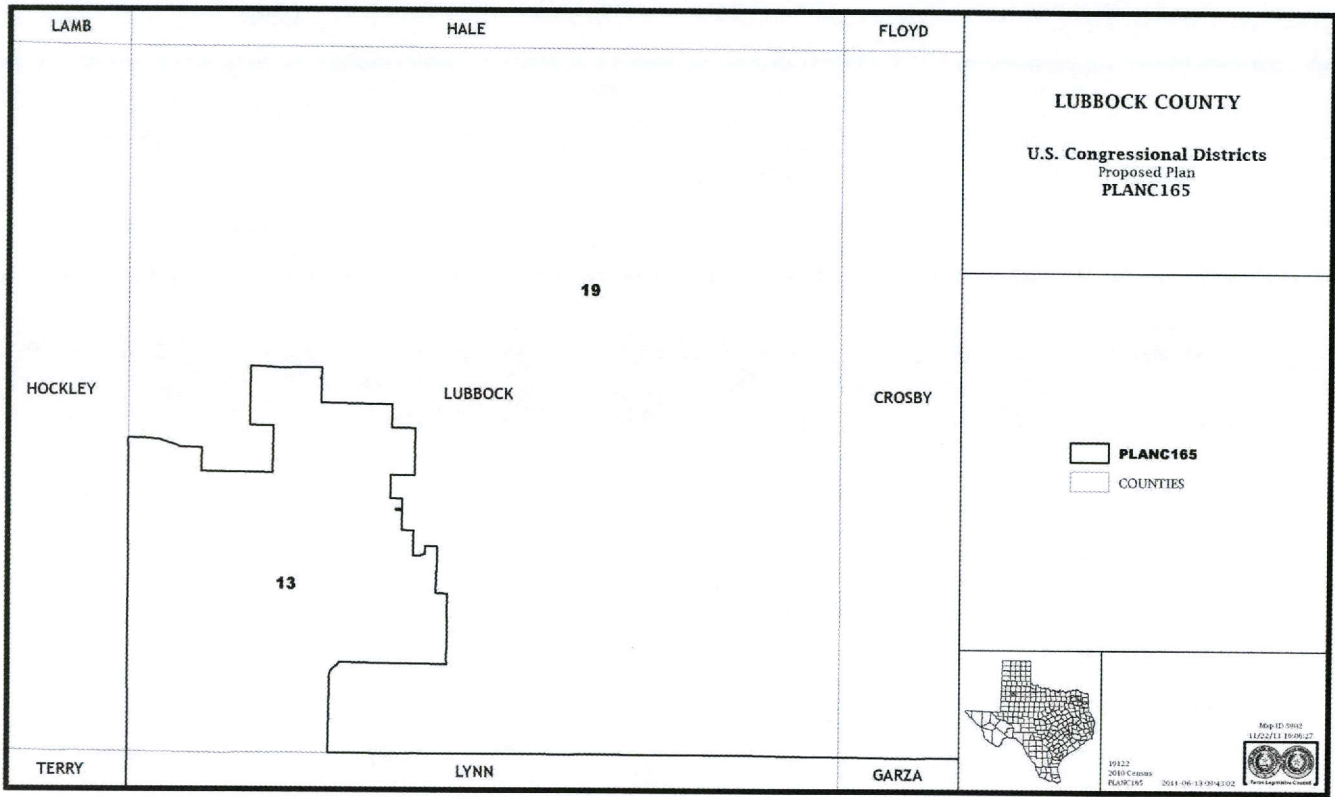


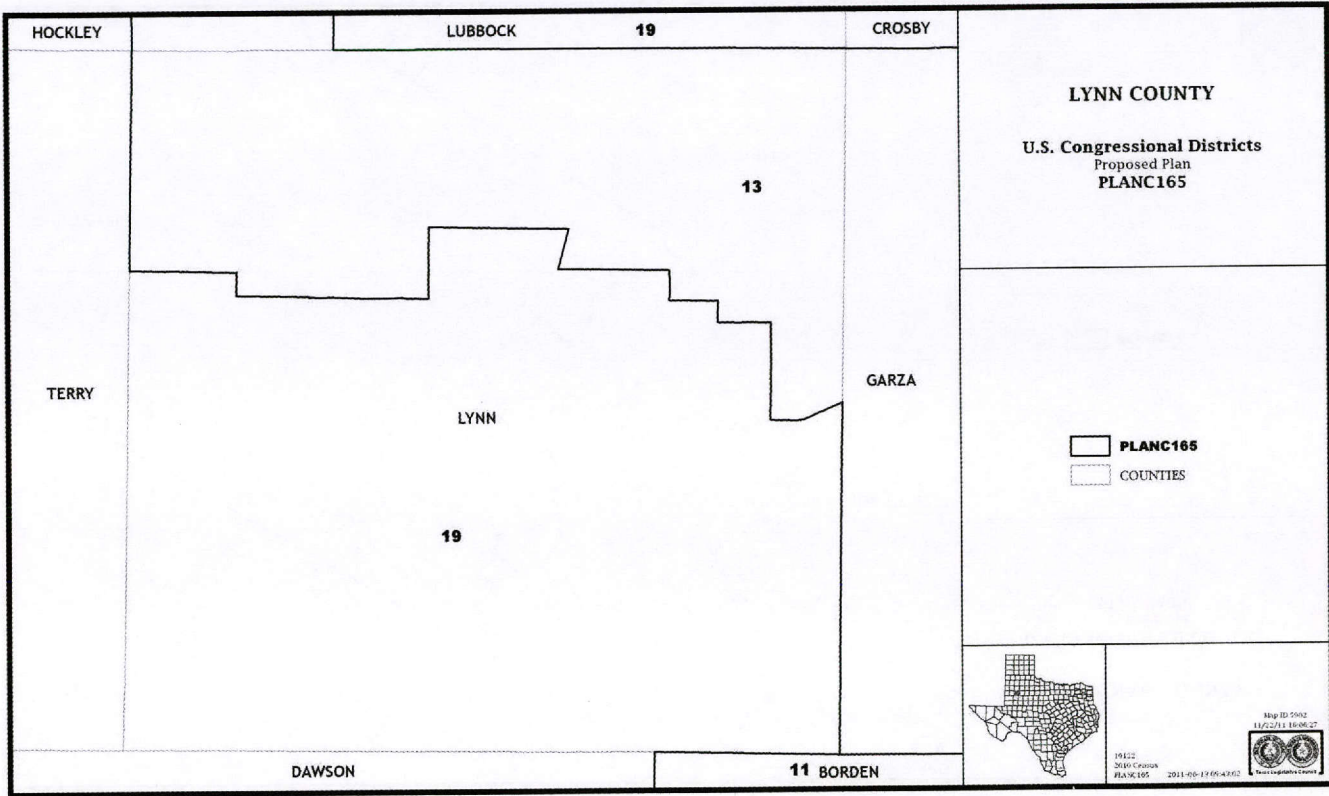


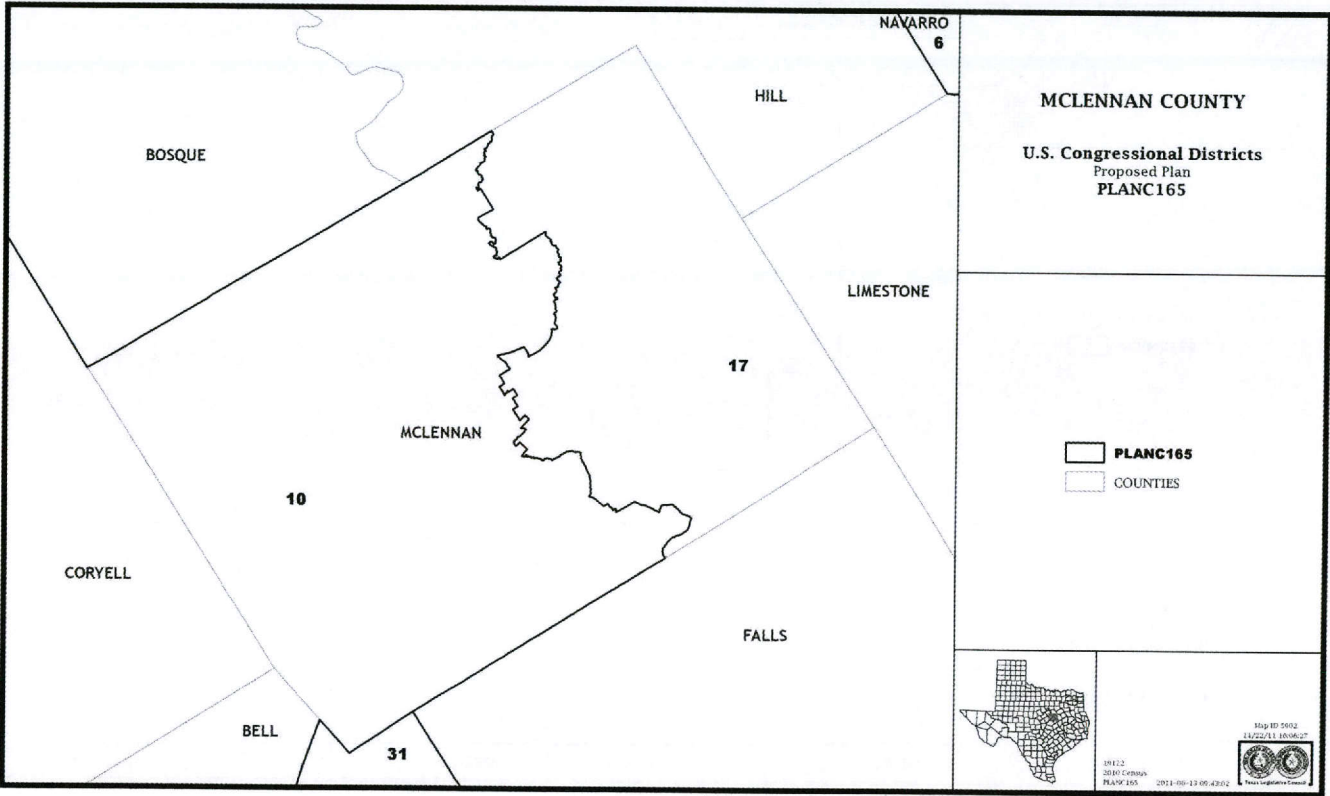


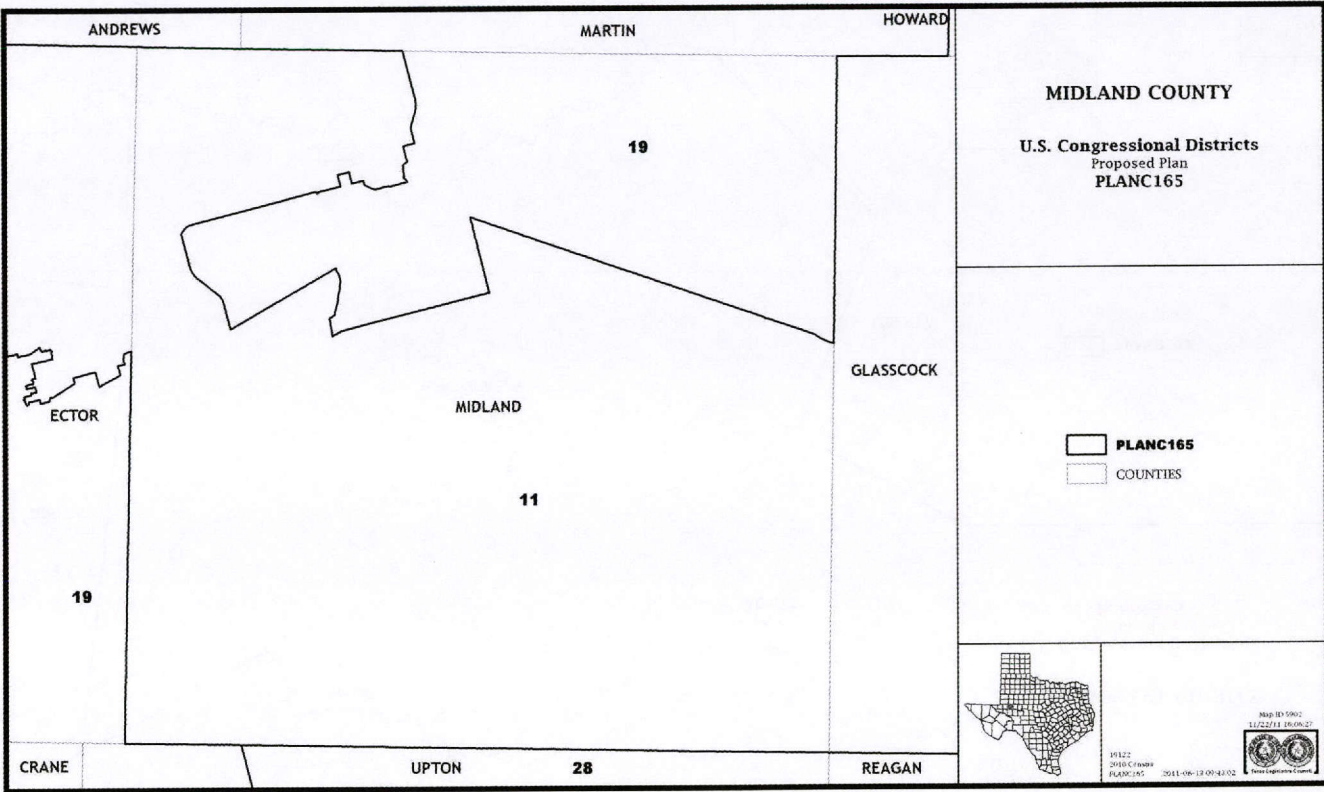


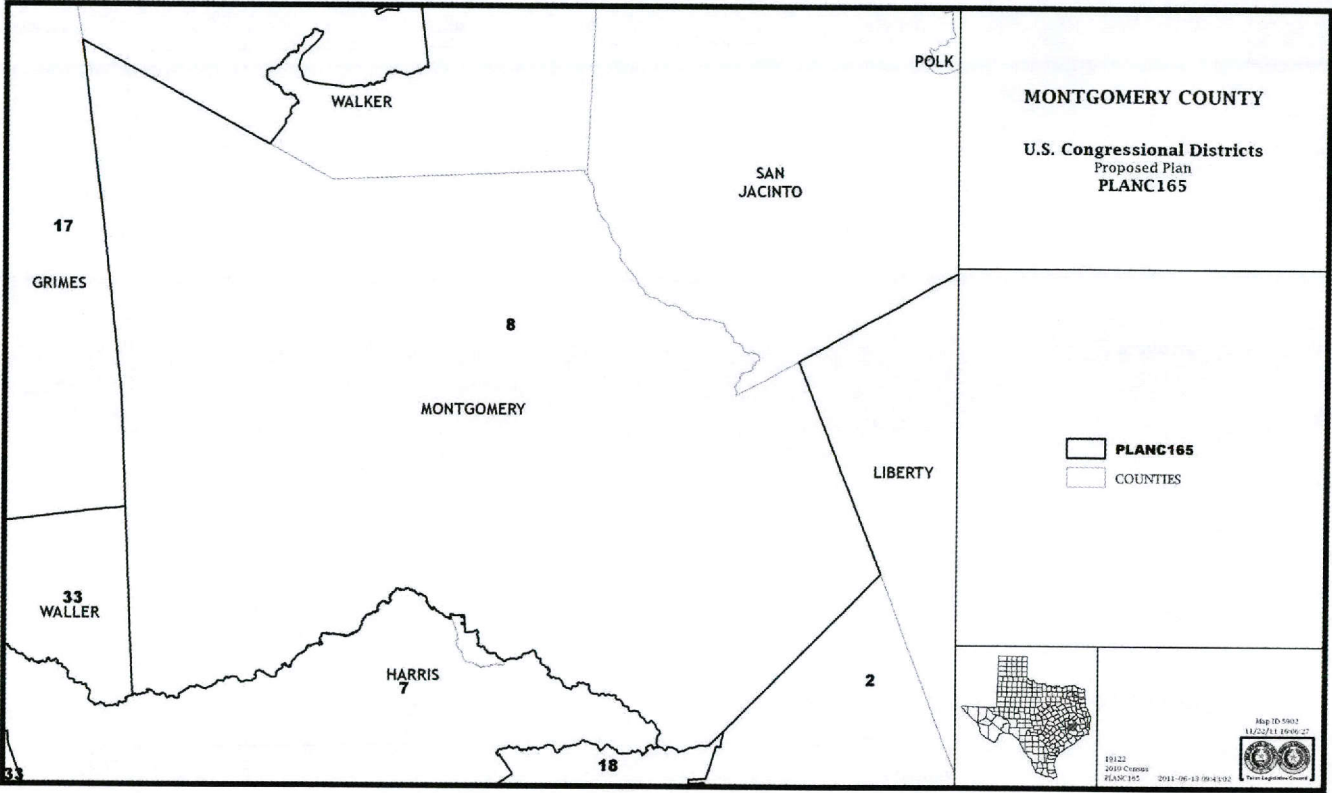


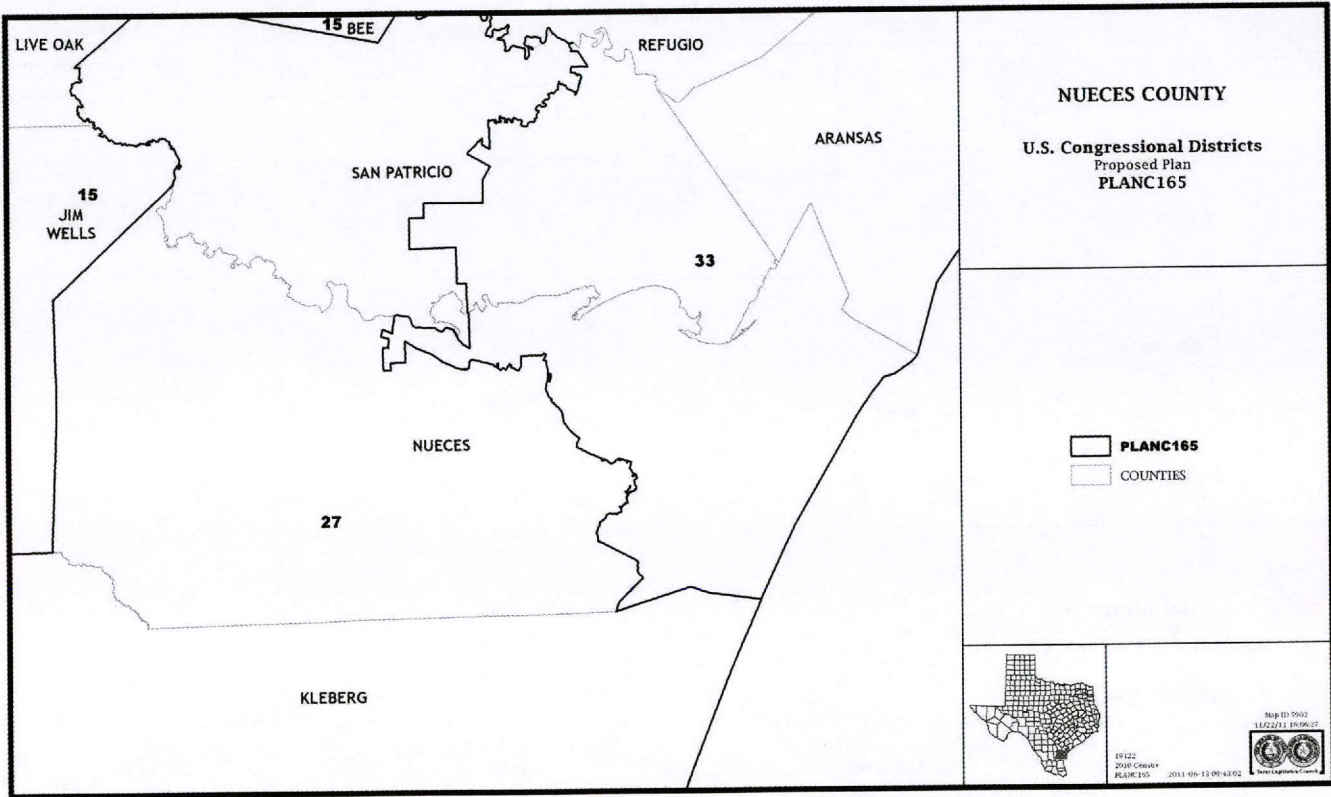


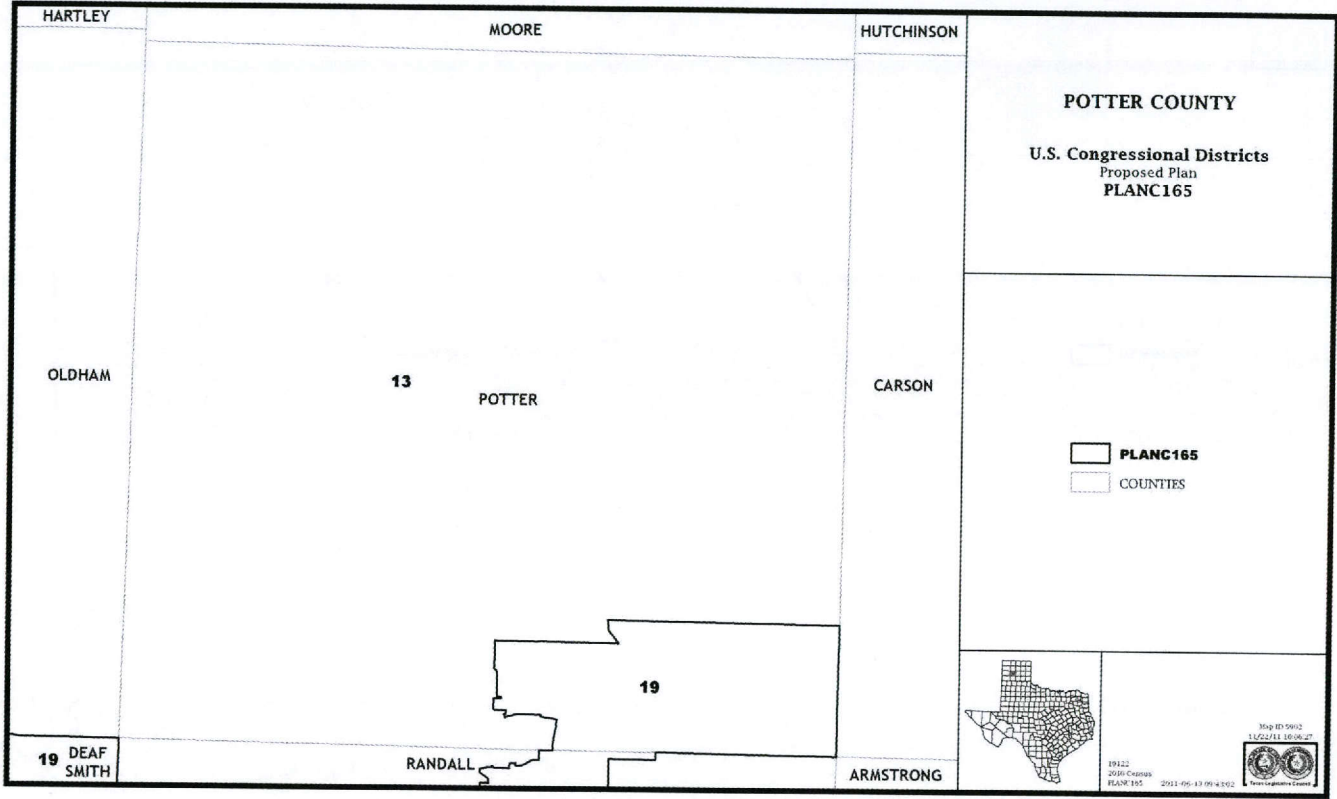


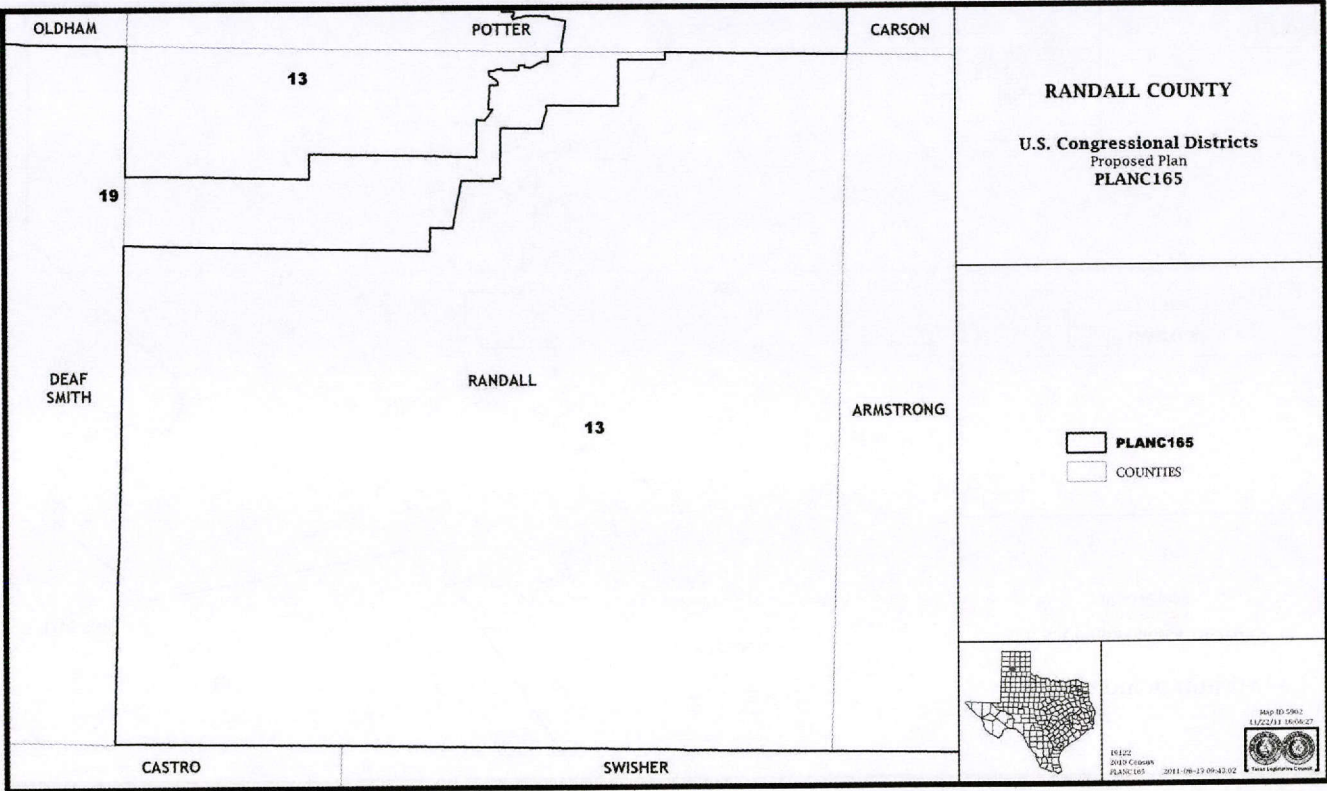


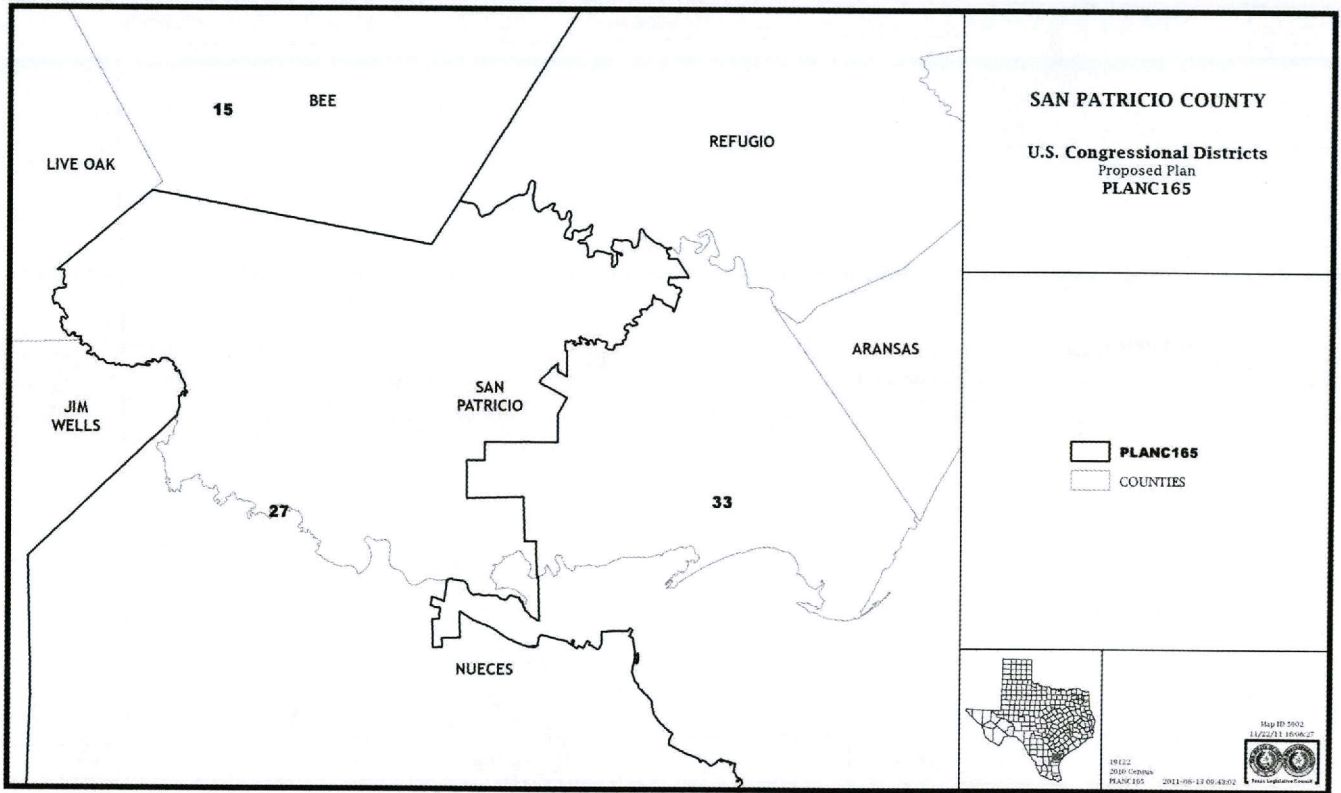


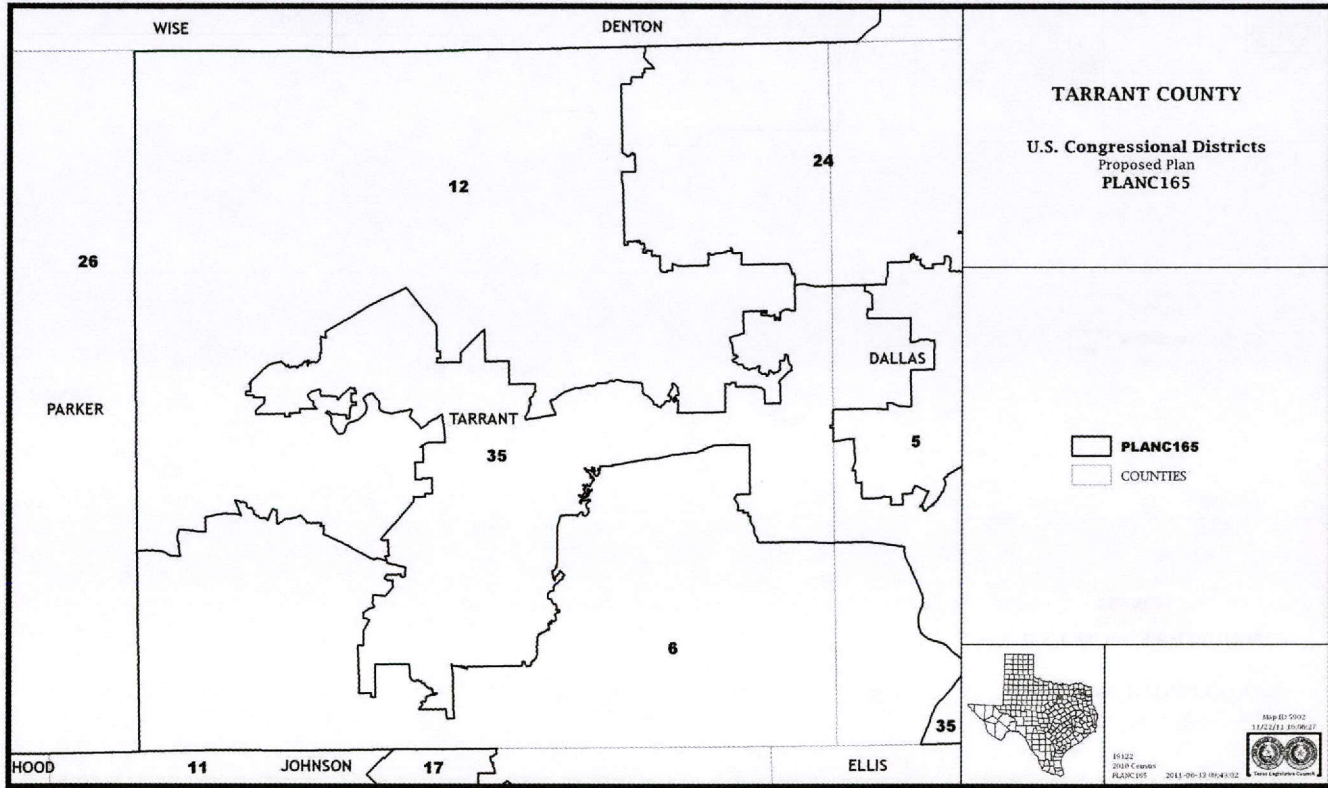


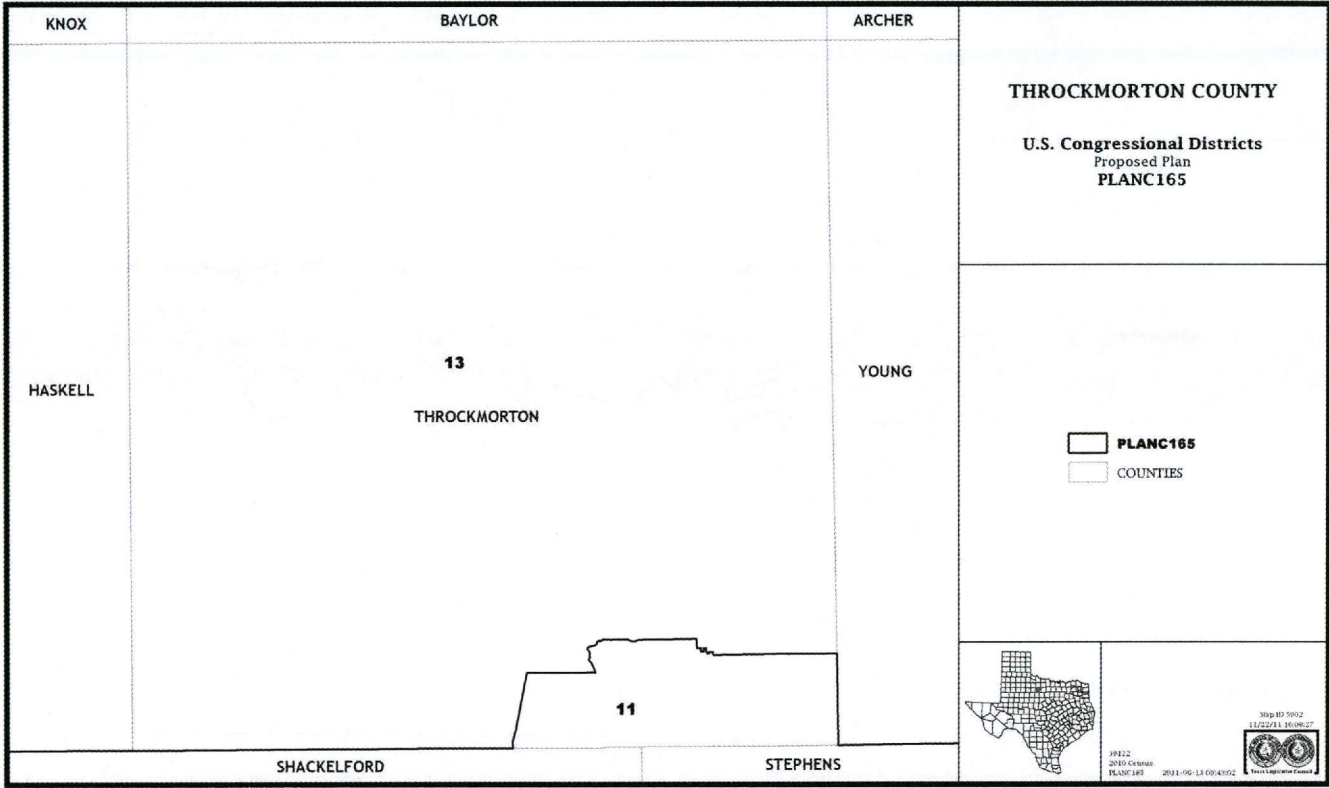


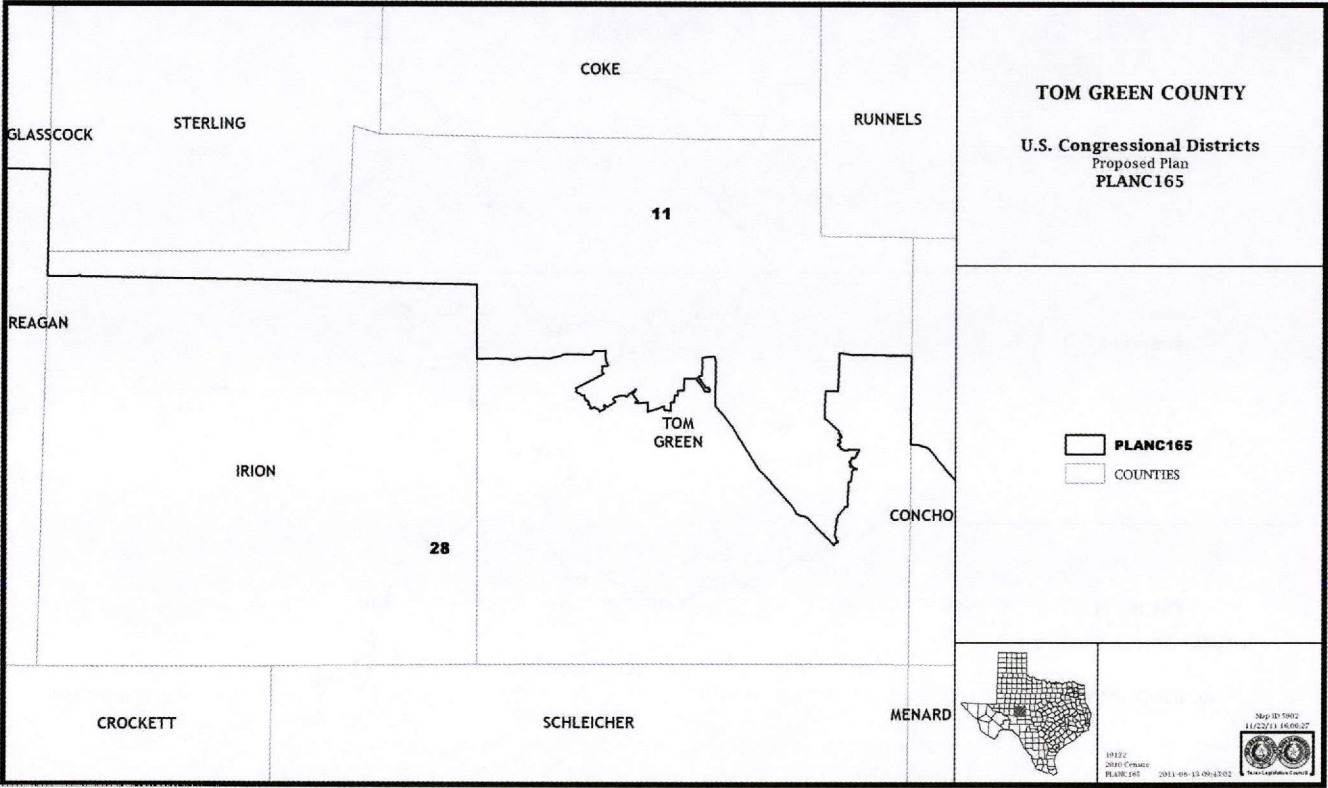


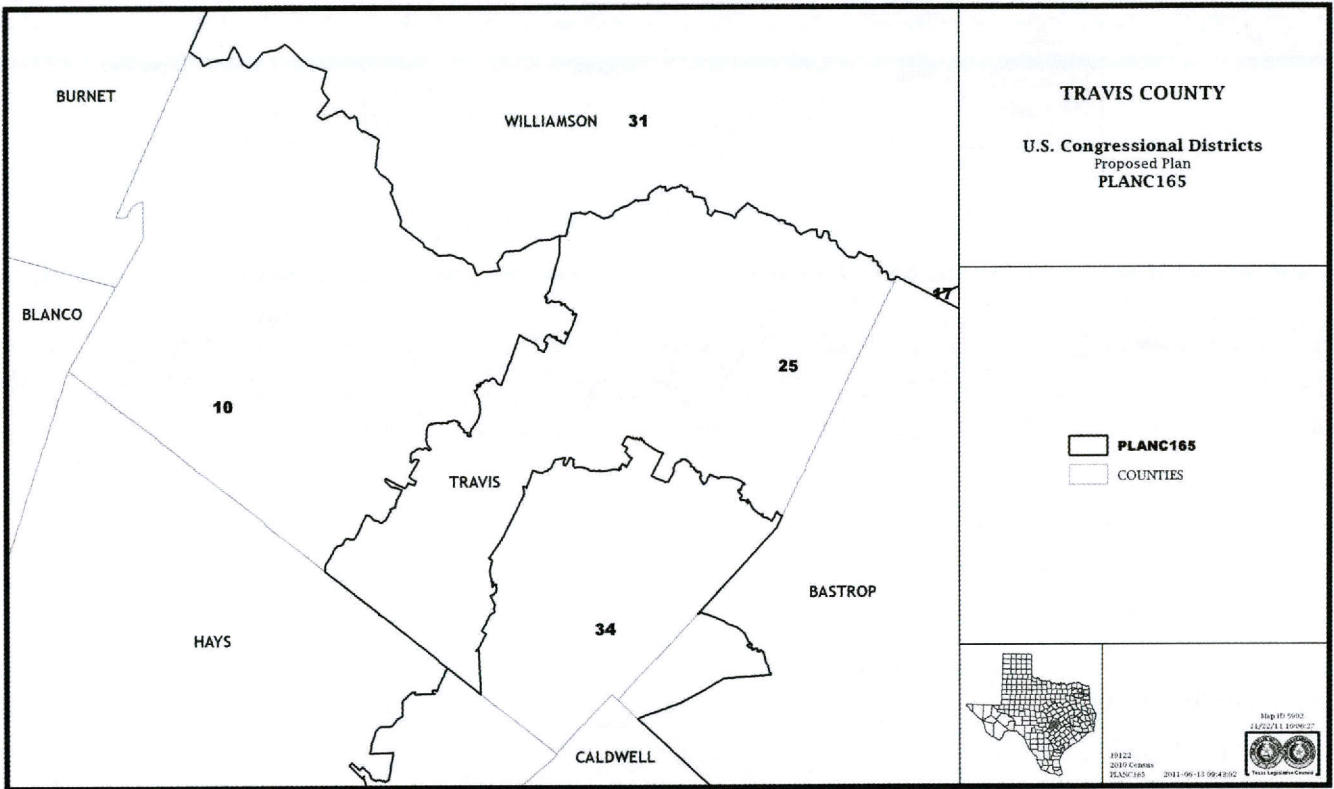


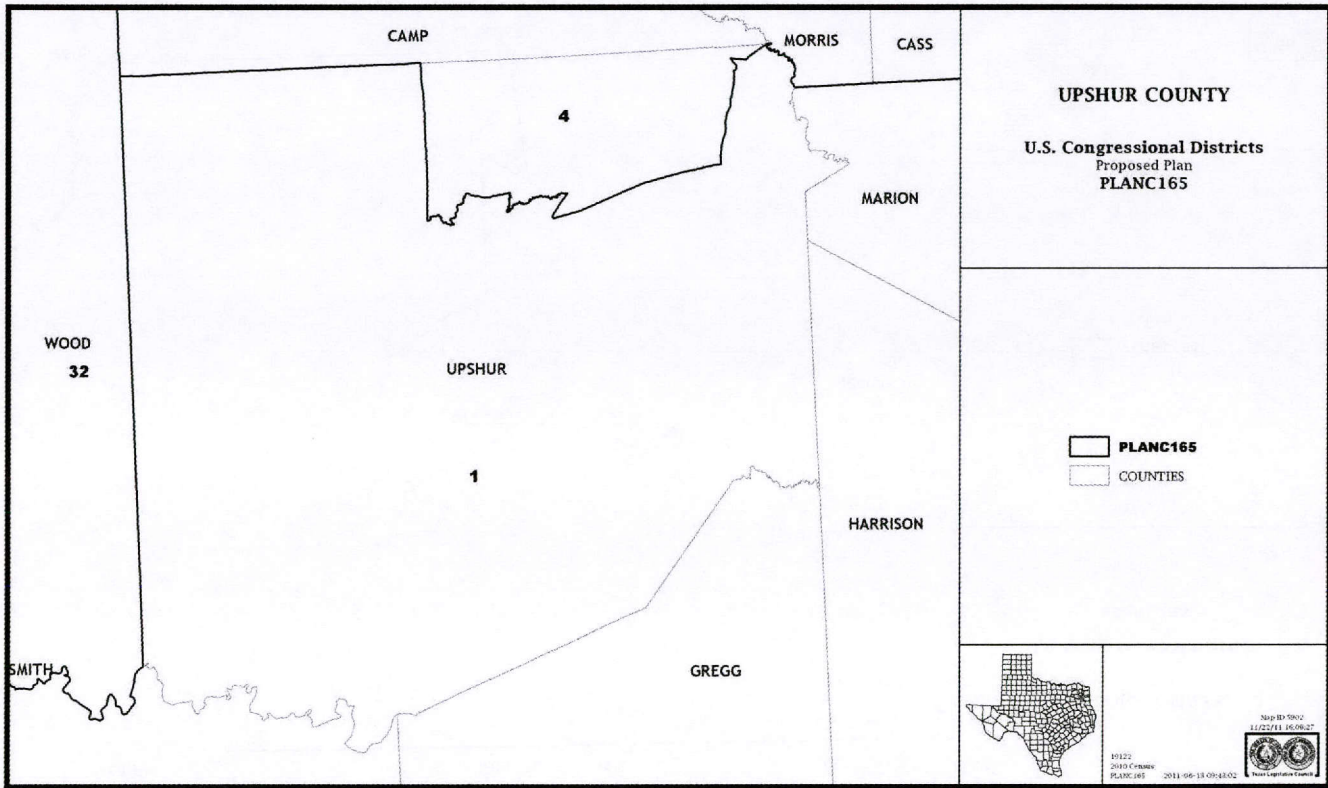


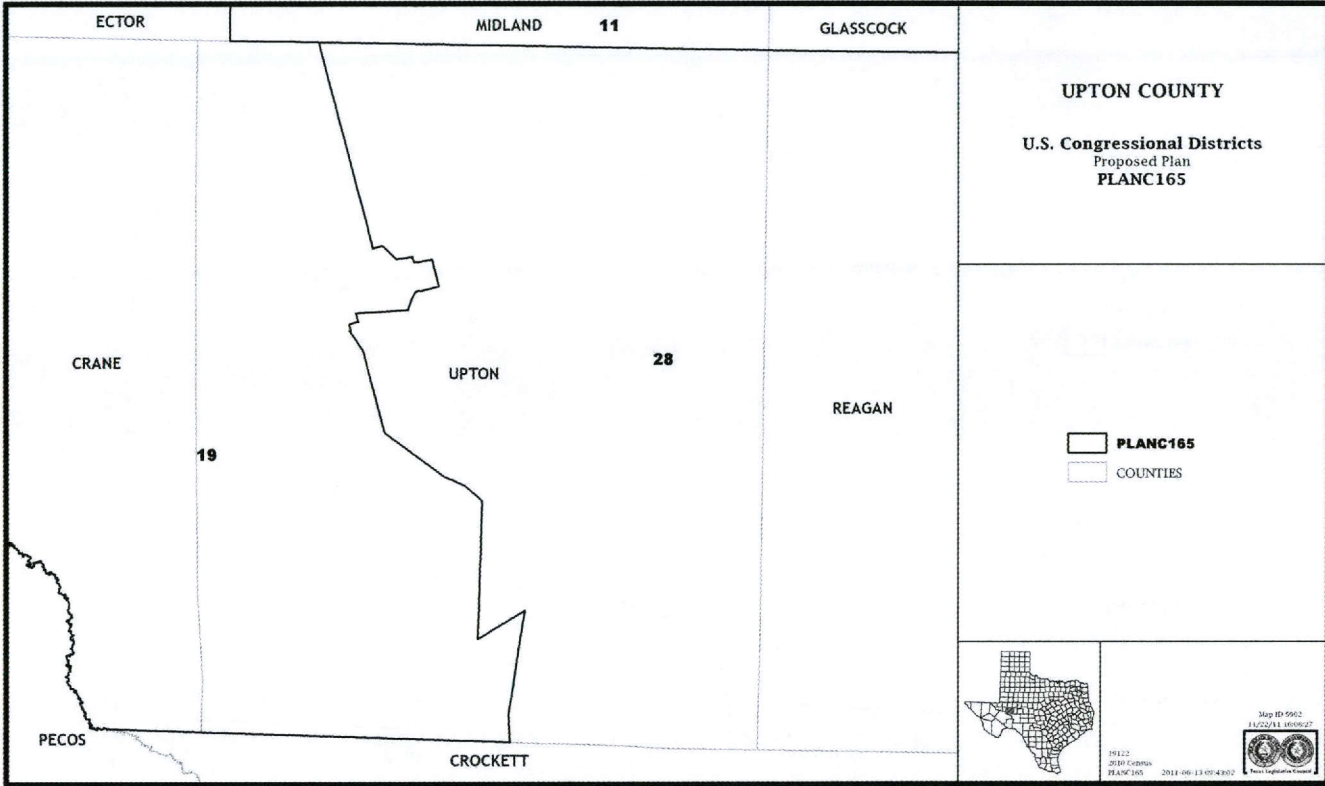


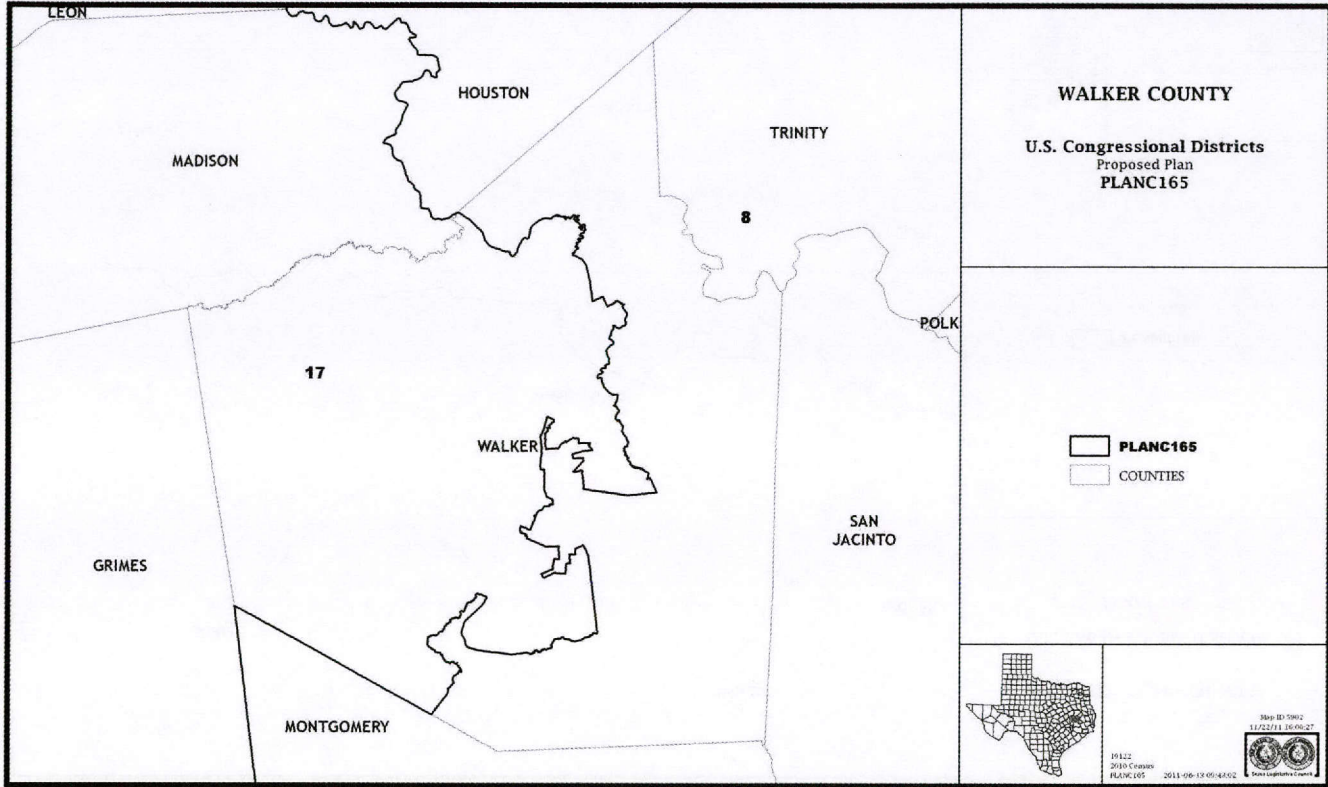


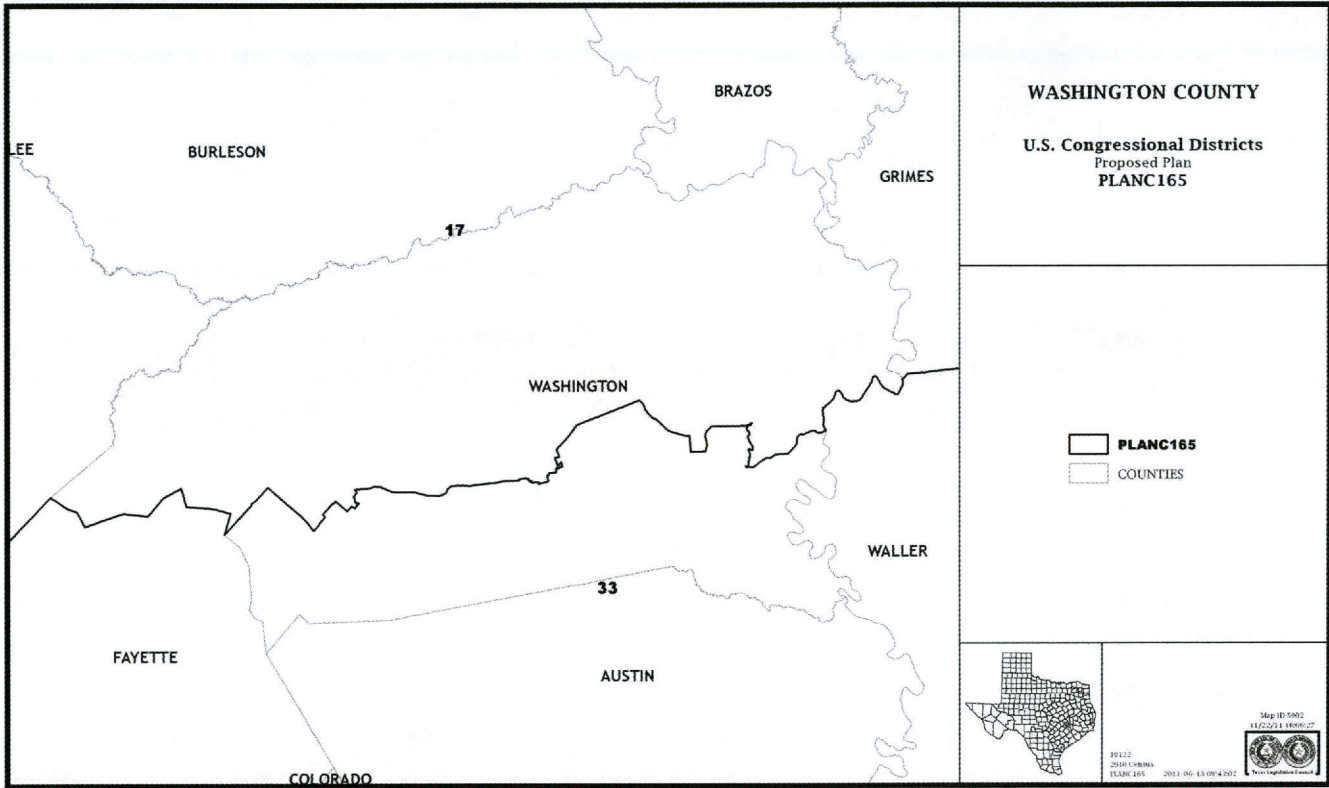


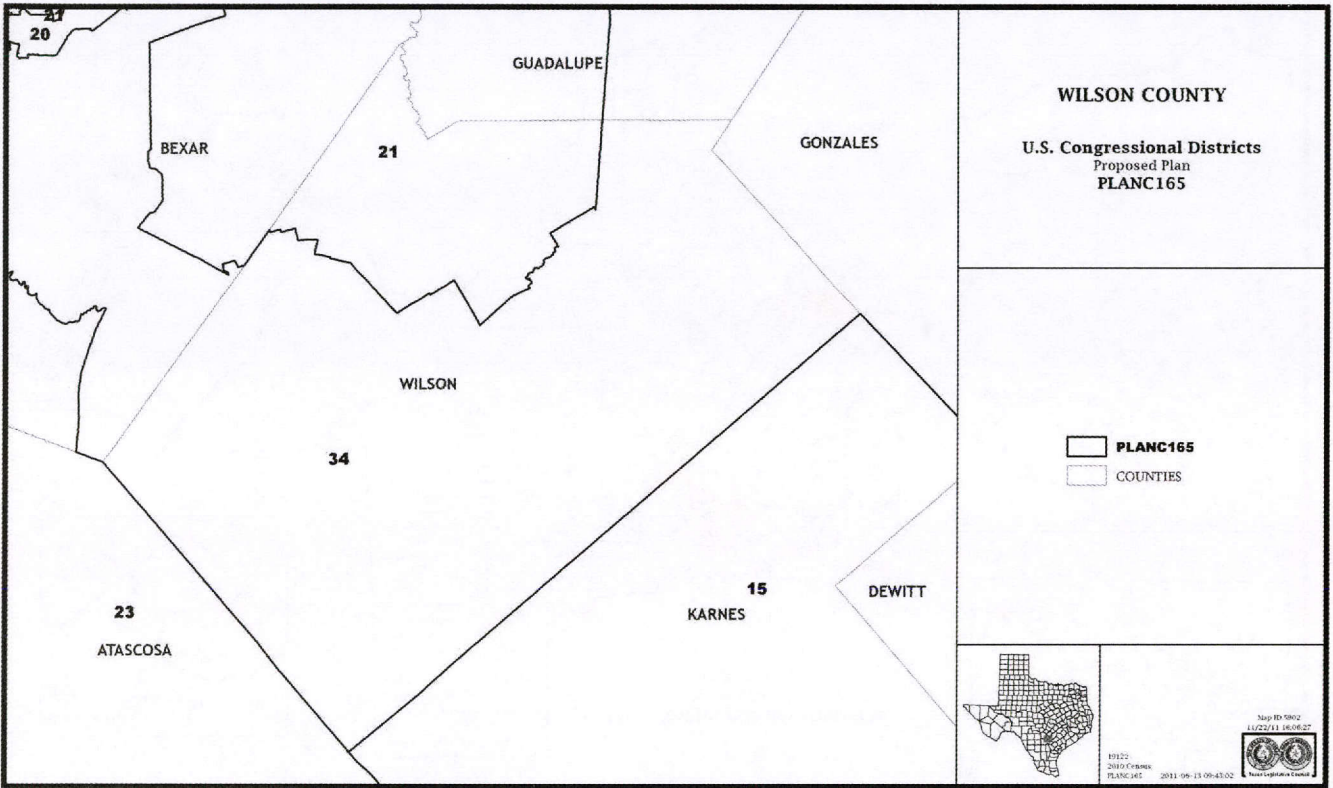




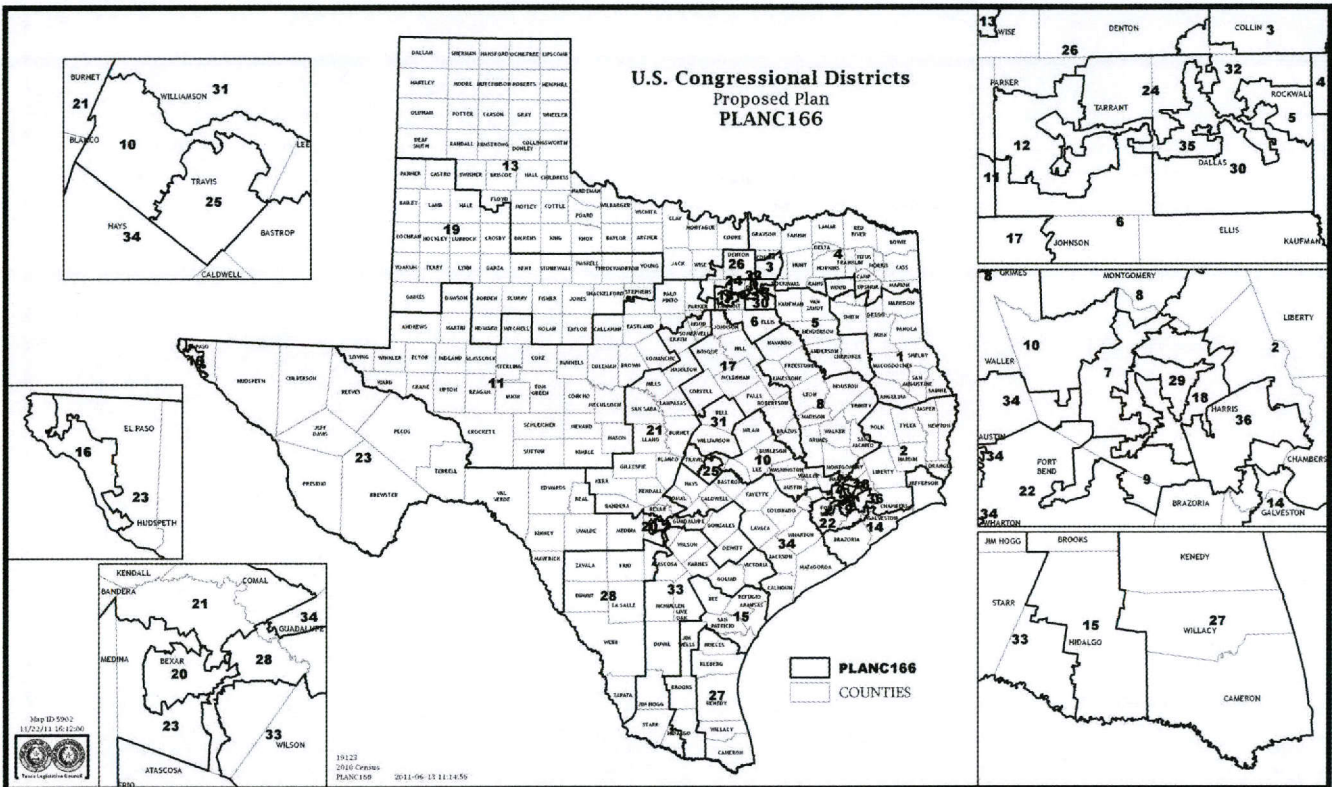


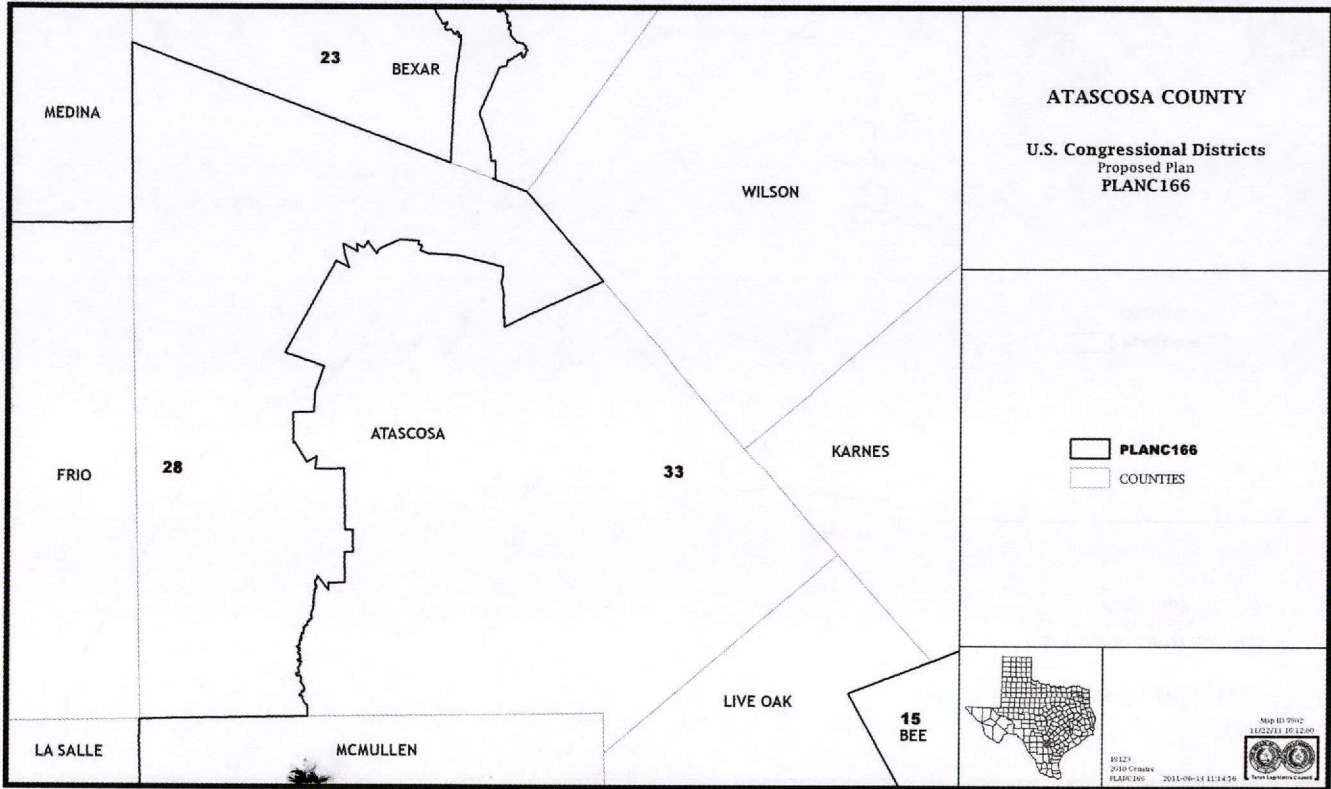


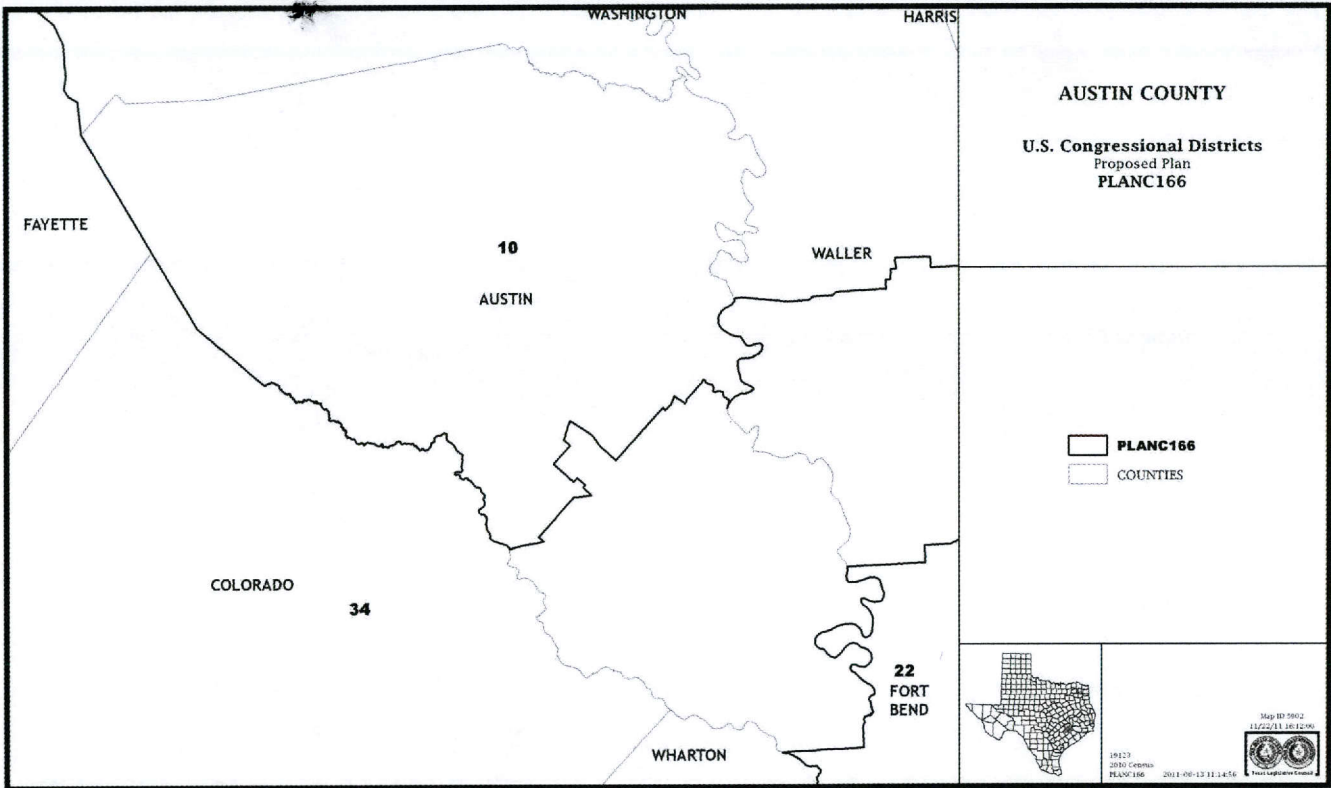


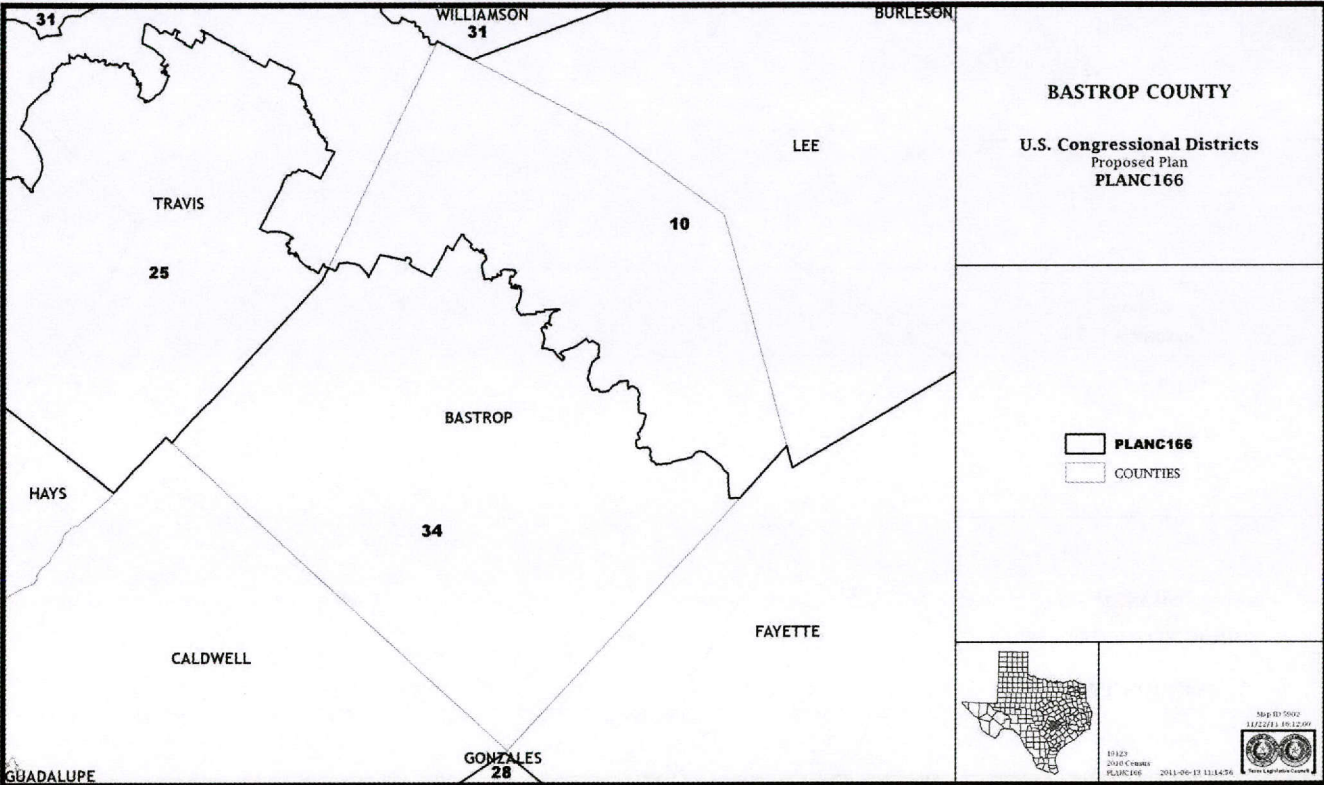


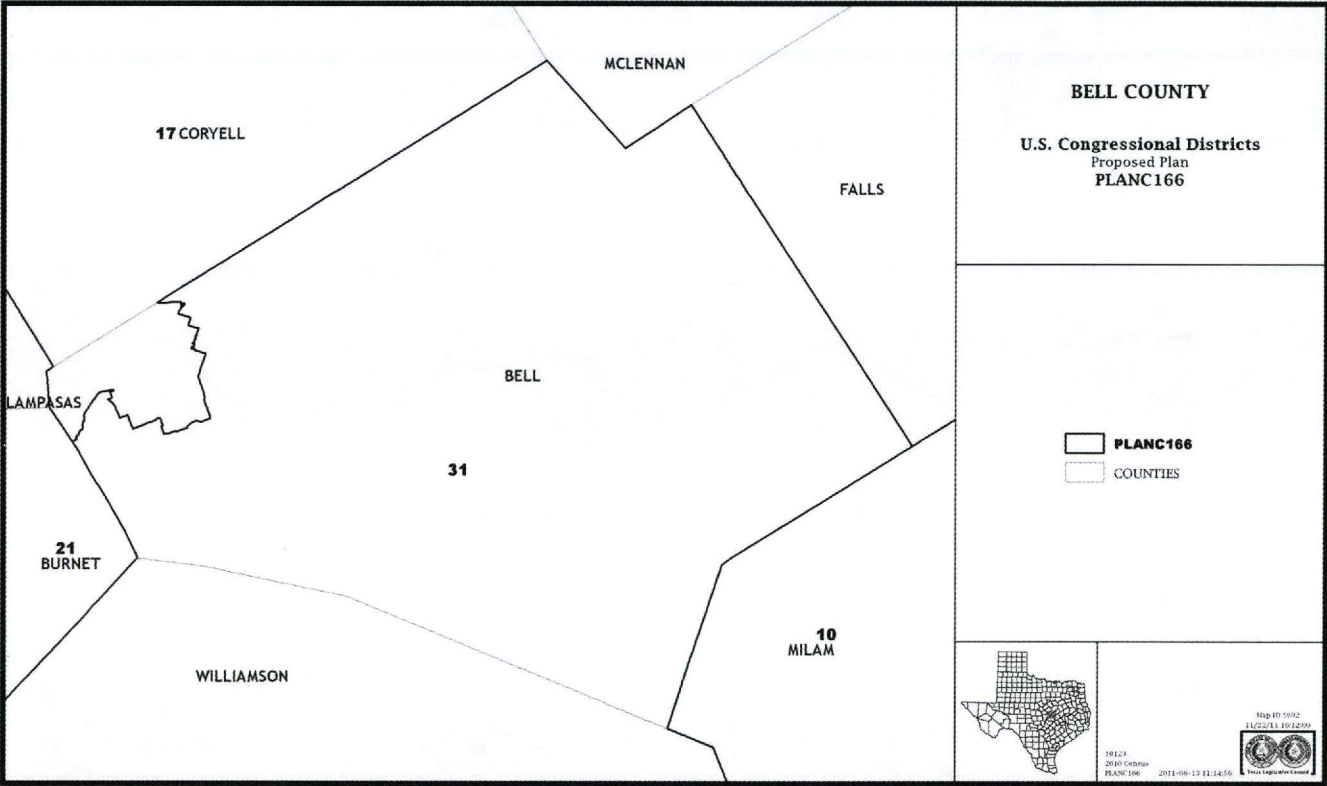
Amendment No. 17 (by Dukes)

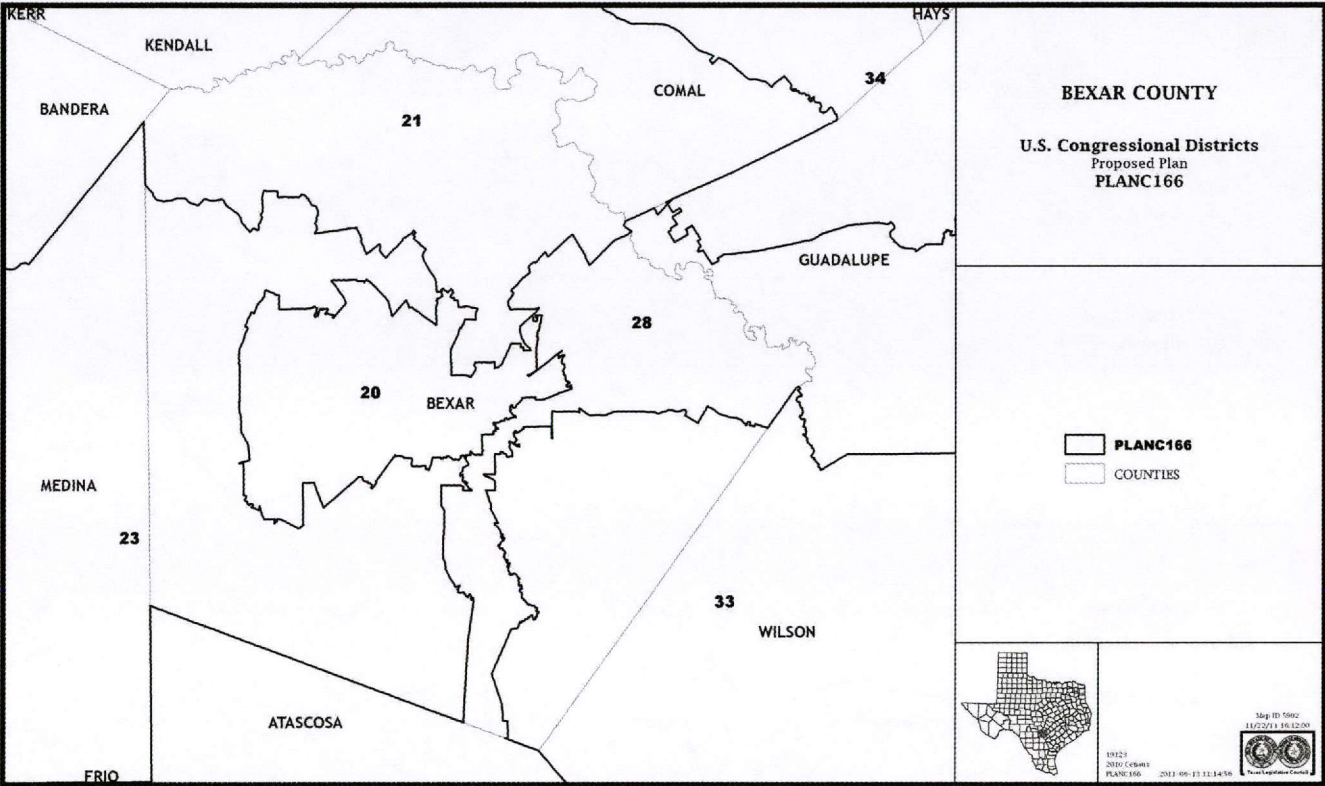


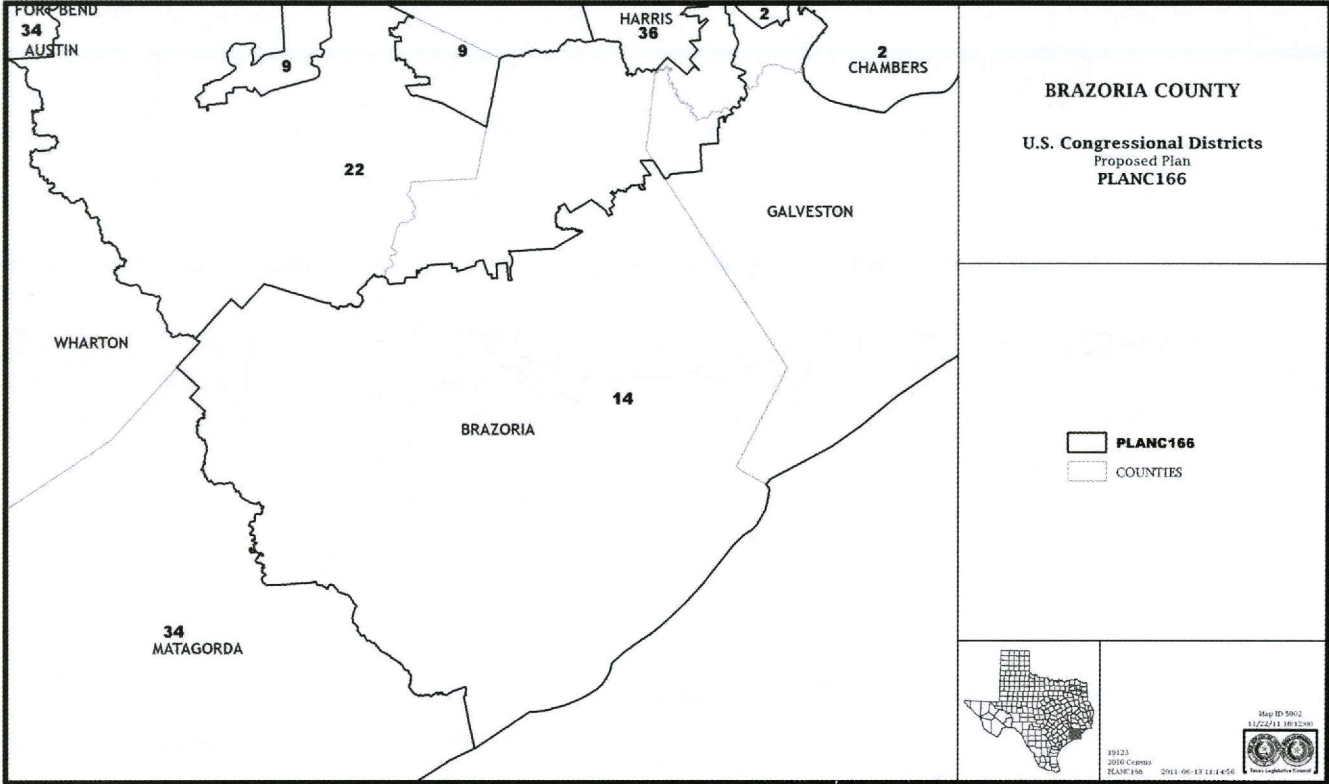


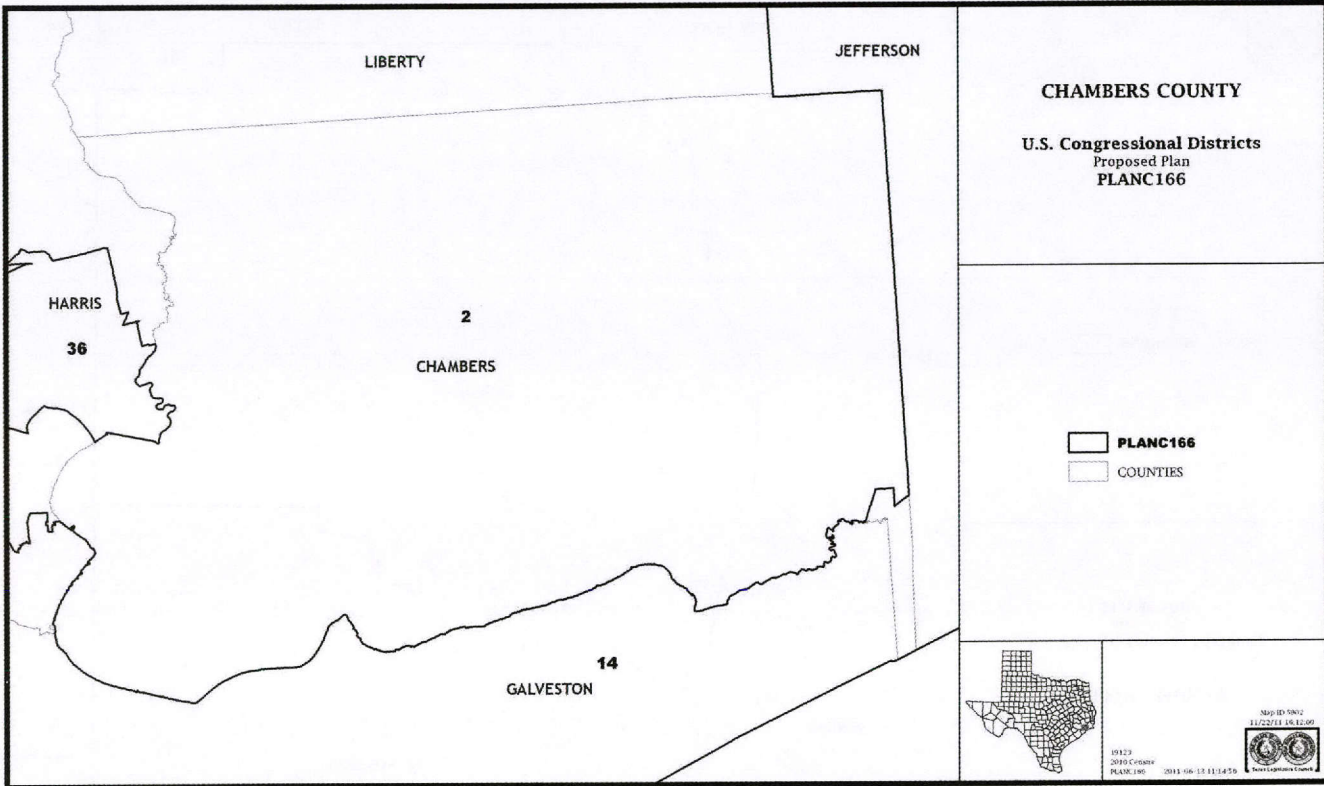


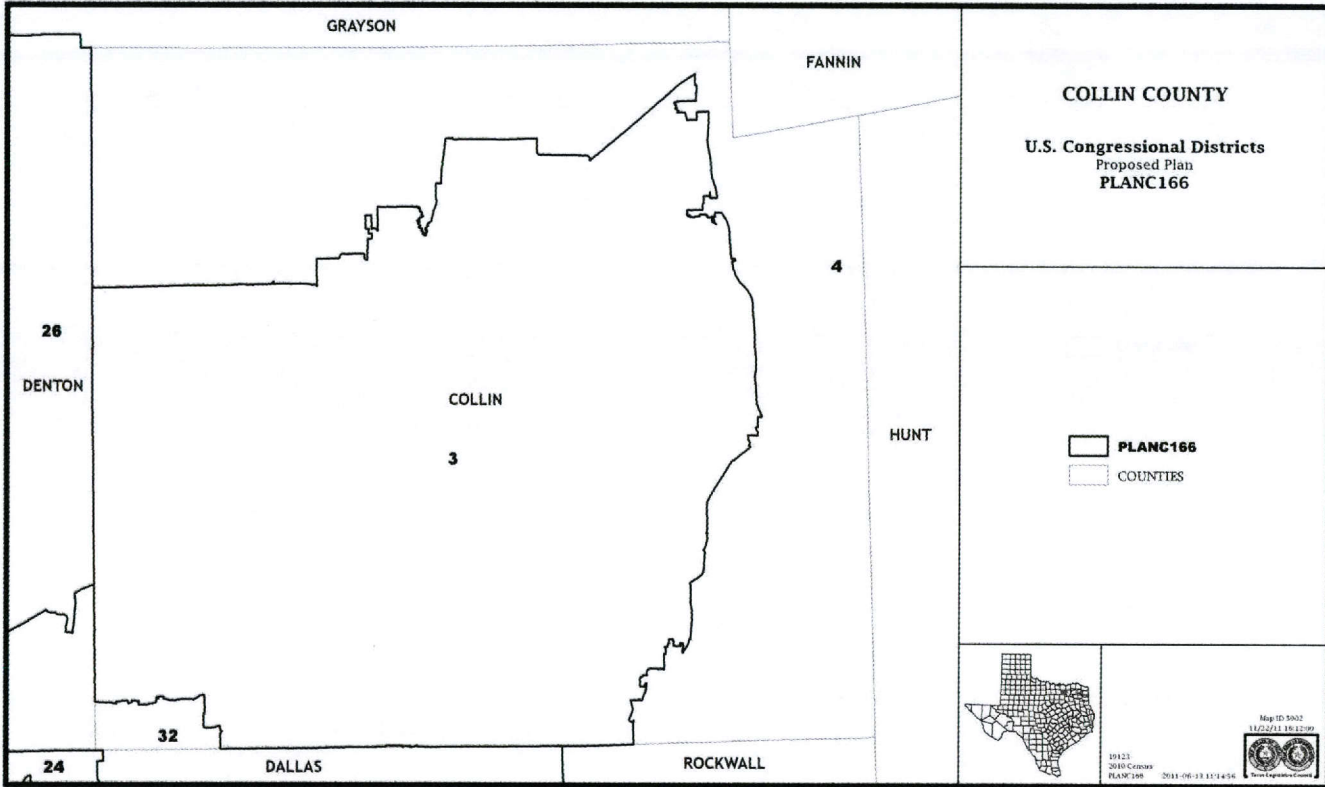


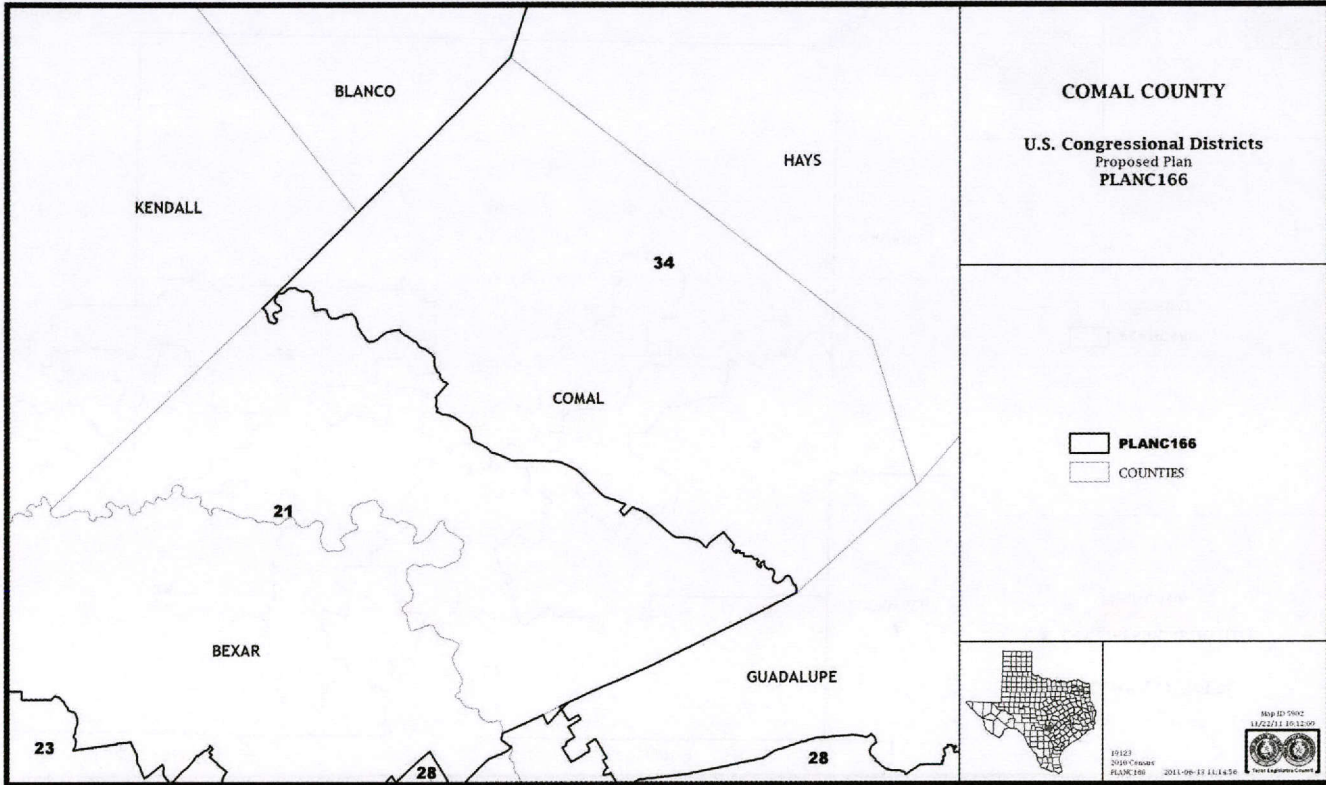


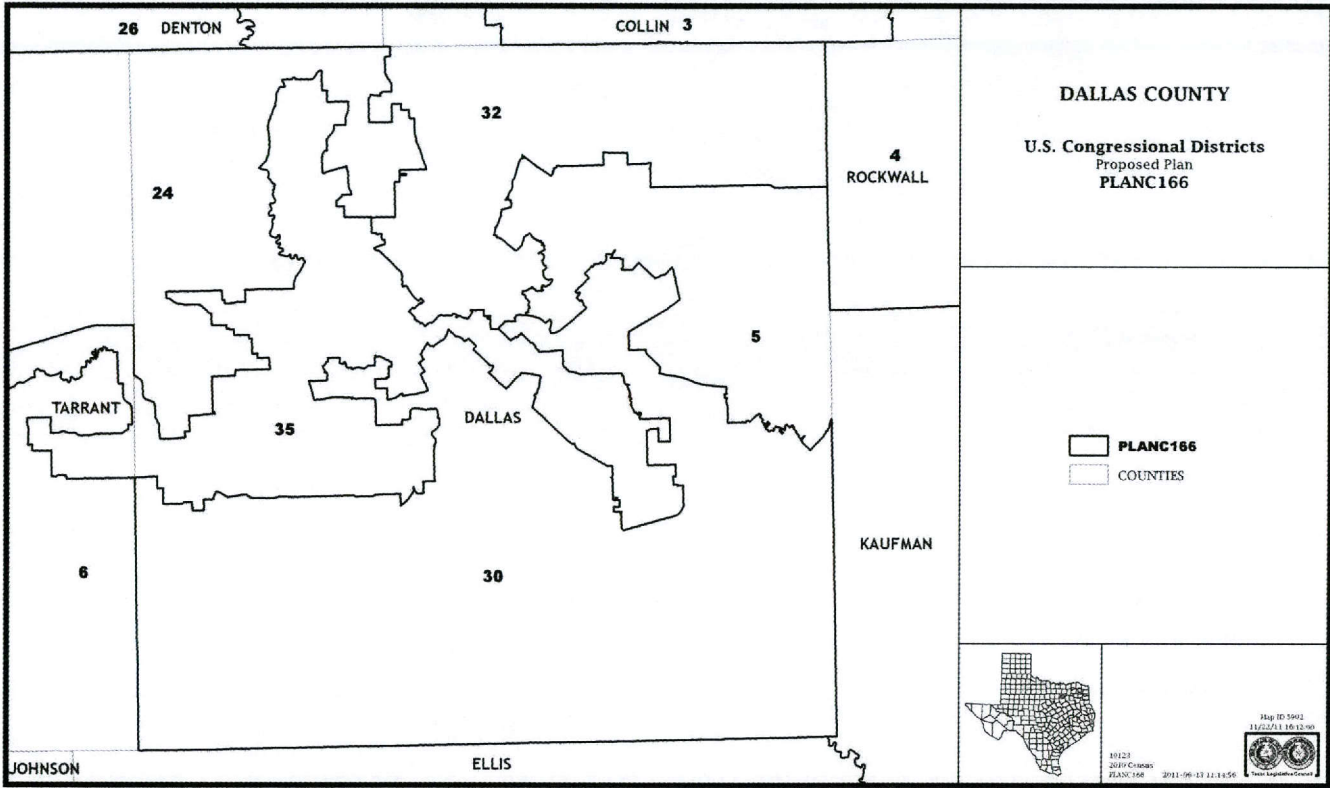


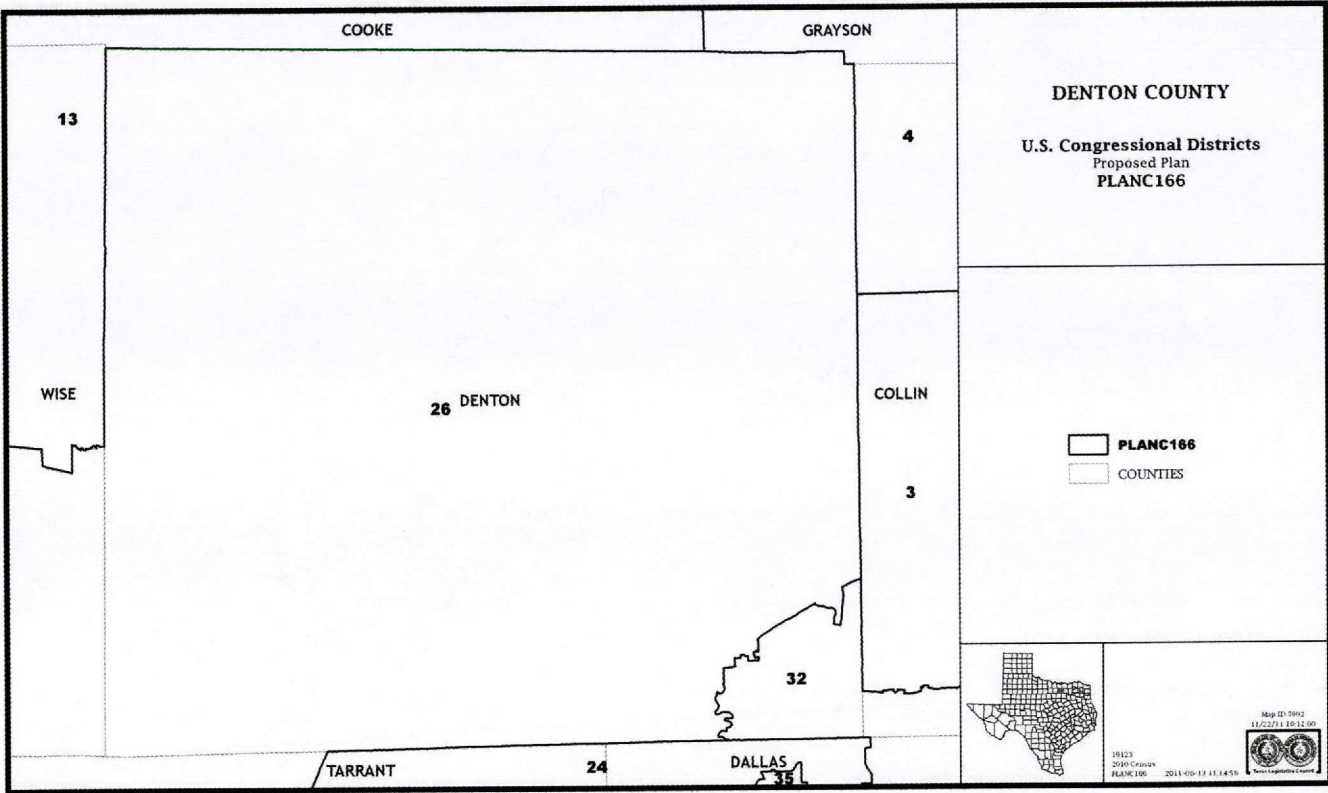


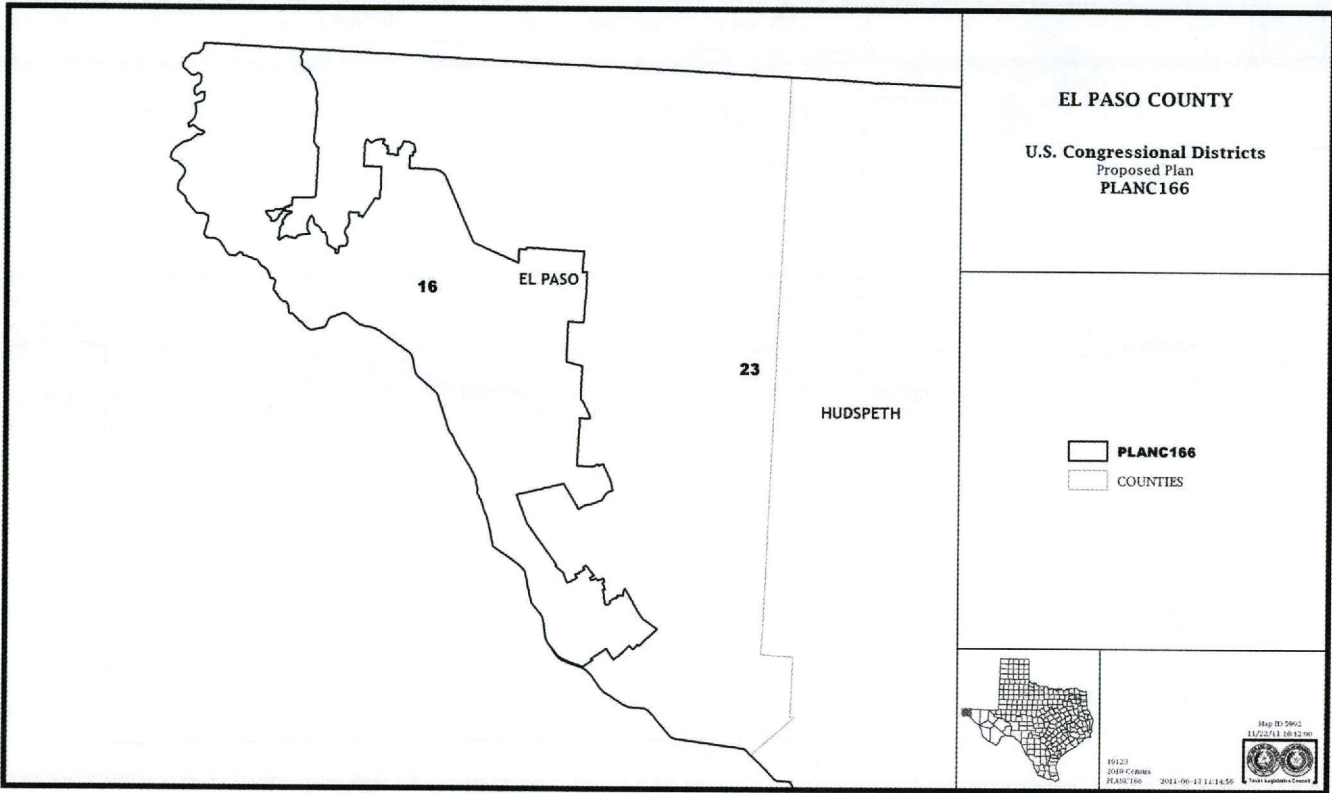


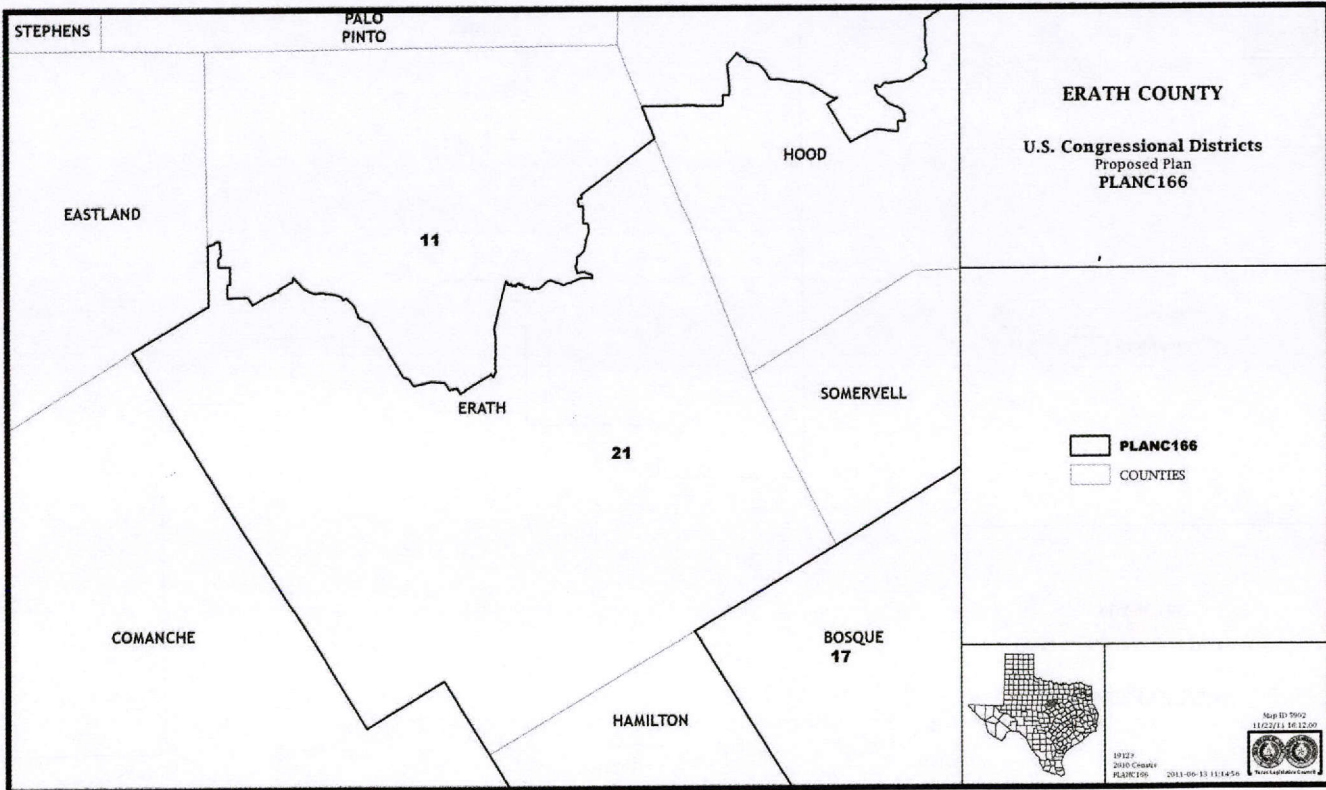


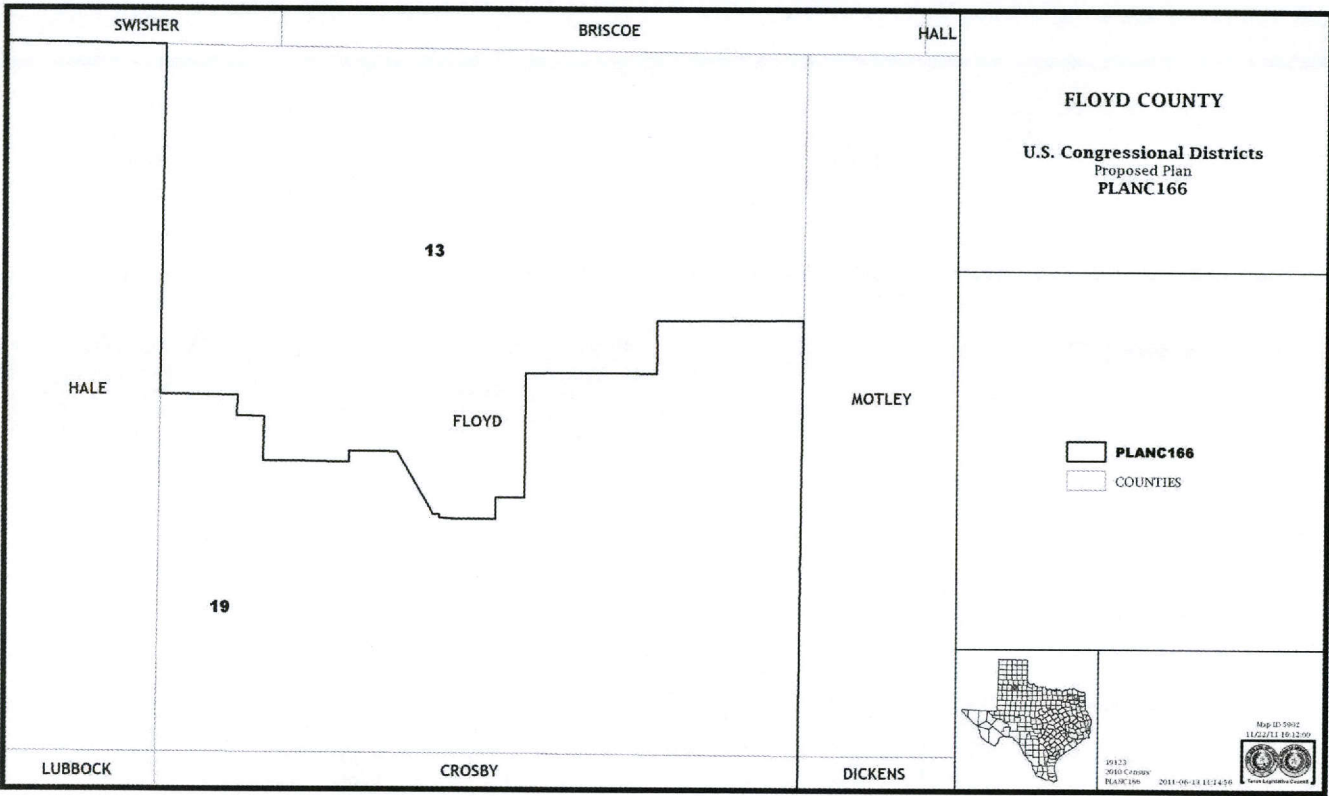


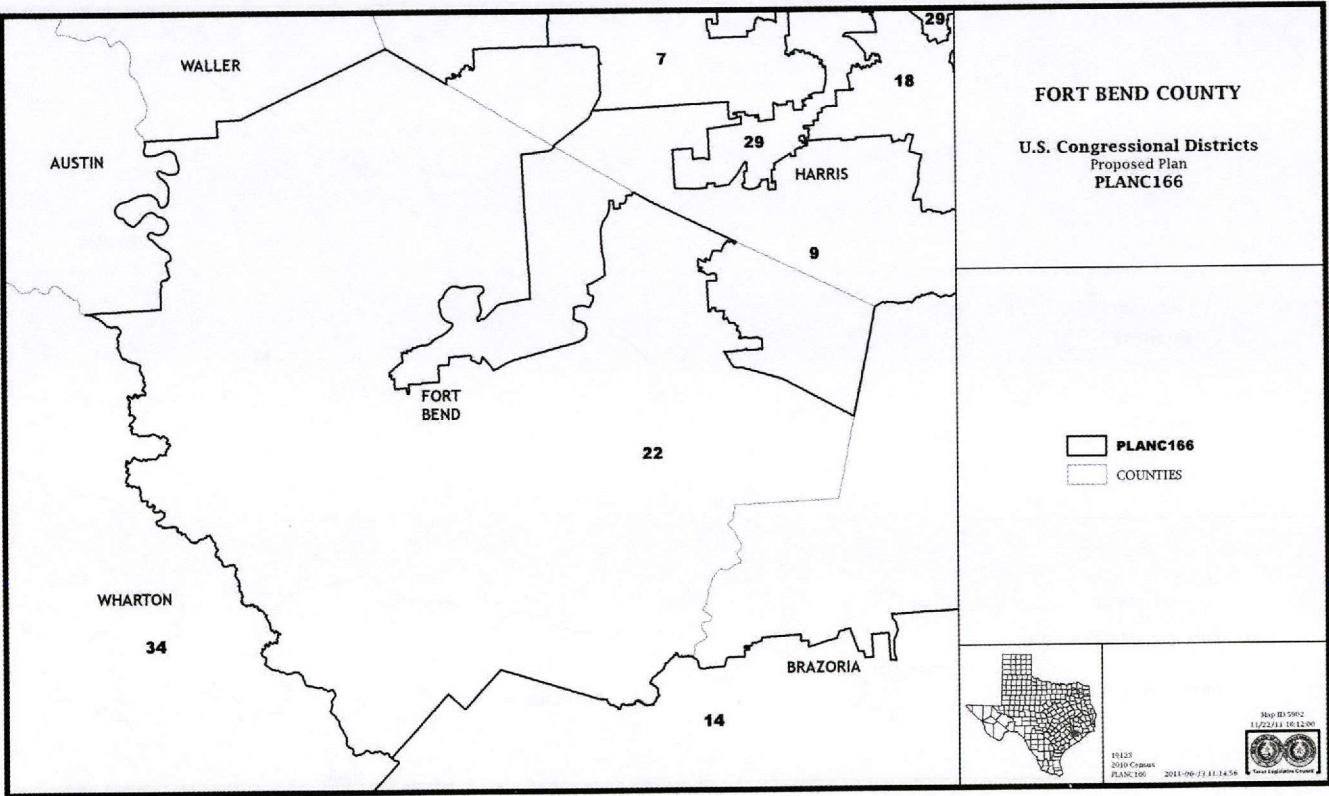


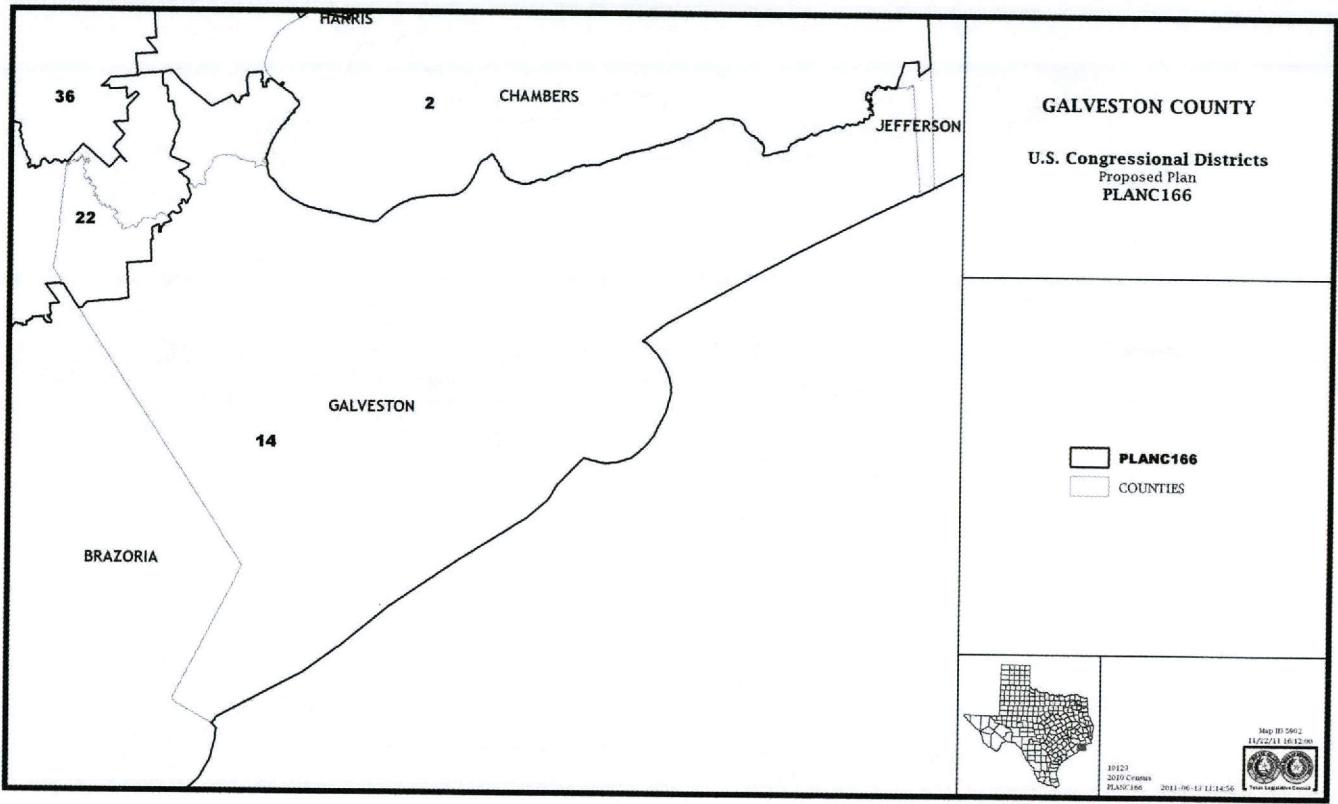


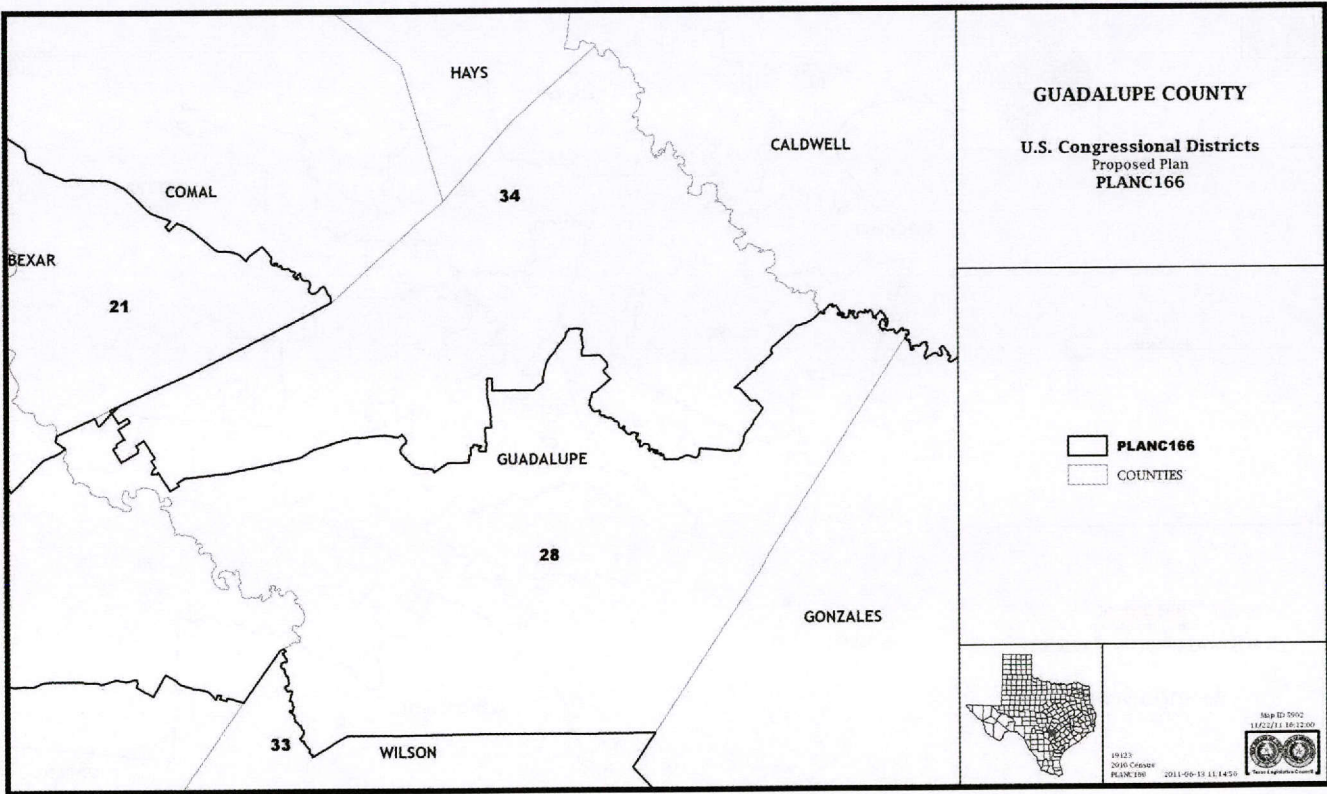


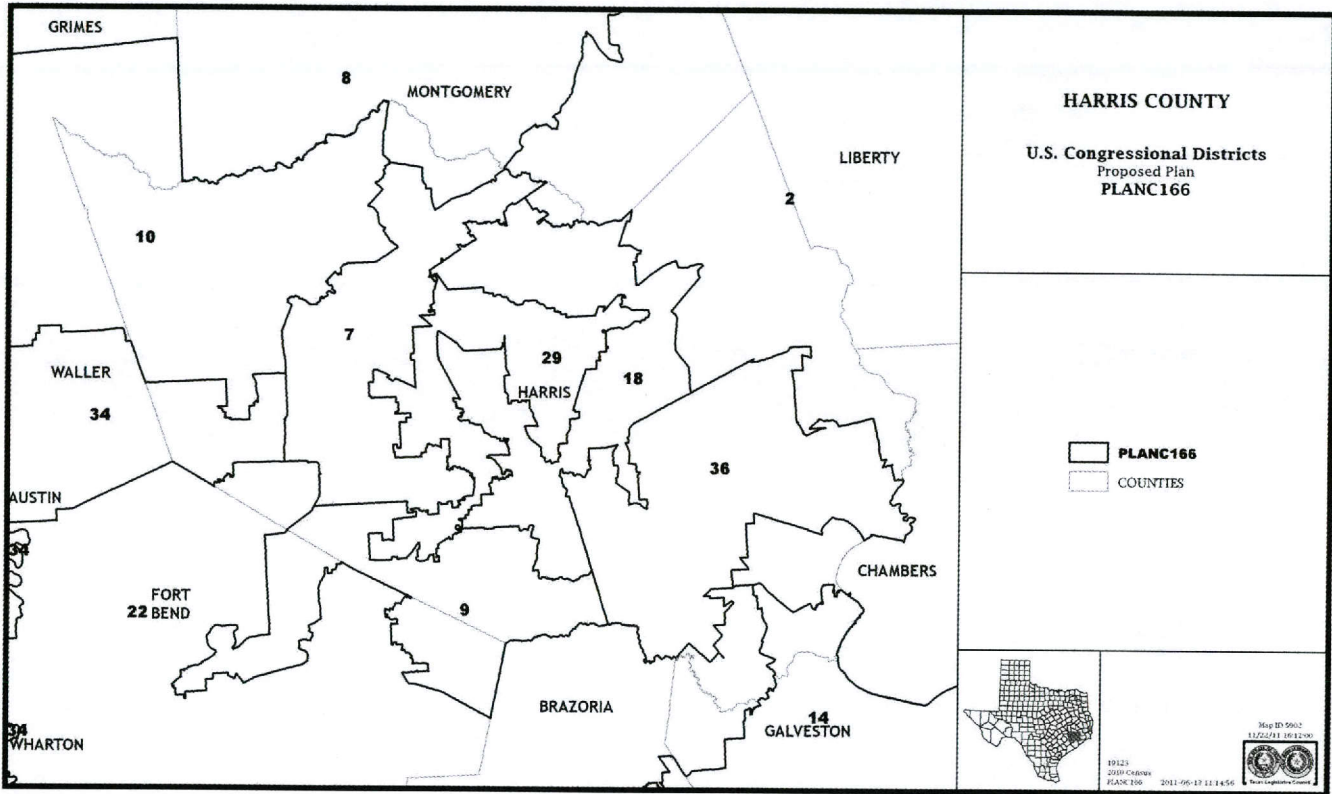


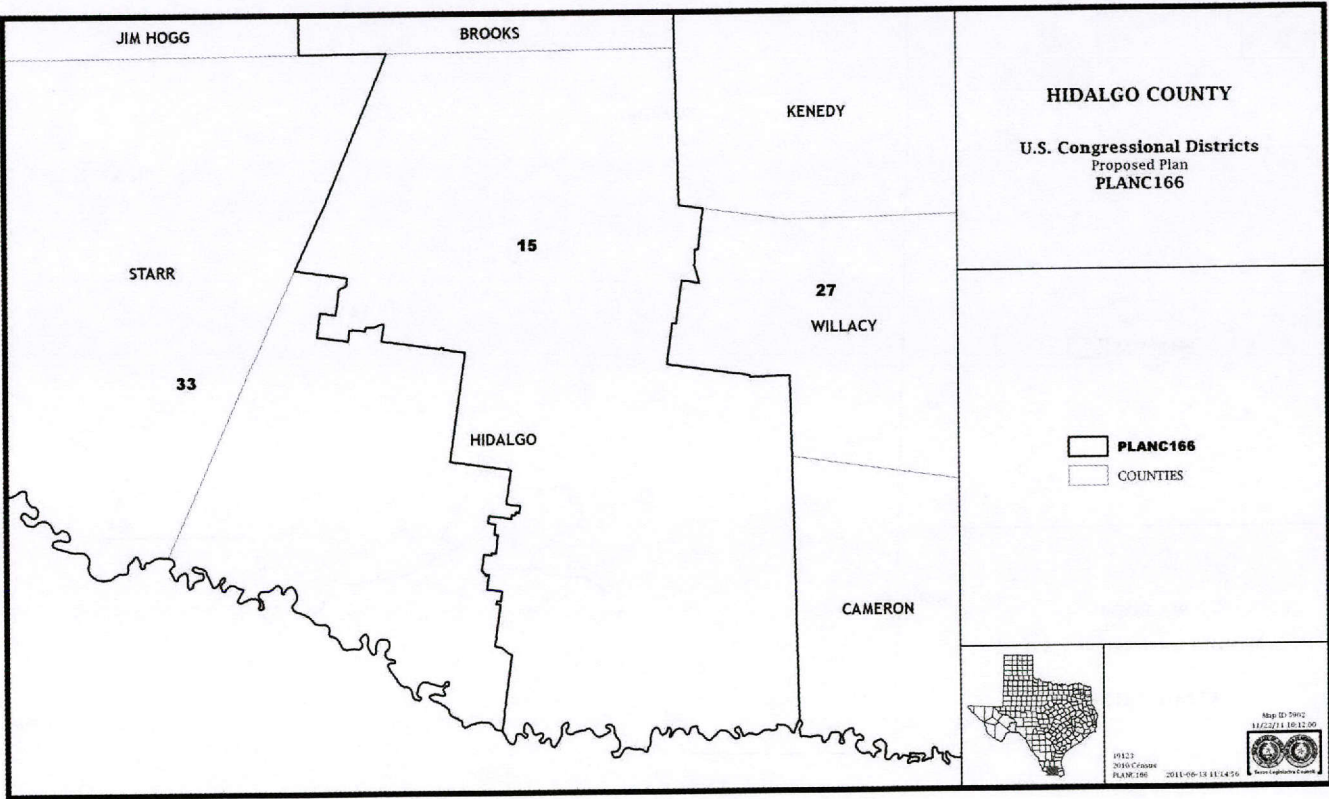


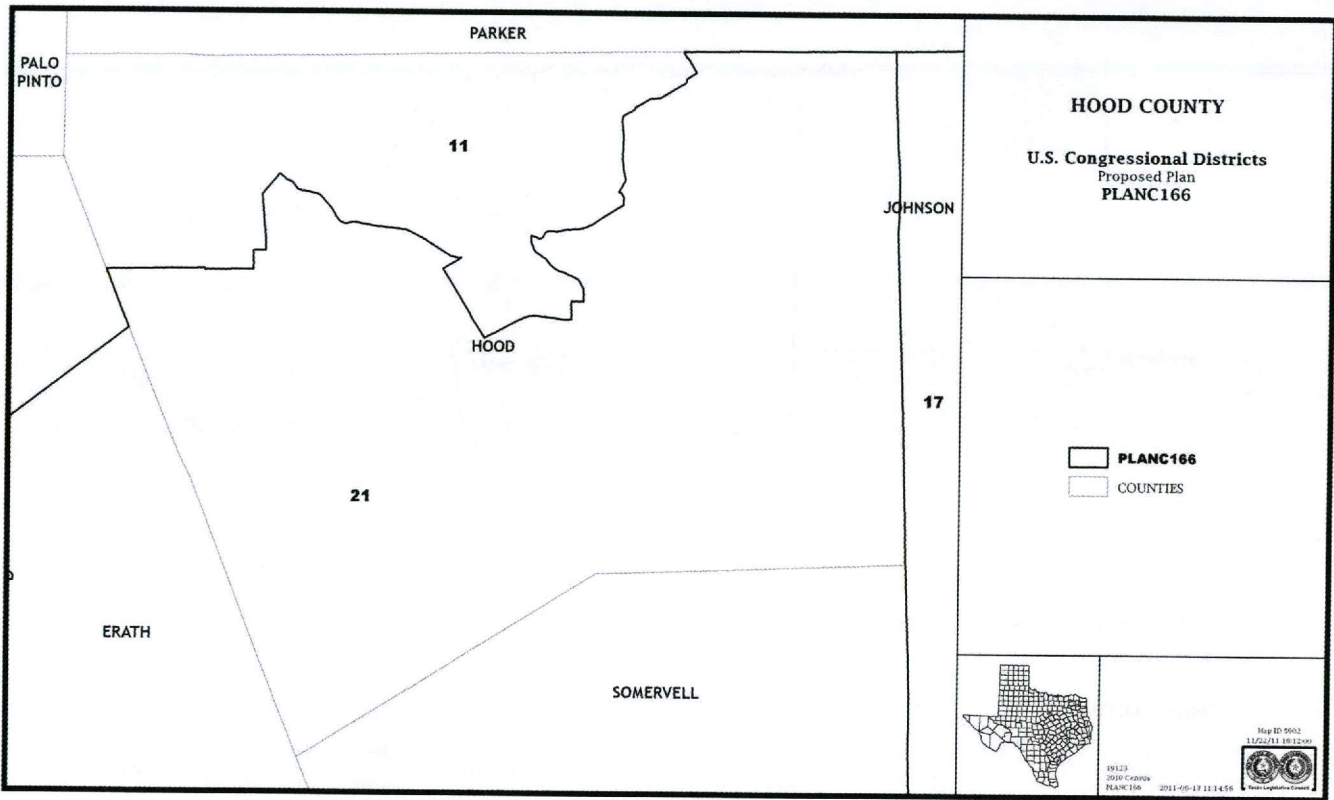


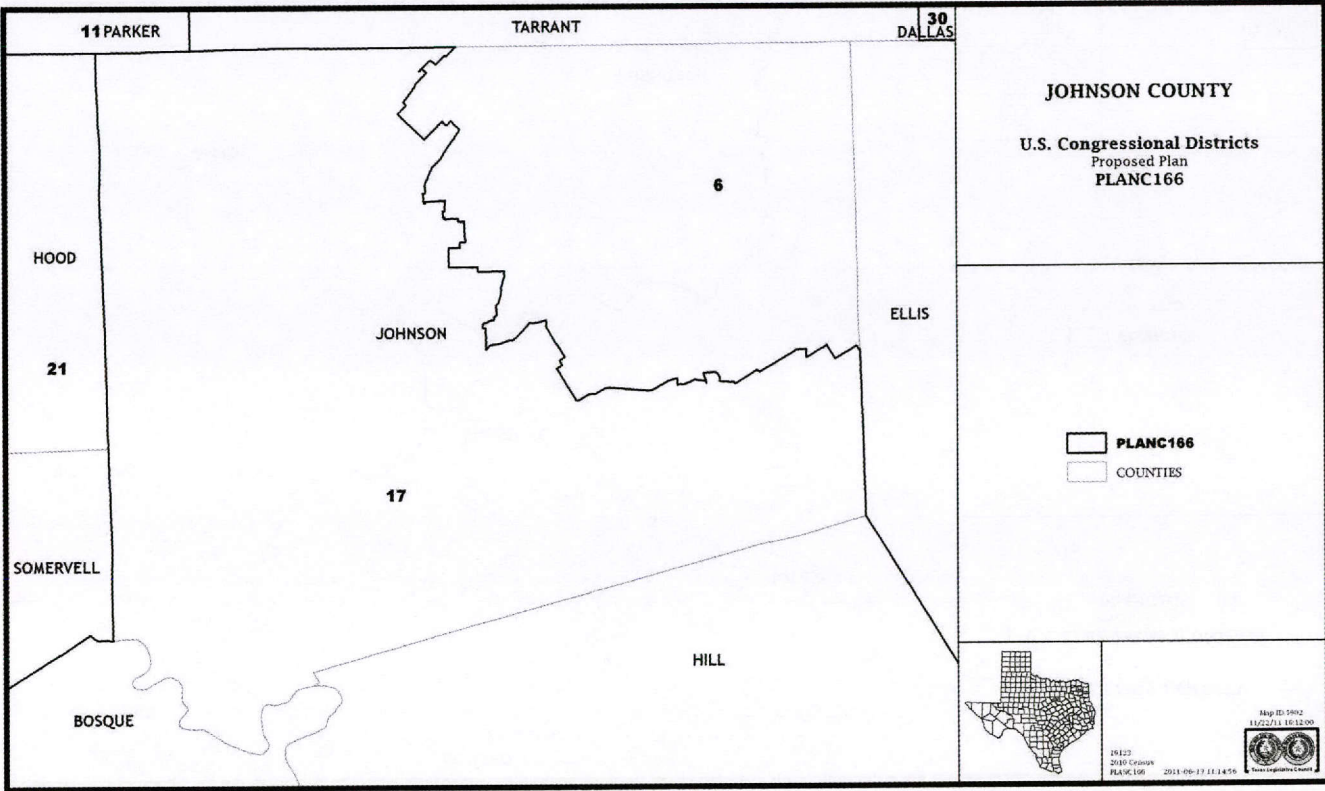


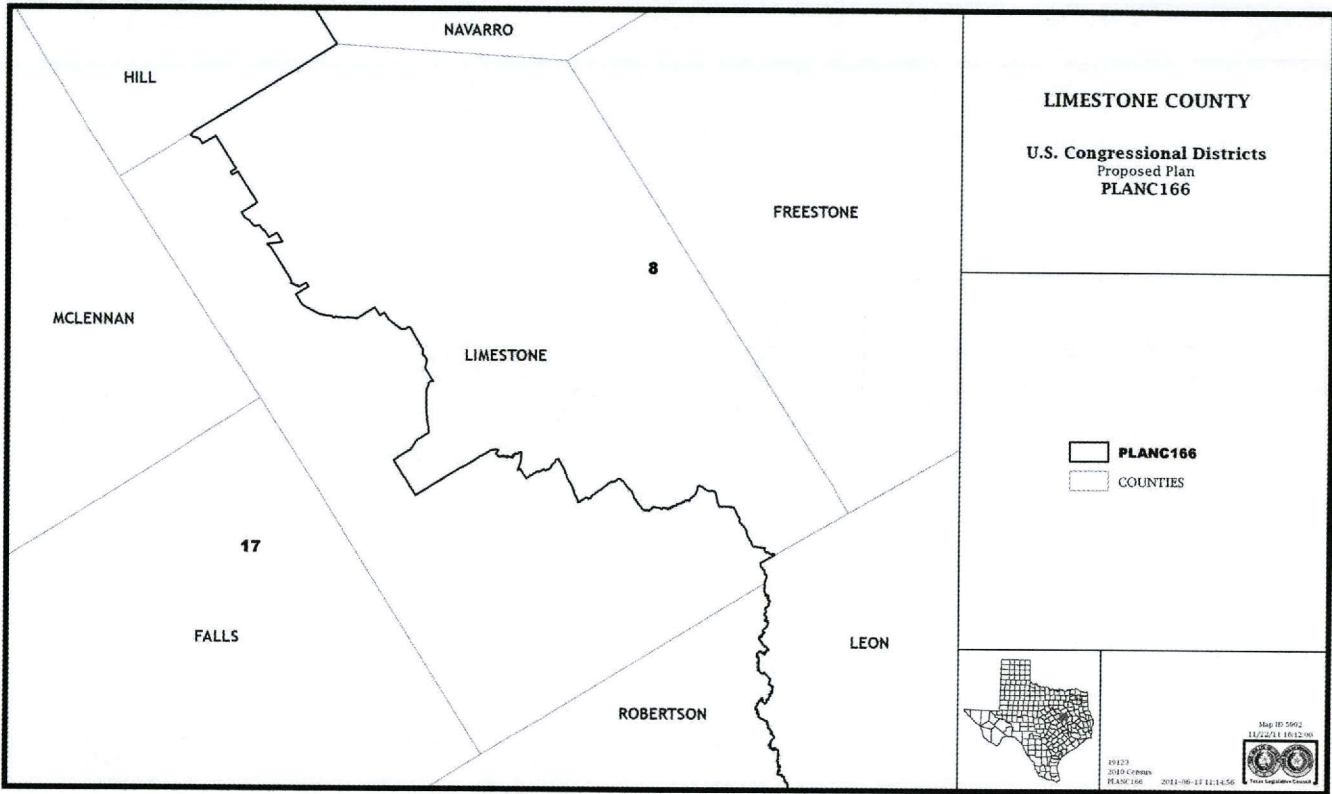


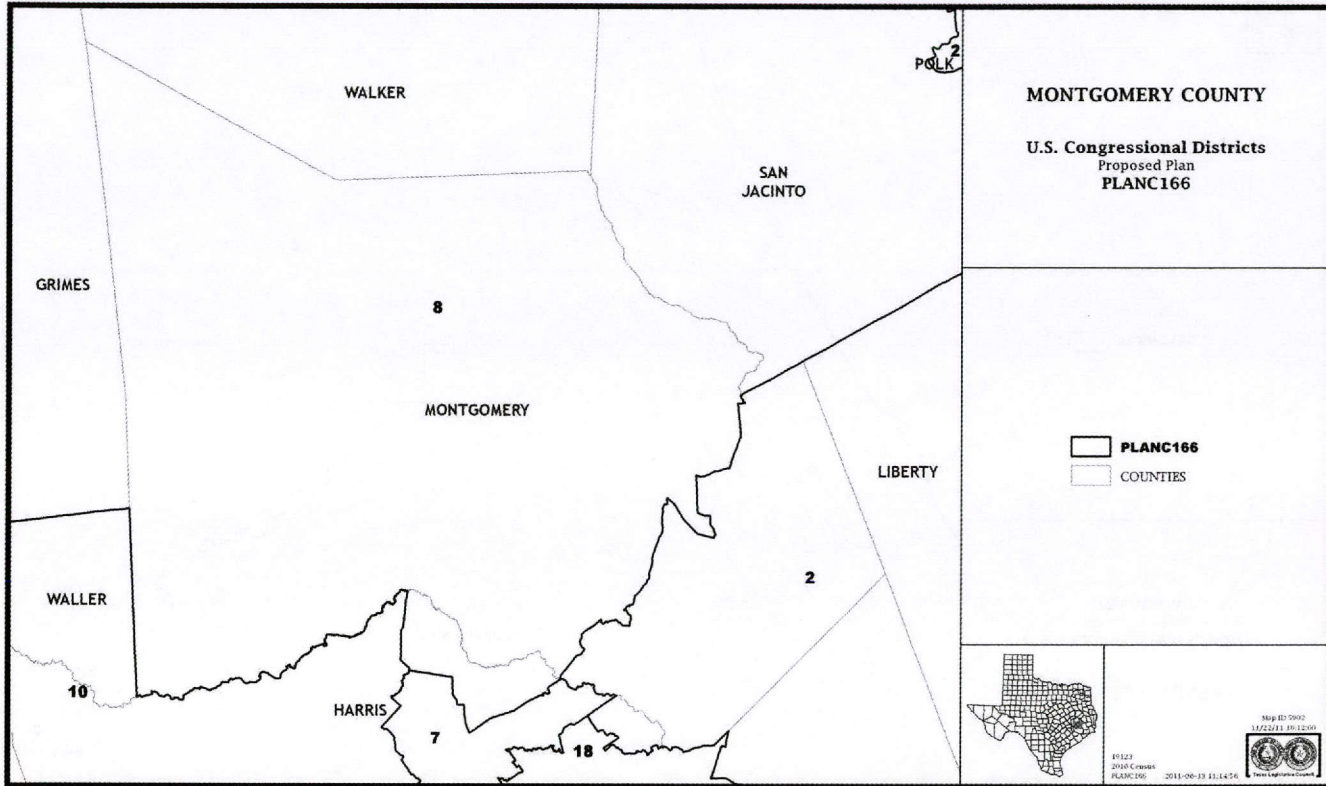


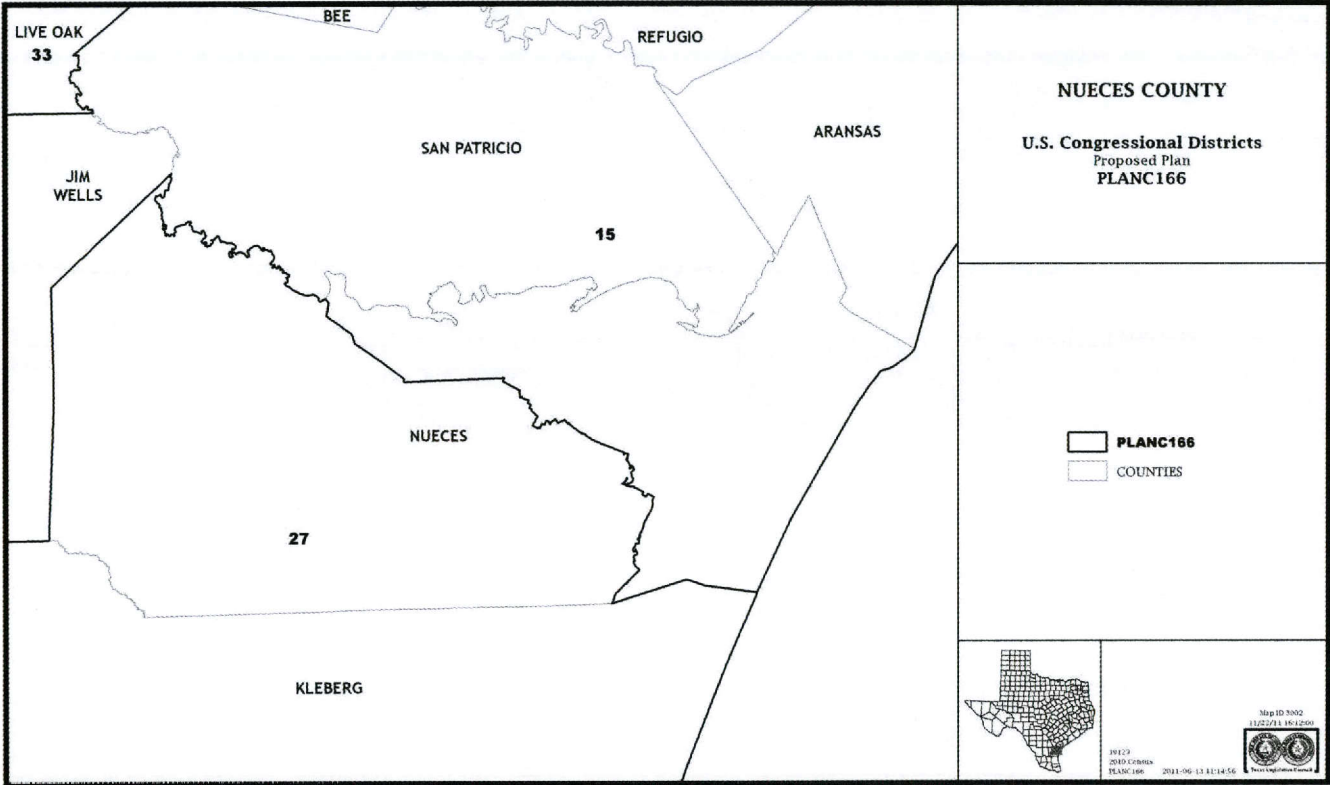


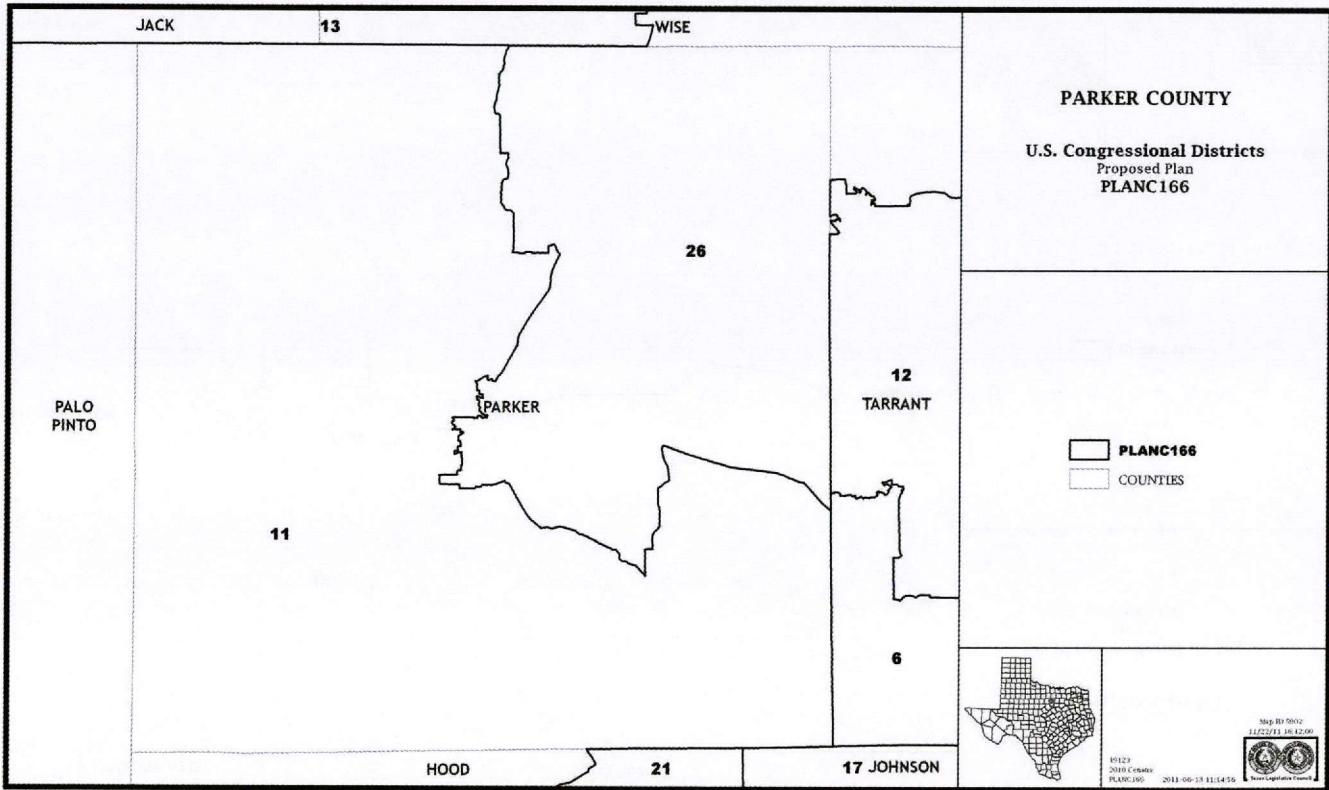


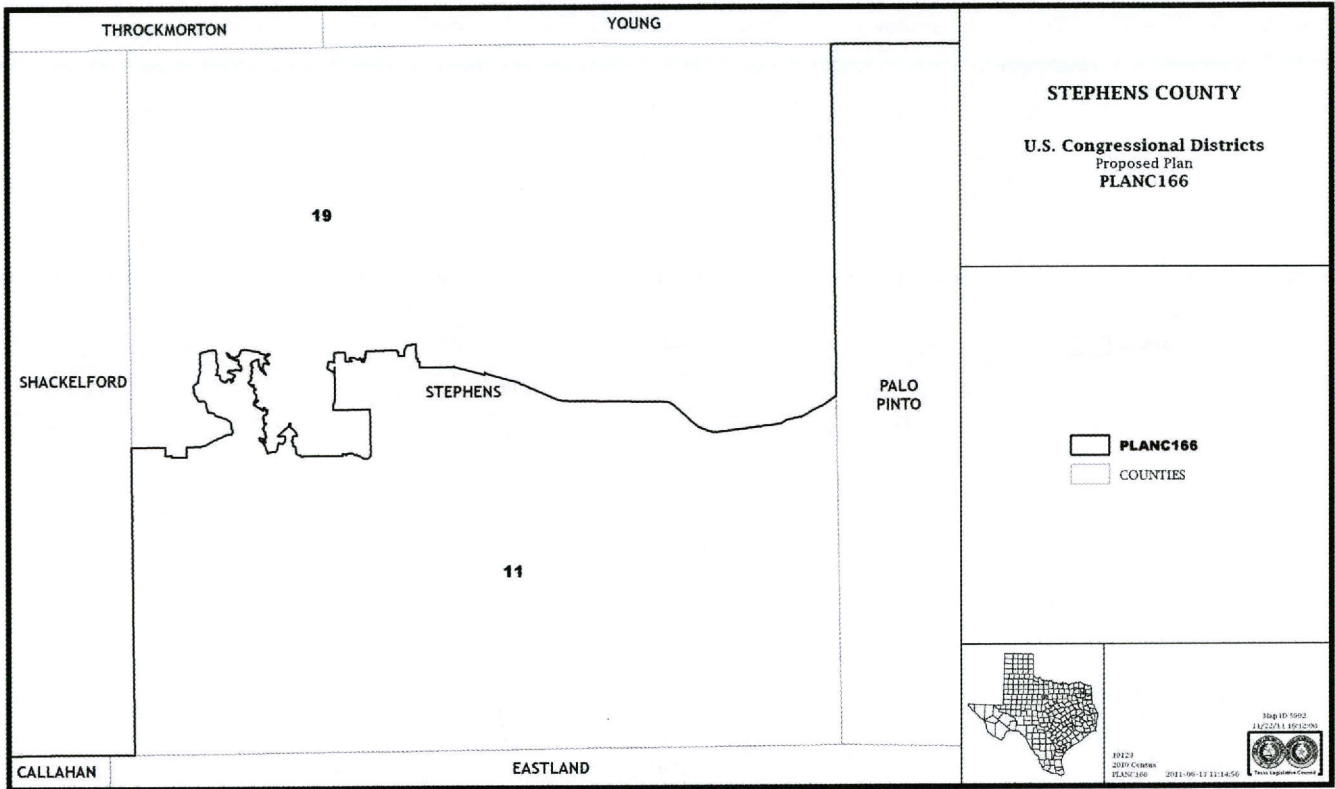


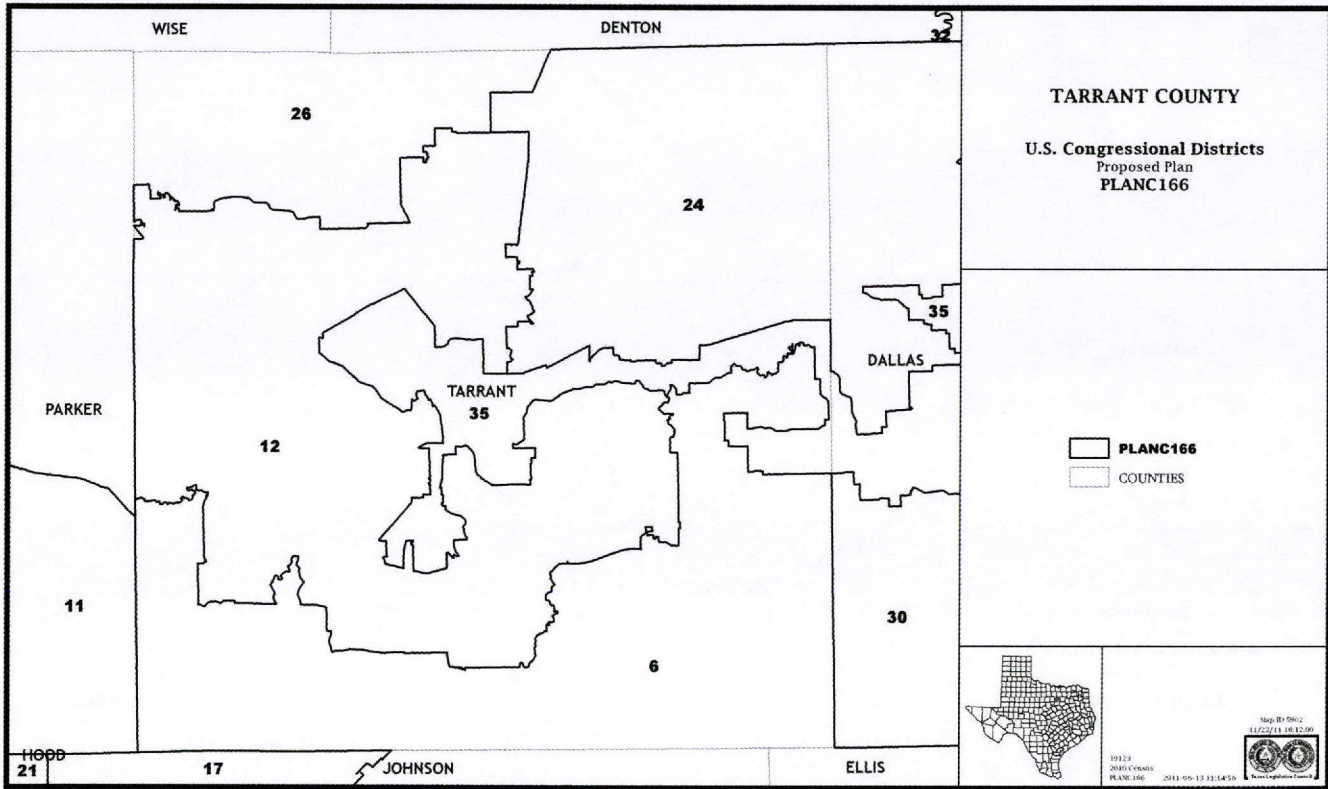


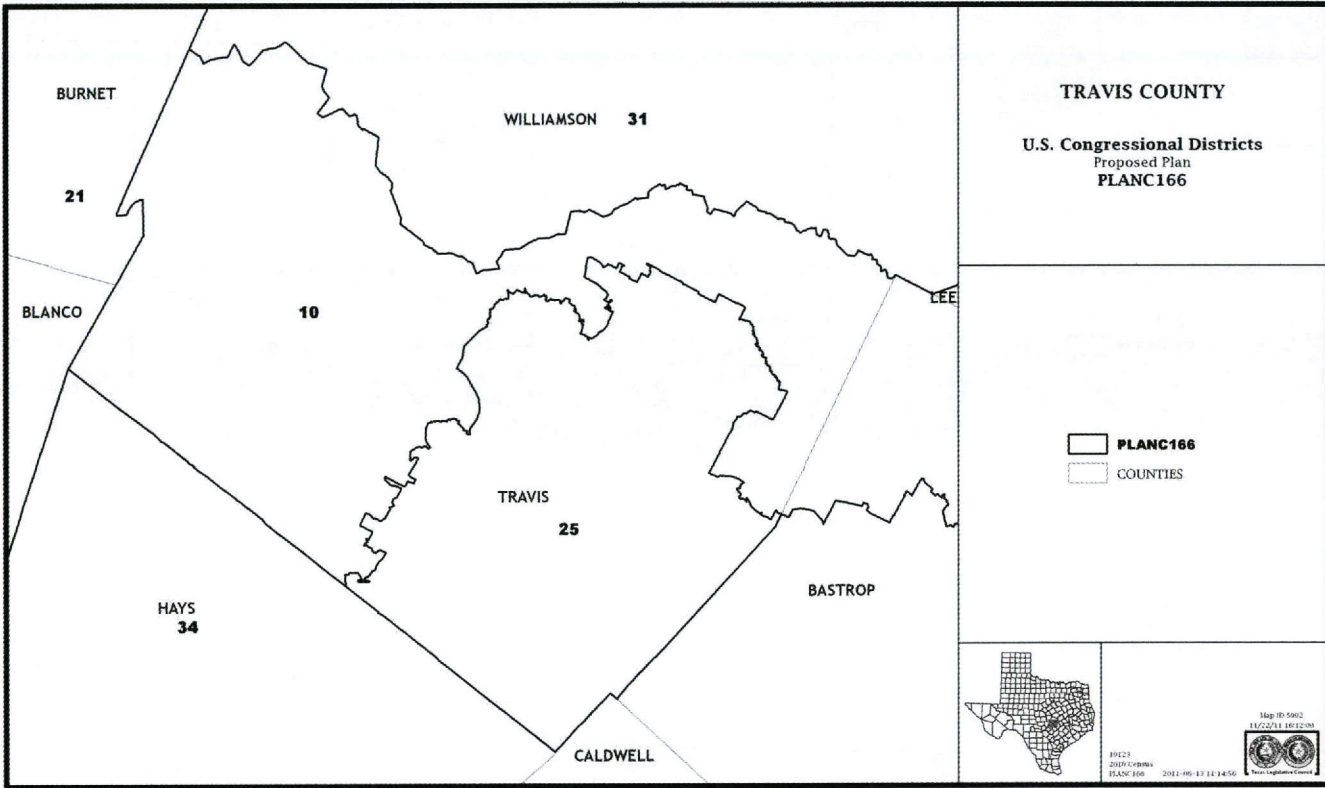


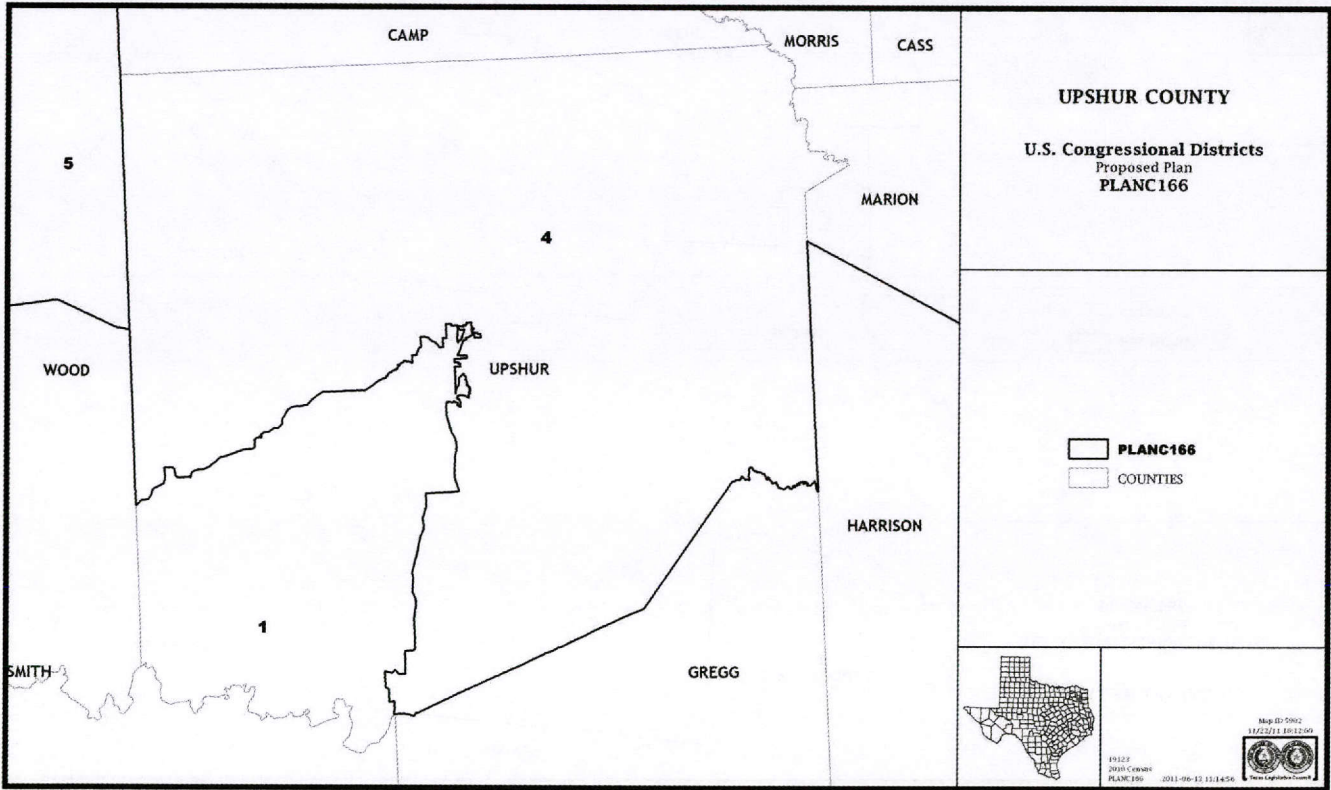


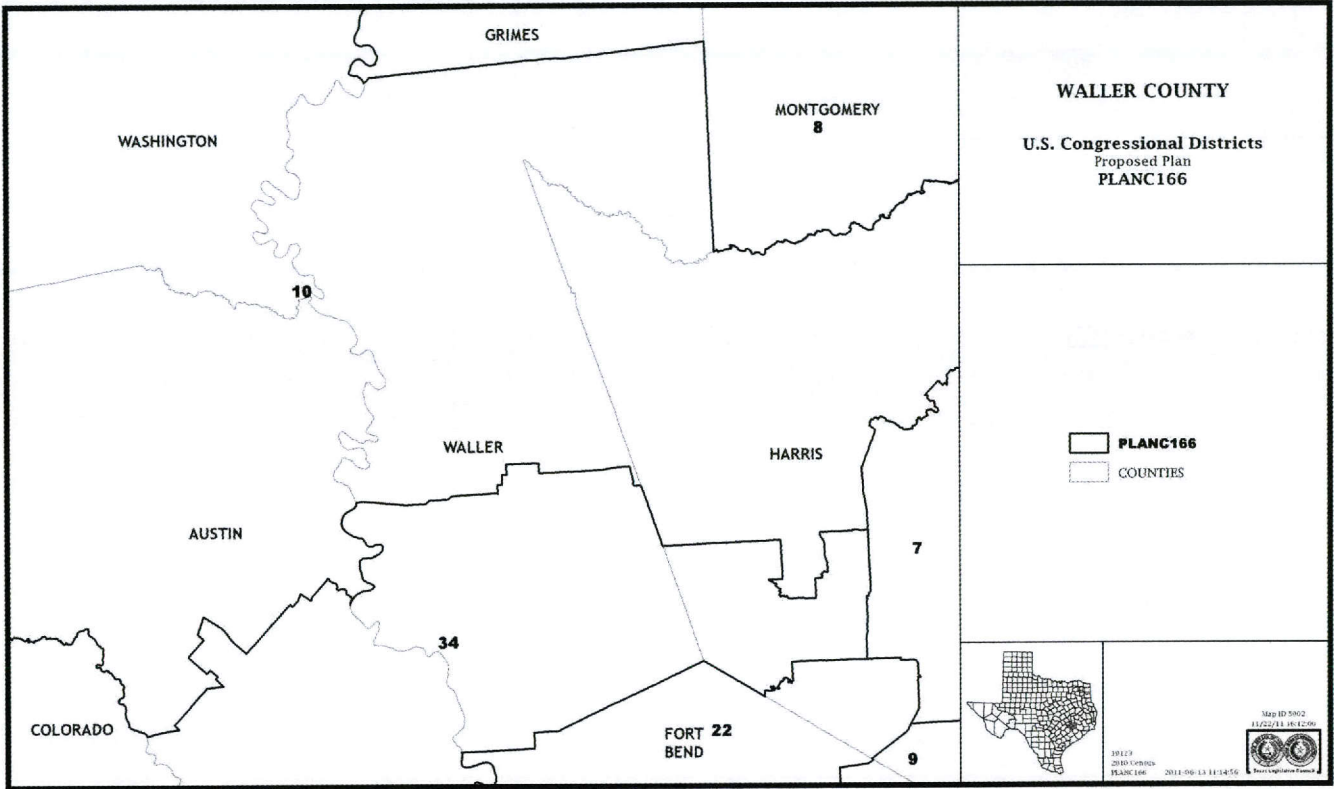


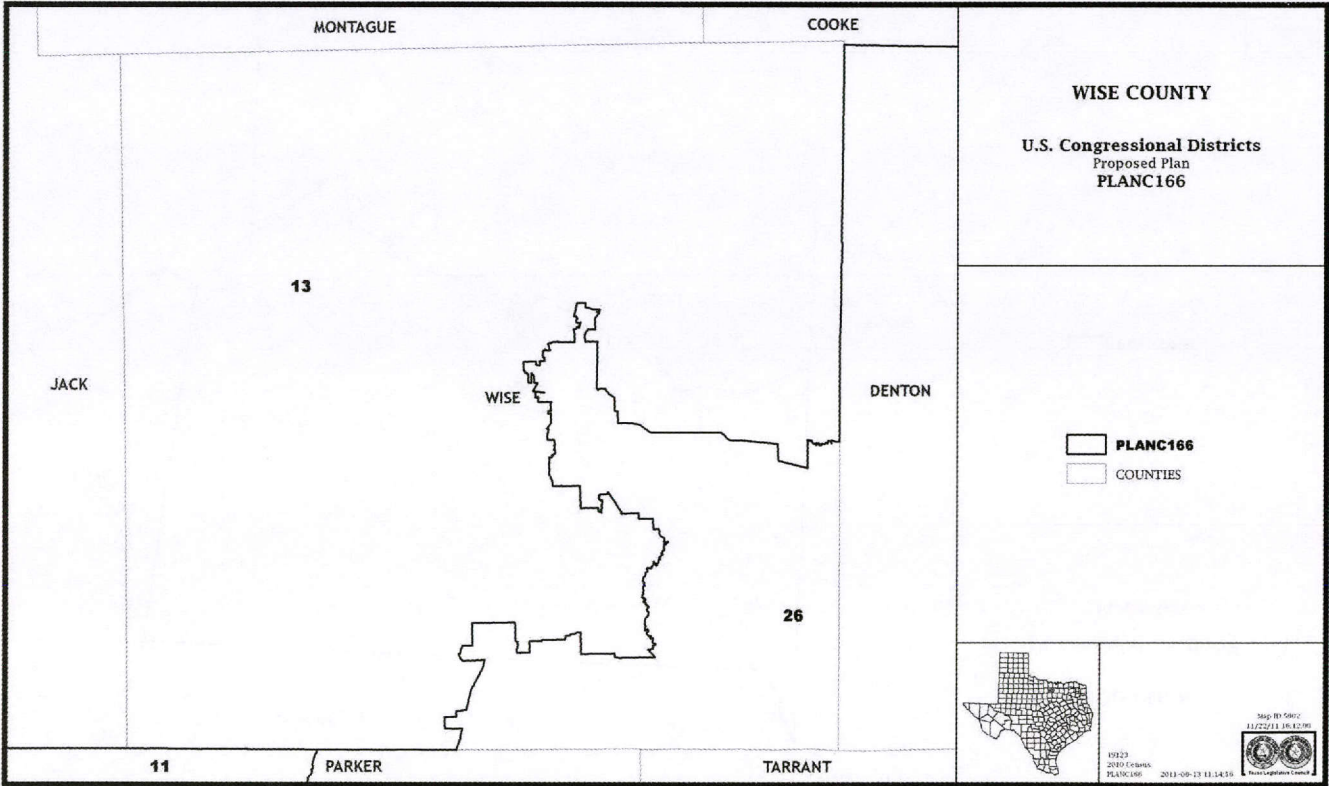


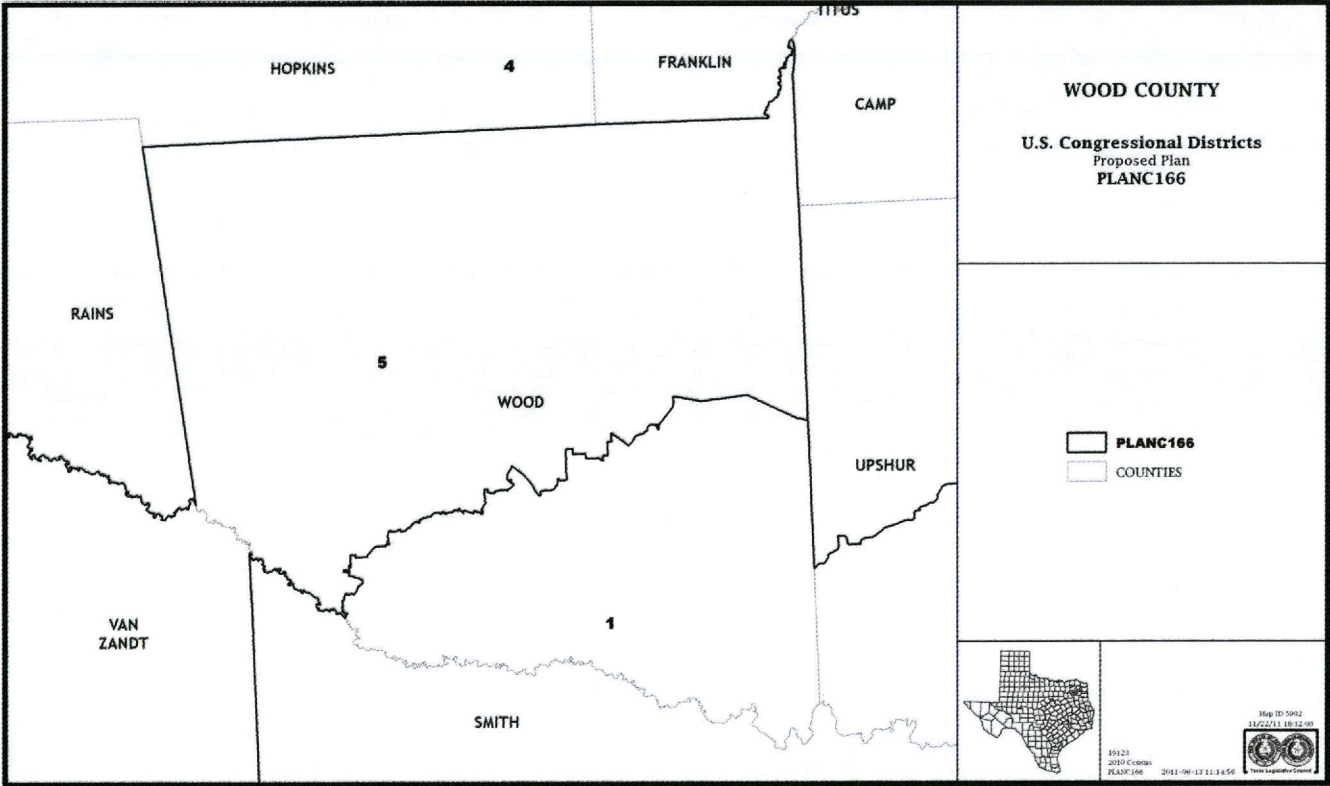




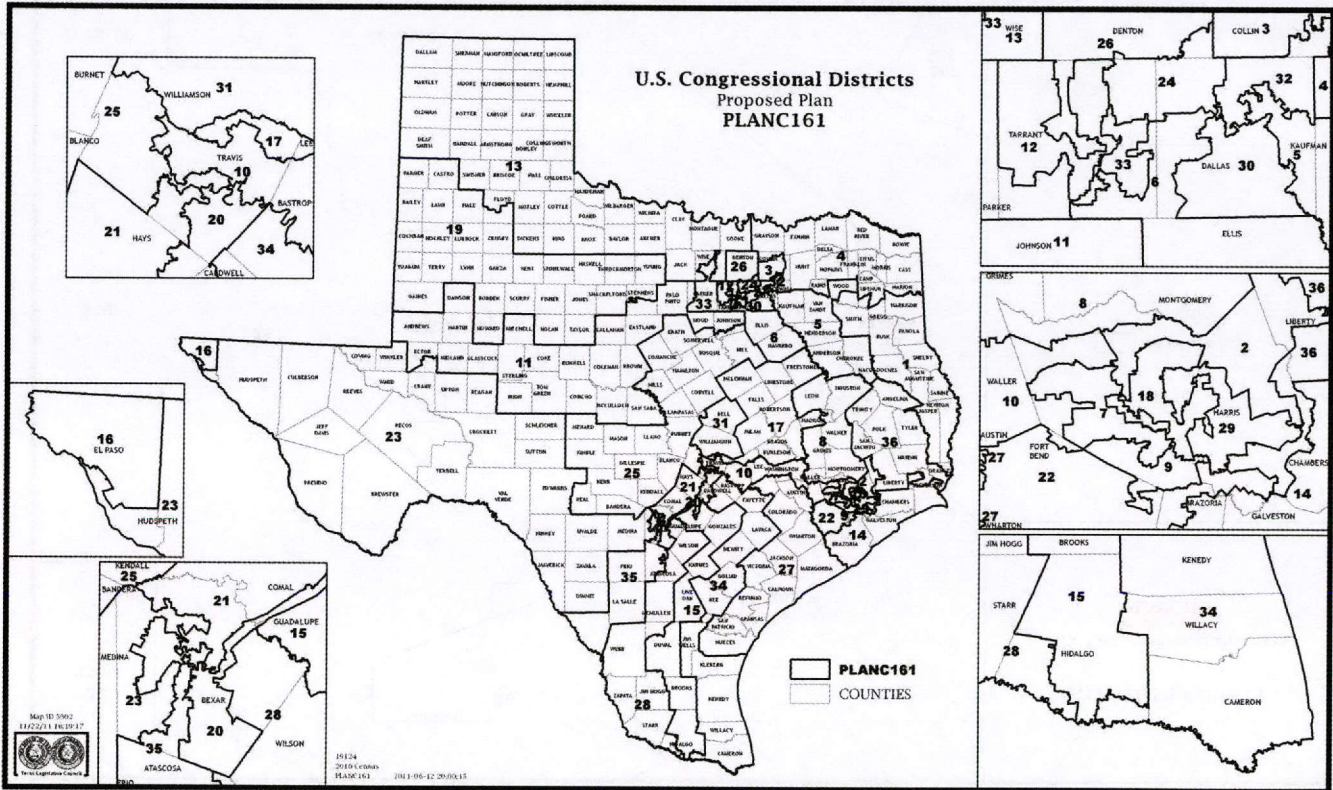


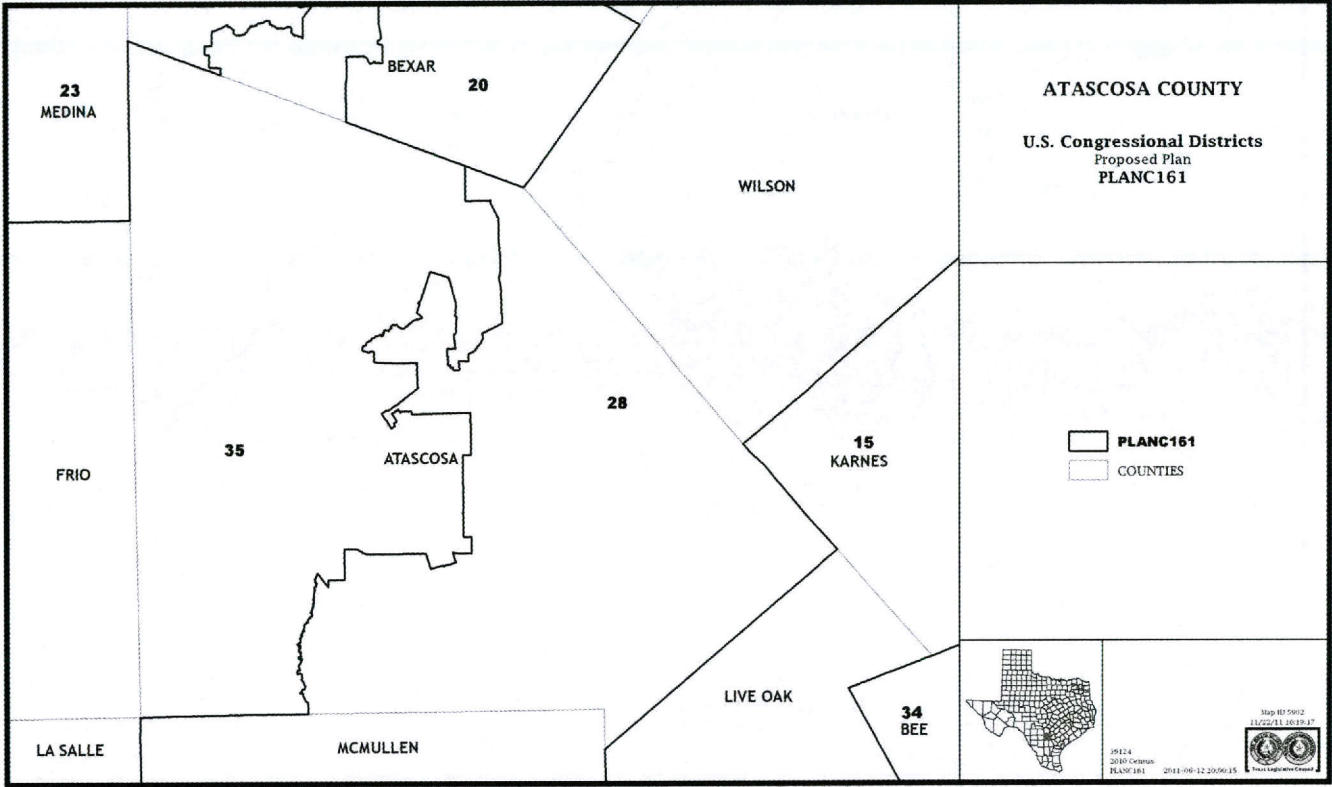


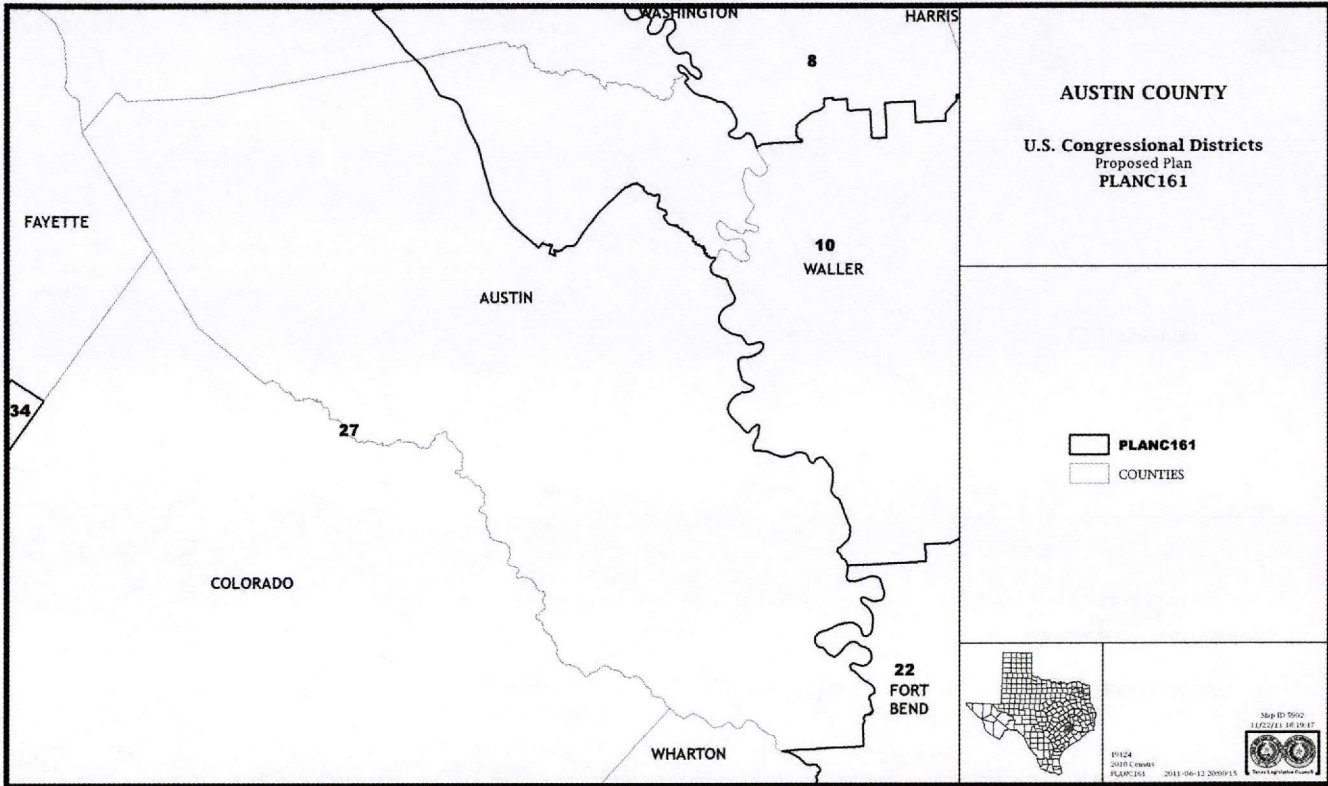


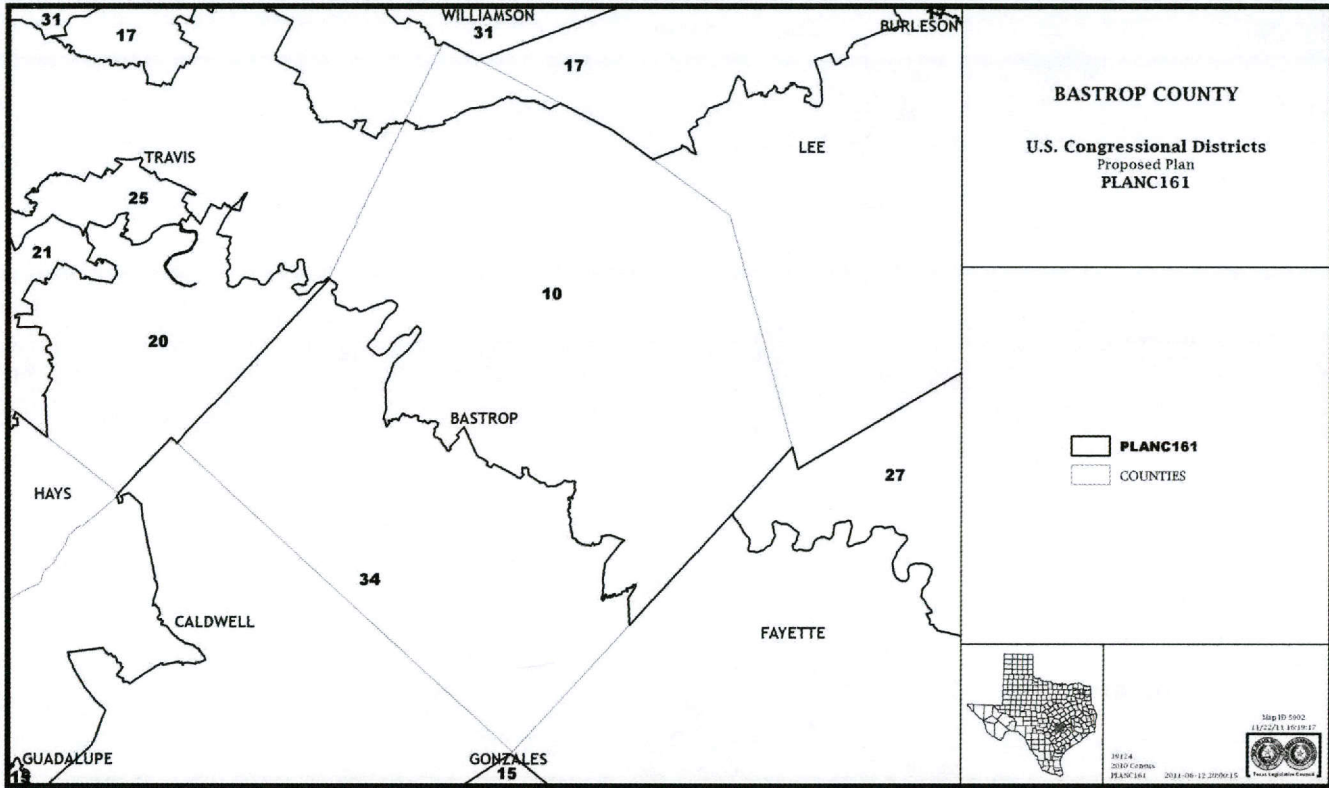


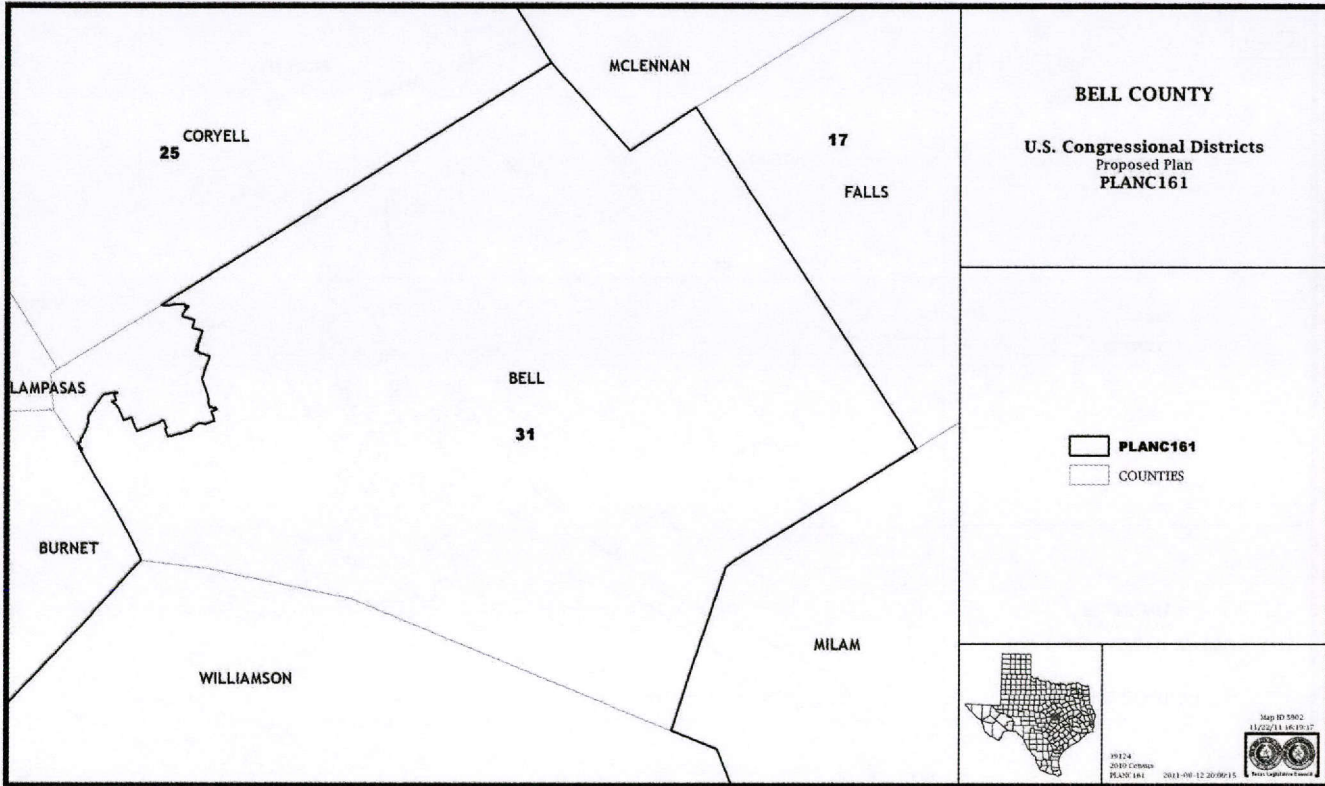
Amendment No. 18 (by Hilderbran)

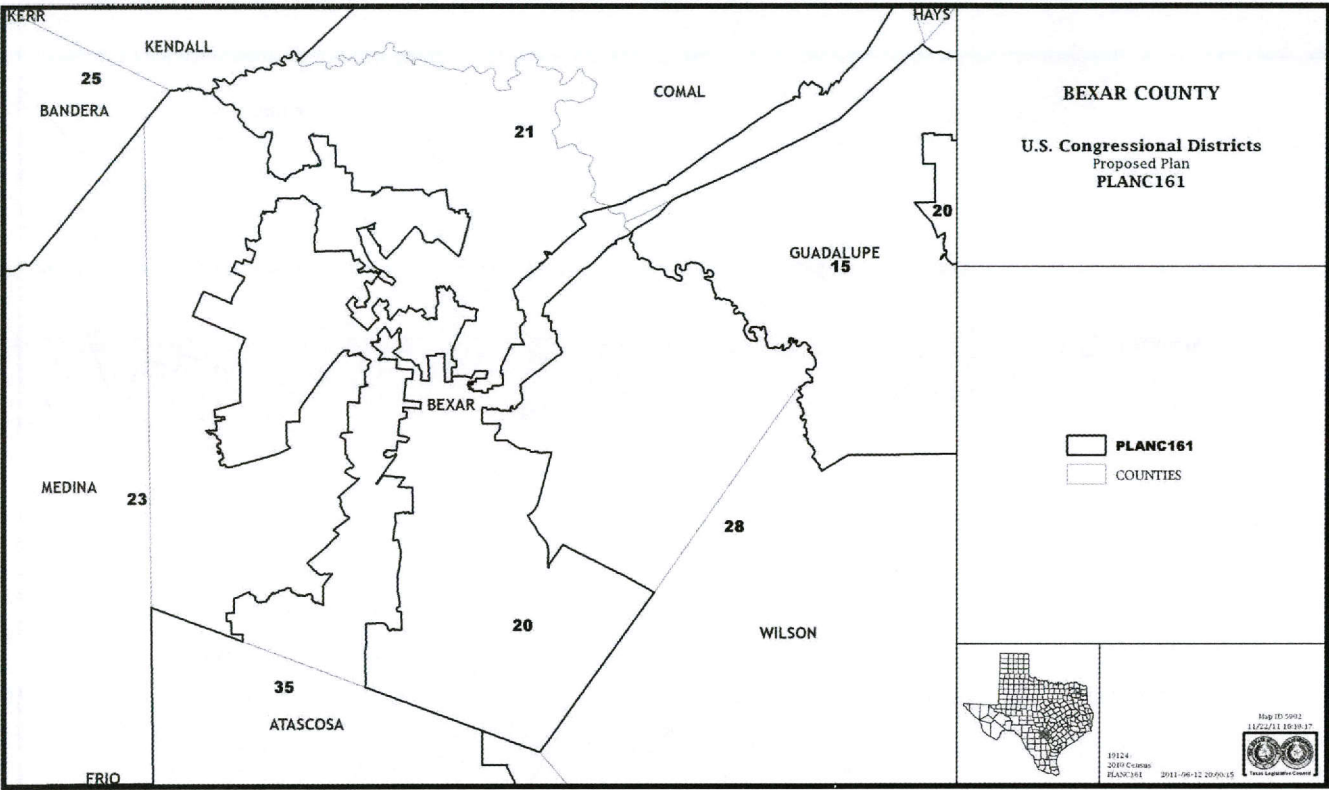


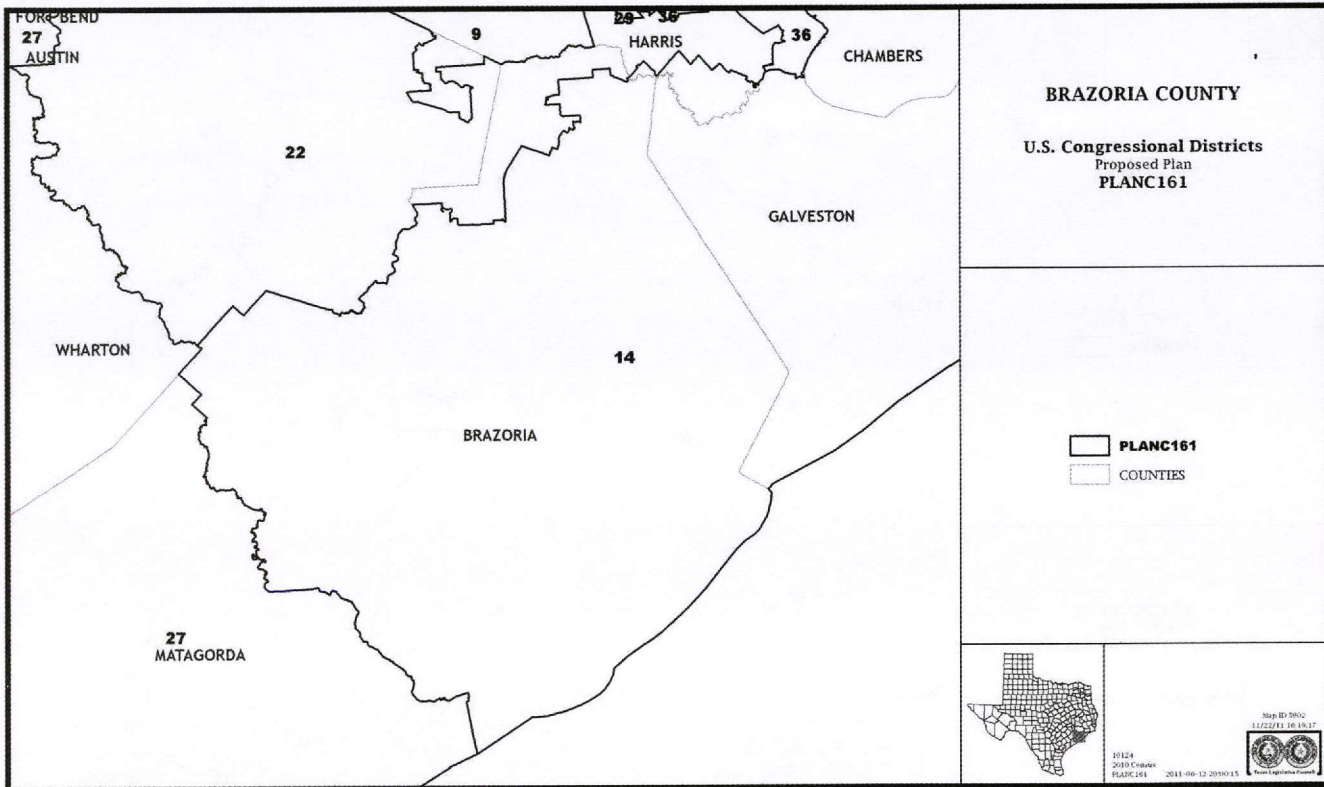


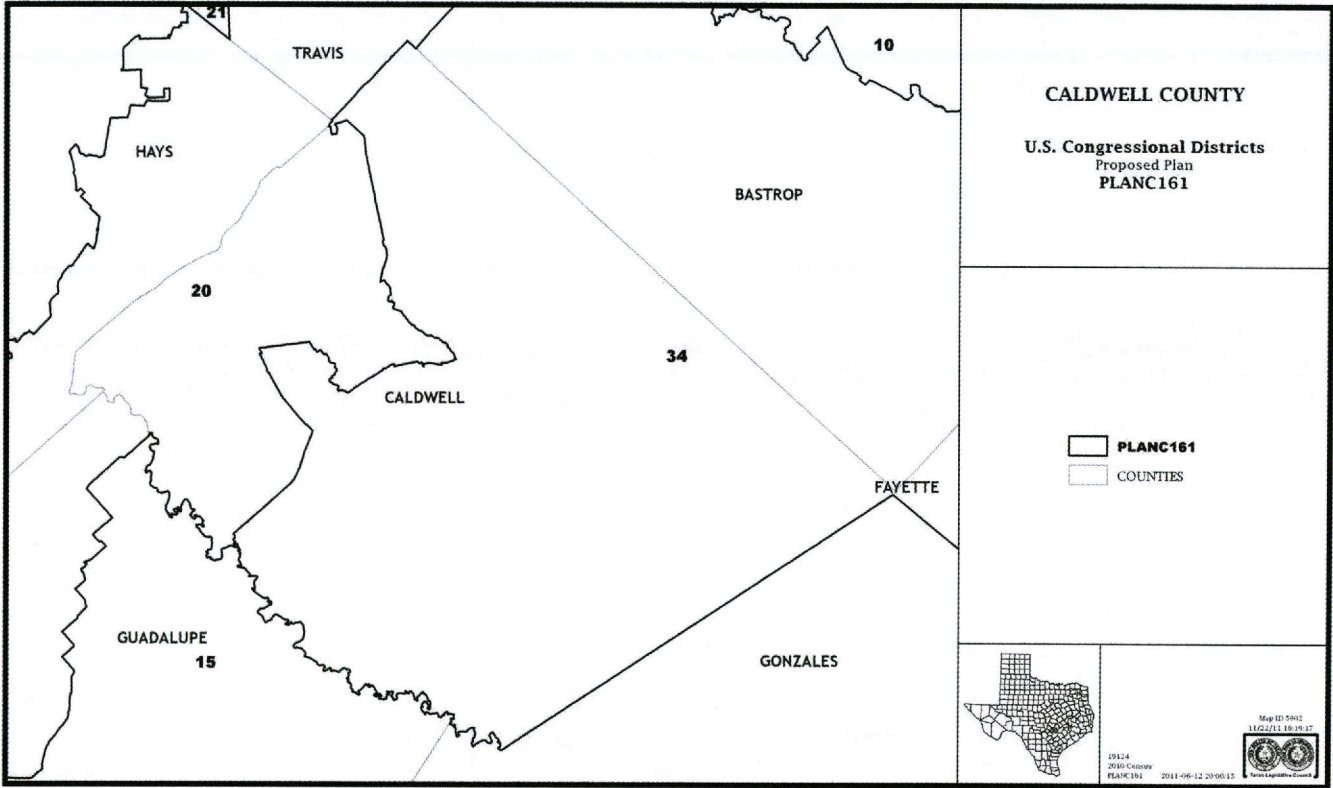


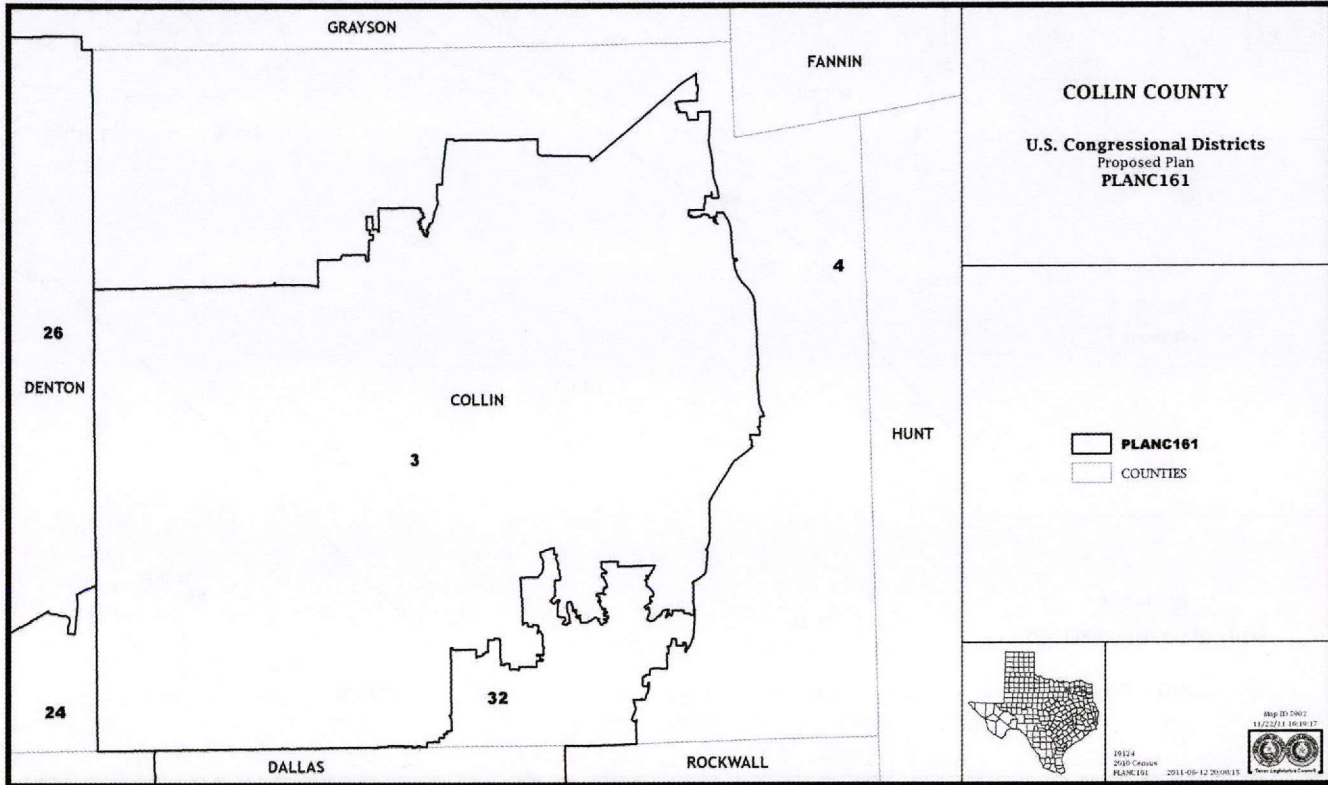


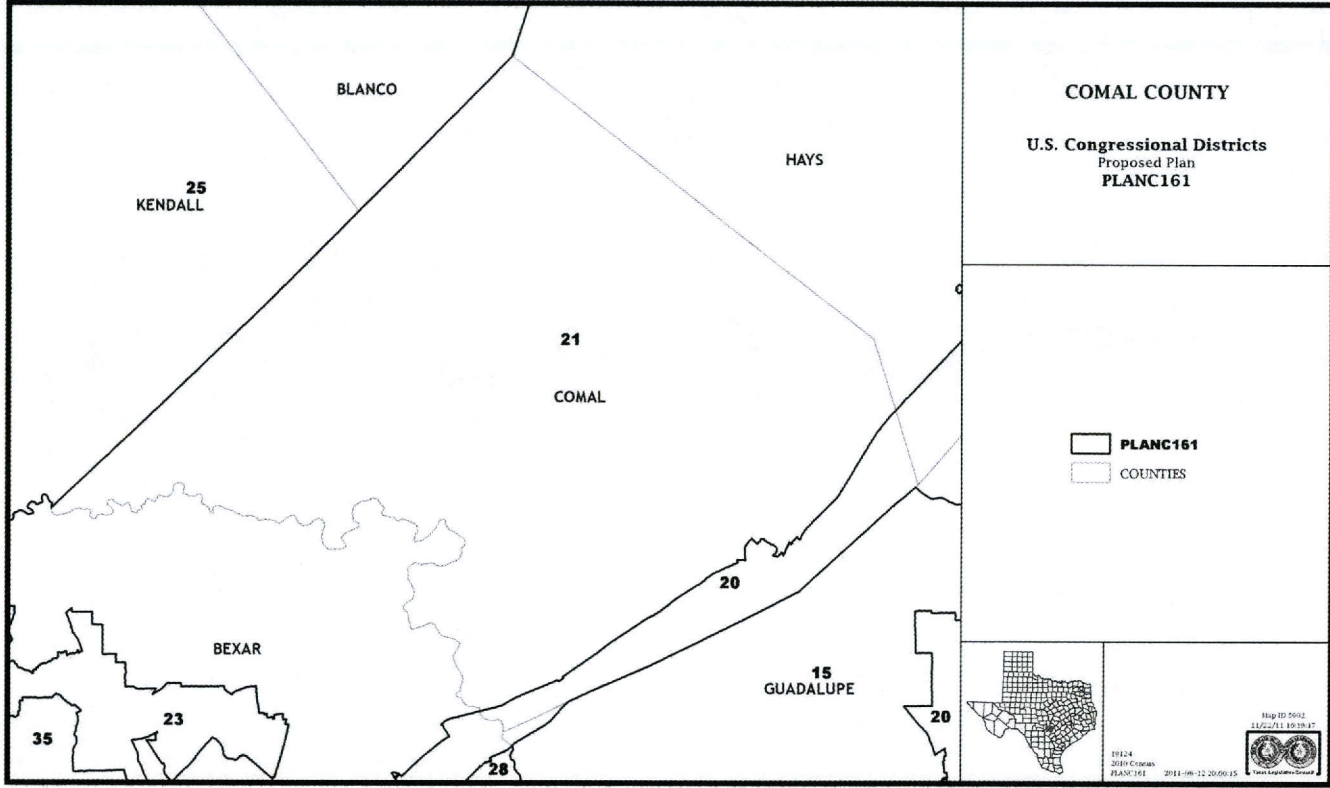


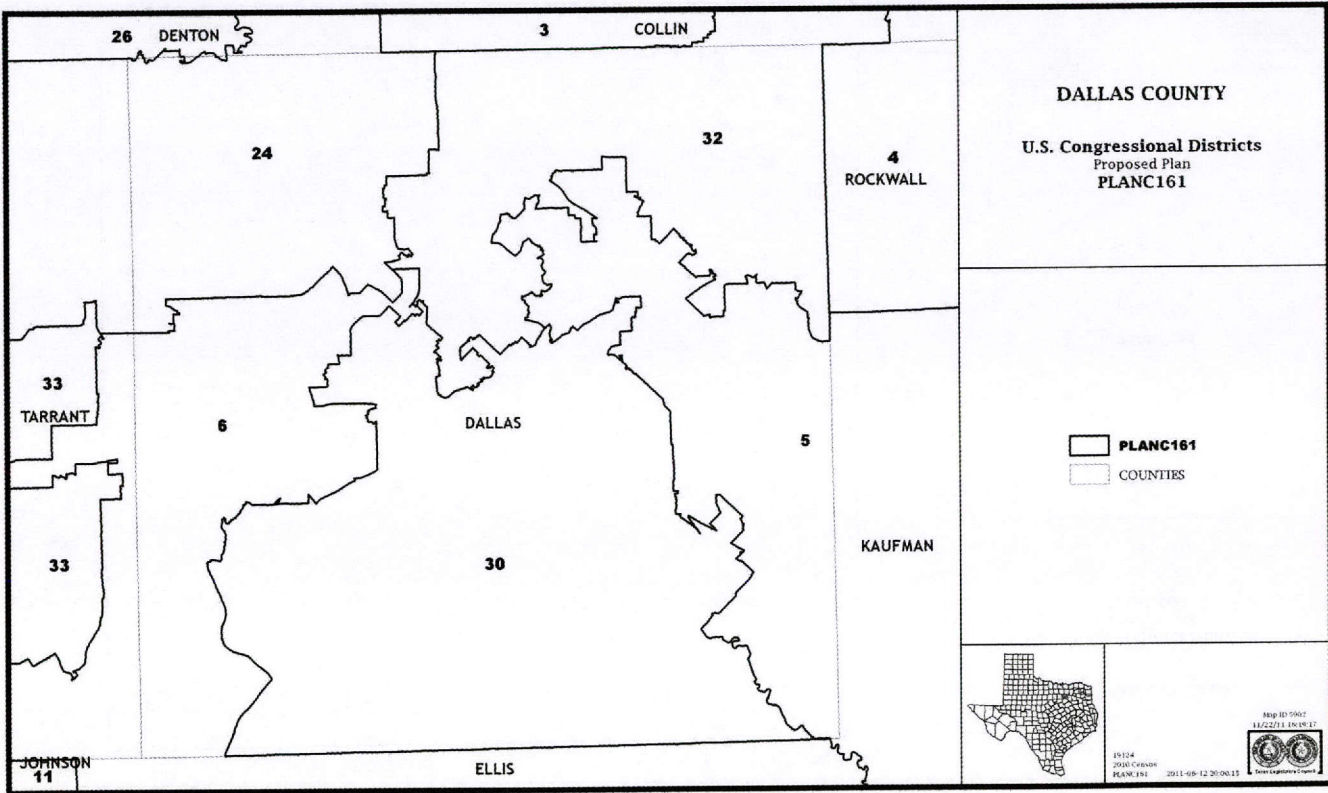


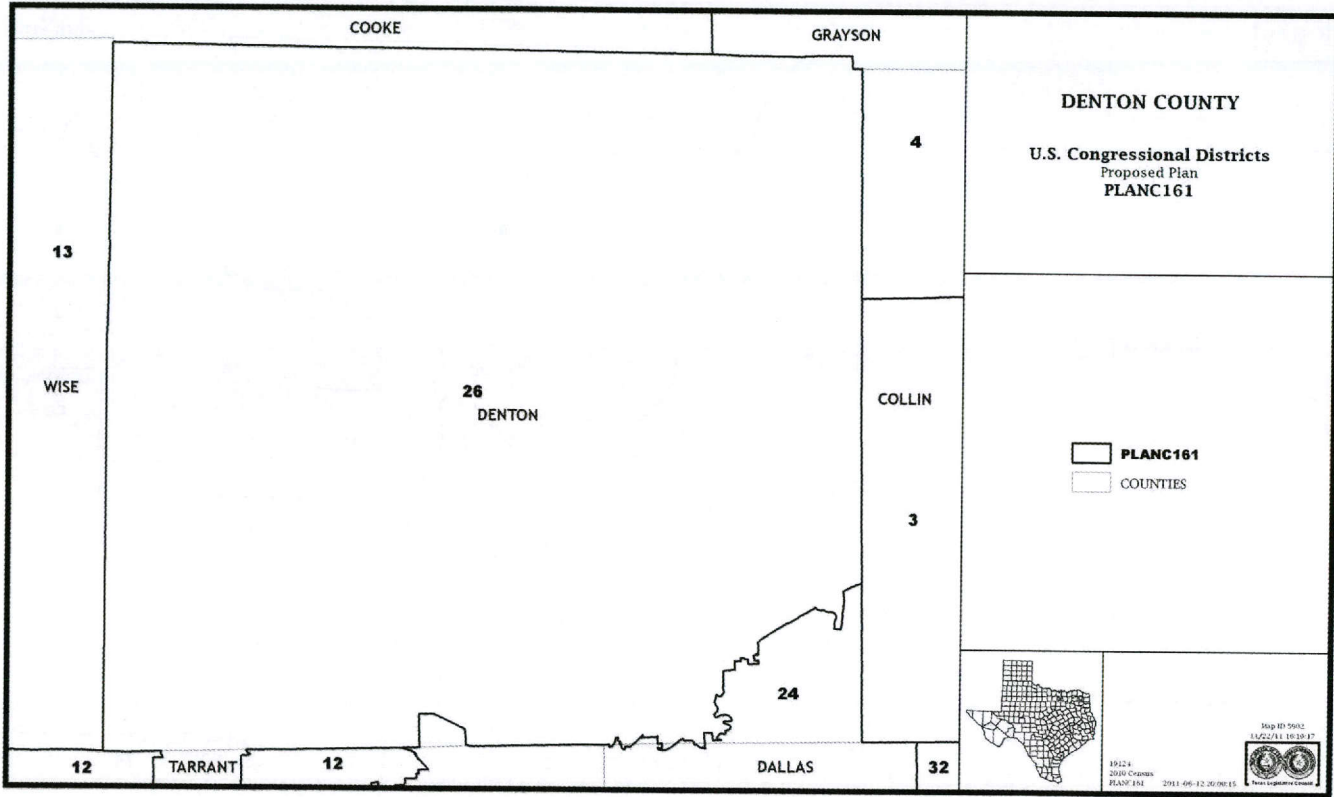












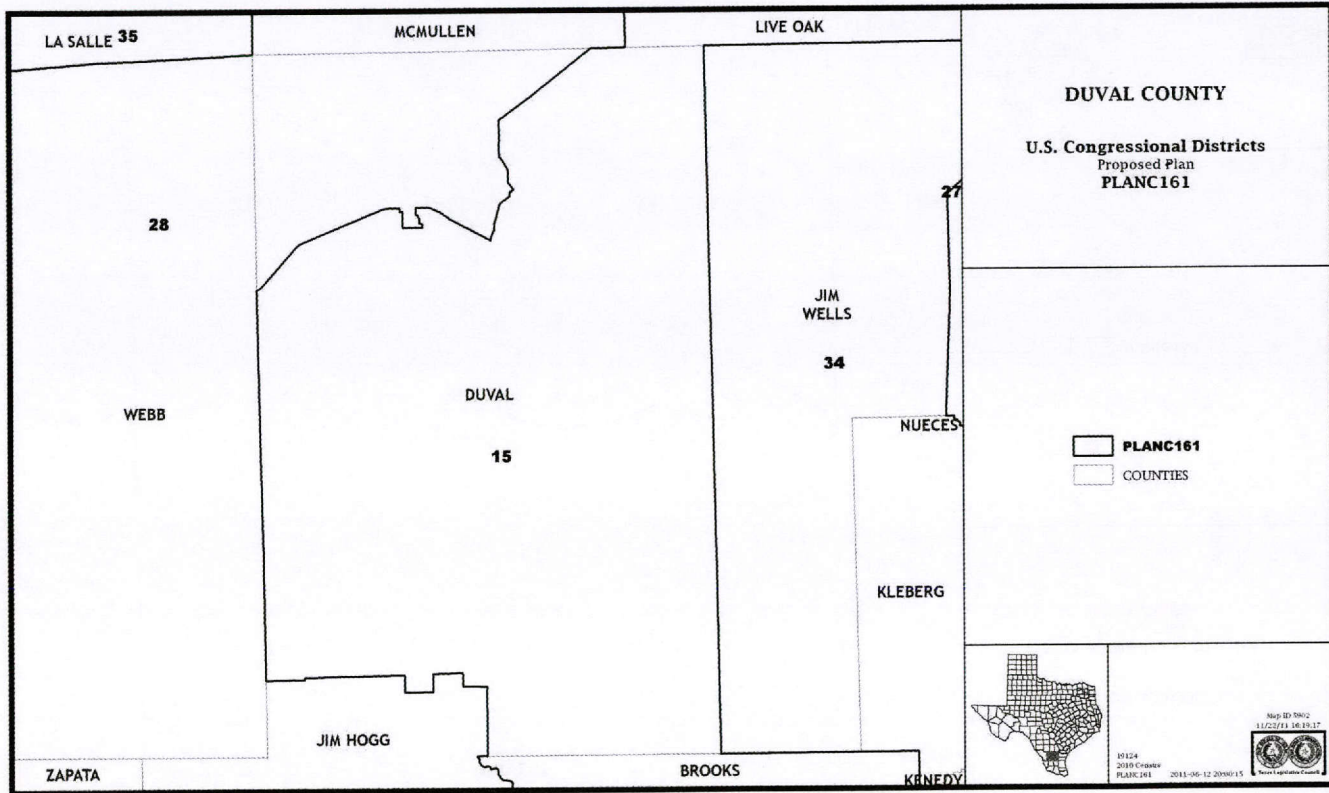
Cooke Grayson

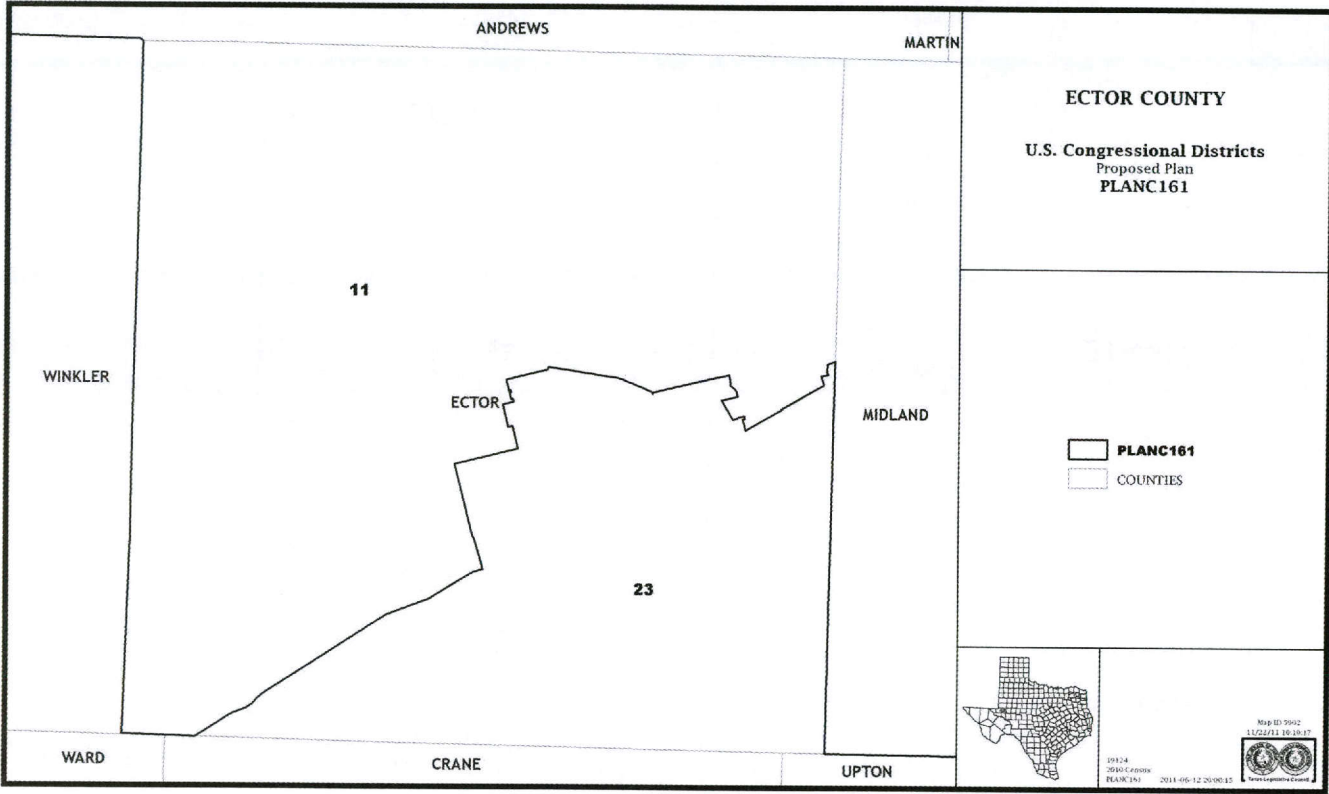
13 4

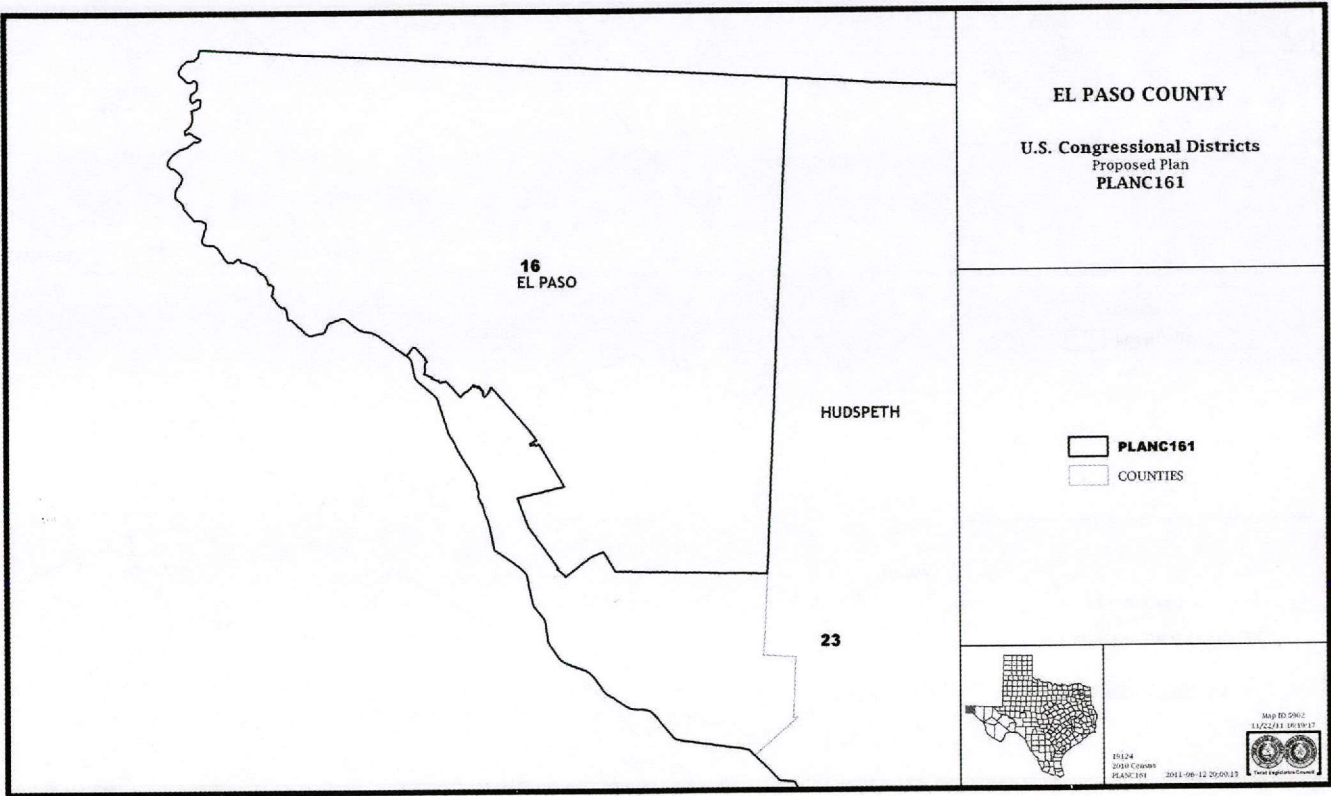
Wise 26 DENTON 3

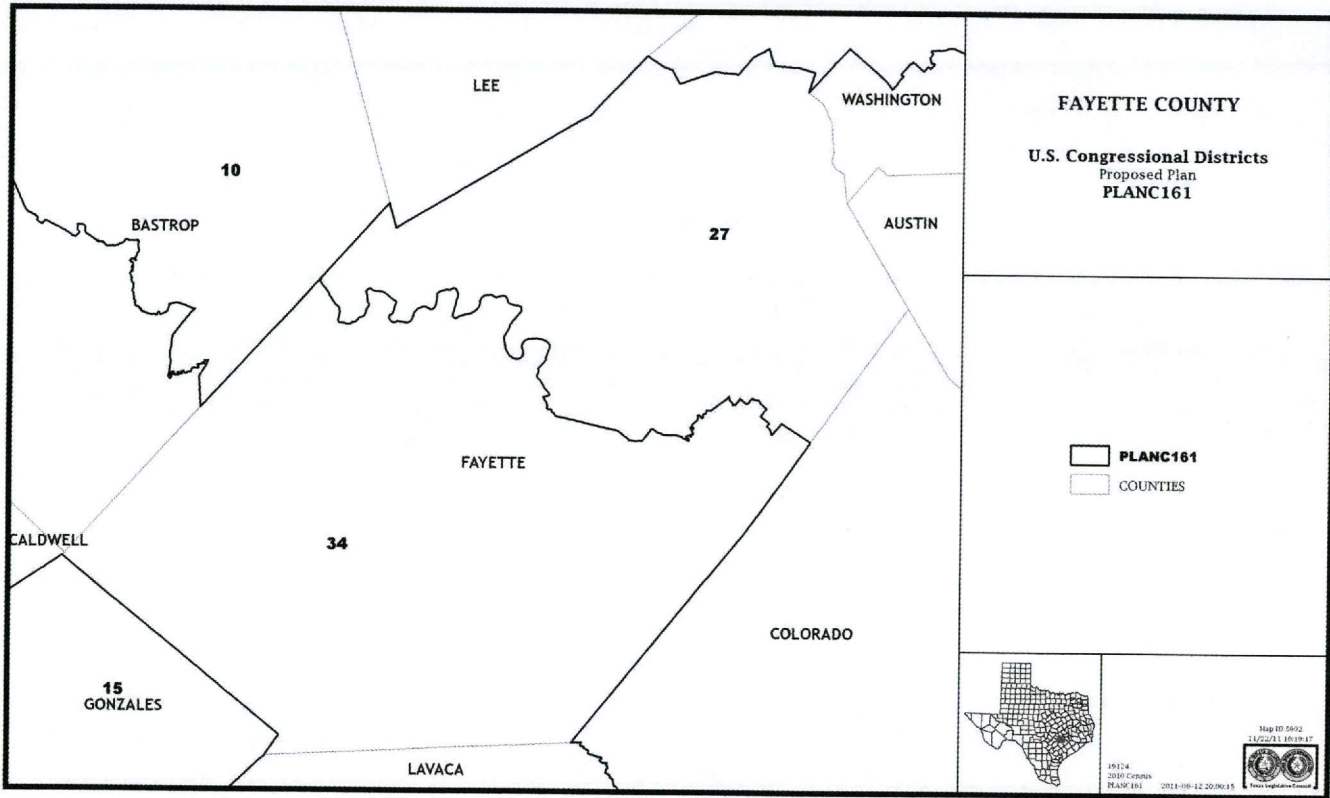
12 TARRANT 12 24 DALLAS 32

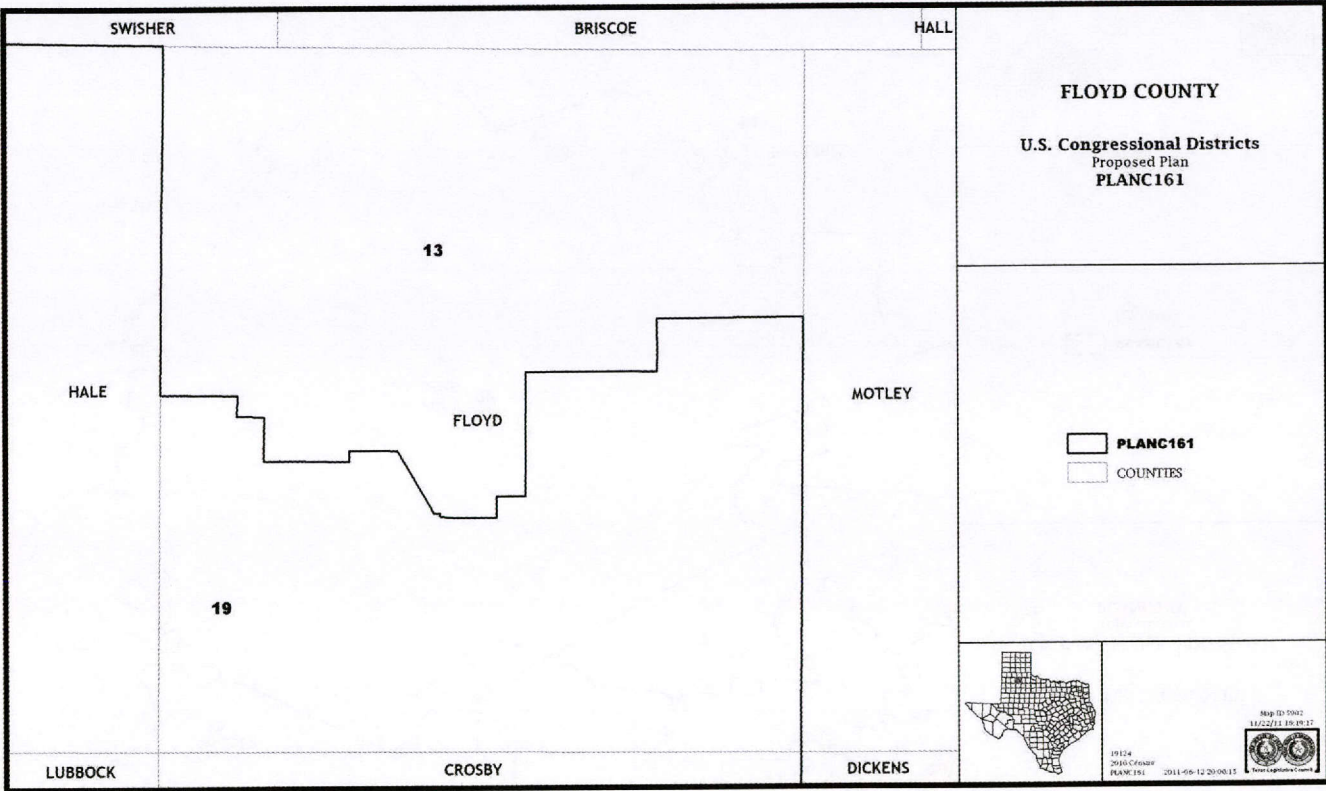
COLLIN

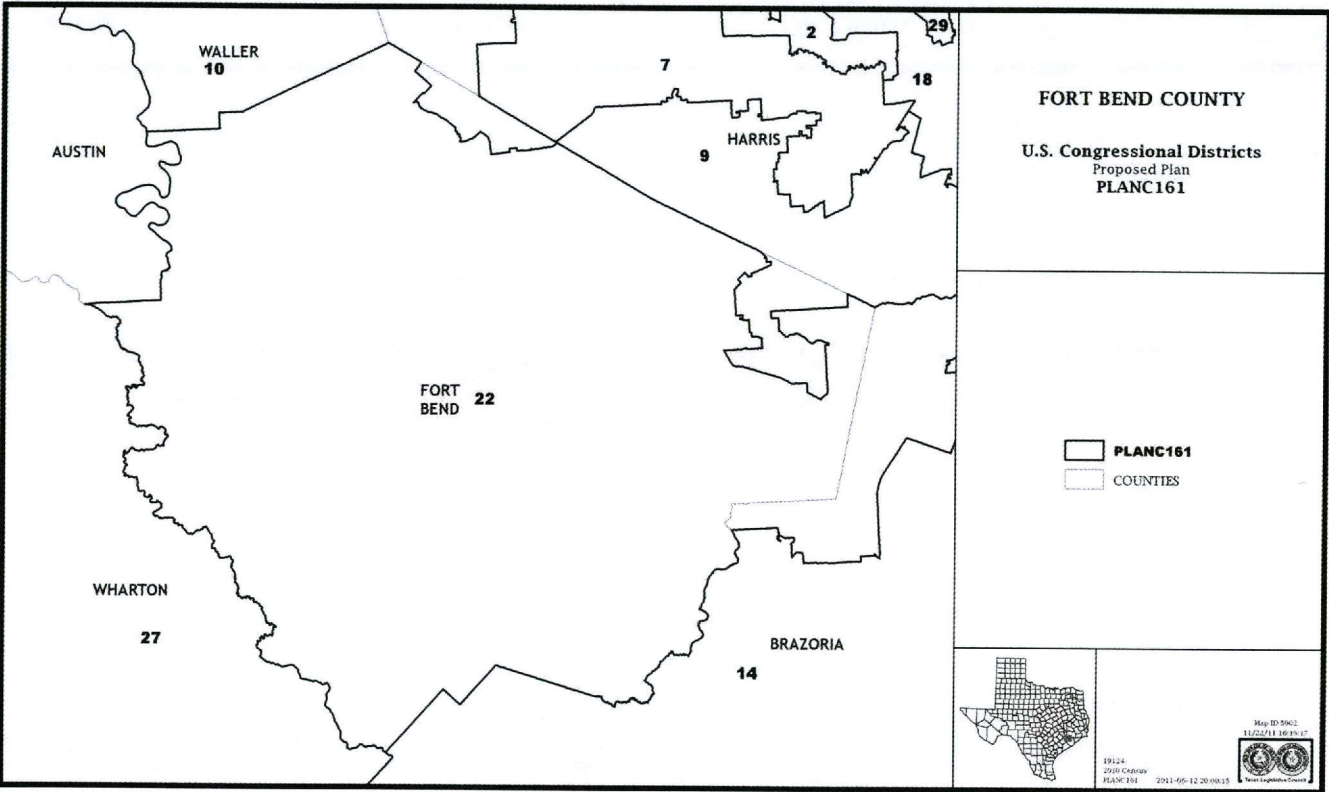


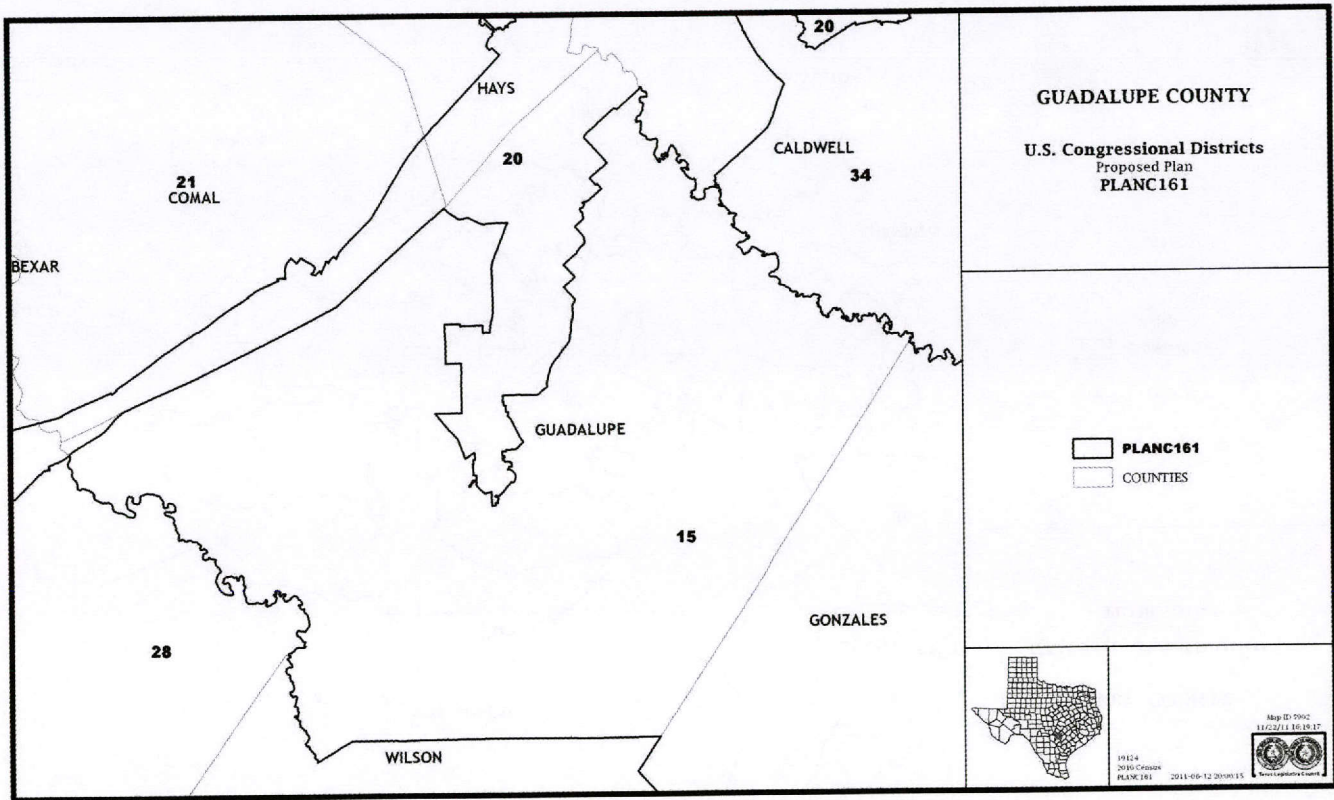


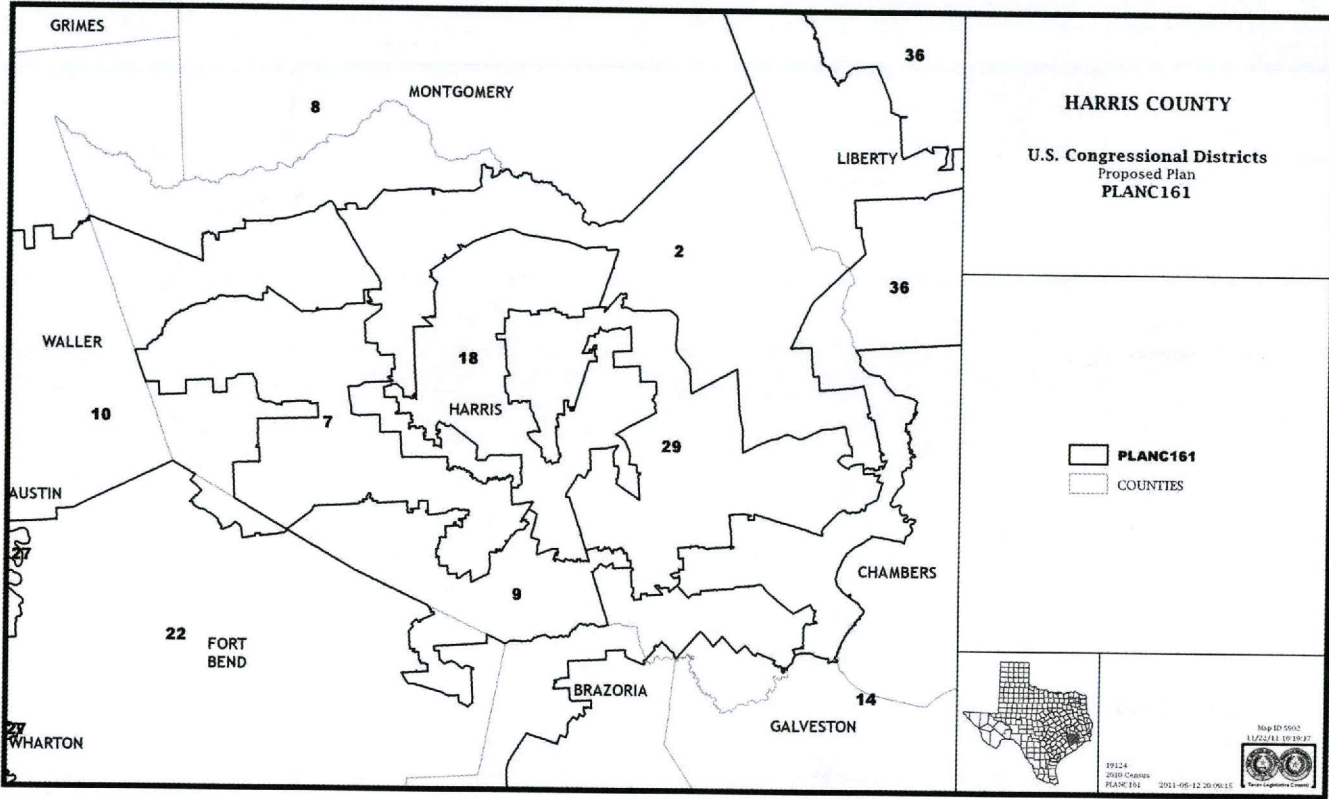


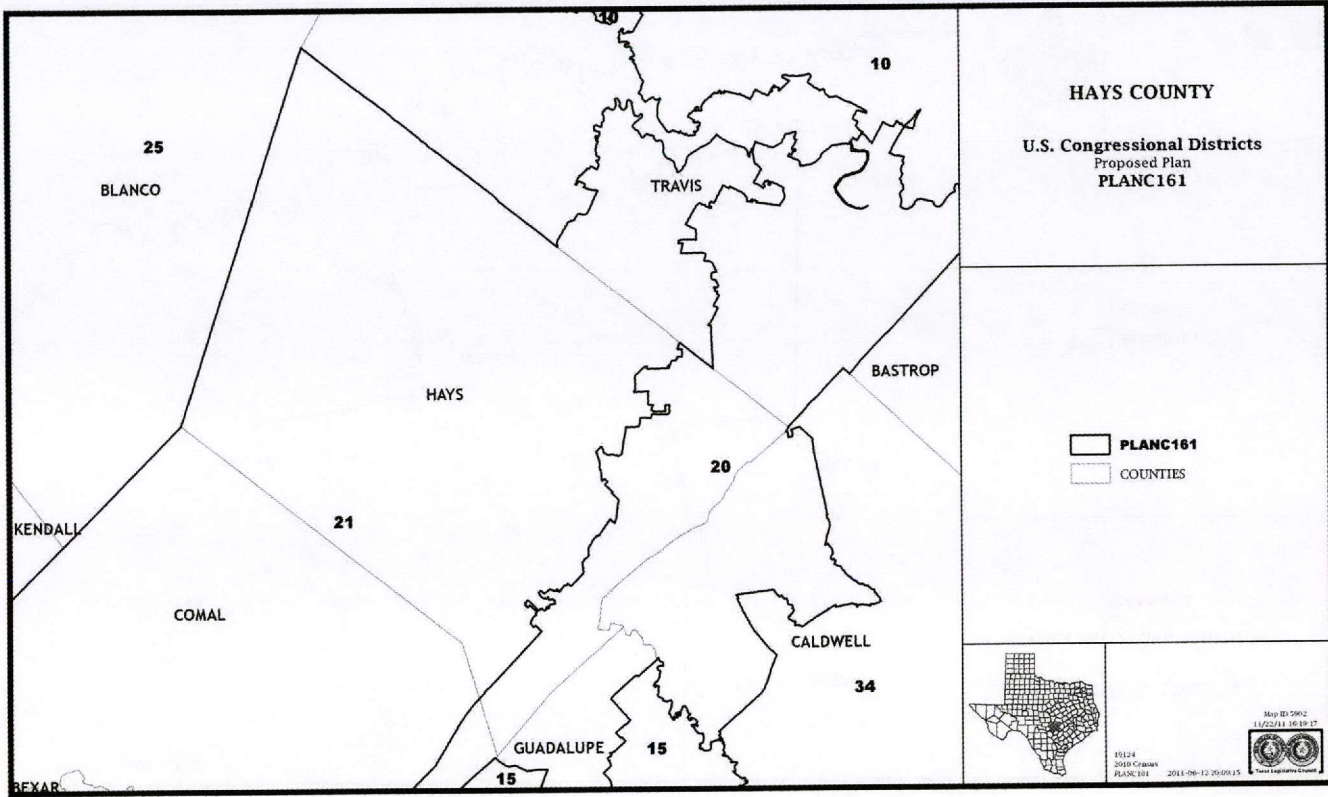


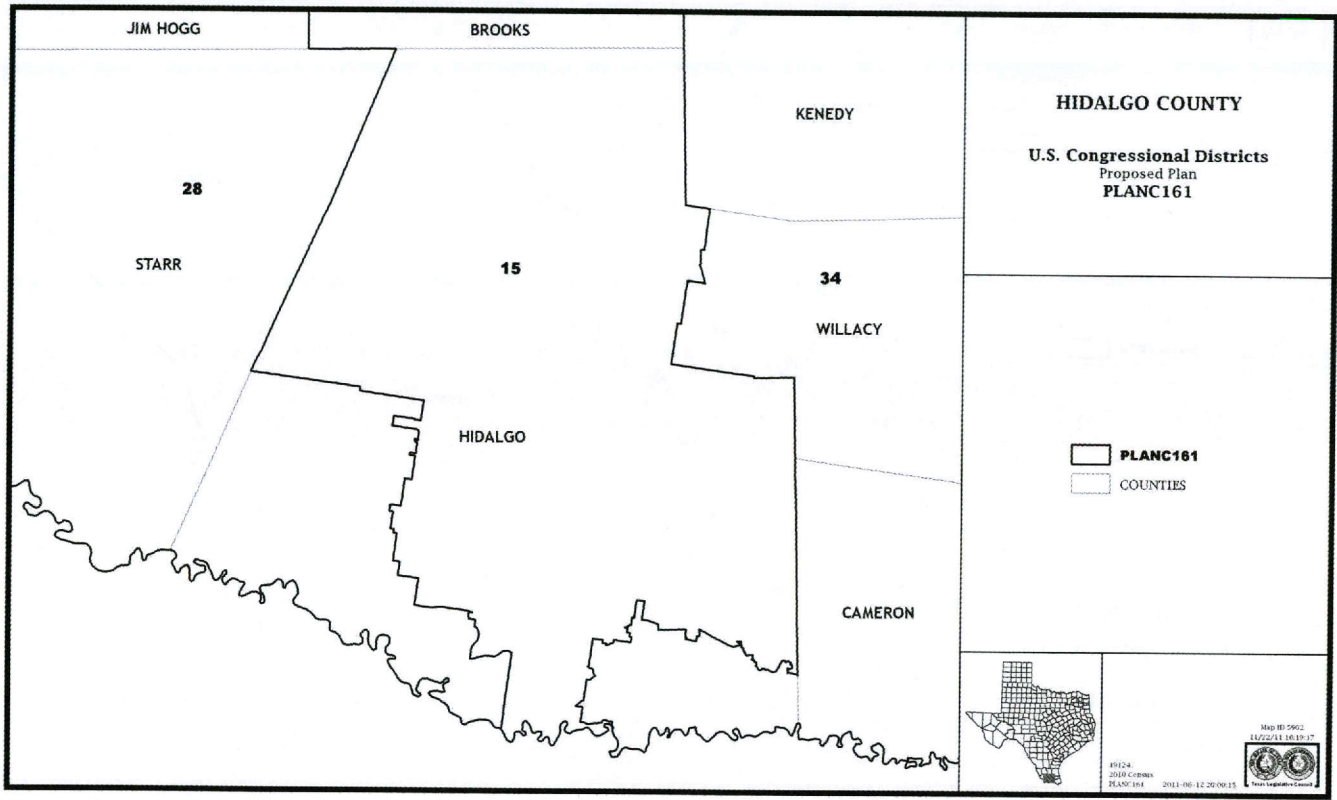


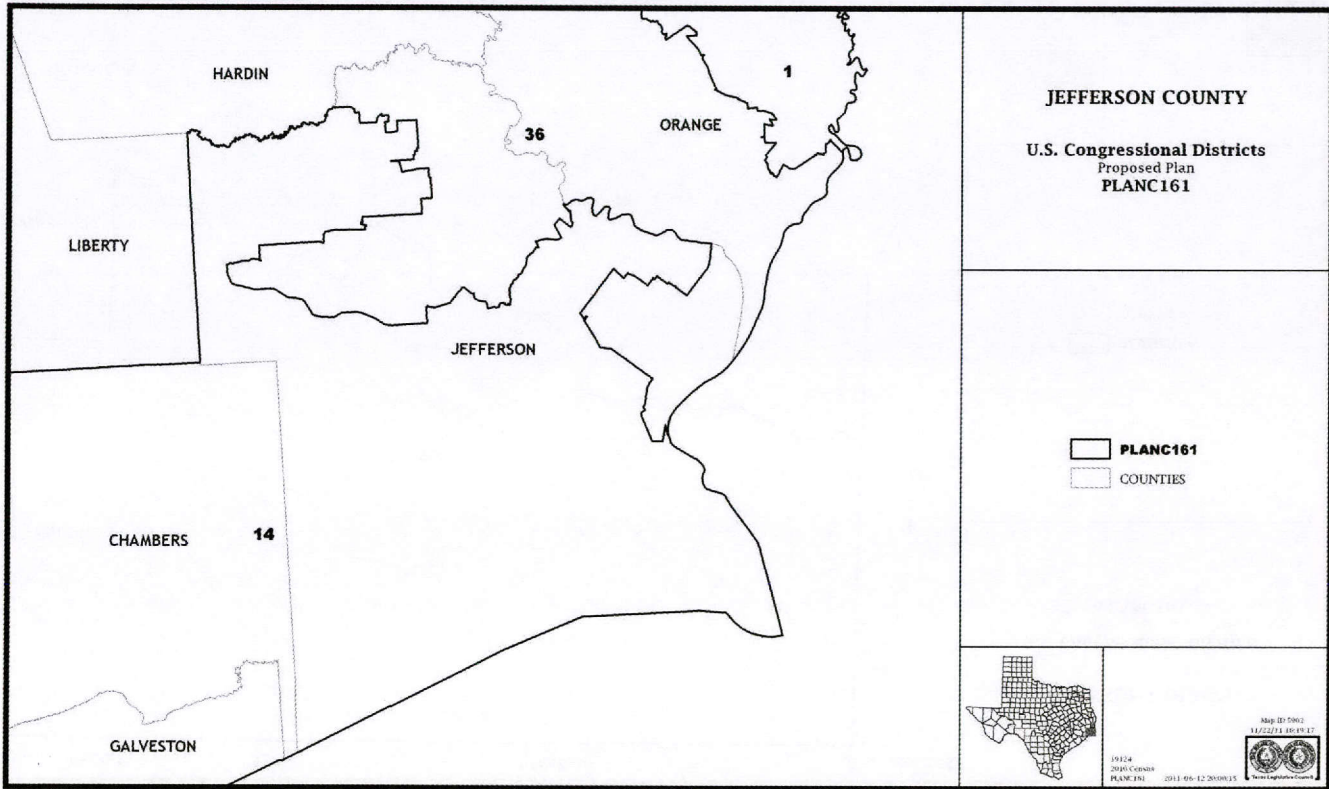


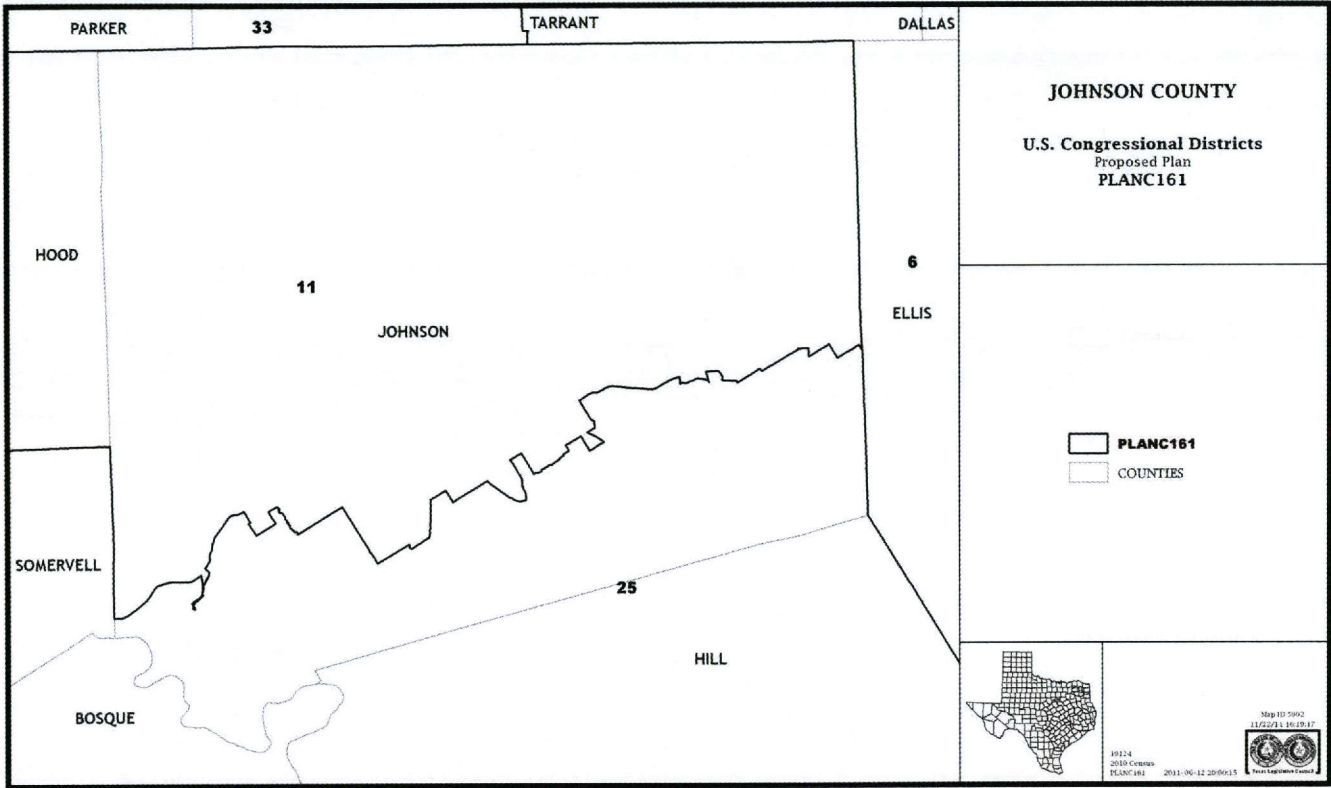


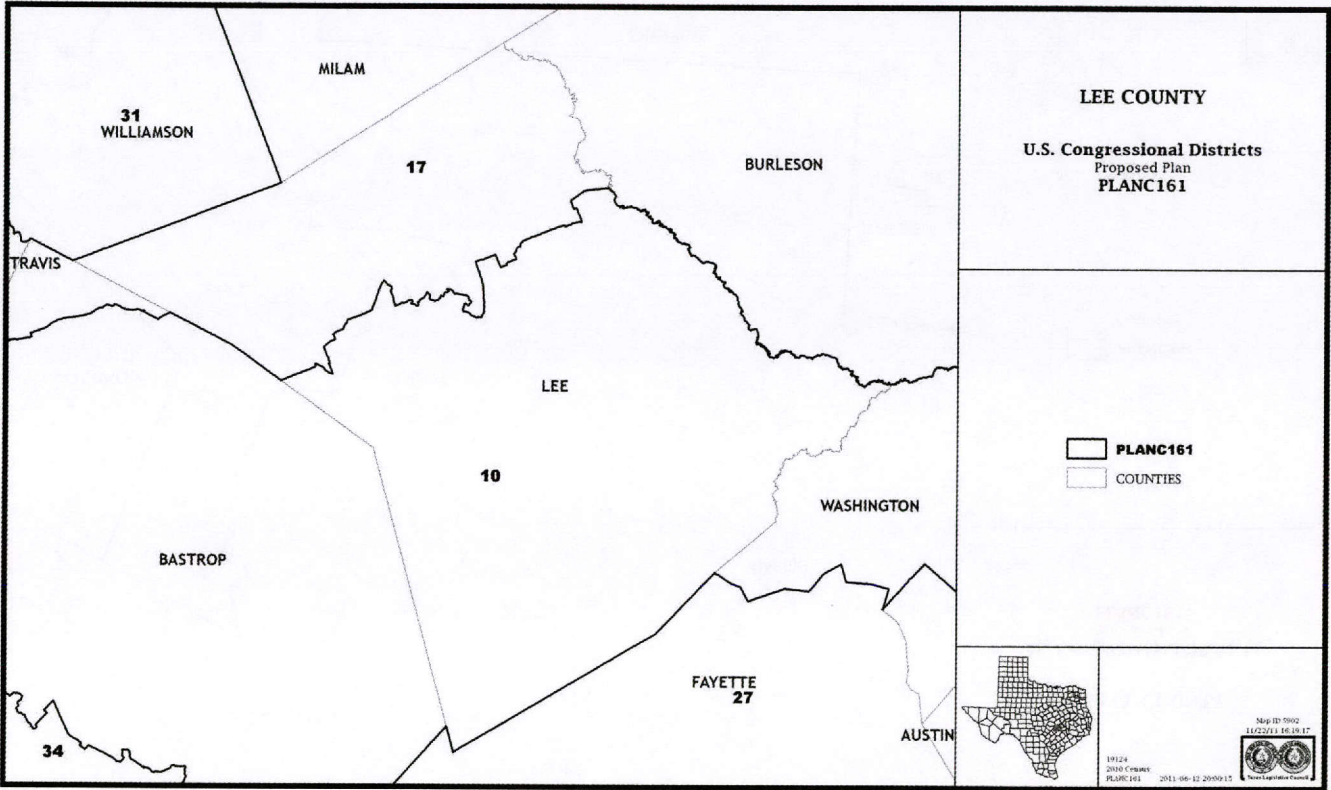


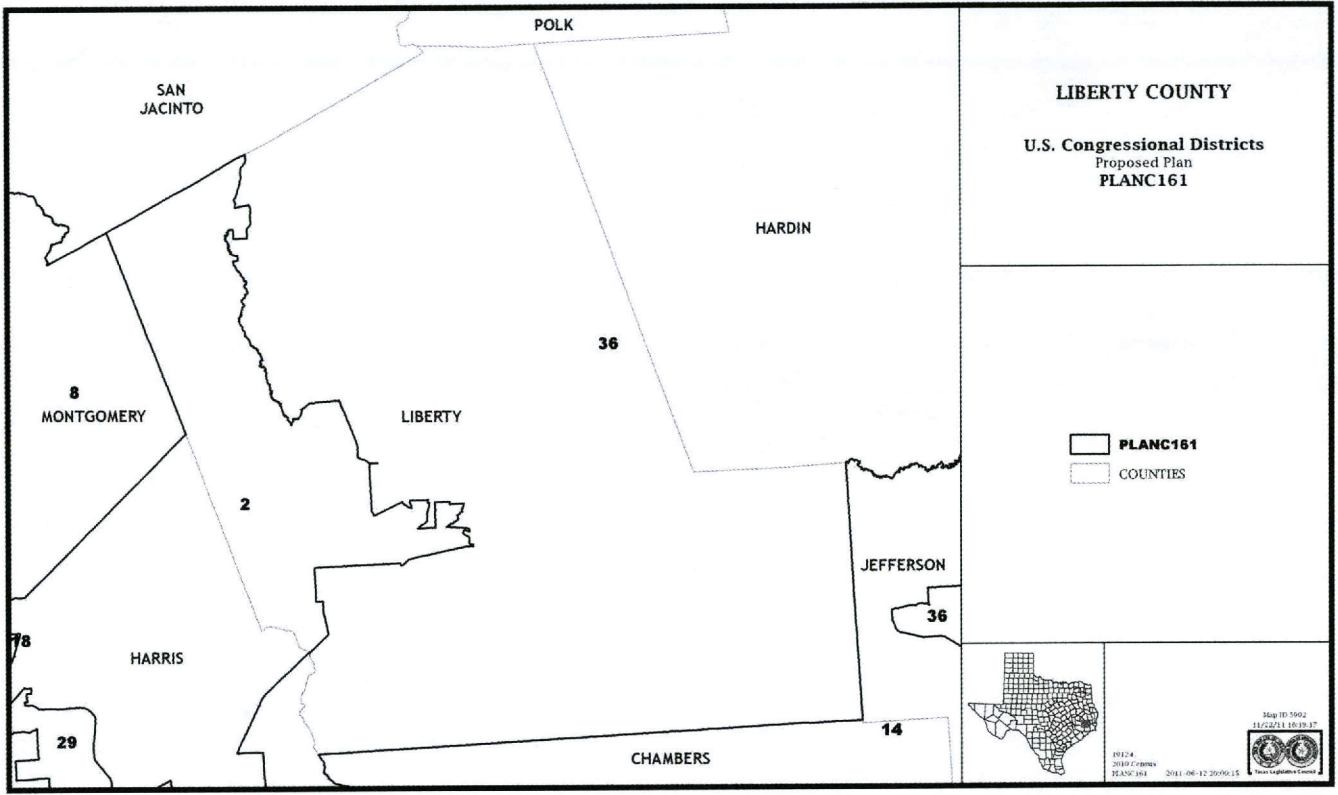


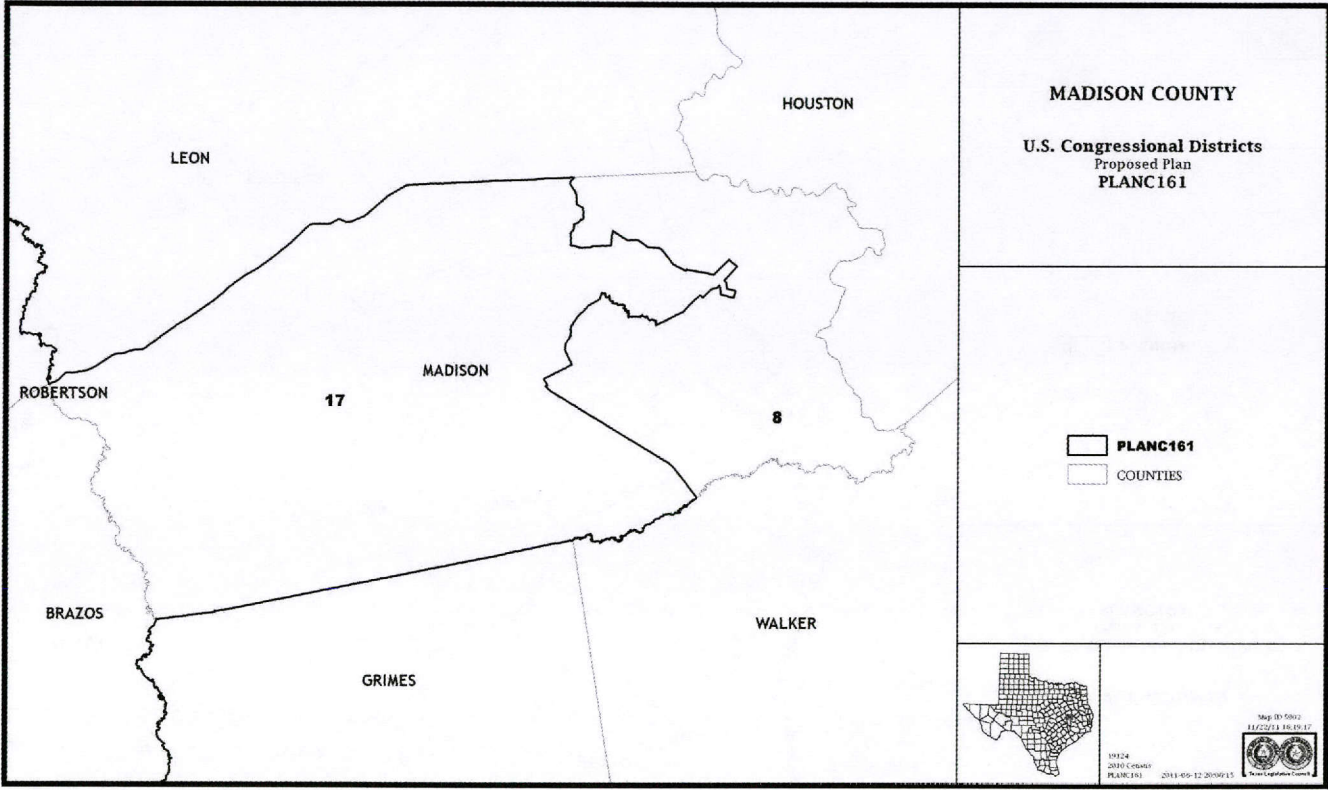


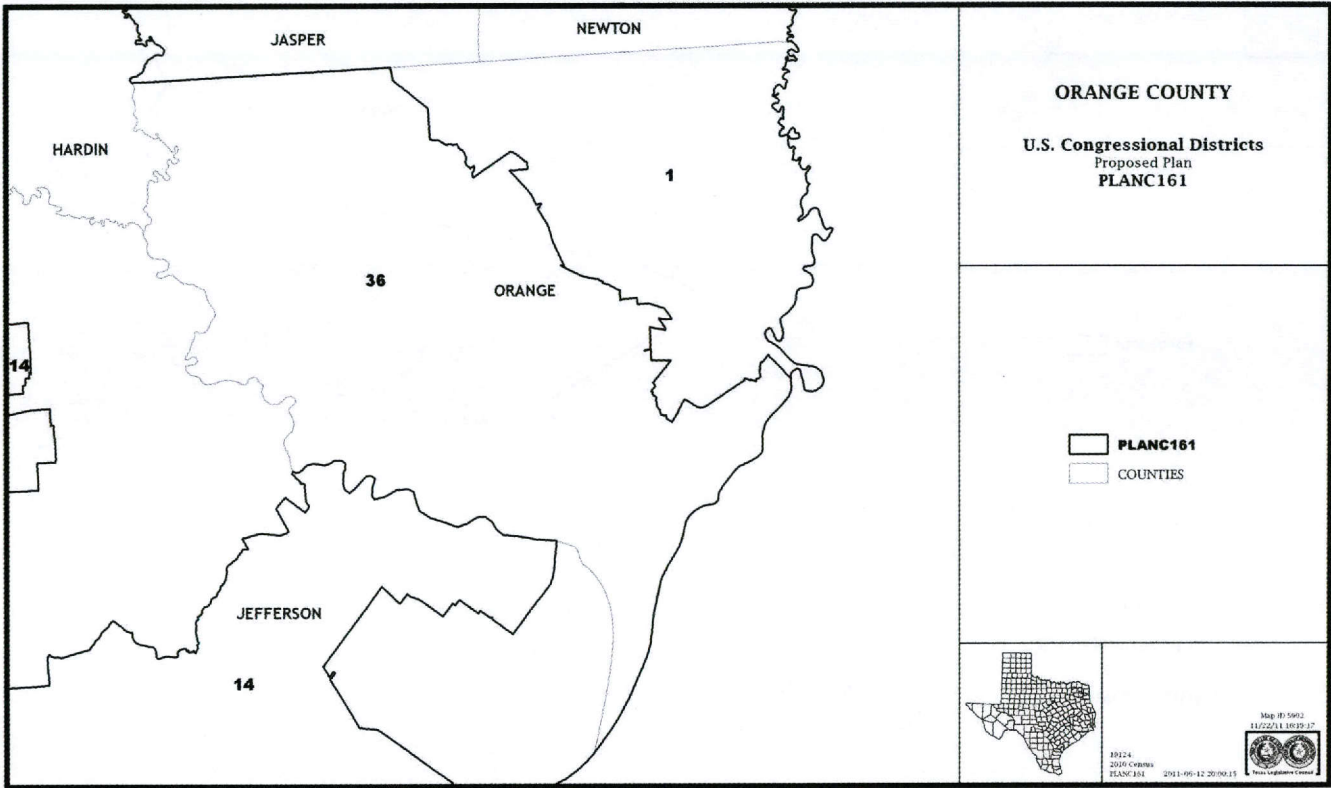


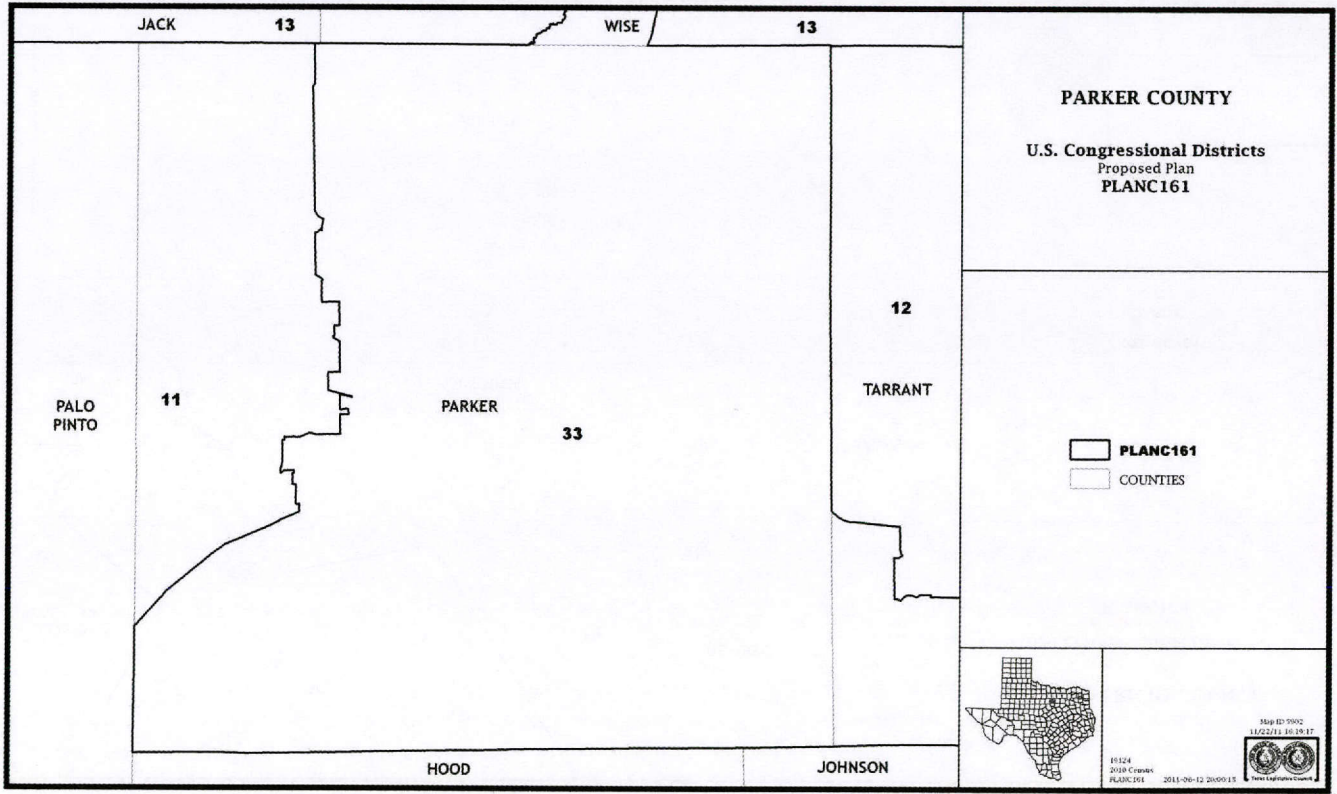


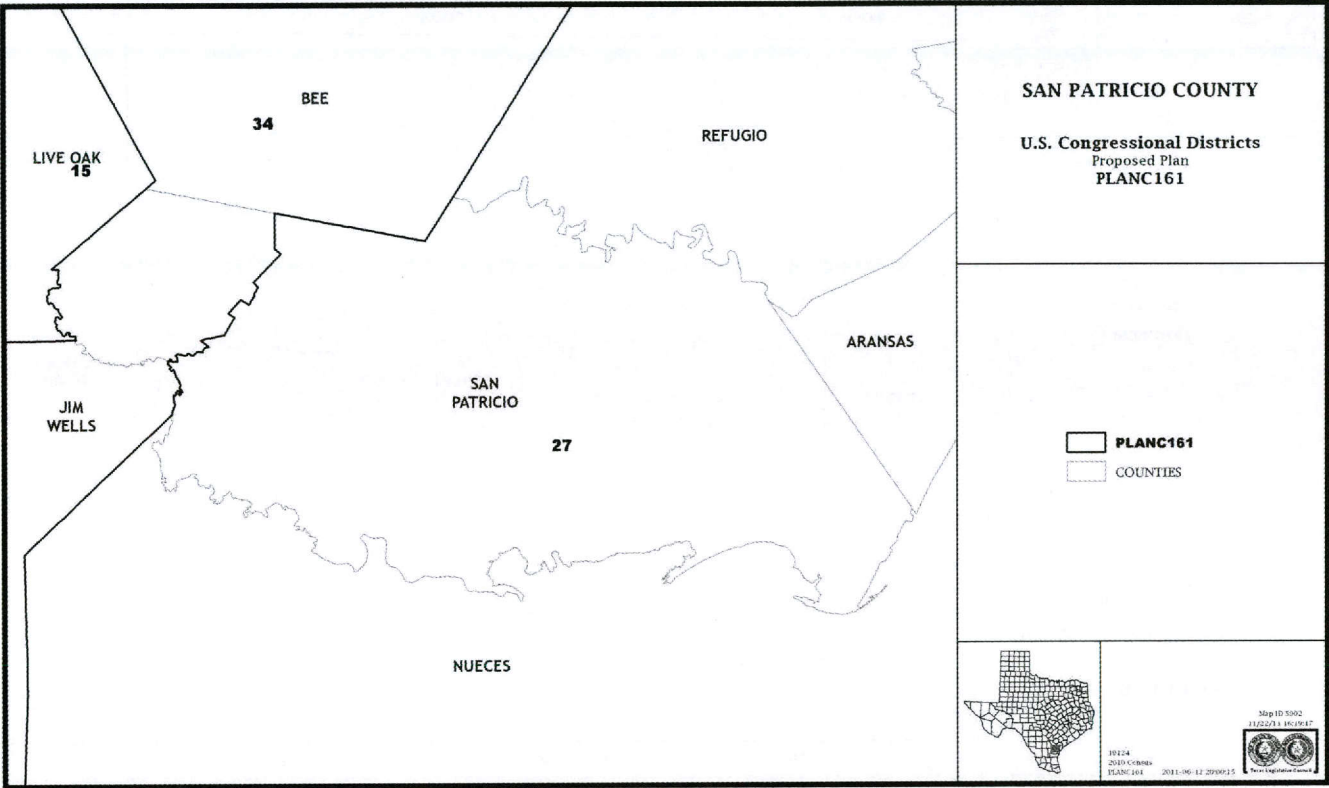


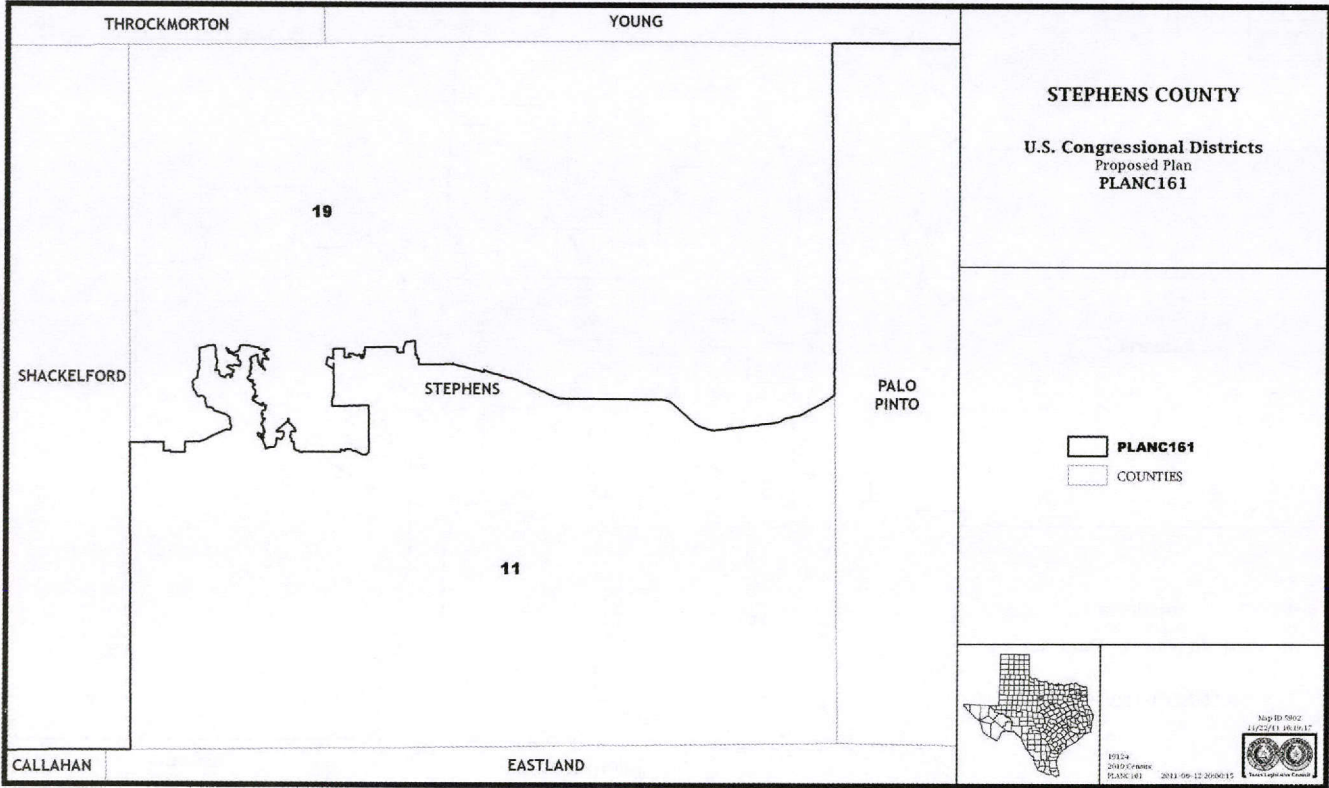


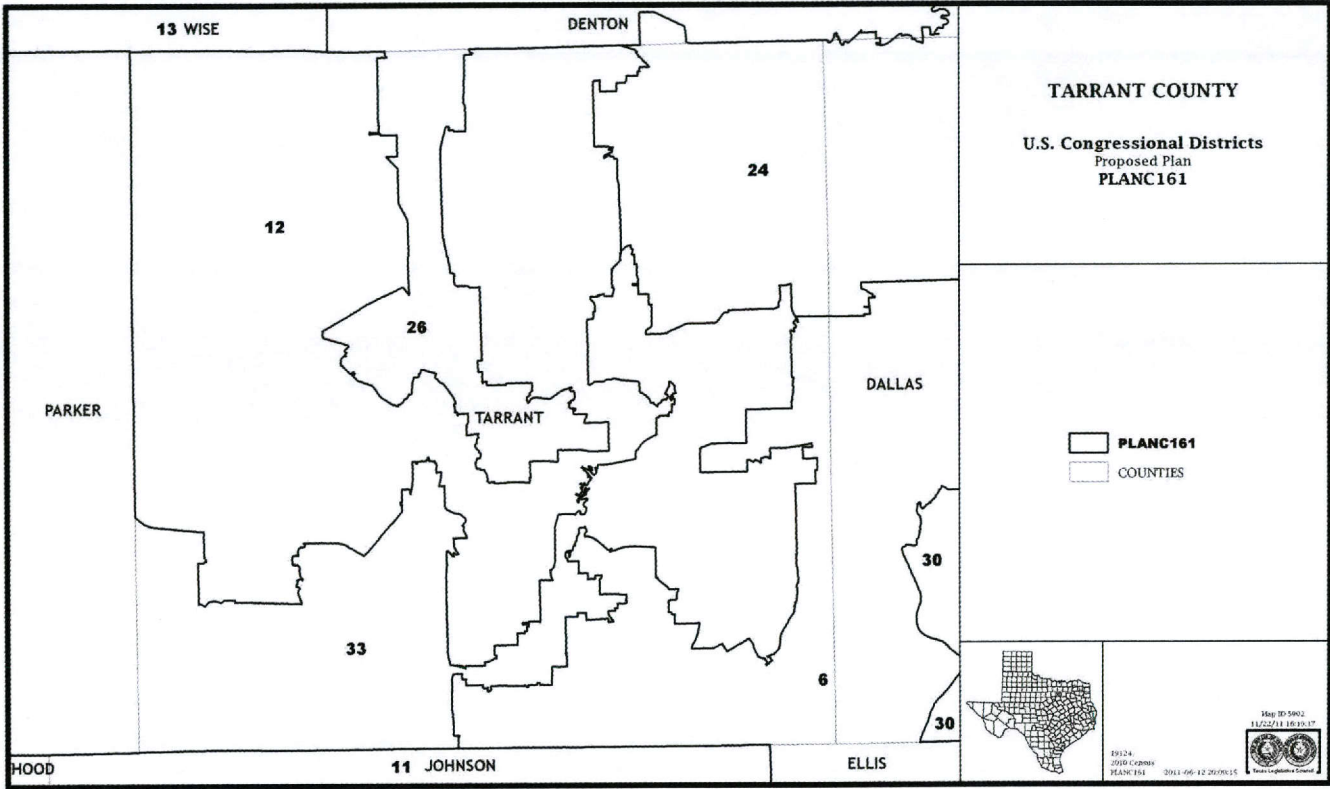


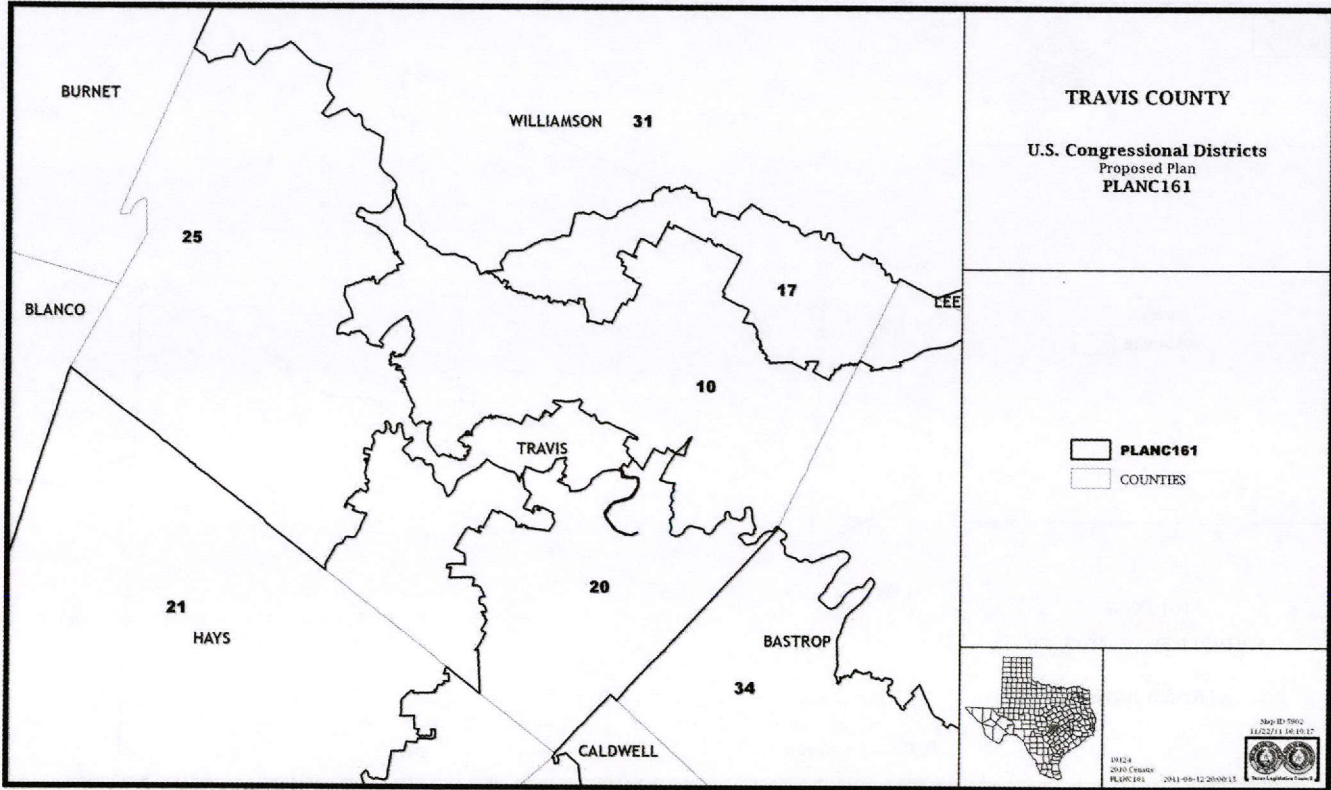


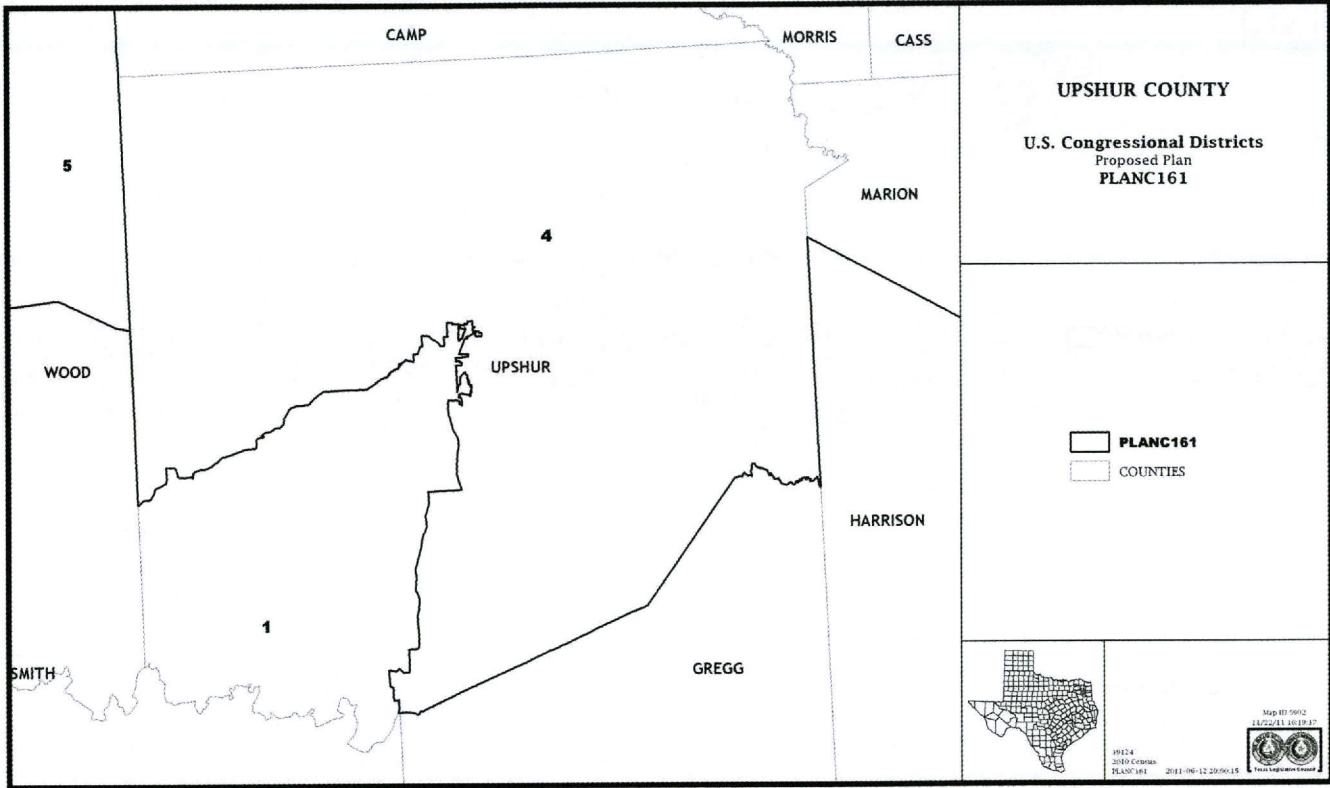


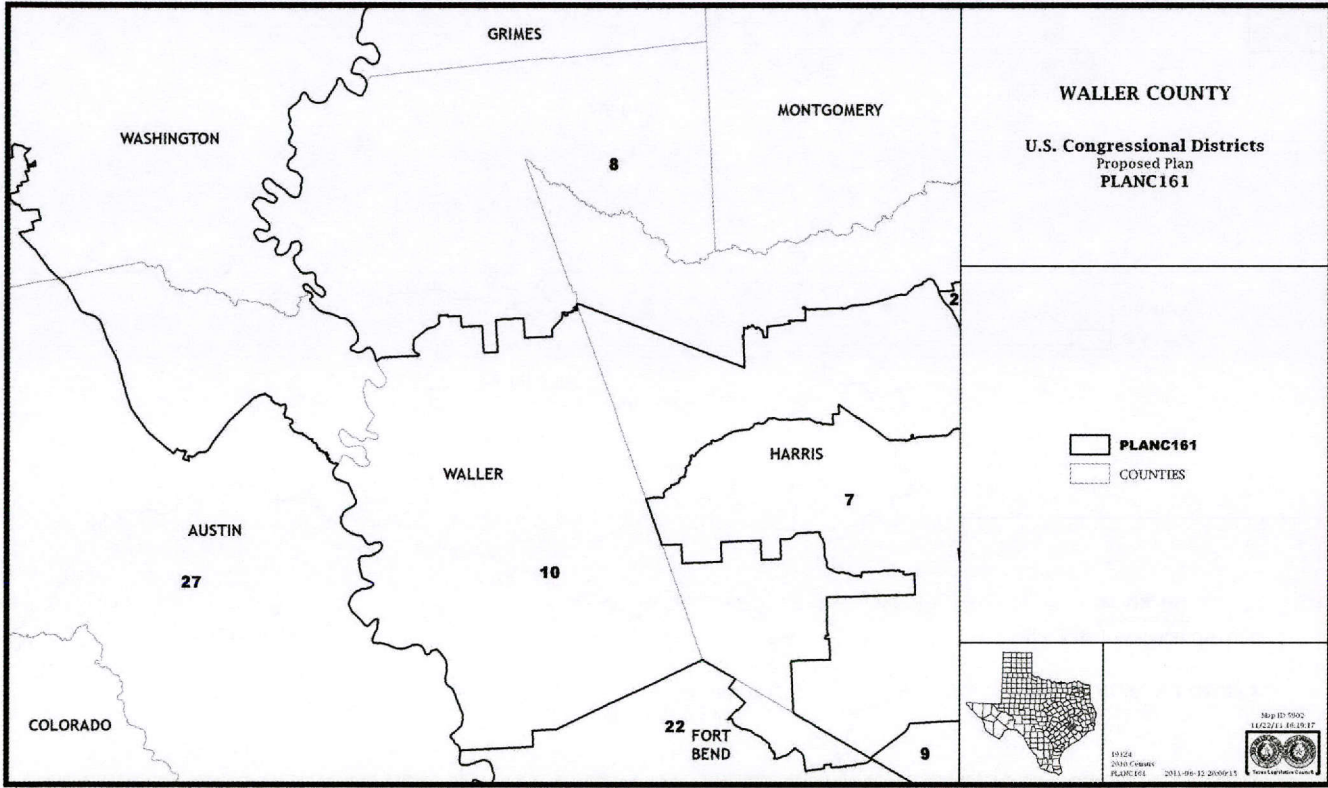


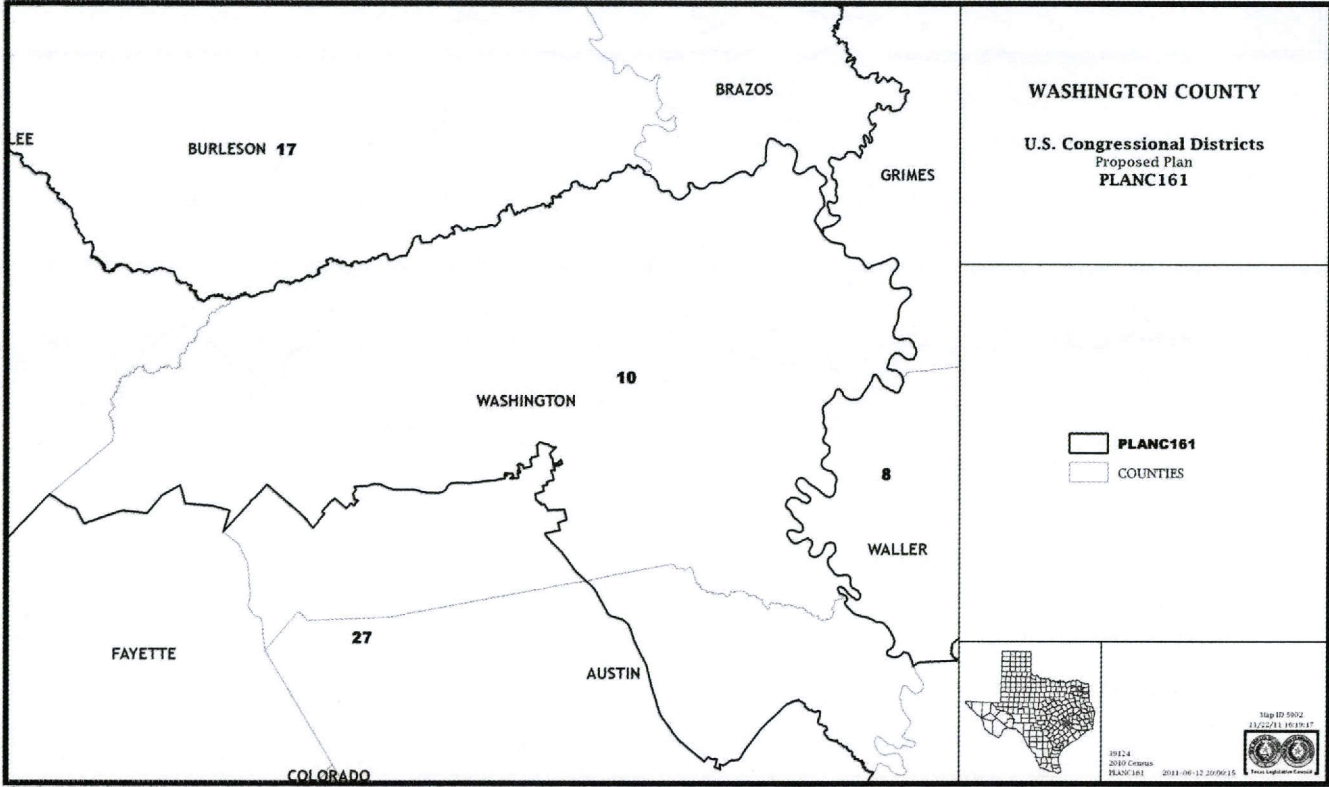




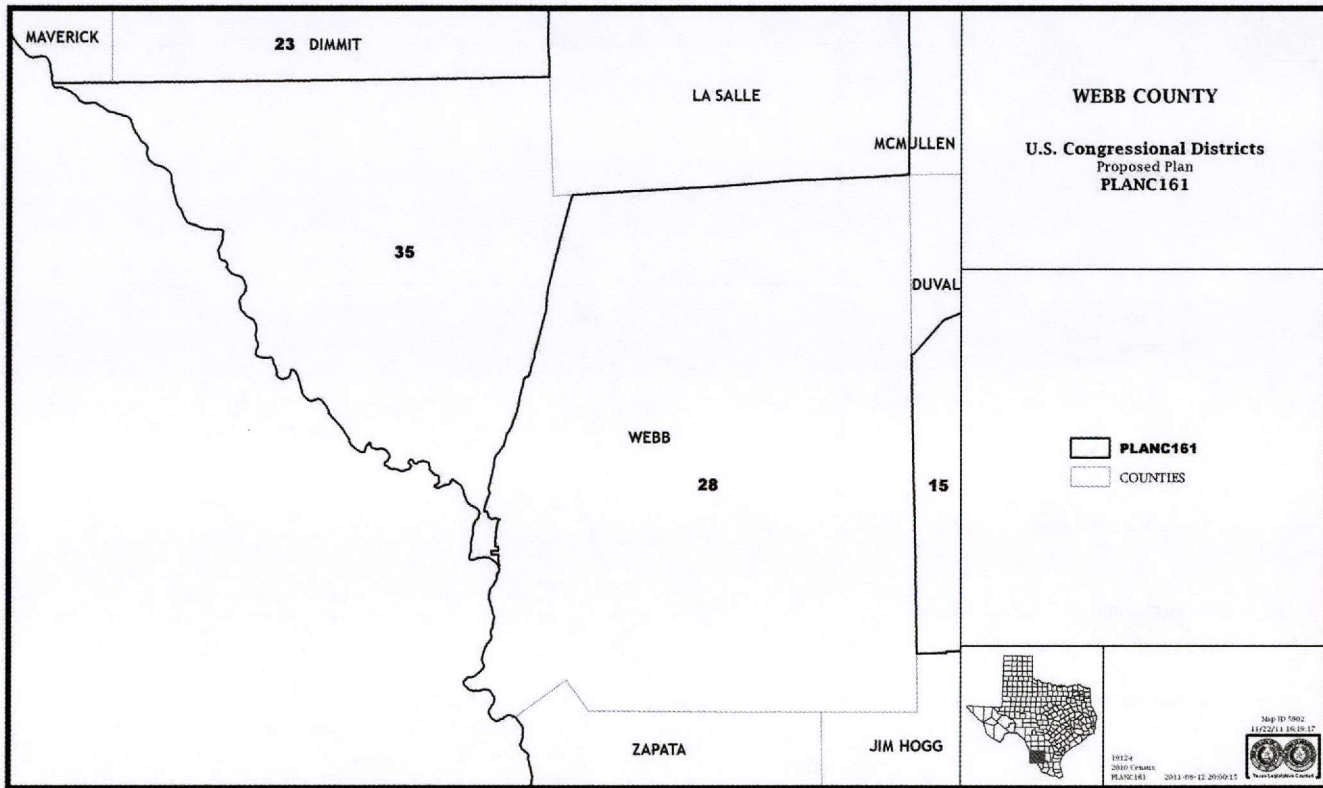


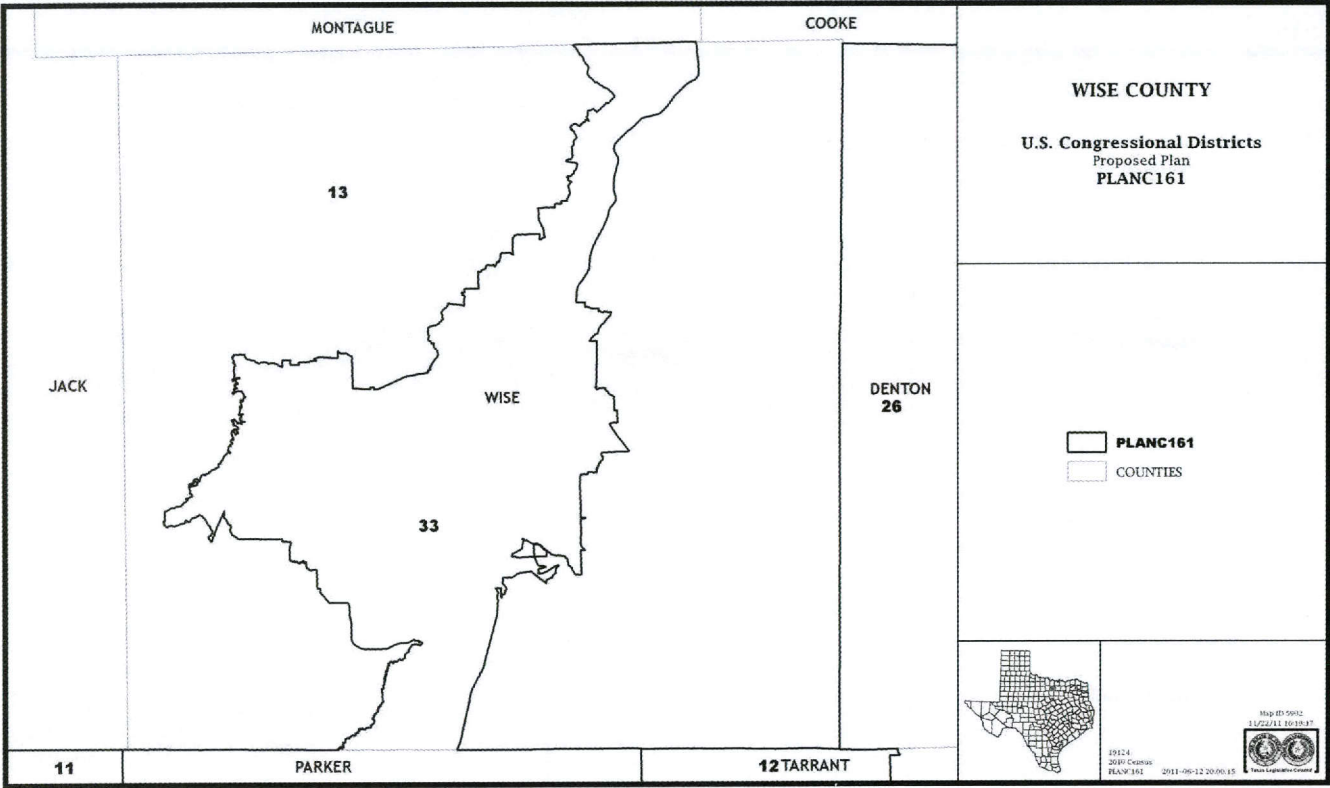


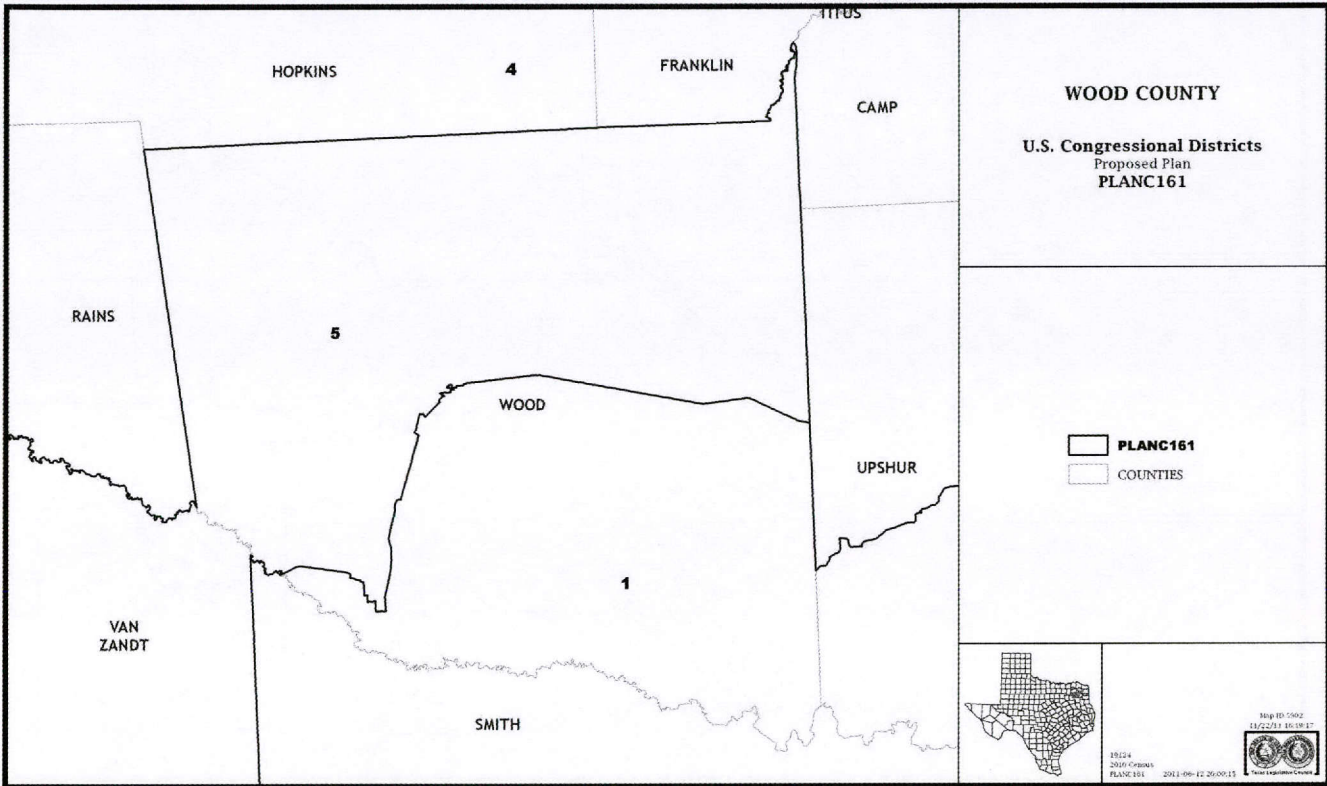




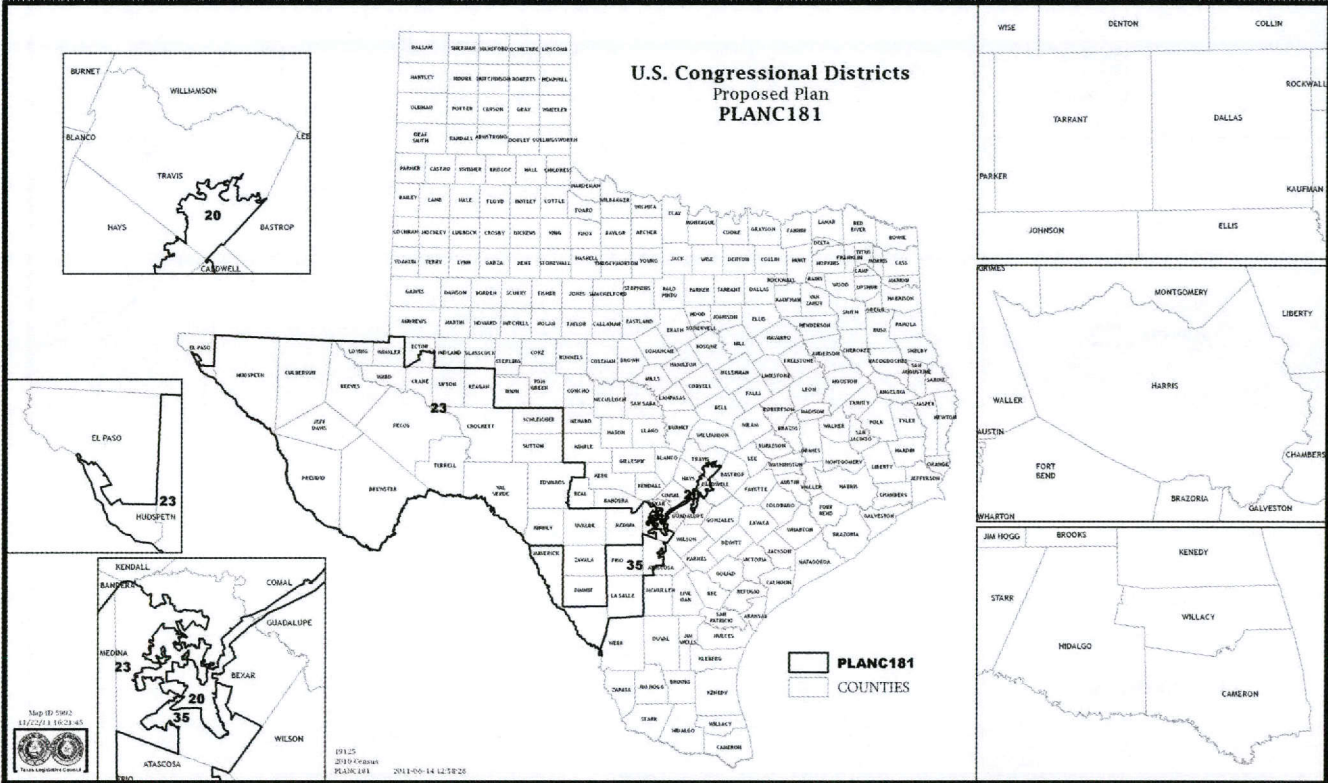
COLORADO

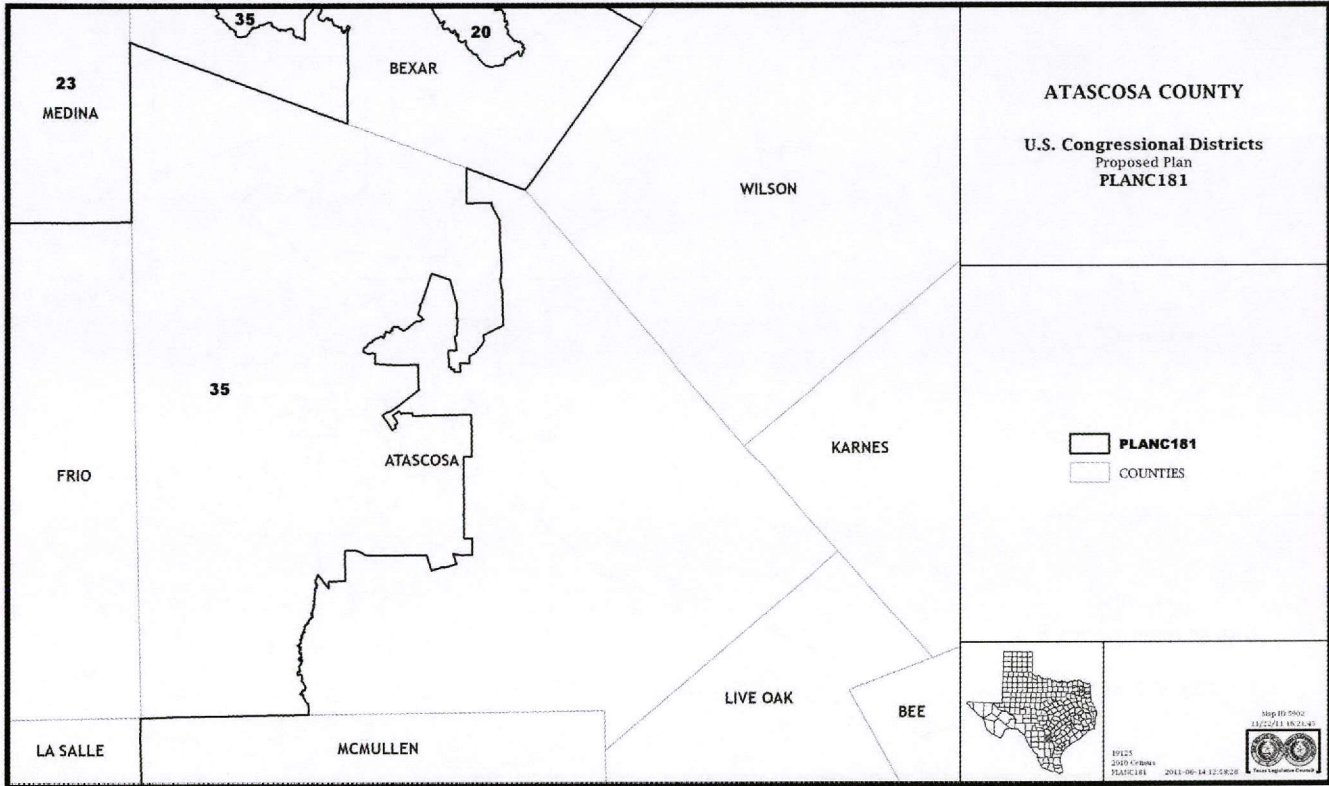


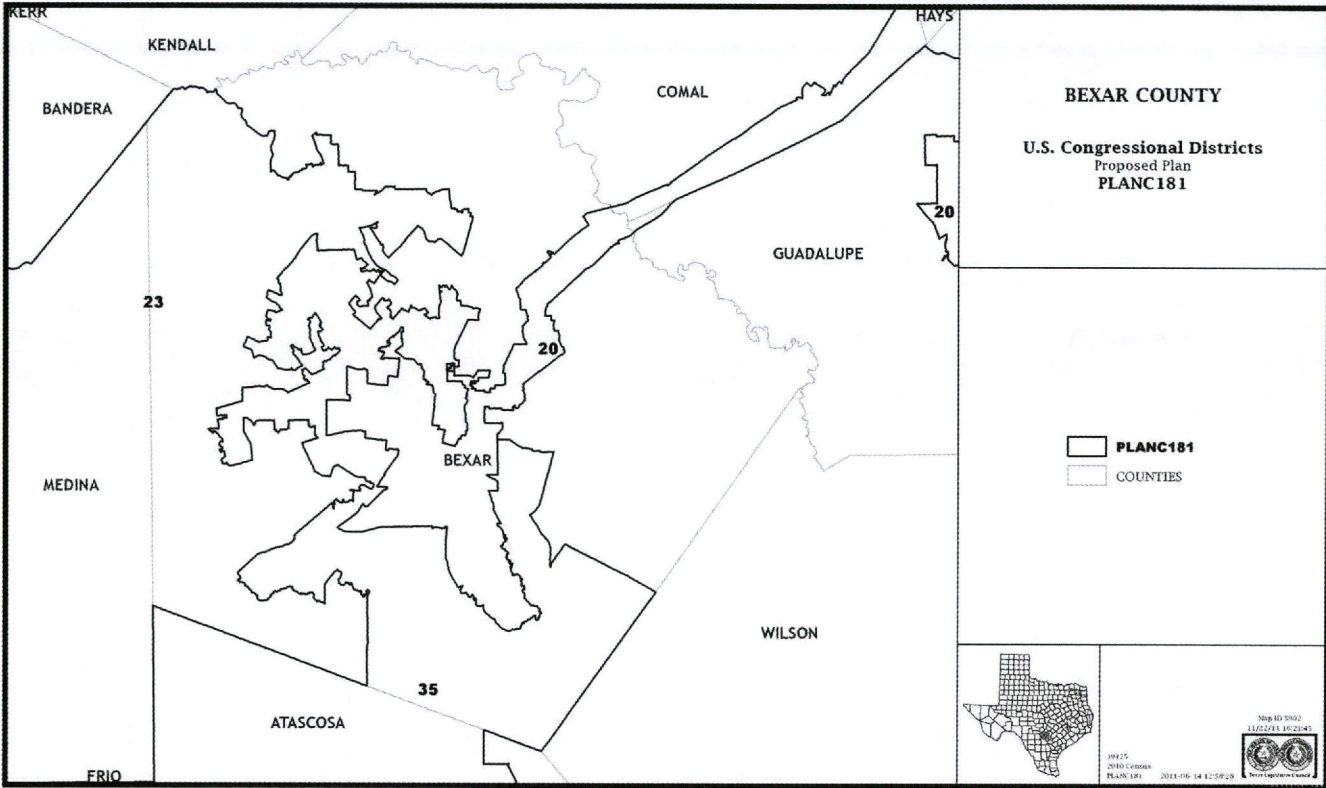


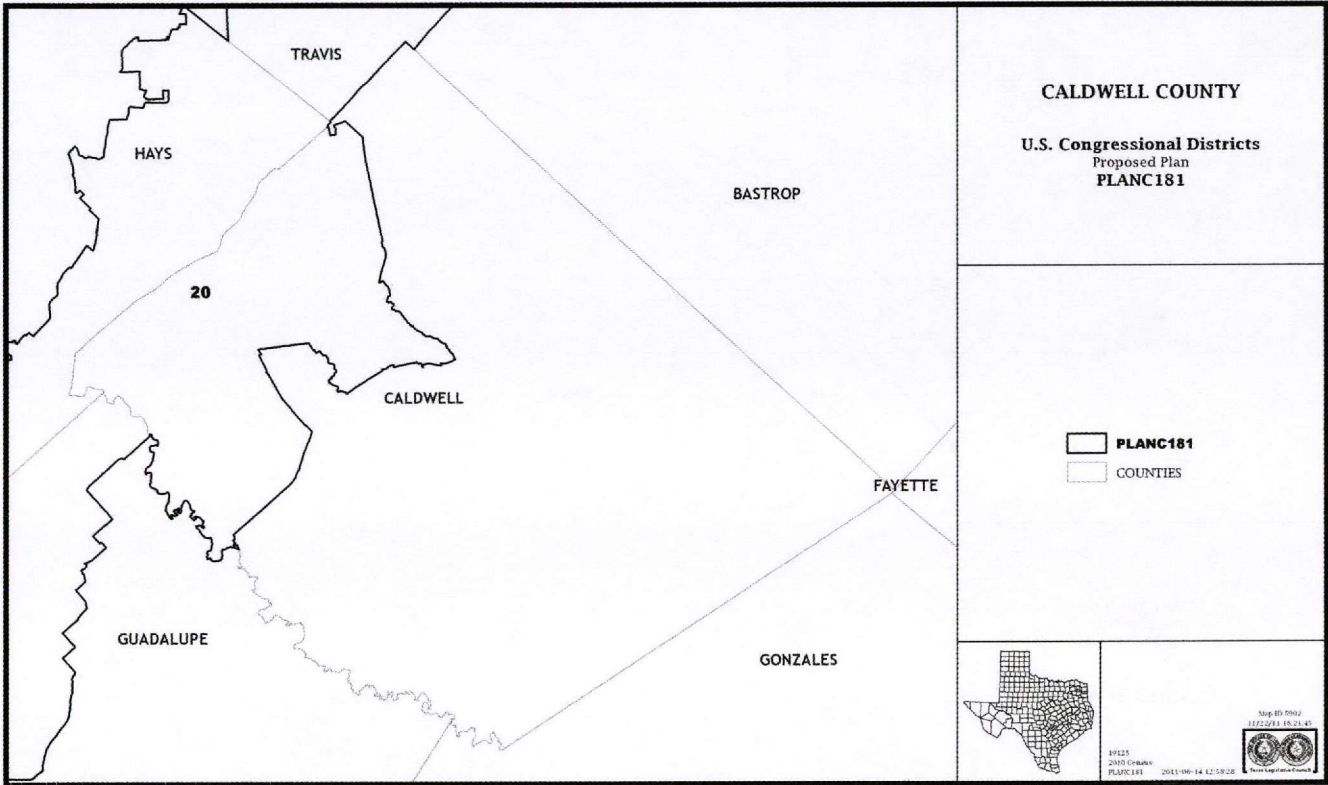


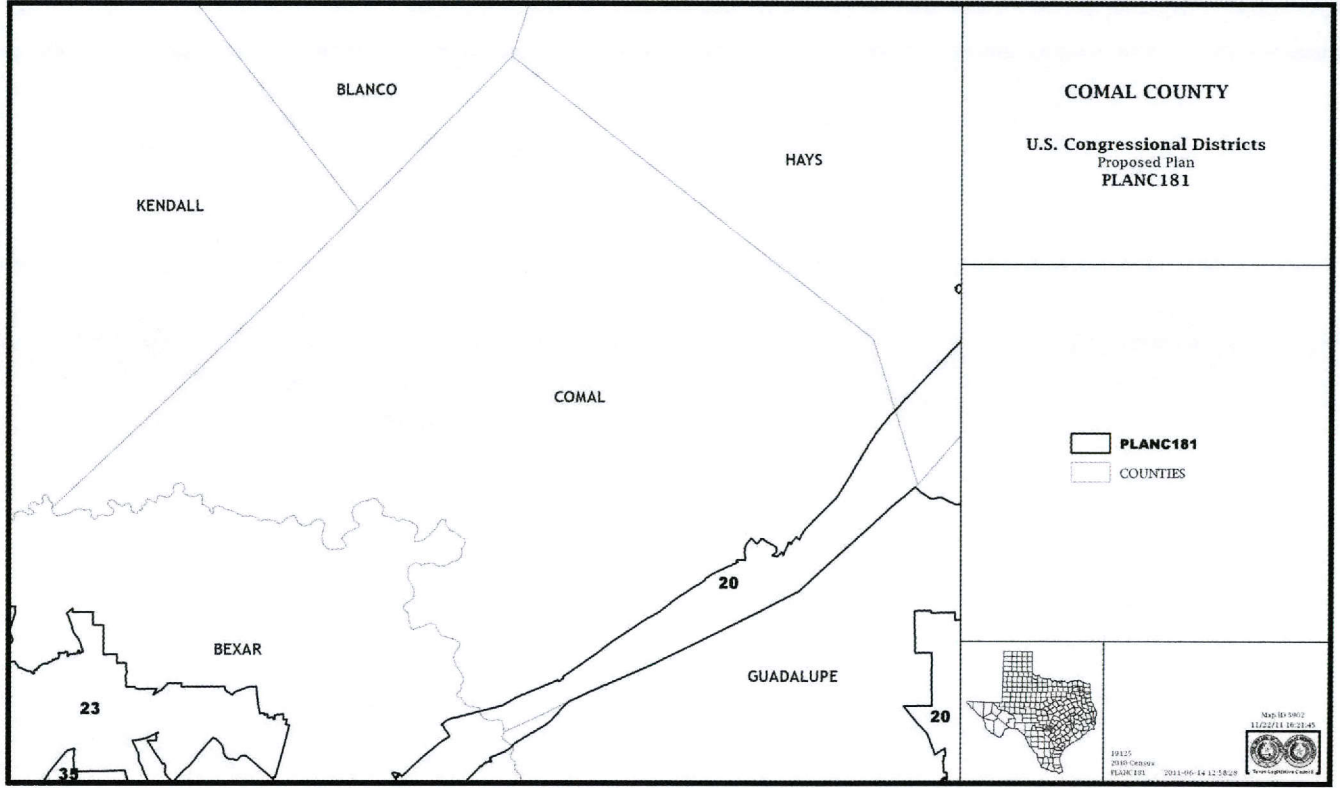
Amendment No. 19 (by Hilderbran)

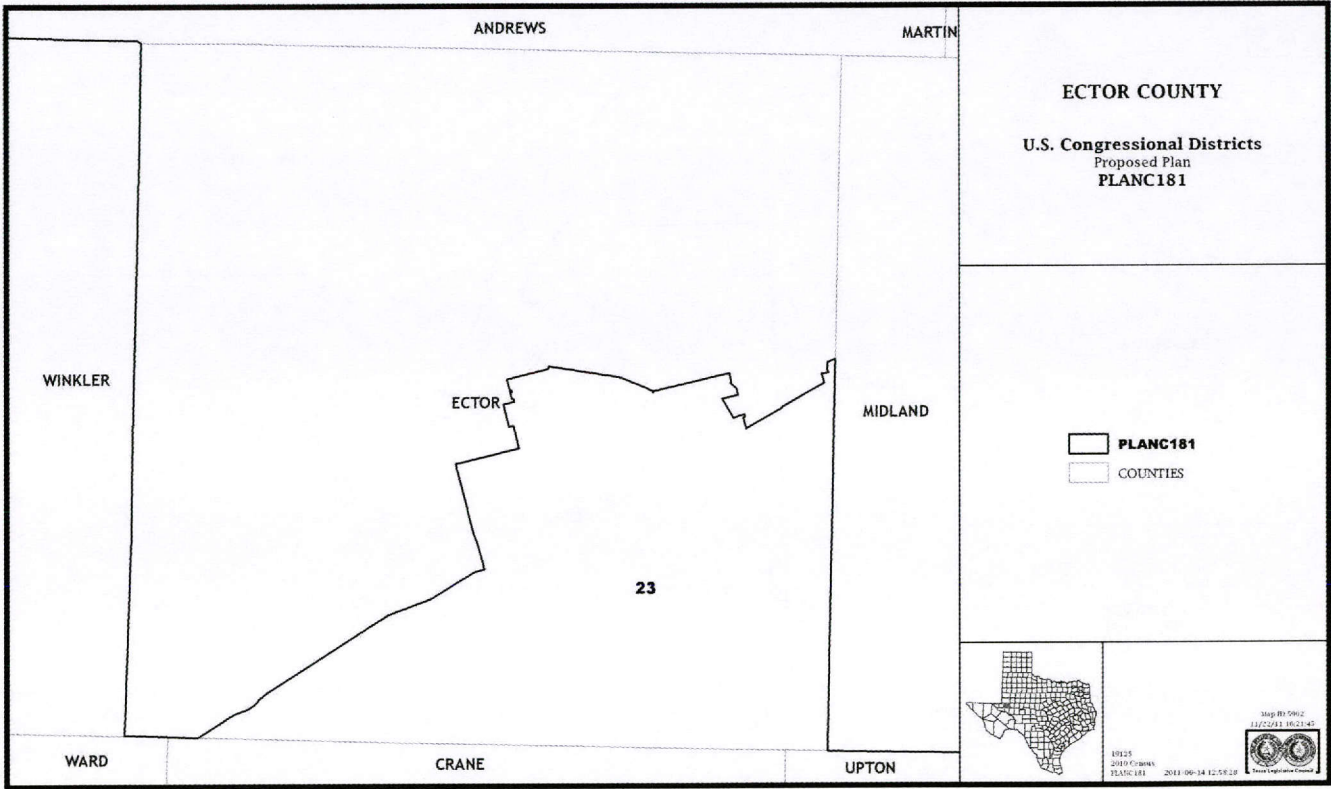


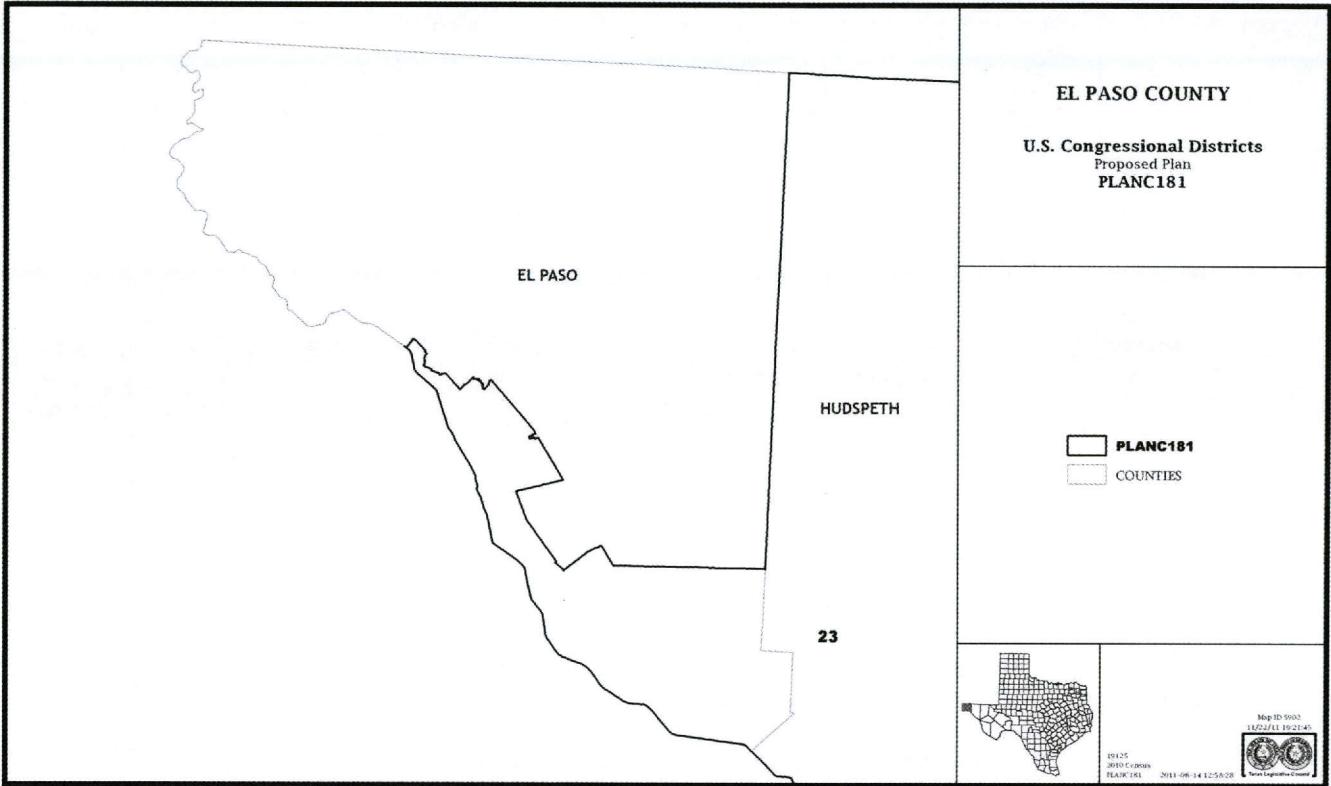


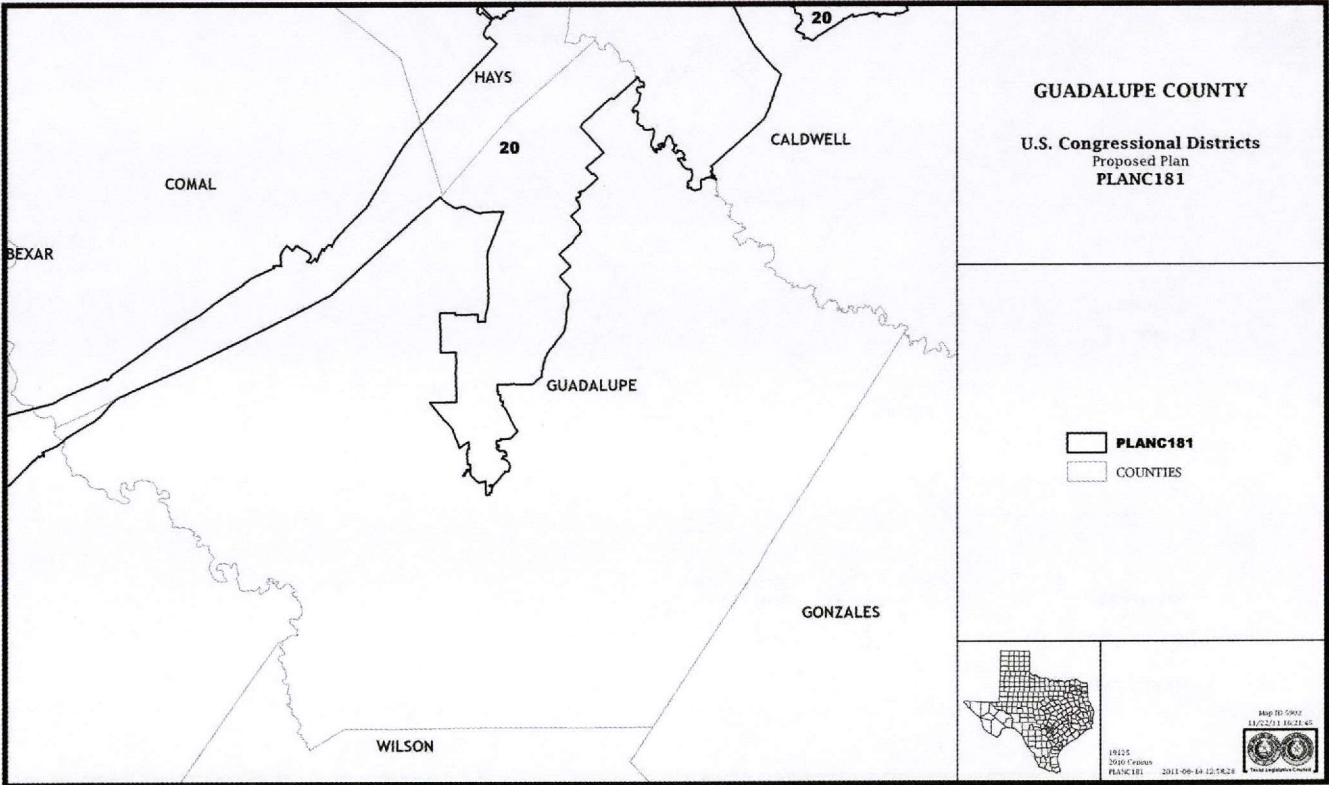


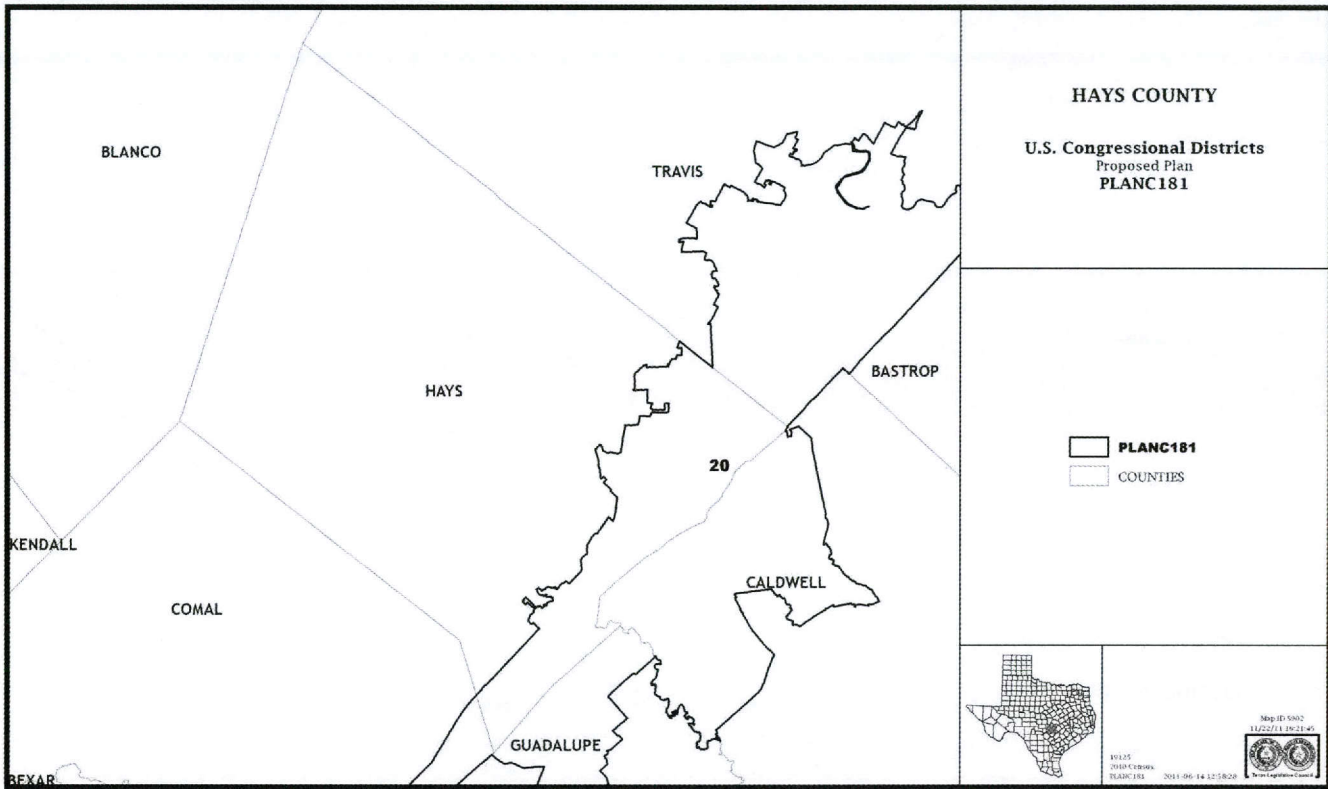


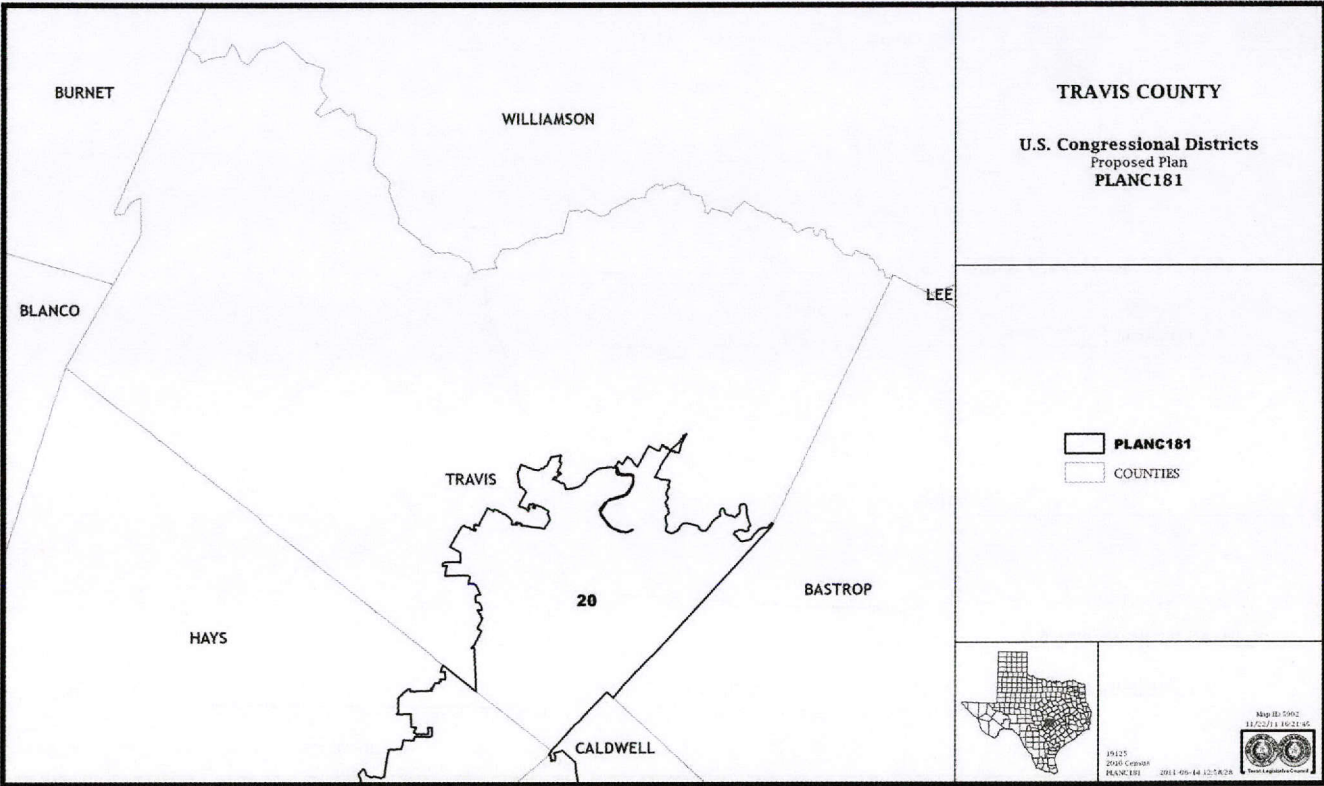


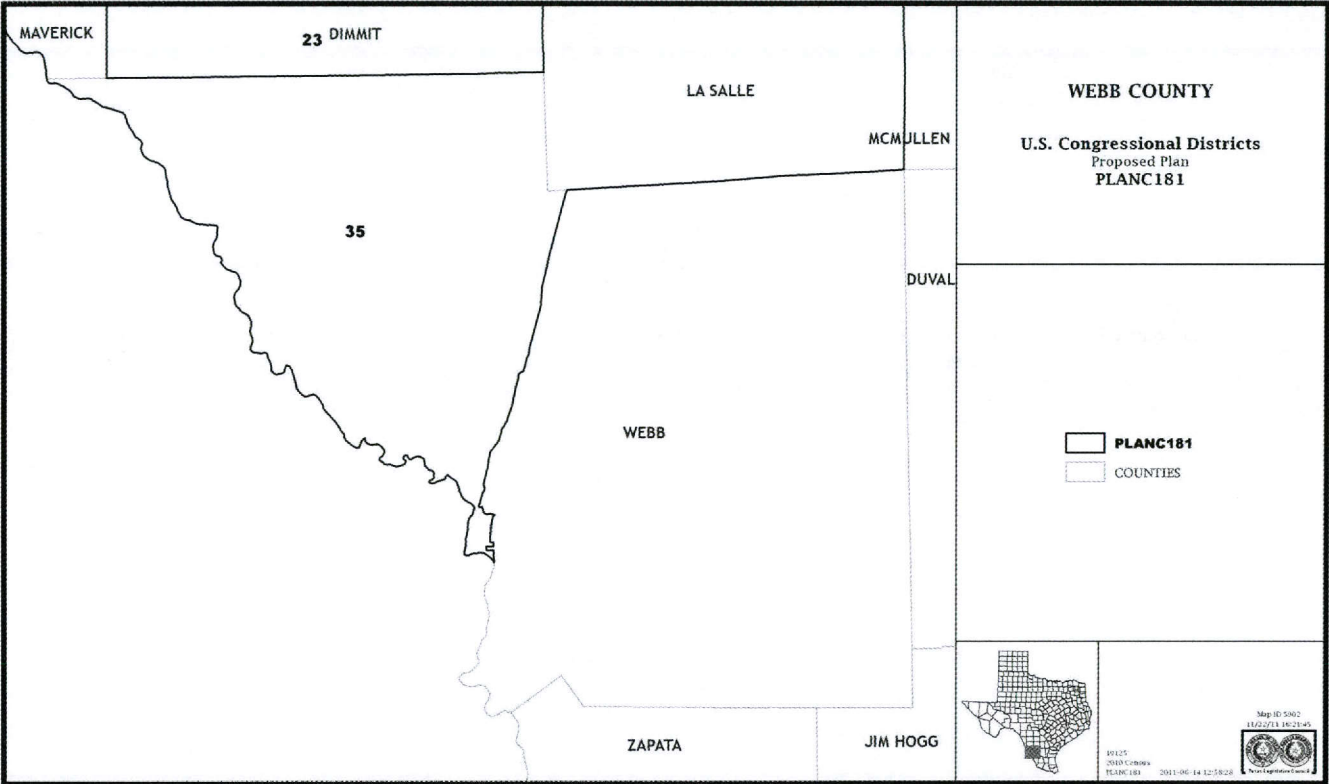












CSSB 4 DEBATE - SECOND READING

REPRESENTATIVE SOLOMONS: This is the congressional redistricting map by Senator Seliger. I move passage. There is a perfecting amendment, and then we can move passage and be done with this.

[Amendment No. 1 by Solomons was laid before the house.]

SOLOMONS: This amendment responds to some concerns from the public and Representative Menendez at the house and senate hearings on the bill. Representative Menendez specifically asked us to increase the SSVR of District 20 over 55 percent. We were able to increase it to 56.3 percent. We also increased the HCVAP of District 35 to 51.9 percent and the SSVR of District 23 to 54.8 percent. While we were doing this, we were able to maintain the performing nature of all the other Hispanic majority districts, and it's acceptable to the author.

REPRESENTATIVE T. KING: This amendment to the amendment doesn't mean anything to anybody, except those of you who now have counties. This is absolutely what's tragic about redistricting in the State of Texas today and perhaps throughout the world. I realize that when we draw congressional districts, there's no law against splitting counties, but this amendment to the amendment—and it may be good for the democrats, and it may be good for the republicans—I don't think I like the one that was withdrawn, either.

The amendment that Mr. Solomons has—and I don't know who it's good for and I don't know where it came from, whether it was democrats, or republicans, or MALC, or—I don't know where it came from. But what it does is it takes Maverick County, which is a county that I represent. Obviously not in Congress, and I don't care if the congressional delegation is all signed off on it. But when you go and you split off the bottom 20 percent of La Salle County, and you take and you split off the bottom half of—basically, it looks like they probably split the city of Eagle Pass, Texas, in half between two congressional districts, and they split another small county over there. You know, there's something very, very wrong with that picture, ladies and gentlemen, when we do that to the men and women that live and vote in these districts, and we force them to be in two congressional districts like that. I mean, they split Travis County—you know, Ms. Howard—into five pieces, but Travis County has six or seven or 800,000 people in it, or however many. Maverick County has 54,000 people in it, but they've never been—it's just terrible. Anyway, I object to the amendment. I object to the whole bill, for that matter.

My point is, you go in there and you destroy communities of interest whenever you split a county like Maverick County and Eagle Pass, Texas—you split it into two, you go into La Salle County and you split that into two like that, and there's just something very, very wrong with that. And I understand that congressional districts have to be drawn, too, they don't give you any deviation and that type of thing. But there's got to be a better way to do this, ladies and gentlemen, than to go in there and split small communities of interest like that just to satisfy a congressional delegation, I suppose. We don't know where the amendment came from. Anyway, I object to it.

SOLOMONS: Let me once again respond that we tried to make some improvements in a certain area, and I understand the concern any time you break up a county. You try not to do it very much, but we needed the numbers, basically, to respond to another member's request, and, quite frankly, it made the district and the map stronger. In District 20, we increased the SSVR over 55 percent, and we were able to increase it to 56.3 percent by this amendment, and we increased the HCVAP of District 35 to 51.9 percent, and the SSVR of District 23 to 54.8 percent. We needed to sort of do that and try to maintain the performing nature of this Hispanic majority district in South Texas. And I'm

sorry we had to divide Webb County, but we really needed to do that. It's not that you can't do it under redistricting—you try not to do it wherever you can—but, we sort of really needed to do that, and we think it improves the map considerably. We talked to other members on the committee, and they believe it helps the map. Even the Hispanic—

REPRESENTATIVE VILLARREAL: Chairman Solomons, you know I voted against the committee plan coming out of our committee.

SOLOMONS: Right, we're trying to fix that a little bit.

VILLARREAL: And I have concerns about the overall plan, but this amendment is actually an improvement from what came out of committee in some very specific ways. Can you—because these numbers are important—can you restate how you improved the Spanish surname registered voters for Districts 35, 20, in San Antonio, in the heart of San Antonio, and 23?

SOLOMONS: Right, well, I know for some of the members it goes over their head because it's blinding numbers. It's blinding numbers to me, but at the end of the day, it really is something that improves those districts and we needed to really do that, for District 20, primarily. But by doing so, we increased the SSVR, Spanish surname voting registration, of District 20 to over 55 percent, and to do that, we were able also to increase it—well, Representative Menendez had asked us to do that. We were able to increase it to 56.3 percent, and we also increased the Hispanic citizen voting age population of District 35 to 51.9 percent, and the SSVR of District 23 to 54.8 percent. That really bolstered all those districts considerably for South Texas, and that's really what the amendment does. And it really was an improvement to what we passed out of committee, especially considering some of the concerns you and others had.

VILLARREAL: I want to thank you for making these improvements.

SOLOMONS: Thank you, I appreciate it. Members, I move passage of the amendment.

[Amendment No. 1 was adopted by Record No. 69.]

[Amendment No. 2 by Geren was laid before the house.]

REPRESENTATIVE GEREN: What this is, it's a swap between Congressional Districts 12 and 26. It makes downtown Fort Worth whole, it puts the entire city of Westlake, both the Denton County part and the Tarrant County part, in the same district, and it unites the black communities in Fort Worth. And I believe it's acceptable to the author.

[Amendment No. 2 was adopted.]

[Amendment No. 3 by Kuempel was laid before the house.]

REPRESENTATIVE KUEMPEL: My intentions with this amendment were to put Guadalupe County together and bring it into a like-minded district. I've had overwhelming—the majority of the constituents in Seguin and Schertz, Cibolo, everybody in Guadalupe County want to move, like I said, into a like-minded district. From my understanding, with Mr. Solomons' perfecting amendment, this will not hold up legally. So, with that, I will withdraw it.

[Amendment No. 3 was withdrawn.]

[Amendment No. 4 by Hughes was laid before the house.]

SOLOMONS: Representative Hughes asked me to do this because he's delayed. He's at a funeral for a fallen soldier from Wood County, and this does affect Wood County. This amendment moves the city of Mineola from District 1 to District 5, which it's currently in District 5, and the amendment is acceptable to me as the author.

[Amendment No. 4 was adopted.]

[Amendment No. 5 by Riddle was laid before the house.]

REPRESENTATIVE RIDDLE: This is an amendment to my amendment and it makes a statistical correction in making the numbers zero out for the amendment.

[Amendment No. 6 by Riddle to Amendment No. 5 was laid before the house.]

RIDDLE: I apparently jumped the gun on that just a little bit. This is the amendment to my amendment, and it makes the statistical correction in making it zero out. I believe that it is agreeable to the author, move passage.

[Amendment No. 6 was adopted.]

RIDDLE: This amendment keeps approximately 385 acres of undeveloped land in Congressional District 2 instead of moving it into Congressional District 8 as proposed in the new plan. This affects about 28 people. We've been able to zero that out. I believe that it is agreeable to the author. I move passage.

SOLOMONS: Mr. Speaker and members, this amendment—Ms. Riddle and I discussed this amendment last week. I didn't seem to have a lot of objection, but apparently there is some concern now that has been developing over the last several days by some members, as well as the congressional delegation who's involved with this. This has to do with—and Ms. Riddle can speak on behalf of Congressman Poe—but this also right now is in Congressman Brady's district, who was a former member here, and, quite frankly, they haven't been able to resolve this. This has to do with the Exxon world headquarters, and it is basically some undeveloped land and it deals with very personal things between these two members. So I'm going to leave it to the will of the house, in one sense, because I'm going to move to table this amendment because I think it's overreaching by Congressman Poe. We have gone out of our way to listen to all the incumbents as far as their districts and tried to accommodate where we could. In some places we couldn't do that. No congressional member got everything they wanted, and I think this is overreaching and I'm going to move to table, and we'll see what happens. But there has been some concern in the last few days over this particular amendment. And I'll be happy to yield.

REPRESENTATIVE FLETCHER: Chairman Solomons, when I saw the map—I'm personal friends with Ted Poe and Congressman Brady, but this particular little tail that comes down into Harris County, that comes over and takes that 300 acres that has 28 voters in it, is a little bit of an overreach, as you've indicated, to come all the way down into Harris County from up in Montgomery County. Congressman Brady represents all of East Texas and all of Montgomery County, and to come down into our county and take a 300 acre piece of land with 28 voters—I think that's overreaching, sir.

SOLOMONS: So you're—

FLETCHER: I'm against that happening. My question to you is—you're sitting there telling the house—

SOLOMONS: I just think it's gotten to the point where I spent last week, yesterday, and today, and you would be absolutely surprised—no, well, I don't think any member of this house would be absolutely surprised at the amount of nickel-and-diming that's going on in these districts. And, quite frankly, I respect your opinion, I respect Congressman Brady, I respect Congressman Poe. I'm going to leave it to the will of the house, but I'm going to at least try to make the motion to table.

FLETCHER: But let me say one thing to you, because I know you're wanting to give the message to the people in this house. I cover the whole northwest part of Harris County—

SOLOMONS: Right.

FLETCHER: This comes down under me and into Representative Riddle's district.

SOLOMONS: Yes, sir.

FLETCHER: And as I've already indicated, it's 300 acres. It's got 28 voters in it, and Congressman Brady represents East Texas and Montgomery County. And to come down into our county, below my district, into her district to pick up that headquarters, it is pretty obvious what they're doing.

REPRESENTATIVE HARLESS: Mr. Chairman, can we talk about this district as it was drawn originally? Congressman Poe's district, in the last congressional—the current seat? The current seat encompassed all of Chambers County, Liberty, or most of Chambers, Liberty, Polk County. During the redistricting negotiations, Congressman Poe came down here. I introduced him to you. He visited with you a few times. His only concern was that he would like to be in Harris County and not to go all the way out to Beaumont and the Louisiana border. And we have worked with him a number of times to make sure that his district—that he was happy with the district. The other thing is there was some comments by Representative Fletcher that Brady had Polk, or had Montgomery County, and none of Harris County. But that's not actually factual. He has a significant part of the northern part of Harris County, as well.

SOLOMONS: Right.

HARLESS: And we've made a lot of concessions to make sure that they both were served properly.

SOLOMONS: We tried to listen to everybody, the congressional delegation, the members of this body, and I know some of this is seemingly a nickel-and-dime deal. But, at the end of the day, Congressman Brady was a former member here. We're not changing anything. We went out of our way to help Congressman Poe a number of times, to make sure the districts worked, the numbers worked. Congressional delegation seemed to be okay. We're trying to make sure the voters are okay with where we're putting things, and we just tried to do our best job. And, you know, we're nickel-and-diming today, this morning, over—trying—these guys trying to do this. So whatever happens, happens. But I think that I've changed the map enough with Congressman Poe. I would prefer to have a motion to table, table the amendment, and hopefully the will of the body will decide that as they see fit. But I appreciate your help on this.

HARLESS: Mr. Chairman, I'm sticking with you. And I have an e-mail, I'll be happy to show any members, from Representative Poe last week, when he e-mailed me while he was in Iraq, and said that this area was not in his district, and he'd like to have it back, but if it didn't work out, that was fine.

SOLOMONS: Okay. Thank you. So, I'm going to move to table.

RIDDLE: As Senfronia frequently says, she talks about the little dogs and the big dogs. I don't have a map large enough for you to see, but if you could see this, you would see that Congressman Brady, who I respect greatly, has 99.9 percent of all of the district north of Harris County. Only a fraction of what he has is coming into Harris County. And it is taking this 300 acres that was Ted Poe's. And, yes, I applaud Burt and his committee for all that they've done. But this is in my district, this is in my county, and this is important to my district and my

county that Ted Poe have this 300 acres. It is a power grab, in my opinion, for Congressman Brady to come in and grab this. This affects 28 voters. We zeroed it out, we've taken care of it.

REPRESENTATIVE DUTTON: Ms. Riddle, have the congressmen signed off on either of these plans?

RIDDLE: I found out this morning that the congressman did. He was pleased with the way that his district was being drawn, but it is my understanding that he did not know that this 300 acres, where Exxon Mobil is going to be moving, was taken out of his district.

DUTTON: And you mean Ted, the congressman you're speaking of is Ted Poe, right?

RIDDLE: And it was given to Kevin Brady.

DUTTON: Right. Okay.

RIDDLE: Basically, Kevin Brady is coming a little bit into north Harris County and grabbing what I consider the crown jewel, that is the 300 acres where Exxon Mobil is going to be moving.

DUTTON: And where is the rest of Mr. Brady's district?

RIDDLE: Mr. Brady's district goes into Montgomery County, Leon County—it goes all the way north.

DUTTON: And that's the only part that is in Harris County, that little 28 people?

RIDDLE: He's got these 300 acres there, and just a little bit more of a sliver. I'm not taking Congressman Brady out of the little bit that he is in north Harris County. I feel like those folks in north Harris County lose their voice.

DUTTON : So yours is just to take those 28 people out?

RIDDLE: The 300 acres is what this is about.

DUTTON: And that's the 28 people, and the future home of Exxon Mobil corporate office?

RIDDLE: Yes.

DUTTON: Okay.

RIDDLE: And for him to come in, into Harris County and grab that, I see as a power grab. It's in my district and in my county, and I think it's flat wrong. And that is why I have this amendment. This is about the little dogs and the big dogs and right now, I think Senfronia would agree, we're the little dog in this. But we're still scrapping and fighting. And the reason is because we're doing what is right for our county, what is right for our constituents, and what is right for my constituents.

DUTTON: Well, good. And I appreciate it.

[Amendment No. 5, as amended, was tabled by Record No. 70.]

[Amendment No. 7 by Alvarado was laid before the house.]

REPRESENTATIVE ALVARADO: I offer this amendment because I believe that **SB 4** does not accurately reflect Texas' growth or its diverse population. In Harris County alone, the Latino population grew by over 550,000 people. That, in itself, is almost the size of a new congressional district. With that in mind, this amendment creates a second Latino opportunity district in Harris County, while maintaining its three current minority districts. Both districts, District 29 and the 36, are completely in Harris County and have a Hispanic voting age population of over 50 percent. While the SSVR in the districts are slightly under 50 percent,

both have proven to elect Latino voters' preferred candidate of choice. As the Department of Justice guidelines clearly state, there is no specific demographic percentage, no magic number that determines effectiveness. It's a function of different factors such as turnout and election results. This map does not pair any incumbents. District 29, which is the current Latino opportunity district in Harris County, remains anchored in north Houston and picks up the growing Latino communities of west and southwest Houston, Harris County. Districts 9 and 18 remain as coalition districts that currently would like to remain represented by African American congress members.

REPRESENTATIVE WALLE: Representative Alvarado, what you're in essence trying to do is increase the voting participation of Latinos by creating another Latino opportunity district, is that correct?

ALVARADO: That's correct. As you know, in Harris County, the Latino population is just not anchored in two parts of Houston like it used to be. But the Latino growth is throughout Houston and Harris County. And with this new growth in south and southwest Houston, you are able to create another opportunity district.

WALLE: And the Constitution, and the Bill of Rights, and the Voting Rights Act would allow us to do that because of the nature of Harris County and the nature of the reasons why we still fall under Section 5 and Section 2 of the Voting Rights Act and have to get preclearance. So your amendment is a good amendment, particularly for those folks that have been disenfranchised in the northwest part of the county and the southwest part of the county, where there's a lot of growth of Latinos in those areas, is that correct?

ALVARADO: That's correct. And as I mentioned earlier, with the growth being over 550,000 Latinos, just in Harris County alone—again, that in itself could be almost the size of a congressional district. So I think this amendment is necessary because it does—it gives another opportunity. We're not asking for a sure thing, but Latino voters have a candidate of their choice, so I think this amendment reflects that. Again, I don't think **SB 4** properly reflects the growth and the diversity in Harris County.

WALLE: And you and I know the current representative, congressperson that represents the congressional 29, because you and I have both worked for him.

ALVARADO: Yes.

WALLE: Is that person Latino?

ALVARADO: No, he's not. Representative Walle, that's Congressman Gene Green. And Latino voters have, for the last two decades, reelected him. He is the candidate of their choice. And that's all we're asking for here.

WALLE: Right. And that's the keyword, is the candidate of their choice for the Latino community to come together as a community of interest. Because they've lived, they go to church together, they go to the HEB, to the Kroger, to the Fiesta, the Food Towns in our neighborhoods, to Las Michoacanas that are all over this city. And for us, it's just having the opportunity to elect somebody of our choice.

ALVARADO: That's correct. And that's what the purpose of this amendment is. I think it's what we should all be striving for, which is a fair, equal opportunity for voters to elect a candidate of their choice, regardless of political party.

WALLE: Correct.

REPRESENTATIVE WHITE: I highly respect what you're doing, Representative, but I'm looking at your plan here. I'm kind of curious on why it divided—Tyler County is only about 20,000 folks. I respect what you're trying

to do, but I think in a lot of these plans that come up, someone is trying to do one thing, and I think we all need to be quite respectful of a county of about 20,000 and the communities of interest in that aspect.

ALVARADO: And I appreciate—I know where you're coming from.

WHITE: I live in Tyler County.

ALVARADO: Yeah, you are from that area. And it does split Districts 2 and 8 in Tyler County. Again, it was necessary to accommodate what we were trying to do in Harris County.

WHITE: Okay. All right.

ALVARADO: I know that's a concern to you.

WHITE: Well, you kind of got the city over there and the rest of the county in some other operations.

ALVARADO: Okay. Thank you. I move passage.

REPRESENTATIVE MARTINEZ FISCHER: I just rise to state my support for the Alvarado amendment. I will say that what it demonstrates is something that we will be doing later with some subsequent statewide amendments. But this demonstrates that if you wanted to draw a minority opportunity district in Harris County, you could. I can tell you personally, I'm concerned about the adjustments to SSVR in neighboring districts. I know that's not the author's intent. I think this is clearly to show a demonstration, to state the case that you can do it. So that's why I would rise to speak in favor of the amendment. And for those of you who feel the same way, I'd be happy to articulate that in a statement of the vote, if you want to join me on this. But I do believe this demonstrates very clearly that if you wanted to draw a minority opportunity district in Harris County, you could. And so, for that, I will support the Alvarado amendment.

WHITE: I'm speaking in opposition to this amendment. I respect what Representative Alvarado is trying to accomplish here. I think there's some room to get this accomplished. But I think the folks in Tyler County, where I represent and where I live, don't understand why—to accomplish what we're trying to accomplish in Harris County—why that results in splitting Tyler County, which is only 20,000 residents. So I think when we do these maps, we need to maybe have a little bit more advisement, and I would like to urge you to not support this amendment.

SOLOMONS: I do appreciate everything Ms. Alvarado has done for me during the session, except this. She's put forth, in going over my—in attempting to draw a new Hispanic district in Harris County, we've looked at it, and this map retrogresses, actually, District 29, Gene Green's district. And in the benchmark map, District 29 has an SSVR of 52.6 percent, and a HCVAP of 56 percent. In Ms. Alvarado's map, District 29's SSVR actually drops to 35.5 percent, and its HCVAP, which is Hispanic citizen voting age population, to only 38.6 percent. Ms. Alvarado does not create a new Hispanic majority district, because her new District 36 only has an SSVR of 42.5 percent and a HCVAP of 41.1 percent. So, in reality, even though it appears that she's trying to create another Hispanic district, she creates one less Hispanic majority district in the committee map. And, therefore, because she's creating one less Hispanic majority district in the committee map as a whole, I respectfully move to table this amendment.

ALVARADO: Thank you for your work on this. You know I've had some strong opposition to your map. As it relates to Harris County, these are—again, as the Department of Justice guidelines state, there is no specific demographic percentage. There's no magic number that determines effectiveness. It's a function of different factors such as turnout and election results. These are

coalition districts. Again, I'm stressing that these are opportunity districts. And I think that your plan, **SB 4**, does not create a coalition district in Houston, and does not create a Latino opportunity district, as this amendment does.

SOLOMONS: Well, I appreciate your opinion about that, and I know you tried to have your input throughout the entire process. I just can't support a map that actually creates one less Hispanic district in the committee map as a whole, just because of what you're trying to do in Houston. Let me just tell the members real quickly now—and this was brought up in the committee, as well—in helping determine a compliance with the Voting Rights Act, Sections 2 and 5, you generally look at Hispanic total population. You look at Hispanic voting age population and the two most important, you look at SSVR, Spanish surname voting populations, and you look at Hispanic citizen voting age populations. And when you look at the black compliance for districts, if you look at black total population and black voting age population—and I know what Ms. Alvarado is trying to do, but at the end of the day—and I hate to say that again, second time, Mr. Smithee.

ALVARADO: Third time.

SOLOMONS: Third time, all right. When you look at this, we have tried to increase and to deal with Hispanic majority districts in the map. And in her amendment, it creates one less, and I have to move to table. And I apologize for that in one way, because she's my deskmate and she's been a great member of the committee. But this amendment really destroys the committee map that we've worked on so hard along with the senate on **SB 4**.

ALVARADO: Representative Solomons?

SOLOMONS: Yes.

ALVARADO: The HVAP in both districts is over 60 percent. And if you were to combine the percentage of African American and Hispanic in the 29th, it's 75.6 percent. In the 36th District, it's 72.6. Again, stressing that these are coalition districts.

SOLOMONS: I appreciate it. Members, I'm going to move to table.

REPRESENTATIVE VEASEY: Burt, I wish—would you please acknowledge today—I mean, you're throwing the numbers out, talking about SSVR and these different things. These are arbitrary numbers that you're coming up with. They are not the gold standard. And what you just said a second ago about the SSVR being the most important thing, that is, it is not—

SOLOMONS: It is one of the important elements. It is not the most important.

VEASEY: It's one thing that's looked at, and it's not the legal standard by any stretch of the imagination. Just because a district is not 50 percent SSVR does not mean it's not a Hispanic district. And if we're not careful, what's going on—and what I think that you and the republican party may be trying to do is use these numbers in order to do things that are illegal. And we need make sure that everyone understands that SSVR number is just one thing that is looked at, that there are other factors that are to be taken into consideration. The district that Carol laid out is sufficiently Hispanic for the community to elect the candidate of their choice, and that's what we need to be looking at.

SOLOMONS: I appreciate that. If anyone believes it's the most important element, it is not. But, it is one of several important elements to comply with the Voting Rights Act. And once again, thank you, members. I move to table.

[Amendment No. 7 was tabled by Record No. 71.]

[Amendment No. 8 by Johnson was laid before the house.]

REPRESENTATIVE JOHNSON: I have an amendment to my amendment, and the amendment to the amendment basically undoes some changes that were made to the 5th Congressional District in my original amendment. And I believe it's acceptable to the author.

[Amendment No. 9 by Johnson to Amendment No. 8 was laid before the house.]

JOHNSON: Again, this amendment to the amendment undoes some of the changes that were made to the 5th Congressional District in my original amendment. I do believe it's acceptable to the author.

SOLOMONS: Just so the members know, it makes some minor changes in Dallas County and will be acceptable to the author.

[Amendment No. 9 was adopted. The vote was later reconsidered, and Amendment No. 9 was withdrawn.]

JOHNSON: The amendment, as amended, is also acceptable to the author, and it basically takes a couple precincts in east Dallas that were in Congressional District 30, that were moved to Congressional District 32 under the proposed map, and puts them back in Congressional District 30. And I believe it's acceptable to the author.

[Amendment 8, as amended, was adopted. The vote was later reconsidered, and Amendment No. 8 was amended by Amendment No. 14 and was adopted, as amended.]

[Amendment No. 10 by Veasey was laid before the house.]

VEASEY: I wanted to lay out my plan that I'm calling the "Fair Texas Plan." The "Fair Texas Plan" takes into consideration the fact that the State of Texas, in the last 10 years, most of the growth—90 percent of the growth, in fact—has been Hispanic, African American, and Asian American. And also, I wanted to point out, too, that the plan that I have created, it makes it to where the democratic and republican ratios of these seats are based on what I'm calling the "republican doctrine" back in 2003. If you remember, when the republicans did the mid-decade redistricting, one of the things that they said was that the seats should be based upon the statewide election results. Under this plan, if you look at the one that I'm laying out, and you take into consideration the fact that Barack Obama and Bill White roughly got 43, 44 percent of the vote, that's how many of the seats would be democratic, and then the rest would be republican. And there would be a line based on statewide election results.

One of the biggest problems that I have with Representative Solomons' map, also—if you look at the metroplex. The metroplex has 2.1 million Latino and African American residents. Under the Solomons plan, they are mainly packed into one district, which is illegal. Under this plan, a new Hispanic district is created in the Dallas/Fort Worth metroplex, and an African American district. Representative Giddings, you may recall the article in *D Magazine* that just came out, that was just released yesterday, that talked about the fast growing African American area in Dallas/Fort Worth, how so many people from around the country are calling Dallas/Fort Worth home. We need to make sure that growth is recognized. This state should do the right thing and have a new Hispanic seat in the metroplex and a new African American seat. It's the right thing to do and I move passage.

SOLOMONS: Once again, Mr. Veasey has put forth his plan, his vision. Unfortunately, I don't believe it reflects the input we've received from the majority of the current congressional delegation of members of the Texas House, who passed along the views of their constituents. Mr. Veasey's plan unnecessarily pairs three sets of current congressmen, Congressmen Canseco and Gonzalez, Hensarling and Sessions, and Doggett and McCaul. It splits the cities of Fort

Worth, Halton City, Arlington, Grand Prairie, Dallas, Irving, Farmers Branch, Carrollton, and Balch Springs. Most large cities actually do get split, but we tried to avoid splitting small cities wherever possible. Our North Texas districts keep Arlington, Grand Prairie, Halton City, Farmers Branch, Carrollton, and Balch Springs all as whole within their respective counties. And it also does not create a new Hispanic majority district in North Texas. The HCVAP of Representative Veasey's District 34 is only 45.6 percent, and his SSVR is only 41.8 percent. And I respectfully—I appreciate Mr. Veasey's hard work on the committee, but I respectfully move to table the amendment.

VEASEY: Once again, members, let me make something clear, that the SSVR number that Burt just threw out is very arbitrary—doesn't have anything to do with whether or not it's a Hispanic district. The North Texas district is sufficiently Hispanic for the community, for the Hispanic community, importantly, to elect the candidate of their choice. Representative Solomons' plan splits a lot more cities than I think that my plan does. And the other thing, too, to remember, is that the incumbents that he just named all have a district to run into. And, as a matter of fact, the districts that I created are actually better than, I think, probably are better districts for them than under his plan. So I wanted to make sure that members are clear about that.

[Amendment No. 10 was tabled by Record No. 72.]

[Amendment No. 11 by Alonzo was laid before the house.]

REPRESENTATIVE ALONZO: Members, today I rise to talk about an issue that is very, very dear to my heart. It's an issue that we've been dealing with all session. It's an issue that we've been dealing with all last year. This is a statewide issue. This is statewide, members. This is statewide. What I'm doing today, members, is introducing and presenting to you the Alonzo/Veasey plan. The Alonzo/Veasey plan. Let me tell you why it's the Alonzo/Veasey plan. You've heard the numbers, members. You have heard the numbers, members, and you have heard the numbers and what are they? Over 4 million population increase, over 4 million—over 4 million, close to 90 percent of the growth is minority: Hispanic, African American, Asian. Now why is that important to mention, members? Why is that important to mention? The reason why it's important to mention is because we got four congressional new districts. And you have heard—you have heard, members, that we did the state house map, we did the senate map, and now we're doing the congressional. And we have had a discussion and asked where do these ideas about where the districts come from? And today we heard the answer. We heard the answer. In the house and senate we have been listening, we have been listening to the incumbent congressmen. The incumbent. But you all well know that it's the incumbent republican members. The incumbent republican members are determining for us what we want. And I don't think that's what we want, members. I don't think it's what we want. Because with this plan, we can give them what they want and what we what. And what do we want? What do we want? What we want is an opportunity to participate in the congressional electoral process. If 90 percent of the increase of the district of the population is minority, then we should do that.

With my plan, members, we create four Hispanic Opportunity Districts. One that runs from Cameron to Nueces County. Two, one that is anchored in the south side of Bexar County and runs to San Marcos and Bastrop. Three, and very important, very important, very important—in Dallas County, members, in Dallas County, we create a Hispanic Opportunity District between Dallas County and Tarrant County. Also, members, also, in Harris County we create a new Hispanic Opportunity District. In addition, in addition, then the reason I call this the Alonzo/Veasey plan is because in Tarrant County we unite the insular cohesive

black and Hispanic communities in Tarrant County with a portion of southwest Dallas County. The resulting district is a district that allows for another—for an African American to be elected.

Finally, members, what I find great to think about—all session, I have not forgotten also the Hispanics in West Texas. And what I do in District 19, we create an emerging, an emerging Hispanic Opportunity District. Members, why, why is the current proposed plan so overreaching? Why? Why? Why cannot we create Hispanic Opportunity Districts? Why?

Members, I want to ask that you support this plan in the spirit of what's going on in North Texas. And you saw what's happened this week with the theme. I don't know if you're paying attention, members, but I think you did. The Mavericks won. And why did the Mavericks win? Because they said the time is now. The time was now for the Mavericks to win. And just like the time is now for the Mavericks to win, I think that the time is now for us to create Hispanic Opportunity Districts statewide, and definitely in North Texas. Members, I ask you to support this plan. Because, members, what time is it? The time is what? I can't hear you. What? Okay. Please vote aye on this plan.

SOLOMONS: Dallas Mavericks, the time is now. But it's not time now for Mr. Alonzo's amendment. I appreciate his effort. He has worked hard on the committee and paid attention to a lot and tried to advocate what he thinks needs to be done. However, I think that it does create, it tries to create a Hispanic majority district.

Neither the new District 35 in North Texas, nor the new District 36 in Harris County, are actually Hispanic majority districts. And I know the numbers sort of glaze over, and I don't want to say that they are the most important thing, but they are important. The SSVRs District 35 is 33.9 percent in his map, and his HCVAP is 39.6 percent, that's hispanic citizen voting age population. There's only 36.6 percent. The SSVR in District 36 is 23.6 percent, and its HCVAP is 26 percent. Neither district reaches, and this is what's important, I think, neither district reaches the 50 percent threshold to actually create an Hispanic majority seat. I don't think his map is any better legally than the committee map in what we're trying to accomplish. And so, you know, I don't think the map reflects the input we've had from a variety of sources. It is what Mr. Alonzo envisions what should be done, and I respect that. But I'm going to have to move to table.

ALONZO: Members, I want to thank Chairman Solomons for respecting me. I appreciate that very much. Thank you, Mr. Solomons. Thank you, Mr. Chairman. And let me tell you, in responding to his comments—when we deal with redistricting, and Chairman Solomons is very well aware, as he said, he was put in this position of redistricting. It's a new committee for him. But some of us have been dealing with redistricting issues for years and years and years and years. Let me tell you, in North Texas I would have not had an opportunity, an opportunity when—until the Voting Rights Act. There was the lawsuit that created that opportunity. For years we've been waiting and waiting for a house seat, which we got. We're waiting for a senate seat, which we're working on. And now, now we're working on a congressional seat. And you know, members, every single congressman gets to keep their seat, and there's four opportunities, four, to create. And you know that's the right thing to do, members. And let me tell you, in response to Mr. Solomons—in response to Mr. Solomons about these districts. In these districts, in number 33—which is the Cameron area—in the general election, former Senator Uribe got 52 percent, former State Representative Noriega got 59 percent, and Justice Yanez got 64 percent. The example I'm using, members, in all the district plans I have in creating opportunity districts, the average turn out of Hispanics and people in those districts voting for a candidate of their choice has been laid out.

What am I trying to do, members? What am I trying to do? I'm trying to fulfill what's fair and what's legal. We're going to win the legal, members. But right now we have an opportunity to do what's fair. It's only fair, members. Fair. Every single congressperson gets to keep their seat. but, in fairness, we create opportunities without interfering with the opportunity to get elected. Members, under the law, under the law, the law says that if a district has a factor of minorities being sufficient, it goes to what we're trying to do. When the majority engaged in racial bloc voting, it has, and where the majority voted as a bloc to defeat minority candidates. Every single issue, every single issue under this plan is dealt with. But, more important, let's put aside for a minute the issue—let's put aside the issue of legal; let's talk about what's right and when is it right. And it's right now, right now, right now. And what time is it? And what time is it? The time is now. Members, I ask that you vote no. Please, please, please vote no on the motion to table.

VEASEY: Mr. Alonzo, I want to commend you for your work on redistricting, the time that you spent in the legislature, and also talk a little bit about your background. You live in Dallas, you live in an area of Dallas that is predominately Hispanic. You have organized in Hispanic communities in Dallas and around the state.

ALONZO: That's correct.

VEASEY: The chairman has not. I want you to be clear to everyone here today, these arbitrary numbers that the chairman keeps throwing out about SSVR and what have you; what does that have anything to do with whether or not the district is a Hispanic Opportunity District? Aren't there other considerations that need to be taken into consideration before that determination can be made?

ALONZO: That's right. And under the current proposed map, it doesn't help us at all, because under Section 5 the state has the burden of showing that the map neither has the purpose nor the effect of discriminating on the basis of race, color, or language. More importantly, after the 2006 amendments to the Voting Rights Act, the state must protect the ability of the minorities to elect the preferred candidate of choice, which I pointed out. The proposed map does neither. In several districts in South and North Texas, Latino opportunity minority communities are cracked and packed in order to achieve a desired result. It's not right. And under Section 2, as you point out, the chairman points out the SSVR. But the other thing—or the three points that I pointed out in my presentation—and, Mr. Veasey, as I pointed out, in all the districts that I proposed, more than 50 percent of the people in that district voted for Justice Yanez, former State Representative Noriega, and former Senator Uribe.

VEASEY: Sounds like a Hispanic Opportunity District to me, and I appreciate your help on this and clarifying that for people, because I knew that when the SSVR numbers were first put out there that they would be used for purposes to possibly discriminate. And we want to make sure that there are lots of Hispanic Opportunity Districts around the state, country, that are not 50 percent SSVR, but those communities are having the opportunity to elect the candidates of their choice. And I appreciate your work on this.

ALONZO: Members, again, close to 90 percent of the increase in population that created these four new congressional districts are minority. Ninety percent. Sixty-five percent Hispanic. Sixty-five percent Hispanic.

WALLE: Representative Alonzo, I thank you for your work and all the hard work that you've done. But on a serious note, you touch on some issues that the Supreme Court has ruled on in reference to the Voting Rights Act in reference to creating minority opportunity districts. And the keywords are the purpose and effect of **SB 4** would be to dilute the voting strength of Latinos. Because, in one instance, they take communities of interest out of districts to help incumbent

republicans, and then, at the same time, you pack districts. And it's happened with our state legislative house districts. Because what they try to do is pack all the Latinos and all the minorities into certain districts so that you don't have an opportunity to create more Latino districts or minority districts in general. Is that correct?

ALONZO: That is correct. And, Mr. Walle, I'm very serious. I'm extremely serious about this matter. Very serious, sir. For years and years and years we've been waiting. And what I can see here, as the law says, if it has the effect—and that's the effect, we have 65 percent Hispanic, 90 percent minority. It's real clear, the effect of not creating opportunity minority districts is very clear, very clear. That's why, once again, seriously, seriously, seriously I believe that the time is now to create this. And we can do it on this floor of the house.

WALLE: And because the Supreme Court has also stated and the reason why Texas and other southern states are still falling under preclearance is because African Americans and Latinos, and the test case will be the Asians, because our minority communities have been discrete, insular minorities. And that's the key phrase that the Supreme Court also looks at, at discrete, insular minorities where Texas has had a history of discrimination as it pertains to voting rights issues. And that's still the reason why, under the previous administration, that the Section 5 of the Voting Rights Act, and Section 2, were reauthorized. Is that correct?

ALONZO: That is correct. And when the law passed, Mr. Walle, when the law passed, Voting Rights Act, it was a bipartisan effort throughout the state. The republicans and the democrats supporting this effort. And I think, and I believe, and I know we all have that in our hearts to do what's right, and that's in the spirit of what we did in passing the Voting Rights Act. Members, I'm going to take no more of your time, but only one more time to say the time is now. I ask that you vote no on the motion to table.

[Amendment No. 11 by Alonzo was tabled by Record Vote No. 73.]

[Amendment No. 12 by Turner was laid before the house.]

REPRESENTATIVE TURNER: I am pleased to bring to you this amendment, which is acceptable to the author. Texas has been awarded four additional congressional seats due to the current population growth, which placed Texas at 25,145,561, as of the 2010 census. Plan 155, offered by the Texas Legislative Black Caucus, provides an opportunity for 14 minority communities to elect candidates of their choice to the United States Congress. The Texas Legislative Black Caucus' plan creates three black districts, nine Hispanic districts, and two minority coalition districts. The goal of TLBC, Texas Legislative Black Caucus' plan, was to increase the presence of the minority population throughout Texas, which is in line with the population growth over the past ten years, and which the plan offered by the leadership, Plan 149, fails to do. The TLBC plan creates 14 minority opportunity seats in Texas, whereas the leadership plan, Plan 149, only creates 13.

The plan that has been offered in this amendment provides for three African American seats in the congressional delegation. In District 9, which is presently held by Congressman Al Green, the TLBC map increases the black population by approximately 13,000 people compared to Plan 149. In District 18, presently represented by Congresswoman Sheila Jackson Lee, the TLBC map increases the black voting age population by 2,500 people versus what is presented in Plan 149. And in District 30, presently represented by Congresswoman Eddie Bernice Johnson, the TLBC map increases the black population by approximately 7,000 people versus what is presented in Plan 149, and solidifies the African American population growth centers into the district.

The TLBC plan creates nine Hispanic districts throughout Texas, which are as follows: In CD 10, stretching from Bexar to Travis County, in 15 from Hidalgo up to a portion of San Patricio County, and 16 in El Paso, in 20 in Bexar County, in 23 from West Texas to west Bexar County, and 27 from Cameron to Nueces, and 28 from Star and Webb County to Refugio County, and 29 in Harris County, and 36 newly created district in Dallas County. The TLBC plan also creates two new minority coalition districts, District 33, which stretches from Galveston and Harris County to Jefferson County, where the combined black and Hispanic population is 50.8 percent, and District 35 in Tarrant County, which creates a district with a combined black and Hispanic population of 66.4 seats. Members, Mr. Speaker, and Chairman Solomons, this amendment, Plan 155, is offered for your consideration today.

REPRESENTATIVE REYNOLDS: Sylvester, before I ask any questions about your particular map, do you have an opinion as to whether or not the proposed Solomons map violates the Voting Rights Act?

TURNER: It is our considered opinion that it does.

REYNOLDS: How so?

TURNER: Well, number one, it does not take into account where the actual growth has occurred in this state, and the reason for the growth. It does not provide for added minority districts, whether they be Hispanic or African American. It does not provide for added Minority Opportunity Districts, congressional districts, with Hispanics and African Americans combined, as well as other minorities. We believe that it shortchanges existing congressional districts, District 9, District 18, and District 30, by diluting the strength of minorities in those present districts. So when you combine all of those elements together, combined with the—taking into account the process that has been implemented, and the limited time period that has been allowed, we believe that some of these issues, if not most of them, could have been addressed if the process had been more transparent, more open. If other amendments, for example, were seriously considered. But, due to the hurriedness of this nature, the fact that we are dealing with the Congressional district in a special session on an expedited schedule, makes it very, very difficult to take into account the input from African Americans, from Hispanics, and other minorities in drawing fair and equitable districts. So, without question, in our considered opinion, it is a definite violation in the plan that is before us.

REYNOLDS: And as we've stated from the inception, Texas has gained four new congressional seats, mainly because of the explosive growth with the Hispanic and African American populations. Is that correct?

TURNER: I don't believe that there is any question about that.

REYNOLDS: The numbers speak for themselves?

TURNER: The numbers speak for themselves. But when you look at the congressional districts that are being drawn in the leadership plan, it fails to take that into account.

REYNOLDS: Right. So the numbers from the census, those aren't democrat numbers or republican numbers, those are numbers that were actually taken for the population growth in the State of Texas. Correct?

TURNER: That is correct.

REYNOLDS: And the plan that you devised, the Legislative Black Caucus map, did you take into consideration the explosive growth in the Hispanic and African American populations?

TURNER: That is correct. We took into account the growth, where the growth occurred, the fact that Texas is getting four new congressional districts. All of those elements were taken into account. It had no consideration in terms of the politics involved, but in terms of recognizing where the growth was occurring and whether or not we could draw equitable districts based on the representation of the growth that is occurring in the State of Texas. And, as a result, we are presenting this amendment, Amendment 155.

REYNOLDS: And just so you can summarize for me, how does your proposed map differ from the Solomons proposed map?

TURNER: In this amendment that is before you, there are three black districts, nine Hispanic districts, and two minority coalition districts, a total of 14. With respect to the plan that is before us, it doesn't quite take into account those new minority coalition districts, and it has fewer Hispanic and African American districts as a whole, versus what we are presenting today. It also, the Solomons plan, doesn't take into account the growth or where the growth has taken place. The amendment that is before you does take into account where the growth has taken place.

REYNOLDS: And I think you have a great proposed map. And it looks like, from my lay perspective, that the Solomons map may disenfranchise the minority population strength.

TURNER: And I would agree with you.

REPRESENTATIVE NAISHTAT: Sylvester, with regard to the Solomons plan, I just wanted to clarify a couple of things. Are you aware that Austin voters make up a unique community of interest with strong diversity and a respect for different points of view?

TURNER: Absolutely.

NAISHTAT: Are you aware that nearly every elected official in Travis County has signed a letter stating they don't want Hispanic families to be carved out of the county and connected with a distant population in San Antonio?

TURNER: Yes.

NAISHTAT: And are you aware that in Travis County Hispanics, African Americans, and Anglos act as a coalition, and are able to elect candidates of their choice from all races?

TURNER: Yes.

NAISHTAT: Well, what I wanted to do was ask you if you would agree that the Burt Solomons map, in relation to Austin and Travis County, could be characterized as purposeful or intentional discrimination?

TURNER: Well, from my considered opinion, there is no question.

NAISHTAT: That the map is not really about ensuring that one member of congress doesn't have a voice in Washington, but it's about ensuring that African Americans and Hispanics from Austin will, essentially, be unable to have a candidate of their choice represent them in Washington?

TURNER: I do agree with your assessment.

REPRESENTATIVE GIDDINGS: Mr. Turner, are you aware that the Texas population has grown about 20 percent since 2000?

TURNER: Yes, I am.

GIDDINGS: Are you aware that 89 percent of that growth was from non-Anglos?

TURNER: I am aware of that as well.

GIDDINGS: Okay. I think that you would be aware that the Hispanic population grew at about 41.8 percent, and that African Americans at about 22.1.

TURNER: That is my understanding.

GIDDINGS: Okay. In view of that, the plan that has been put forth by Chairman Solomons, do you believe that it creates the influenced district, which are so critical in terms of the Voting Rights Act?

TURNER: Repeat the question again, I'm sorry.

GIDDINGS: Do you think that the plan that has been put forth by the chair of redistricting recognizes and creates the appropriate number of influenced districts, which is so critical under the Voting Rights Act?

TURNER: The Solomons plan does not. In fact, I believe it is an outright violation of the Voting Rights Act.

GIDDINGS: Do you think that communities of interest were preserved in non-minority districts?

TURNER: Not in the Solomons plan.

SOLOMONS: Although I do appreciate Representative Turner and Ms. Davis, as well, putting forth a map, we've got some legal concerns as in previous maps. Well, we've got some legal concerns. It actually does create one less Hispanic majority district. These are neither the new District 10 in Central Texas, nor the new District 36 in North Texas are Hispanic majority districts. And, you know, I can go into the SSVRs again, but, at the end, the SSVRs in District 10 are 28.7 percent, and the HCVAP is 33.9 percent. Neither district—District 36 is 32.3 percent, and the HCVAP is 37.7 percent, which most of you really don't pay much attention to those numbers, and neither did I before I had to do this job, however, neither district reaches the 50 percent threshold to create a Hispanic majority district. And what we tried to do is accommodate that. And this map creates only seven Hispanic majority districts, compared with the eight in the committee maps. So therefore, I respectfully will have to move to table Mr. Turner and Ms. Davis' amendment.

TURNER: Mr. Speaker and members, I think if you all will take the time to take a look at it, I think many of you might be pleasantly surprised. It's a pretty good amendment with some sound congressional districts that are equitable to all parties concerned. So I submit it for your consideration and I would hope—I would ask that you vote no on the motion to table.

[Amendment No. 12 was tabled by Record No. 74.]

[Amendment No. 13 by Martinez Fischer was laid before the house.]

MARTINEZ FISCHER: I've been really encouraged by the debate, Chairman Solomons. And first let me say I know he's worked really hard. I know the entire Redistricting Committee has worked really hard, and I know ya'll are probably worn out by this time. But what I'm encouraged by is that Chairman Solomons, in critiquing some of these other amendments, says they don't go far enough because they don't create majority SSVR districts, and they don't create majority HCVAP districts, which are Hispanic citizen voting age population. And I will tell you that if you look at Plan C149 that has been before us today, you will know that we are dealing with 36 districts. You will see in the Solomons plan there are eight HCVAP districts and there are seven SSVR districts. This amendment that I'm bringing to you today actually creates one additional SSVR, 50 percent or more, than the current map. I think that alone ought to be a basis for Chairman Solomons to take this component. We can bring it back on third reading if necessary. These amendments are not easy to do. But its true intent is to create SSVR districts by 50 percent or more, where there was one more he could

have done. And that's what this plan, 163, does. But, more importantly, when you get to voting age population, African American/Hispanic voting age population, 50 percent or greater, the Solomons map gives you 13. Plan 163 will give you 15.

And how do we get there, members? On 163, we draw two districts in the Dallas/Fort Worth metroplex that are Hispanic districts, minority opportunity districts. We draw one in Houston and one in the Valley. This will give us an additional seat in the Valley. We've been through this on State House Redistricting. We know we took a current member, Chairwoman Gonzales' district, and gave her back one percent of her district. And at the expense of bringing other members from other counties into Hidalgo County, the state lost an opportunity to create an additional Hispanic opportunity district in Hidalgo and Cameron, which I believe will be the basis of the subject of a lot litigation. This does the same thing. It demonstrates that if you wanted to draw an additional congressional district in the Valley, you could. There have been several attempts to do that. And my comment is that any map out there that can demonstrate that is a map that we should support, because it certainly demonstrates it to Chairman Solomons and those that will have the final say on this litigation. They will show the potential that you could have done it if you wanted to, as opposed to, we did our best and we came up short.

REPRESENTATIVE V. GONZALES: Representative Martinez Fischer, first of all, thank you for pointing out some of the things that happened in the house map, and how we didn't create minority opportunity seats. You're aware, of course, that the Rio Grande Valley, the South Texas area, has grown tremendously in population, not only as one of the fastest growing areas in the state, but also in the nation, are you not?

MARTINEZ FISCHER: I agree with you completely, and it is not reflected, that growth is not reflected in the map before us offered by Solomon and Seliger. It certainly takes all that population into account, but then it redistributes that population credit to some other part of the state, and the Valley gets the typical response that the Valley gets when it comes to redistricting. They just get a pat on the back for all the population, but no new political capital to show for it, no opportunity for the minorities to have people represent their voices in Congress. And I think it would be one thing if the Valley's needs are being currently being represented in Washington at its fullest potential. This tells us that we would rather pack the Valley and make you more Hispanic, make you more of a packed district—

V. GONZALES: Limited representation?

MARTINEZ FISCHER: Limit your representation at the expense of giving you a fourth member of Congress to help you with all the challenges that exist on the South Texas border. And I would say this, I say those that care about immigration and those that care about securing our borders, you put another member in the Valley, you put another member on the border, I think you get more attention on the border because now you just increased your level of respect and your congressional presence to say that we need to do things and get tough on the border. This is actually counterintuitive to bringing wants and needs to the Valley. Now this is not a perfect map, this map simply demonstrates that you can do it if you want to. We can draw it however Chairman Solomons likes, so long as at the end of the day we have a new minority opportunity district that is majority HCVAP and has a majority Hispanic SSVR registration.

V. GONZALES: Are you aware that the Solomons map would simply replace the current District 27 that is represented by Blake Farenthold, and it would be still controlled by a non-minority congressman?

MARTINEZ FISCHER: And that's a great point, because the argument for that part of the Coastal Bend was that this is the only direction we can go. You can clearly see by this map that what we did is we actually—

V. GONZALES: Created a new district, a District 33, which is a new district in the Rio Grande Valley anchored more along the Rio Grande Valley. And we could still have the Blake Farenthold one, which would be the Gulf Coast, but it would actually give the Valley an additional seat as opposed to keeping three that it currently has.

MARTINEZ FISCHER: By focusing the population, you know, the drawing of the district centered in Nueces, for the Farenthold District, creates the opportunity to run 15 from the Valley to Nueces County.

V. GONZALES: Were you aware that the Solomons map actually moves over 206,000 Hispanic individuals in Nueces County, over 3,000 in Refugio County, and 20,000 in San Patricio County from a Hispanic opportunity district into a non-opportunity district? Were you aware of that?

MARTINEZ FISCHER: I am aware of that. And, again, it goes to the travesty of taking the population growth for the purposes of saying we get four new Congressional seats in Washington and to strengthen our voice. And then those that brought you to the dance are the ones left on the sidelines. And we are drawing these districts for partisan purposes. It's really more of a purposeful and intentional discrimination, which I think is unfortunate that we still see that in these maps. But, fortunately, these are the easiest fallacies and problems to point out either before the Justice Department, the DC Courts of the District of Columbia, or ultimately before a three judge panel on redistricting litigation.

V. GONZALES: One of the things we also look at, Representative Martinez Fischer, as you're well aware, is communities of interest and keeping them intact. Were you aware that under the current proposed map, the Solomons map, that we would, in the Rio Grande Valley, fracture communities of interest? And under your map, we would actually keep them together and be able to create a new district?

MARTINEZ FISCHER: You know, I'm beginning to find out that cracking and packing and splitting of communities of interest is becoming commonplace down in the Valley, as if we're all monolithic people, as if we all make decisions together, that there are not such things as neighborhood associations and church communities and Little League districts, and all the things that you enjoy in other parts of the state. They seem to not matter very much in the South Texas border area because those issues are always expendable. Those issues are always put by the wayside so that we can pack and keep these districts as big as we can so that we can create non-minority opportunity districts elsewhere, and I think it's a shame.

V. GONZALES: I think it is as well, and I appreciate the fact that you're bringing this map, and that there's others that are being brought today that will provide for more equity among Hispanic voters throughout the state.

MARTINEZ FISCHER: I submit again, members—this simply states that, if you want to draw an additional minority opportunity district in South Texas, you could. There's the population that are supported, certainly not new to the committee on redistricting. This is something that they have known about. The reason being why it didn't exist, particularly under the bar that has been set by the chairman, which I believe is a fair read of redistricting law, about making sure you have HCVAP, making sure you have SSVR at those high thresholds. Well, you can do that with your eyes closed in the Valley. You don't even need RedAppl to draw four Hispanic districts, four minority opportunity districts in South Texas. With the population that South Texas has you can draw with a

pencil and a piece of paper. And that's simply what this amendment demonstrates. But again, it creates these new opportunities in Dallas/Fort Worth metroplex and Harris County, as well, which is something you don't see. And it does it by the standards that Chairman Solomons has told us that we need to strive for. It creates one more SSVR 50 percent district than what Solomons-Seliger map does, even as it's changed in the house. As it came over from the senate, you know, those numbers were similar. But the house committee work is a slight improvement. This map certainly demonstrates that if you want to do it, you can. And, with that, I believe under Chairman Solomons' words of drawing SSVR districts, I would hope this would be acceptable to him. And I move adoption of Plan 163.

SOLOMONS: I actually really do appreciate Representative Martinez Fischer's putting forth the map, and discussions of the various elements and SSVRs. However, it is similar in the committee map that creates eight Hispanic minority districts, but neither the new District 35 in North Texas, nor the new District 36 in Harris County are Hispanic majority districts. Neither one reaches 50 percent threshold. That's an important number. Some of these redistricting numbers are important. And it doesn't reach the 53 percent threshold to create a new Hispanic majority seat. So I don't think the map is any better, as far as that goes, than the committee map. I don't think that his map really does reflect the input we received from a number of folks. But I will point out that Mr. Martinez Fischer's Plan 163 splits a number of cities. All maps sort of do, but in this case, in Dallas and Tarrant County alone, it splits Garland, Farmers Branch, Carrollton, Irving, Cedar Hill, Grand Prairie, and Arlington. And that's just a bit much for the committee and me. And when we talk about this being a Solomons map, it's actually **SB 4** that came over from the senate. And the committee has worked hard on redistricting, and the committee has worked hard on looking at what was passed over by the senate when Senator Seliger and I proposed a proposal that has since changed somewhat. In fact, quite a bit. So as you can see, I think that Mr. Martinez Fischer's map is sort of a rewrite of **SB 4**, and I'm going move to table.

MARTINEZ FISCHER: Members, again, I think you can say what you want, but the numbers are what they are. And what this plan does is draw one additional SSVR 50 percent district, which is better than what we have on the floor. If those are the standards and those are the metrics that are being used by the Committee on Redistricting by and through the chairman, well then, you should take this. And what I submitted earlier is if Chairman Solomons doesn't like a certain part of the map as it pertains to Farmers Branch and Carrollton and those cuts, we can draw it however you want. Just give us a net total of 15 BHVAP 50 percent districts, and we'll let you draw the rest of the state however you want, because we can give you 15 seats. You give us 13. That clearly doesn't make up for the fact when you look at going from 10 to 13, from the current plan to the Solomons/Seliger map, with four new congressional seats, it doesn't even begin to take into account the 90 percent growth of the minority community in the last decade. And so, if the bar is going to be set that high, let's take that eighth SSVR district. We can redraw this however you want.

And I will comment that if cutting into cities is not that big of a deal, we cut into two big cities in this current map as we travel from Austin to San Antonio. I think someone told me that we weave in and out of nine different communities and communities of interest, kind of like we're doing a ski slalom. And you cut into a city as big as Travis and a city as large as San Antonio, which I imagine would rival population in Carrollton and Farmers Branch and these other areas that Chairman Solomons cares so much about. So if that's the standard, let's do another amendment to tough up and fix the way we cut in and out of communities from San Antonio and Travis. Let's be consistent. We will all be consistent in that regard. I'll fix my map if he fixes his, and Senator Seliger, you

know, agrees to it. But the point is, if we're going to cut into communities, well, then it's fair game. And if we're going to cut the communities to grow the maps to create more minorities, then we should. That's the obligation. That's what the big fight is all about. I don't believe these litigation disputes ten years ago was able—it was about the very same thing. The state had an opportunity to grow the map, to make it more diverse, to build in more communities of interest, more minority opportunities, and it didn't. And that's why the map changed. And again, this is just a benchmark. It's a sample. It's a demonstration. It's an opinion. It's not the final answer. But it certainly shows that if you wanted to, here's the potential to do it one way. You could probably do it three other ways or half a dozen other ways. In fact, I'm going to offer two more maps after this that can get you the same number by looking at different parts of the state.

REPRESENTATIVE VILLARREAL: Representative Martinez Fischer, thank you for offering this map. I appreciate your work on bringing this proposal that meets what I believe is the obligation of the Voting Rights Act. I'm just now beginning to study your proposal. Can you tell me where you add the additional Hispanic opportunity district?

MARTINEZ FISCHER: In Plan 163, there are two minority opportunities in the Dallas/Fort Worth metroplex, one in Houston, one in the Valley, and so, it would be a total of four. And it will increase, performance-wise, it will give—

VILLARREAL: Oh, wait a minute. I'm sorry, maybe I heard you wrong. You're not just adding one new Hispanic opportunity district?

MARTINEZ FISCHER: No, I'm talking a lot about the Valley because that—

VILLARREAL: Oh, okay.

MARTINEZ FISCHER: Now, I have three maps, and they're all going to be very similar. What makes this one distinct from the other two is that it demonstrates that you can draw from the Valley to Corpus and create an additional minority opportunity district. That would bring two others that will grow the map by the same number of minority opportunities, but not necessarily in the Valley. The next one will focus on looking at Bexar County to Bastrop, for instance.

VILLARREAL: Okay. Thank you so much.

MARTINEZ FISCHER: Thank you for your work on redistricting. I know what it feels like to be outgunned out there, but I know that you've done a good job representing what I believe is the single and sole issue that comes up in litigation. It's that you had an opportunity to draw a Congress that reflects the state and has some sympathy for incumbency, but incumbency doesn't drive. That's not what we're here to do. We all had to make tough decisions on our house maps, and while most of us cared about incumbency, we also recognized that we had to draw a map that reflected road patterns of the state. And there was a map that went in one direction, and there were several amendments that went in another direction. Well, this is one where you don't have to look at your desk mate and say I'm sorry for having to vote this way. Because this is about drawing a fair map based on population. We are one of the few states that are fortunate enough to draw for new seats, and I don't want to spoil that opportunity by—you know that old adage about pigs getting fat and hogs getting slaughtered? I mean this is a status quo incumbency map that is an overreach, and we will be litigating this. But for the purposes of whether you believe this is the right map to draw, you can cannot deny that it improves on **SB 4** by creating that one additional Spanish surname voter registration map. And I move that you vote no on the motion to table. And if we do that then we will come back and hopefully Chairman Solomons will accept it. So please vote no on the motion to table.

[Amendment No. 13 was tabled by Record No. 75.]

[Representative Johnson moved to reconsider the vote by which Amendment No. 8, as amended, was adopted.]

[Amendment No. 14 by Johnson to Amendment No. 8 was laid before the house.]

JOHNSON: This is just a substitute amendment that makes it clear that we are getting rid of the changes to Congressional District 5. It's what we discussed before, but this is a technical correction making it very clear that Congressional District 5 is not affected. And I believe it's acceptable.

SOLOMONS: This amendment is acceptable. It has to do with drafting, more than anything else—technical amendment pulling out five—because when you have to redraw and redraft the bill and the map, it just helps in doing that. So it's a technical amendment as a substitute for the previous amendment. It's acceptable to the author.

[Amendment No. 14 was adopted.]

[Amendment No. 8, as amended, was adopted.]

[Amendment No. 15 by Martinez Fischer was laid before the house.]

MARTINEZ FISCHER: Maybe this will have a better run now that the chairman is in a giving mood; he just accepted the Johnson amendment. This is like the Johnson amendment, except it creates just a couple more minorities—and I know that I'm going to state the obvious. If you look at this map, you will see it's very similar to the map we just brought before. But you always hear the argument about, you know, you can't draw these districts without looking at the communities of interest. You have to respect incumbents, and you have to do all these things. And so, the challenge that I gave to the folks that have been helping me on redistricting was, draw me a district with a brand new Hispanic opportunity district, and don't get into anyone else's business. Because I can draw the map that I think is the best map, and Chairman Solomons might say—not Solomons, just today, because he's debating—or anybody could say, well, we don't like that because you now have made this district more competitive and it threatens that incumbent. So I said okay, I'll tell you what, draw a district that gives me a new Hispanic seat without touching anybody and affecting anybody else's political liability. Because I'm really not concerned about that, I'm concerned about growing the map for diversity. But there seems to be a big argument about protecting incumbencies, and respecting political lines, and so forth.

So, we took all the Hispanics from Bexar County to Bastrop County and we drew a district without even touching Travis County. I think, for some of my friends in Travis County, it's a relief to them, because it doesn't cut into Travis County when everybody so conveniently has. And while I'm sympathetic to the argument, you know, I know that's where population is, and that sort of being in the center of Texas, you sometimes open yourself up to that. But we were sensitive to that, and we drew a map, and that's why you'll see it looks no different than the original. It looks no different than the Fort Bend map that we passed in the State Senate, where it captures communities and moves in a circle that moves up the coast all the way to Port Arthur. This does the same thing from Seguin to Comal and into Bastrop from San Antonio. Again, you can't argue—you may not like what it looks like, and Chairman Solomons was joking with me, saying it looked like the "circle of life." And so I appreciate the humor. I happen to agree with him. But I don't think he can deny that it takes all the Hispanics in that region to create its own district. And in so doing that, it still performs better under the standards for HCVAP, which this map will give you eight, and under Plan 149 offered by Solomons and Seliger, they have eight. So we're tied there. But it does give you an eight SSVR 50 percent district, whereas the Solomons/Seliger map gives you seven. But, most importantly, when you get

down to the nitty gritty, it gives you 15 combined African American/Hispanic voting age population districts, 50 percent or more, it gives you 15, while the Solomons/Seliger map gives you 13. It absolutely performs better for minorities and certainly takes into account the growth that they have contributed to this state. It's a way of saying that we acknowledge the growth, and we want to give that growing demographic of minorities a larger voice in Congress to comport with their growth. And so, with that, I move adoption of the Martinez Fischer/Solomons "circle of life" amendment—in the spirit of Eric Johnson. Is it acceptable? You want to think about? Can we recess a little bit so he can think about it? I move adoption of the "circle of life," Plan 164.

SOLOMONS: I appreciate Mr. Martinez Fischer's attempt to create a "circle of life" around one entire district to try to make it performing. But in District 36, for example, in the map, in doing, it still doesn't create a 50 percent threshold. It still splits a number of cities in North Texas. And I appreciate his vision and what he thinks he wants to do in connection with arguing the legal merits of his position, but I don't think his map really takes in consideration all the work, and what we've done in listening to constituents, and listening to the delegation, and other members of this house. And, quite frankly, I just think it's not the right map. And I would appreciate the members agreeing with me to move to table the amendment.

MARTINEZ FISCHER: Chairman, I'm sorry, I wasn't paying attention. I thought you said you'd take it. And so if you are—I get an atta boy for effort. I appreciate that. I hope you're as nice with me when we have to take your deposition down the road—we'll take breaks, we'll take breaks, you know, and we'll get your good side on video. Don't worry about that. I have that problem, too. I appreciate the work Chairman Solomons does. He's under a tremendous amount of pressure, and the committee works very hard. The fact of the matter is, this is not a sport that's based on congeniality, it's based on demographics and data. The demographics and data support the fact that you can grow this map, make it more diverse. I'm bringing three examples that I can draw in my office, you know, with limited help. The house, as an institution, has tremendous resources, more than any member will ever have in their office. They have the ability to hire people, they're not bound by the budgets that we're constrained by. And so with the best of technology, the best access to RedAppl, and all the data, all the demographic data, election data, everything that you would want—Chairman Solomons has that available to him. The Committee on Redistricting has that available to them. If you were paying attention to the debate, there was even a little repartee about whether or not certain attorneys assigned to the committee work for the committee or work for the chairman, or could the committee talk to the attorney outside the presence of the chairman. I'm not on the committee, I just heard a little bit of the scuttle, I saw some of it on TV. But the point is, the Committee on Redistricting has tremendous resources, so they're in the best position to draw a map that's going to be fair, that is going to comport, that will not purposely discriminate, that will not be an intentional act of retrogression, that will not divide the communities of interest that we've heard about so much.

But yet a single member in his office, with limited assistance, could actually draw a map with less resources that makes a little bit better sense, and tells the story of Texas by having one additional SSVR 50 percent. And, again, I think that Chairman Solomons' chief objection is that he doesn't think that I get to 50 percent, even though I believe I do, and I'll stand by my data. But I submitted that we can draw this however he wants. If I've demonstrated the case that you can do this, and if it's not done to the liking of the committee, let's redraw it tonight, and let's come back on third reading and take something that he will accept. But just to say no because I think it doesn't get to where you say it gets, or because you I don't like the way it looks, well, let's fix it. Because I've demonstrated it can be

done. This is just a second attempt. And, obviously, I'm not going to bring three maps that look the same, but I've certainly shown you that you can draw an additional SSVR district if you wanted to. But let's draw it however you want. Let's just get to eight, and let's go from 13 BHVAP districts to 15. You can draw it however you want. The numbers are there that support that you can do it. The question is whether there's the will to do it. And the second follow-up to that is whether or not you're willing to make that tough choice. In the light of everything that seems to be screaming in this map, which is status quo, and protection for incumbency, and growing a map to suit one demographic at the expense of those that are growing the map—that's what that map does. That's purposeful, that's intentional, that is what we would call the way you can segregate and separate, and it does nothing to advance what 90 percent of the minorities did this last decade. It certainly doesn't even take them into account. So, with that, I ask you move no on the motion to table and vote so we can bring Plan 164 back up. Thank you members. Vote no.

[Amendment No. 15 was tabled by Record No. 76.]

[Amendment No. 16 by Martinez Fischer was laid before the house.]

MARTINEZ FISCHER: Okay, they say three is a charm. I think you'll like this map because what it does is it draws a congressional district for our speaker, puts him in congress, and it draws a district for Chairman Solomons, puts him in congress. The idea is if we could get Burt out of the house, maybe we could get some more minority maps on this—no, I'm kidding. It doesn't do that, I just wanted to see if you were paying attention. This does what some other maps that you've seen—it takes a similar approach by connecting Travis County and Bexar County to create that additional district. It also maintains the two districts for the Dallas metroplex area, the one minority opportunity district in Harris County, for a total of four. Even still, on the third rendition, it performs better statistically than the Seliger/Solomons map by taking one additional SSVR district, and it also performs better by taking the BHVAP seats and growing them from 13 in the Solomons/Seliger map and growing them to 15. And another important attribute is it takes areas into account. For instance, you can draw three districts that are majority, or well, excuse me, where the African American population is the largest population in that district, which is extremely hard to do given the geography and demography of the African American community that you can draw great minority districts. But this one actually takes three districts and makes African Americans the largest segment in that district. Currently, if you want to measure that by today's congressional standards, they only do that once, and we do it three times. And so, I think that's an important fact to keep in mind in terms of preserving communities of interest and protecting people of color—African Americans and Hispanics. And so the only variation, again, this one connects San Antonio to Austin, and I move adoption.

SOLOMONS: Not to belabor the point, but it's similar arguments as the last two maps, members, and I hope you'll stick with me and move to table.

MARTINEZ FISCHER: Again, I think the overall point of these three various maps is to show that on three separate occasions, we can draw a better map that respects minority opportunity, that respects our growing diversity in this state, and it's an improvement from what is being offered to us today. I'm not saying this is the perfect map; I'm not saying that we should do this map as is. I say we should stick to the numbers, and we should draw eight SSVR districts at 50 percent. We ought to draw 15 districts that have a combined African American/Hispanic voting age population of over 50 percent. We ought to draw three districts where African Americans are the largest population as opposed to

the one district that exists today. This better reflects and represents who we are as a state. This gives us an opportunity to have more voices at the table when it comes to our congressional approach.

And again, we argue about not having our resources on the Texas border. Well, we're denying the opportunity to put a fourth member of congress. Maybe we'd be so lucky that fourth member gets put on appropriations, perhaps can bring in some infrastructure money, you know. Perhaps we can get somebody to actually bring a veterans hospital to the Valley, and we need that one extra member to do that. Because you know how it is serving on this house floor, when you see these delegations that are occupied by multiple members, the big delegations always are some of the most effective. Harris County has its own four-fifths vote suspension if it wanted to—it almost has enough members to block a four-fifths vote—that's how big they are, and they're very effective up here. Let's add another seat in the Central Texas region, let's add two seats in Congress in the Dallas metroplex area, let's think about what that does for your constituents. Forget about party labels for the moment—let's start thinking about per capita dollar. I hear lots of debate on this floor about how much money we send up to Washington, and how we always get the short end of the stick. Well, maybe if we put two new members of Congress in Dallas/Fort Worth metroplex, maybe the circumstances would improve over there. Maybe, if you add another seat in Houston, maybe they'd become more powerful. If you add a seat in the Valley, that obviously makes the case, and if you can now give communities like Bastrop, and San Marcos, and Lockhart, if you can give them a voice in Congress now, because now they have true skin in the game; why shouldn't we? Why shouldn't we? Especially when Highway 35 is the most congested highway we have in our state, arguably our most congested interstate—one of our great priority federal projects is to see if we can expand Highway 35. Well look, let's put a congress person in D.C. that straddles Highway 35. and maybe we can get some attention to that issue.

That's the point. You need to start thinking about what an additional member does to you, not politically, but what it does for you as a representative government to give us a larger voice in the areas that are getting by and large more and more of the issues that really challenge the State of Texas when it comes to money and infrastructure, and projects and programs. Whatever spectrum you are, if you want to cut government, well, let's put someone up in Dallas that you can get an extra voice so you can cut government. If you want to grow government, you can do the same thing. The fact of the matter is, let's put members of congress where we need them and not satisfy somebody who believes we should accommodate certain people because they believe this is how the map should look. Why don't we do this one for ourselves? Why don't we do this one for our communities? I've clearly demonstrated three different ways, and I imagine if we broke for lunch and come back in an hour, I can bring a fourth map and do it a fourth way because it's too easy to do. It's difficult to do without stepping on people's toes, but being sensitive to just purely demographics, to being sensitive to creating examples of what you can do on limited resources and virtually no resources, we still do better under 163, 164, and 165. And so if Chairman Solomons is sensitive to that notion, we can always draw the map the way he wants. All we need is an additional SSVR district and 15 African American/Hispanic voting age population districts. But I ask you to vote no on the motion to table.

[Amendment No. 16 was tabled by Record No. 77.]

[Amendment No. 17 by Dukes was laid before the house.]

REPRESENTATIVE DUKES: This map is a map which incorporates the new Dallas-Fort Worth minority district, which is labeled CD 35 in this map, that is very similar to the CD 34 Veasey plan, C121, and has the same Hispanic and

black performance. The Hispanic citizen voting age in this district is 45.6 percent. The black citizen voting age is equal to 18.3 percent with a combined percentage way over the 50 percent marker that Representative Solomons has been discussing. Harris County is similar to the plan presented by Representative Alvarado, Plan C126, and the new congressional district labeled CD 36 has the same Hispanic performance and slightly higher black performance as in Representative Alvarado's map. The Hispanic citizen voting age is 45.1 percent; the black citizen voting age is 14.2 percent. The Austin-to-San Antonio district, CD 35 in the republican plan in **SB 4**, was moved to the Valley to give the Valley the new seat that its growth called for, but as well to keep Austin's community of interest intact. It is labeled CD 35. This map contains the same number of minority controlled districts as all other fair and legal maps that our colleagues have presented and that is mandated to meet the Voting Rights Act. This map keeps the minority coalition of Hispanic and African American voters in east Travis County together so their voice and vote can be effective. This is in stark contrast to **SB 4**'s purposeful discrimination of these minority communities. In **SB 4** Austin voters make up a unique community of interest with strong diversity and respect for different points of view—that's why we're considered the heart of Texas, the oasis of Texas. In Travis County, Hispanics, and African Americans, and Anglos act as a coalition, are able to elect the candidate of their choice from all races. Nearly every Hispanic elected official in Travis County has signed a letter stating they do not want Hispanic families to be carved out of Travis County and connected with a distant population in San Antonio. I don't support a plan that would break up that coalition. Austin voters form a coalition to elect candidates of choice regardless of race or ethnicity. Other than the legislature, examples have included former Austin mayor Gus Garcia, former state senator Gonzalo Barrientos, Travis County attorney David Escamilla, and Travis County judge Sam Briscoe, as well as many others. This plan works to ensure that African Americans, and Hispanics, and like-minded Anglo voters in eastern Travis County, eastern Austin, are able to continue a coalition and elect an individual who will properly represent their voice without the creation of purposeful discrimination as that which is done in **SB 4**.

V. GONZALES: Thank you, Ms. Dukes. Does your proposed map create a new congressional district in the Rio Grande Valley to reflect the Hispanic growth in that region of the state?

DUKES: Yes, it does.

V. GONZALES: And, in fact, it does so in order to keep Austin's community of interest intact and to give the Valley a new seat that the growth calls for, does it not?

DUKES: It's a win-win balance.

V. GONZALES: It's a win for both. And does the proposed map in **SB 4** create a district in the Rio Grande Valley, to your knowledge?

DUKES: No, ma'am.

V. GONZALES: In fact, all it does is it places a current district that's represented by Representative Blake Farenthold, which would be equally controlled by non-minority voters, isn't that right?

DUKES: That is correct—purposefully discriminating against minority voters.

V. GONZALES: Correct. And do you know whether or not hearings were had to allow constituents to provide input on the proposed map that Representative Solomons, Chairman Solomons is bringing to us?

DUKES: That's a good question. The proposed map had one hearing that really was just a checkoff, a process, but not necessarily listening to the concerns of voters in your district, your part of Texas, or in my part of Texas. Basically the information and the concerns brought forth by our constituencies, for the most part, went in one ear and out the other.

V. GONZALES: Yes, and don't you find that to be troublesome given that this is going to be a map that's going to last for the next 10 years?

DUKES: Absolutely, because the greater concern is that Texas has been and continues to be a state that needs to be governed by the Voting Rights Act because of purposeful discrimination as has been created in **SB 4**. And there is a purposeful intent to carve out the minority vote in Texas so that those who greatly need the protection of the Voting Rights Act would not be able to vote for individuals who would support the continuation of the Voting Rights Act, purposefully creating separation. You couldn't have done a better job unless you were a surgeon with a sharper scalpel going through carving out minority communities and minority neighborhoods than what was done in **SB 4**.

V. GONZALES: And purposefully creating the separation that you're talking about, don't you believe that would be blocked by the Department of Justice in the federal courts?

DUKES: I think absolutely. I think there's a misunderstanding of minority communities of interest when communities as far south as your district and as far north as my district are paired together. I think really and truly even a kindergartner would know that would be as similar to associating the likeness of a Mexican American with someone who lives in southern Mexico and an African American with someone who lives in eastern Africa. It just is not the same.

V. GONZALES: In fact, it's been done before, and I know that it was found to be void. I remember a few years back, Lloyd Doggett was the representative down in the Rio Grande Valley. They called it the "fajita strip" because it went from Highland Mall all the way down to Starr County where Ryan Guillen's district is.

DUKES: And we called it the "bacon strip."

V. GONZALES: That's right, bacon strip, fajita strip, either way what it was doing was splitting communities of interest, which is what the proposed map that Chairman Solomons has brought is doing, is that correct?

DUKES: The proposed map by Chairman Solomons purposefully attempts to eliminate one person. But when we're drawing maps based on law and based on what is fair and balanced, it's not about one person being elected to office. It's about one voice having the opportunity to elect the individual of their choice. And they have purposefully gone so far in their attempts to eliminate one person that they have eliminated the voice of 688,000 people in Travis County.

V. GONZALES: Correct. And we believe that, at the end of the day, it is going to be found to be in violation of the Voting Rights Act, and your map would give us an opportunity to be in compliance with the Voting Rights Act, would it not?

DUKES: That is correct.

V. GONZALES: Thank you, Representative Dukes, I support your map.

WALLE: Representative Dukes, thank you for your amendment, particularly as it pertains to Harris County, because in your amendment it creates another opportunity district for Latinos to have an influence. Particularly on the east and southeast part of the county. Do you believe that it's justified particularly because of the growth in Harris County that we've experienced? Just to give you a little background, there's probably 500,000 to 600,000 new Spanish surname folks that live in Harris County now.

DUKES: I think it's very important that we look at the growth that is happening on a local level and not just look at the SSVR, as Representative Solomons has stated, but on both the impact that it has on those who turn out and those who vote. And what is more important is that when we are looking at these maps, we always talk about government and policy being from the local community, everything being local. Well your local community of Harris County knows your communities of interest and coalitions best. Why should I, from Travis County, come in and try to manipulate that and change that for some other outcome? There was already a plan in place in the Alvarado map that took into concern the constituents' issues, and so that's what is placed in this map, just as those concerns of African Americans, and Hispanics, and Anglos who have coalition voted in eastern Travis County have been placed in this map, so that we can avoid any level of purposeful discrimination.

WALLE: And just to give you some background—we just had some city council redistricting, under a DOJ, under a lawsuit. The city of Houston, once they reached a threshold of 2.1, 2.2 million, they had to create two more single member districts. And one of those single member districts is the majority Latino district on the southwest part of town, which encompasses part of what you are trying to do in this map. I want to commend you for that because the amount of growth in Harris County with 1.7 million Spanish surname folks, let alone the emphasis on the SSVR. I know that's important, but again what you don't want to do is pack all the minorities in one area and then dilute them in other areas. And what we are trying to do is give the opportunity to folks to elect the candidate of their choice, and I think that is what you are trying to do.

DUKES: We are looking naturally at growth.

NAISHTAT: I wanted to clarify that the amendment that you are offering contains the same number of minority controlled districts as all other fair and legal maps that our colleagues have presented and that's mandated to meet the Voting Rights Act.

DUKES: That it does.

NAISHTAT: And I wanted to clarify that this map keeps the minority coalition of Hispanic and African American voters in east Austin together.

MARTINEZ FISCHER: Members, I just rise to support the Dukes plan. Let me tell you why. As I said earlier there are many members that can come up with an approach to draw a map that does something differently. And as you heard in the debate there is really no set metric that's being used to determine whether or not you are appropriately looking at minority opportunities. I'm the chairman of MALC, and MALC's legal position is we look at HCVAP and we look at SSVR percentages and we believe that's our theory. I talked to Representative Dukes and some members from Travis. They have another metric that they use, that I also think is a viable metric—we just don't agree on each other's metric, though we support each other's metric. We do agree on the idea that you can create multiple opportunities to diversify the congressional map. But the approach they have taken—let me just make the point that I see in Plan 166, offered by Representative Dukes, that is very appealing to me, that should be very appealing to anybody that cares about minority opportunities. The number of HVAP districts grow under the Dukes plan from 8 that's being offered today by Chairman Solomons in the Solomons/Seliger map to 10. And the number of BVAP, African American voting age population plus Hispanic citizen voting age population, which we call HCVAP—so you combine BVAP and HCVAP at 50 percent or more, the Solomons/Seliger map will give you 11. The Dukes map will give you 13. They believe that's a strong argument for them, and that's something they are going to be discussing as this moves forward and down the road. I think it's a respectable theory. I think the theory that MALC is offering is

a theory we want to pursue, but you can't deny the numbers in the Dukes effort. So because it does those increases over the current plan, I will be voting for it, and I will ask members of MALC to vote for it as well.

REPRESENTATIVE DONNA HOWARD: Trey, I'm going to try to simplify this a little bit more for myself and maybe some others. In terms of looking at Travis County, which is obviously the county that Representative Dukes and I both represent, I wanted to ask you, Trey, you've heard—you've probably heard people say that you should be really grateful because you get to have more congress people representing you. Have you heard people say things like that?

MARTINEZ FISCHER: I've heard that. Is this in the map that has 15 members of congress going to Austin?

D. HOWARD: Yes, it's Chairman Solomons' map that has five divisions of Travis County. Did you know though, Trey, that when you look at those five divisions the way that Chairman Solomons has presented it that we don't have a single district in those five that has any more than 35 percent of our population in it, which essentially says that we don't have any possibility, if you look at the percentages that is, of being able to elect our own representative?

MARTINEZ FISCHER: And I think that's troubling, but what is even more troubling is I imagine today that if you have one member of congress or two members of congress and the city of Austin calls a meeting to talk about federal issues, you have a pretty good shot at getting one or both members of congress at those meetings. When you have five members of congress that have this much of Travis County, I mean is it likely that you are going to get any to show up at these meetings?

D. HOWARD: Well I would certainly have that same question myself. But I wonder if you knew that Travis County is the only county out of the 12 largest in the state that doesn't have even one congressional district that includes greater than 50 percent of that county's population. Did you know that?

MARTINEZ FISCHER: I did not know that.

D. HOWARD: The only one out of the 12 largest counties in this state.

MARTINEZ FISCHER: You know, and I think that, and again, you have seen this map and everybody's played with RedAppl. It just seems to me when it came to drawing the Solomons/Seliger map, they started in Travis County and then they moved northeast and west and south.

D. HOWARD: Which I appreciate being the center of the state, but at the same time, it does seem to be depriving, wouldn't you say, Travis County of any kind of substantive representation in terms of at least one congressional district that we would have more than 50 percent of our population in?

MARTINEZ FISCHER: And especially, as I said in a lot of the growth. I mean, if you wanted to recognize the growth between Travis County and Bexar County I just showed you that you can draw a map from Bastrop to Bexar County, and do the exact same thing and leave two members of congress in Travis County that have significant portions of Travis County that makes—I would rather take two strong members of congress that represent substantial portions than to take, you know, five or six members of congress that just have little fingers and little pieces of Travis County because you don't—you're not able to measure the true sentiment of the county when you only have to account for one-fifth of it or one-sixth of it.

D. HOWARD: And I guess you know also that the Solomons map essentially leaves western Travis County, which is the area that I represent, pretty much intact, and divides significantly the eastern portion of our county into five

different—funneling into five different congressional districts, which is basically our minority population, that part of our county. So it is in essence the term ya'll keep using, cracking and packing, that's what it is doing here.

MARTINEZ FISCHER: And I think by simply restoring that, I have not seen the Dukes map. I have just looked at the performance on the data, but I imagine when Representative Dukes corrected that footing of East Austin, you know, from the northeast to the southeast you get the bigger numbers. You get 10 HVAP districts 50 percent or more as opposed to 8, and you get 13 African American voting age population and Hispanic citizen voting age population districts over 50 percent versus 11. And by simply making those adjustments you will restore those minority opportunities, you do not have the intentional discrimination, the purposeful discrimination, that's taken place at the expense of the minority community.

D. HOWARD: Well it does appear to be purposeful discrimination. And Representative Dukes' proposed map, I think, is fair to Travis County residents, and I'll be supporting it.

MARTINEZ FISCHER: Well members that's why I rise on the Dukes amendment. While we have a different theory, we respect Travis County's right to represent their district. And they drew a map that actually performs better for minorities. If you are looking at Hispanic voting age population, BVAP and HCVAP, they do a much better job than the Solomons/Seliger alternative. Faced between those two choices, I'll be voting for the Dukes amendment, and I ask any member who is interested in voting rights to support the Dukes amendment.

NAISHTAT: Members I want to share a few thoughts about Austin, which as most of you know is unusual and special and has many different qualities. One of those qualities is the strength of our diversity and respect for different points of view. Our neighborhoods work together in Austin and Travis County, and we work better when we work together, not divided and joined with remote, distant communities. We deserve a united voice in Washington that reflects our values, Austin values, even those that are weird. While prior to the last redistricting we benefited from one congressional district that encompassed about 98 percent of Travis County, our estimated population of 1 million means that we are too large for a single member of congress. My request would be that we adopt the Dukes amendment and keep as much of Travis County together as the population permits. Central Austin should be represented by one strong voice in Washington, not splintered into multiple pieces. It doesn't serve either Austin or remote rural or urban areas to have their diverse interests united in one congressional district. It's in the best interest of both that they have a representative in congress who can best reflect their views. Travis County's leadership reflects the diversity of its citizens. Travis County has elected an African American county judge and tax collector, as well as several district judges. We have African Americans and Hispanics in our city government and on our school board. We've had a Hispanic city council member, Hispanic mayor, and Hispanic state senator, as well as a number of Hispanics, including our current district clerk and several judges, who have long been successful at winning countywide elections. It doesn't serve our minority communities to be linked with representation outside of Austin, for example with minority communities in San Antonio. It doesn't serve our minority communities to be subjected to what can only be characterized as purposeful, intentional discrimination per **SB 4**. Many of us recall the bitterness of Tom DeLay's congressional redistricting effort to split up Austin in a way that nobody from Austin would serve in congress. It's remarkable, indeed, it's outrageous that to this day the University of Texas, the state capitol, the Travis County Courthouse and surrounding inner city neighborhoods are represented by someone who does not live in Austin. I would hope that you would vote for the Dukes amendment,

which redraws the **SB 4** proposed district lines so that Austin, and as much of Travis County as possible, may be represented by a congressperson who reflects our values and who would give us a united voice in Washington.

SOLOMONS: While I appreciate the effort in the conversation, I have some legal concerns about the map. It creates one less Hispanic district—Hispanic majority district—than the committee map, and neither the new District 35 in North Texas nor District 36 in Harris County are Hispanic minority districts. In fact, this map also retrogresses District 29, and quite frankly Ms. Dukes map, as I say, creates one less majority district than the committee map—

REPRESENTATIVE HILDERBRAN: Burt, you just mentioned that it retrogresses, or takes one Hispanic district away. Which district number are you referring to?

SOLOMONS: I'm sorry, which one?

HILDERBRAN: Which district, you said in your opening remarks that—

SOLOMONS: It retrogresses District 29, according to the numbers based on what the analysis looks like.

HILDERBRAN: So you're saying it's 29?

SOLOMONS: In 29, the benchmark map, District 29 has an SSVR of 52.6, an HCVAP of 56 percent. In Ms. Dukes', map the District 29 SSVR drops to 34.6 percent and its HCVAP drops to 38 percent.

HILDERBRAN: So are you talking about the numbers, or are you talking about SSVR numbers?

SOLOMONS: I thought I was pretty clear, Mr. Hilderbran, I was talking about the SSVR numbers.

HILDERBRAN: Okay, because I've got a benchmark that shows 29 and 51.3.

SOLOMONS: Yeah, I know that you have an amendment that has some similar concerns. But this particular map really—

HILDERBRAN: But it doesn't do anything about District 34 in your map? Or 35 in your map?

SOLOMONS: Neither the new District 35 in this particular map nor the—

HILDERBRAN: Does her amendment impact your 35?

SOLOMONS: I'm sorry, what?

HILDERBRAN: Does her amendment, the amendment before us, affect your, the Solomons map—

SOLOMONS: In District 35, Mr. Hilderbran, the SSVR is 41.8 percent and it's HCVAP is 45.6 percent, and neither district reaches the 50 percent threshold.

HILDERBRAN: Thank you.

SOLOMONS: I move to table.

DUKES: I'm not quite certain where Representative Solomons pulls his numbers, and sometimes I wonder about the concern put forth on minority communities, when Congressional District 29 is used as the litmus test for what is considered retrogression when one arguably can state something different. But here's the deal—there are plenty of maps that could be drawn that are fair and legal, and there are plenty of opportunities with the resources that Chairman Solomons had, and the committee had, to have drawn fair and legal maps. As Representative Martinez Fischer stated, there were far more resources that were available to draw fair and legal maps. But **SB 4** chose not to. The purpose of the republican map, **SB 4**, is to ensure that minority voices are not heard in Congress, in the strength

that their numbers in Texas require. Enough voters, specifically as it relates to the Dukes plan in Travis County, there are enough voters for a congressional district entirely within Travis County lines. Travis County has more than a million people, and a congressional district is only—if you look at the difference in how folks in Travis County are treated by **SB 4**, all you would have to do is look at the map and drive up Highway 35 from the south to the north, where presently the maps that are congressman run have Austin divided into four different districts, as Representative Naishtat explained to you. Under this new plan of **SB 4**, in eastern Travis County, where I have lived, my parents have lived, my grandparents have lived, my great grandparents have lived, in the minority portion of eastern Travis County, you will now drive in and out of nine twisted congressional districts. It doesn't sound like whoever drew this map was too concerned about the minority community and retrogression. Now look at western Travis County, where the majority population is an Anglo community. It sits entirely in one district, but eastern Travis County, where African Americans and Hispanics live, is drawn into nine separate in-and-out congressional districts. Why the difference? Hispanics and African Americans are cut into all of these divided districts, north, south, east, and west, to eliminate a voice. That is purposefully drawing African Americans and Hispanics into smaller portions and separation to create a GOP plan of purposeful discrimination. This map is not about ensuring one member of congress does not have a voice in Washington. It is about ensuring that African Americans and Hispanics from eastern Travis County, from east Austin, will be unable to have a candidate of their choice to represent them in Washington. This plan, **SB 4**, purposefully denies my family, Eddie's family, and many other families a chance to send their favorite candidate to Congress for a decade.

REPRESENTATIVE RODRIGUEZ: Dawwna, thank you for doing this amendment. I think it's important. Can you tell members a little bit more? I know that Elliot talked about it a little bit, but there's a coalition, isn't there, that minorities, African Americans, and Hispanics have with Anglo voters, as well, to elect people of all colors and races to elected office in Travis County, is that right?

DUKES: For years eastern Travis County, African Americans and Hispanics, have had a gentleman's agreement of coalition building, and in that gentlemen's agreement of coalition building, we have collectively worked back to the first African American who was ever elected to the Austin City Council, and the first Hispanic to be elected to the Austin City Council, to build the coalition to elect candidates of our choice. And with that, within Travis County, and coalition building with Anglo voters, we have been able to elect Gonzalo Barrientos to represent us in the senate, Wilhelmina Delco to represent in the house, we have—when it was an at-large Travis County versus the single member plan, we have been able to elect former Austin mayor Gus Garcia, we have been able to elect county wide Travis County attorney David Escamillia, we have been able to elect Travis County judge Sam Briscoe, and numerous other county judges who were African American and Hispanic into office through this coalition building. But by the separation of placing African Americans and Hispanics in a total of nine different connected districts along eastern IH-35, it is as bad as the slap of discrimination to African Americans and Hispanics in Travis County who couldn't get electrical hookup prior to 1940 if they lived in west Austin. You couldn't get electricity back then, but now your vote will be basically eliminated through the electric shock of being drawn into nine separate districts purposefully to eliminate the voice.

RODRIGUEZ: Would you agree with me that the African American community and the Hispanic community are empowered in Travis County and in Austin?

DUKES: Absolutely. If it were not the case, everyone wouldn't come to the African American and Hispanic community collectively in order to get the support, in order to be elected throughout the county. It's very well respected in the Travis County.

RODRIGUEZ: What would you say the Solomons map does to our power?

DUKES: I would say that it disrespects the voice of a certain segment of the community. If you look at the Solomons map, you can see in western Travis County a bloc, contiguous bloc, without interruption of Anglo votes. It also takes all votes of rural Anglos and makes sure there is no separation there, but when it comes to the urban county of Travis, and the African American/ Hispanic areas east of 35, it purposefully carves it apart, driving through nine separate districts from south to north to ensure that there is no ability to have a community of interest voting together to have representation of its choice. It purposefully discriminates.

RODRIGUEZ: I agree with you. When it comes to redistricting, Ms. Dukes, it seems like messing with Austin is what goes on here, and it's not right. And it's not even about Austin. I agree with you, it's about minority communities—

DUKES: About the minority community in Austin, and it ensures that there is no separation of the Anglo community in west Austin and that's the—things like this are the whole reason why the Voting Rights Act exists. But when you carve up districts to ensure that people who need protection from the Voting Rights Act will not have any influence on who they vote for to represent them in Washington, you are purposefully creating discrimination. It is purposeful discrimination of eastern Travis County's African American and Hispanic voters, to prevent us from having a voice in Washington.

RODRIGUEZ: Thank you for standing up for minorities in Austin.

DUKES: Thank you, and with that, I would ask the membership to vote against the motion to table and to vote for a fair and legal map that does not create a purposeful discrimination against African Americans and Hispanics.

[Amendment No. 17 was tabled by Record No. 78.]

[Amendment No. 18 by Hilderbran was laid before the house.]

HILDERBRAN: The amendment that we have before us is Plan 161. Mr. Speaker, members, the map before the house is amended. I have got concerns about Congressional Districts 15, 20 and 28 on the number of Spanish surname voter registration, SSVR. And I've got a number of concerns that our map—I think it can be improved, and maybe it will be improved in conference. I know that Chairman Solomons, his approach to these—if you look at the state house map—was to continue to evolve the map and keep making changes to it, just as he has done today. But even with the changes today, and he may have plans to make some more at another opportunity, the benchmarks for the Hispanic districts CD 15, CD 16, CD 20, CD 23, CD 34, CD 28, CD 29, and CD 35 in his map before us, we do better in the amendment before you, 161. We do as good as he does in the existing districts, and we add one more voting rights performing district, 35, that's an open district, brand new, Hispanic district that has 57.4 percent SSVR. So the big changes are, we elect about the same partisan split, but we add one more Hispanic seat to the map, which is a performing district. Also the amendment, besides creating a performing Hispanic district in 35, it also—CD 35 in **SB 4** only has 43.8 percent SSVR. Based on *LULAC v. Perry*, the U.S. Supreme Court made action that said that at least 50 percent of the SSVR—we need at least 50 percent to be a performing district, so we have upped those numbers to make sure we meet that standard. And we continue to basically provide a map that, I think, accomplishes the objectives in many ways of Mr.

Solomons, but does it a little differently. And I offer this as an alternative for ya'll's consideration and welcome any debate or dialogue on it, or answer any questions.

REPRESENTATIVE KOLKHORST: Mr. Chairman, looking at the map, I understand what you are trying to accomplish. I just would not, as a good rural member like you, that I look at CD 10 and there is not one whole county in CD 10. It cuts across one, two, three, four rural counties, and you sliced them in half, every one of them.

HILDERBRAN: I tell you what. If this map were going to make it farther in the process, I would be very interested in refining that for you—to contribute towards your point of view as to how that could be improved.

KOLKHORST: Yes, sir.

HILDERBRAN: I mean you understand the odds.

KOLKHORST: Yeah, I do. I note in your area, I think, that would be—

HILDERBRAN: It does a lot better.

KOLKHORST: Is that CD 25? I see a whole lot of whole rural counties out there.

HILDERBRAN: Yeah, isn't that nice? Isn't that pretty?

KOLKHORST: Yeah, that's a pretty—

HILDERBRAN: All that west of 35 looks real pretty, it's very rural and compact.

KOLKHORST: East of 35, I would—

HILDERBRAN: But we need to have your input on the eastern half to make yours look more like the western half of the state does.

KOLKHORST: Right. I would say that the counties that I represent would not be real thrilled with this map.

HILDERBRAN: And I pledge to you, that if this becomes—if this advances in some way either today, or emerges somewhere else, I'd be happy to work with you and get your suggestions. Three other members have come up to me with—and yours, you know when you do a statewide map, there's different areas of the state, you're not going to please everybody. What I'm trying to do is meet the same objectives as the chairman did in terms of performance both politically and Voting Rights Act. And I think I equal him or come close to equaling him on political performance, but I exceed his performance in the Voting Rights Act and doing the things we need to strengthen our case so we have a map that will be approved and get preclearance. And, obviously, if this map were to get more serious consideration, for instance, if the chairman were going to accept it or try to amend it and improve it, I would want to address your concerns and address the concerns of other members for their local areas.

KOLKHORST: Well, I appreciate that Mr. Chairman, you know, as us rural members, and as Sylvester calls us the poor man's caucus, we have to work on this a little bit.

HILDERBRAN: Absolutely.

REPRESENTATIVE ORR: Mr. Chairman, I guess I have the same issues as—

HILDERBRAN: You don't like Johnson being split?

ORR: Yes, sir. I mean—

HILDERBRAN: Is that your concern?

ORR: It's a whole county. We worked very hard to make sure that Johnson County wasn't split, and now you've got us moved into District 11, goes all the way to the New Mexico border.

HILDERBRAN: No it doesn't, it goes—oh I see, are you talking about 11? Oh yeah, 25, it looks really nice on 25.

ORR: Well we were in District 25 before you cut us out and sent us to New Mexico.

HILDERBRAN: As you know, if it was my choice, we wouldn't split any rural counties. However, because of the deviation—the zero deviation that is required for congressional maps, you're going to split some, and what I would just tell you is I understand. I wouldn't like splitting one of my counties. Some of the other maps that have been offered, Mr. Alonzo's and others, split my counties. I didn't like that. I certainly accept and appreciate that you wouldn't want your counties split, but somebody's county is going to be split. In the map before us, that this attempts to amend, we split Eagle Pass in half, we split other counties, so, unfortunately, it is unavoidable. But again, if this map ends up being more seriously considered, I would certainly want to address your concerns.

ORR: I appreciate it very much.

VILLARREAL: Harvey, with regards to Bexar County in your map, there is no single district that is wholly within Bexar County, is that right?

HILDERBRAN: How many in Mr. Solomons' map that way? Does he have one that is wholly in Bexar County?

VILLARREAL: Yes, it's—

HILDERBRAN: Is that from his amendment, or is that from—

VILLARREAL: District, and it's also still in his amendment. It's District 20, it was actually the first Hispanic opportunity—

HILDERBRAN: So he put District 20 back whole in his amendment, because it wasn't whole in the committee?

VILLARREAL: No, it was. District 20 was always whole.

HILDERBRAN: Oh, District 20. Okay, Mr. Gonzales—

VILLARREAL: Yep, yep, Charlie Gonzales. And in this map, it takes his district and—

HILDERBRAN: Moves it north.

VILLARREAL: It makes that one—

HILDERBRAN: It kind of replaces his District 35—

VILLARREAL: Yep, yep.

HILDERBRAN: And let me tell you that's a trade off, and I understand, you and I talked about it earlier, that's a trade off. Under his map, you get District 35 that has Travis and Bexar County in it. It has maybe two-to-one Bexar County over Travis in the I-35 corridor, and in this case, what we do is we have 20 going to Travis, but we create a brand new District 35 that is a Voting Rights, performing Hispanic district that is 57.4 percent Spanish surname voter registration, so it's a trade-off. Yeah, you don't get a whole 20 in all of Bexar, but you get a brand new district, and you keep a district that I think Mr. Gonzales can win.

VILLARREAL: The District 35, is the population based in Webb County or Bexar County?

HILDERBRAN: Bexar. And by the way when you are talking about CD 20 in the C149 with the C170 added, it's about 54.1, and in— I'm sorry, 55.6. And so, in this CD 20 that you don't like because it goes north is 54.6, and so basically for a one percentage point trade down in that district still performing, you get a brand new district CD 35 that goes from 43.8 in the map before us and in the amendment goes up to 57.4.

VILLARREAL: I'm going to go against your amendment because of how it rips apart the county.

HILDERBRAN: And politically it—

VILLARREAL: I want to say that I do like what you've done to 23 which is keeping Maverick—

HILDERBRAN: You would you agree that on a—

VILLARREAL: —all in 23, and based on the numbers that you gave me you improved the 23rd. But, unfortunately I think the way we need to resolve this is ultimately in the courts in improving all these districts.

[Amendment No. 19 by Hilderbran to Amendment No. 18 was laid before the house.]

HILDERBRAN: This is an author's perfecting amendment. It basically deals with CD 23 and has very minor changes, but it does execute—basically accomplishes my objectives of what I've been talking about and refines that district. It overlaps into a couple of other districts, but they're minor changes. And what I ask is to adopt this and then discuss the amendment with Mr. Solomons, as amended. So, I'd like to move adoption of the amendment to the amendment.

VILLARREAL: Tell me, what are you doing to CD 23?

HILDERBRAN: CD 23. Basically, we don't change the Hispanic numbers, but we basically exchange some precincts that makes its political number, using the McCain number, go up from 48, which it is in current law. It's about a 48 percent McCain district today. Under my original amendment it was about a 48 percent McCain district. I'm going to make it about a 49 percent McCain district. The plan before us is a 52 percent McCain district. So, it slightly improves the McCain number in 23, but not as much as the Solomons map before you.

[Amendment No. 19 was adopted.]

MARTINEZ FISCHER: We know they say if you can't beat them, join them. And so, I rise to stand with Chairman Solomons in opposition to the Hilderbran map. I'm opposing the amendment because it does a couple of things that I think are problematic, but overall I agree with Chairman Hilderbran's layout. I think that this is a much better approach in drawing my minority opportunity districts, but the devil's in the details. There are a couple of things that it does that I'm troubled with. We voted for the Dawnna Dukes. I voted no on the motion to table on the Dukes amendment because it actually increased the number of African American and Hispanic voting age population districts than are in the Solomons map. This one actually reduces it. It lowers it to 12. And one of the bigger issues that I'm concerned about is that while it creates a new SSVR district, it does so by taking the 20th Congressional in San Antonio, and taking part of it and running it north to Austin, and the other part of it running it south to Laredo. And I'm not adverse to districts being cut like that. I mean we've done that in our maps and obviously if you're from Travis County you've seen that done in almost every amendment that's crossed the floor. What's concerning about it is in *Lulac v. Perry* the United States Supreme Court said, unequivocally, that Webb County is a constitutionally protected community of interest, and so by

splitting that community of interest I believe you open up that challenge, once again. I think we go backwards not forward. Now, I'm happy to work with Harvey and his folks if he really wants to draw a better—

HILDERBRAN: I've got to ask you about—well you just commented about the Webb County split. And I'm aware that's been on the floor. People have been talking about that. I've got to make very clear that you recognize—you're aware of the difference between what this split accomplishes in Webb County, and what the one 10 years ago accomplished? Because they're completely different apples and oranges in the sense of what they result in. This one results in a brand new performing Voting Rights Act Hispanic district. That one did not. This one improves Hispanic voting opportunities, it doesn't decrease them. That one did. And that's night and day. Clear as can be that there's a complete difference between what this split does and what that one did, and as you know Mr. Solomons split Eagle Pass in half. So the county next door, Maverick County, is split in half right there in the middle of the city. And in our case, we split the rural part right across the border to create a brand new Hispanic district, and that is completely different from what they did last time when it was a court issue.

MARTINEZ FISCHER: Right now, being respectful, I think it's a distinction without a difference. I mean while it still creates a new minority district. I'm not on the supreme court and I know you're not either, but what they say in the opinion is that Webb County is a community of interest so—

HILDERBRAN: Would Eagle Pass be?

MARTINEZ FISCHER: Well, it may be.

HILDERBRAN: They split Eagle Pass in half in their map.

MARTINEZ FISCHER: I can tell you based on what the supreme court has already said. They've made it very clear what their position is with respect to Webb.

HILDERBRAN: So does the supreme court think the community of interest in Webb County is more important than the community of interest in Maverick County?

MARTINEZ FISCHER: I think that's a question for the court. I don't know that. But I know what the opinion says. And the opinion says Webb County is a constitutionally protected community of interest and you couldn't split it. Now, if you are splitting it for a different reason I still think you open it up for debate, you open up for litigation. But overall when you reduce your BHVAP to a number lower than Solomons it's problematic and when you plus up a SSVR district by taking a Hispanic district as it exists and split it into two different communities in two different directions, one of those communities being protected by the supreme court in its opinion in *Lulac v. Perry*. I think that, as some people say around here, the juice isn't worth the squeeze. It's not something you want to litigate over and over again. I'd be glad to work with Chairman Hilderbran on drawing a map that conforms to the principles of creating more minority opportunity. I know he feels—I've looked into him, I know he feels this map does better than **SB 4**. I think we can bring back an even better map that does better than this and **SB 4**, and I'd be happy to work with him on it, whether we do it on third reading or we do it as we head down the litigation track. So with that I ask that you work in a bipartisan manner with Chairman Solomons, and I and vote against the Hilderbran—I wasn't going to move to table. I'll let Chairman Solomons do it.

SOLOMONS: I don't know what to say. I have some similar concerns that Trey had on the plan about splitting Webb County and the city of Laredo. We got beat up on that quite a bit by the U.S. Supreme Court in the history, and Harvey tried to talk a little bit about that—a little different, but I do think that I have to agree

with Trey about a difference without a distinction. But, let me just tell you what the map also does. It splits Arlington into certain event centers and can be cherry picked for certain districts. It is the SSVR in District 20 that I've got some real concerns over because under his amendment the total voter registration SSVR is actually lower in District 20, 54.6 percent. It went from 55.6 percent. It's actually lower than the amendment I introduced earlier to fix that. I don't see any reason to split the city of Arlington, and quite frankly, I think it drops the numbers for Congressional District 23—is dropped below 50 percent. And I just don't see any reason to do this amendment, and so I would hope you stick with me this time on a motion to table.

HILDERBRAN: Members, I do want to go through a few numbers. CD 15 is the congressional district Hispanic seats benchmark. We have 70.7 in CD 15; 67.6 in CD 16; 58.1 in CD 20. In CD 23, 52; CD 34, 59.4. In CD 28, 65.6; CD 29, 51.3, and then we have a new CD 35 that doesn't have one because it's not a part of the existing bench. In Mr. Solomons' amendment, he basically lowers it in CD 15 by four points. He raises it by one point in CD 16. He lowers it by 2.5 or three points in CD 20. He raises it two points in CD 23 and he raises 11, 12 points in CD 34, and in CD 28 he raises it about almost three points. In CD 29, he stays the same, and in the brand new district, CD 35, he has a 43.8 percent SSVR. What we have in ours is basically 14 points better in CD 35, and improve in a couple of areas and slightly lower in a couple of the other districts. So, in this comparison between the benchmark and Mr. Solomons' amendment, and CD 61, we perform better. But, at the same time, Mr. Speaker, members, I wanted to make sure we had an alternative map offered by a republican on the record. I've accomplished that. At this time, I will withdraw the amendment, as it will be a part of the record.

[Amendment No. 18, as amended, was withdrawn.]

DUKES: I rise to speak against **SB 4** because I feel, I know there could be a plan that is drafted that does a far better job on ensuring that the Voting Rights Act is being met, and ensuring that every citizen in Texas has an opportunity to be represented in Washington by an individual who represents their voice. But, more specifically, the purpose of the republican plan **SB 4** has been to discriminate. It takes African American voters who live in Travis County, who I represent, who are currently able to elect a candidate of their choice and ensures that for the next 10 years we won't have a voice in Washington. If you just look at the disparity and how the minority communities were treated in Travis County under **SB 4**'s map, and follow IH-35 from south of Travis to the north of Travis, and you will drive in and out of nine varying congressional districts. Now, compare that to western Travis County where predominately Anglos live. What do you see? Is that portion of Travis divided into nine districts, seven districts, three districts? No, it is wholly and entirely contained within a single congressional district, and that's no coincidence. It's plain and simple that this plan was motivated by discrimination. Which races bear the more heavy burden of this plan? Not Anglos in Carter's district. If you look at how nice and neatly they've been drawn. And Anglo families in Williamson County and Bell County. Not rural Anglos, look at how in the committee the republicans worked to ensure that rural Anglos in Colorado County were joined with other rural Anglos. Now look at the mess that is Travis County where African Americans, Hispanics, and Anglos who routinely join together to elect individuals of all races were cut into five different congressional districts. The way minorities and Anglos vote together in Travis is the way it's supposed to be in America. Travis County gets it right, and that is why **SB 4** is so wrong.

The illegal map is not about getting rid of a single congressman. That's just an excuse. It's much bigger than one person. As much as this individual articulates for our community, **SB 4**, is not about silencing the voice of one elected official. It is about silencing the voice of a whole community. And we have worked too hard for so long to build this successful coalition in Travis County in East Austin and that is why using partisanship as an excuse, **SB 4** is seen so hard beyond closed doors to ensure that no African American, and no Hispanic from Austin will be able to have a voice from Austin in Congress. If you look at how this plan was passed, a public hearing called on short notice, then cancelled. The public house hearing was called on less than 24 hours notice during the middle of the week when working families are doing just that, working. No hearings were held around the state. That was done before, and all the testimony heard from folks who actually live here went in one ear and out the other. Because the hearing was only a shadow, a route box process, a box to be checked because they always knew they weren't going to let a plan pass that preserved the voice of Austin minorities.

No enforceable racial zoning law could have been drawn with the precision that **SB 4** used to segregate African Americans. Pairing Austin's African American families with Cleburne and Burleson in Johnson County cannot be viewed in any way but as an attempt, and it would be a successful attempt, to completely eliminate the political bulls in congress. You could erect a sign at the ballot box that says, "Blacks Need Not Vote," and it wouldn't be as effective at eliminating the ability to meaningfully participate as this map does. I have no doubt the Justice Department will put a stop to **SB 4**, a discriminatory map. I know privately some Republicans will tell me that they know it has gone too far. But, for them it wasn't about doing what's right or what's fair. It's all about doing as much as you could get away with. Well, there is a reason we still have the Voting Rights Act. And when some folks say we no longer need it my response is just look at the discriminating map in **SB 4**. It is exactly this sort of purposeful discrimination that the Voting Rights Act serves to protect, and that's why they don't want African Americans to be able to elect folks who understand the importance of the Voting Rights Act. So, pass this illegal map because you have the vote, but thank goodness you haven't succeeded in repealing the Voting Rights Act and the judicial review. Now, I would urge you to vote no against **SB 4**.

ALONZO: Members, I came before you earlier, as Mr. Chisum pointed out, it was kind of like cheerleading, and the answer is yes it was cheerleading, because I'm cheerleading for what's right, I'm cheerleading for an opportunity to have more opportunity minority districts. And specifically, cheerleading for my North Texas area to make sure North Texas has Hispanic Opportunity Districts. And I'm going to do these closing remarks in two parts.

First, I'm going to remind you that I presented a plan, an alternative plan to the current plan, the Alonzo/Veasey Plan. The Alonzo/Veasey Plan which was a joint author showing, members, that Hispanics, and African Americans working together, and making sure that we propose plans and specifically the Alonzo plan that creates an opportunity for four additional Hispanic opportunity districts, and an additional black opportunity district in North Texas. And, as I pointed out definitely in North Texas the Hispanic opportunity plan. And I went step-by-step. And, in addition, members, I pointed out that in Austin, Texas, in Travis County has a strong history of coalition voting. The county has elected a Hispanic to the state senate, and has a multi-ethnic set of city and county office holders. Six current countywide elected officials are Hispanic. This plan places Congressional District 25 almost entirely in Travis County, incorporating the most politically cohesive neighborhoods in the county and adding Hispanic growth neighborhoods in Hays and Williamson County. It enhances HVAP Congressional District 25 by five percent. So members, what it does is talk about

four additional Hispanic Opportunity Districts, an additional coalition African American district in Tarrant County. It talks about how Hispanics and minorities work together to elect their selection of choice in Travis County.

And lastly, members, I mention that one of the areas of Texas that we can not forget is West Texas, West Texas, West Texas. And in this proposal that I presented to you in Congressional District 19, West Texas, we have a district that's emerging Hispanic district that will allow, as time goes by, for Hispanics to be elected, or for Hispanics to have an opportunity to elect a person of their choice. So, members, to support my position I will make exhibit number one part of the record, which are the comments on my presentation.

Exhibit I

Congressional Substitute Plan C142

Fifteen of 36 districts in this plan are majority minority. Ten are majority Hispanic Voting Age Population (HVAP). Eight of those are majority Spanish Surname Voter Registration (SSVR). The 2010 Census shows Texas to be 37.6 percent Hispanic. Proportionality would suggest that 14 of the 36 districts should be Hispanic.

Under this plan, the four new districts are all Hispanic opportunity districts, reflecting the state's growth. CD 33 runs from Cameron to Nueces County and is 68.6 percent SSVR. Unlike the senate plan before us, which strands over 200,000 Hispanics from Nueces in an Anglo-dominated district, this plan incorporates the vast majority of that Hispanic population (173,337) in CD 33. CD 34 is anchored on the south side of Bexar County and runs to San Marcos and Bastrop. The SSVR of 50.1 percent exceeds that of the senate plan by five percent in a similar district. Sixty-nine percent of the district's population is in Bexar County, allowing the minority voters of that county to dominate two districts, which their population justifies. CD 35 is largely in Dallas County, but contains some population in Tarrant. The 34 percent SSVR in this district (vs. 12.6 percent black and 19.4 percent Anglo) will allow Hispanic voters to elect the candidate of their choice through domination of the democratic primary and general election. CD 36 is entirely in Harris County on the western side. The 23.6 percent SSVR will provide Hispanics with the largest voting bloc in the democratic primary in this multi-ethnic district. This current 24 percent voting strength compares to 21.6 percent Anglo population, 14.9 percent black, and 8.9 percent other. Hispanics will clearly have the opportunity to elect the candidate of their choice. Demographic patterns will continue to strengthen the Hispanic contribution in these precincts. Middle class neighborhoods on the western end of the district are seeing an explosive growth in Hispanic population.

CD	Dominant County	Dist pop % in Co.	10G SSVR	08G SSVR	HVAP	Anglo VAP	B+H VAP	Other VAP
15	Hidalgo	64	67.8	67.6	75.3	21.6	77.5	0.9
23	Hidalgo	47	67.1	67.5	75.1	20.4	77.2	2.5
16	El Paso	100	65.8	66.9	77.5	17.1	80.8	2.1
20	Bexar	100	50.7	51.2	60.3	28.7	67.4	3.9
34	Bexar	69	50.1	50.5	60.3	29.1	69.2	1.8
28	Laredo	36	72.1	72.6	80.7	16.1	82.9	1
33	Cameron	58	68.6	69	76.9	19.6	78.9	1.5
29	Harris	100	52.2	52.3	72.1	16.2	81.9	1.8
36	Harris	100	23.6	23.4	51	25.6	64.5	9.9
35	Dallas	91	33.9	33	59.6	24.7	71.8	3.5

Travis County has a strong history of coalition voting. The county has elected a Hispanic to the state senate and there is a multi-ethnic set of county and city officeholders. Six current countywide elected officials are Hispanic. This

plan places CD 25 almost entirely in Travis County, incorporating the most politically cohesive neighborhoods in the county and adding Hispanic growth neighborhoods in Hays and Williamson Counties. This enhances HVAP in CD 25 by five percent. In a district with proven cohesive voting, an enhancement of Hispanic voting strength clearly makes this an opportunity district for Hispanic voters.

CD	Dominant County	Dist pop % in Co.	10G SSVR	08G SSVR	HVAP	Anglo VAP	B+H VAP	Other VAP
25	Travis	91	21.4	21.5	39.1	43	50.4	6.5

Additionally, CD 12 in Tarrant County will unite the insular and cohesive black and Hispanic communities in Tarrant County with a portion of southwest Dallas County. The resulting district, at 35.2 percent black and 70 percent black and Hispanic, will provide black voters the opportunity to elect the candidate of their choice.

This plan then provides four plurality black districts where black voters should control the outcome. Proportionality suggests that there should be four black districts. (11.84 percent of population x 36 districts = 4.26 districts).

		Black %	Anglo %	08G SSVR	Other %	B+H %
9	Harris	39.1	20	12.5	12.5	67.5
12	D/FW	35.2	24.8	15.5	5.2	70
18	Harris	39.1	23.7	14.7	4.3	72.1
30	Dallas	40.4	23.5	10.5	3.1	73.4

The major urban counties of the state are treated more fairly in this plan. Dallas County dominates three districts, Tarrant three, Bexar three, and Harris six. East Texas has two rural districts without fingers going into major urban or suburban counties.

The voters of Hidalgo County are treated fairly in this plan. The county is split between two districts, not three as in the senate plan, and the county's voters will be expected to dominate those districts. Additionally, CD 19 in West Texas provides opportunity for Hispanic growth, becoming a district of less than 50 percent Anglo population. The continued rapid demographic changes on the high plains of West Texas will make this a majority Hispanic district by the end of the decade. CD 19 splits only one county.

		Hisp. %	HVAP	Black %	B+H %	Other %	Anglo %
19	West TX	41.4	36.4	7	47.8	2.7	49.5

Number two, members, one of the discussions that we had was whether the plan created opportunity districts, and I pointed out that in the congressional district that I proposed, District 23, former State Representative Noriega got 60 percent in Congressional Proposed District 34. Former State Representative Noriega got 63 percent in Congressional District 35, he got 63.4, and in Congressional District 36, he got 51.9 percent. So, I submit that, members, as exhibit number two to support my position.

Exhibit II

Congressional Plans Democratic Primary side by side with General Election

Current Districts

Plan	2010	2008	2008	2010	2008	2008
	Dem	Dem	Dem	Gen.	Gen.	Gen.
C100	Primary	Primary	Primary	Election	Election	Election
CD	Uribe	Noriega	Yanez	Uribe	Noriega	Yanez

15	75.7	66.1	78.9	55	61	65.1
16	72.9	61.7	73.3	57.1	65.6	68.4
20	75.4	75.6	75.2	59.6	64.2	67
23	71.2	68.8	70.3	43.6	50.7	53.7
25	55.6	57.9	53.9	48.2	55.4	57.8
28	80.6	71	77.6	51.3	57.7	60.5
29	51.4	65.2	72.5	62.3	67.5	68.5
27	77.3	63.3	74.1	46.4	54.5	58.2
34						
35						
36						

Statewide	51.7	51	51.4	35.3	42.8	44.6
-----------	------	----	------	------	------	------

House Committee Report

Plan	2010 Dem Primary	2008 Dem Primary	2008 Dem Primary	2010 Gen. Election	2008 Gen. Election	2008 Gen. Election
C149 CD	Uribe	Noriega	Yanez	Uribe	Noriega	Yanez
15	75.7	65.8	77.1	49.3	57.1	60.3
16	73.5	62.1	73.8	58.5	66.6	69.4
20	73.9	74.2	72.9	52.4	58.5	61.4
23	67.7	65.3	68.4	39.5	47.5	50.5
25	50.5	52.7	42.4	33.2	40.1	41.7
28	81.1	72.5	77.8	60.1	64.3	67.3
29	53.4	67.3	73.5	65.8	70.6	71.5
27	54.1	50.4	57.8	32.9	41	44.5
34	78.2	65.9	79.1	55.4	61.9	66.3
35	62.3	64.9	66.5	52.9	60.2	62.8
36	23	29.2	29.3	24.3	32.9	35.1
	51.7	51	51.4	35.3	42.8	44.6

Alonzo/Veasey

Plan	2010 Dem Primary	2008 Dem Primary	2008 Dem Primary	2010 Gen. Election	2008 Gen. Election	2008 Gen. Election
C142 CD	Uribe	Noriega	Yanez	Uribe	Noriega	Yanez
15	73.4	63.3	76.9	52	57.6	61.9
16	72.1	61.4	72.4	55.5	64.1	66.9
20	73.8	73.7	72	52.2	58.6	61.2
23	77.7	68.3	77.1	52.3	59.6	63
25	65.4	61.9	61.3	63.7	67.4	69.1
28	78.7	69.3	77.7	58.8	61	64.4
29	51.1	65	72.2	61.4	66.7	67.7
33	78.6	65.8	77.4	52.9	60.3	64.3
34	60.8	67.3	67.1	52.7	59.5	62.7
35	55.4	58.2	59.5	58.7	63.4	64.9
36	44.1	56.2	59.5	43.7	51.9	52.8
	51.7	51	51.4	35.3	42.8	44.6

Thirdly, members, thirdly, one of the discussions in Travis County, and in Travis County I present an exhibit that shows when Doggett and Hinojosa ran for congress, candidate of choice was Doggett. What we have said all along, what we have said all along is all we want is an opportunity. So that being said members I present exhibit number three.

Exhibit III

**Office of the Secretary of State
2004 Democratic Primary Election
3/9/2004**

U.S. Representative District 25

County	Lloyd Doggett DEM	Leticia Hinojosa DEM	Total Votes	Total Voters	Turnout
ALL COUNTIES	40,306	22,305	62,611	881,215	7.10%
CALDWELL	2,133	656	2,789	20,650	13.50%
DUVAL	2,347	1,708	4,055	10,121	40.06%
GONZALES	985	243	1,228	12,232	10.03%
HIDALGO	8,663	8,599	17,262	257,274	6.70%
JIM HOGG	811	1,630	2,441	4,261	57.28%
KARNES	1,729	1,047	2,776	8,751	31.72%
LIVE OAK	809	359	1,168	7,124	16.39%
STARR	4,530	5,638	10,168	27,431	37.06%
TRAVIS	18,299	2,425	20,724	533,371	3.88%

Now members, let me speak about the proposed district. The proposed district, **SB 4**, is overreaching, and has been pointed out by Chairman Solomons. The main people that they listen to were the incumbent congressmen, and even though they listened to the incumbent congressmen we still proposed districts taking them into consideration. But we were more concerned about the four additional congressional districts. That being said members, I believe that the plan proposed by Chairman Solomons, senate congressional proposal, **SB 4** is retrogressive. Number two, **SB 4** also has Section 5 violations, because the current congressional district map has 11 districts for minority voters—have been able to elect the candidate of choice within the decade. Under the Seliger/Solomons plan there are only 10 districts where minorities would have an effective opportunity to elect the candidate of choice. One less than the current plan, even though four additional congressional districts were proposed in Texas solely because of population.

The other point I want to point out members, there's a Section 2 violation. Given the presence of alternative plans, the willful decision by the authors to reduce the number of effective minority opportunity districts when additional districts could have been drawn, clearly violates the Voting Rights Act. That being said, members, between 2000 and 2010, the Anglo population in Dallas and Tarrant Counties decreased by 600,000. Only 41 percent of the population is Anglo, but the Republican plan, Anglos will control seven of eight districts in North Texas, 87 percent. Members, that is not right. That being said, members, instead of giving you a five-minute speech, I'm going to submit this as exhibit number four. Exhibit four, members.

Exhibit IV

SB 4 Congressional Proposal

(Note: All versions of the republican plan are virtually the same regarding voting rights issues. The most recent version is PLAN C141, which passed the senate.)

Republican Power Grab Tainted by Statewide Retrogression, Packing and Cracking Minority Voters, and Reckless Disregard for Local and Regional Communities of Interest

The congressional map proposed by Republican Senator Seliger and Republican Representative Solomons is the Tom DeLay approach and then some. Aided and abetted by Governor Perry, Lieutenant Governor Dewhurst, and members of the Texas republican congressional delegation, the Seliger-Solomons plan is an arrogant partisan power grab that is clearly retrogressive in violation of the Voting Rights Act. The GOP plan splits county after county and community after community, it targets minority voters systematically robbing them of their voting strength—all to achieve its partisan and discriminatory purpose.

Mapmaking Process Excluded Minority Officeholders

It's little wonder that the proposed republican congressional plan is retrogressive. The plan was developed without any input from legislators who were elected as the choice of Latino or African American voters. That was true of the process that developed state legislative plans, and the exclusion of minority input was perhaps even more pronounced in the development of this congressional plan.

- Legislators who represent communities of color were not allowed to sit at the table and discuss this plan until GOP leadership agreed to a map that would enlarge Tom DeLay's footprint by trampling the voting rights of the Latinos and African Americans responsible for Texas receiving four additional congressional districts.

- During the regular legislative session, there was one hearing on congressional redistricting in the Texas House committee and one in the Texas Senate committee, but no plan was presented, and this map ignores the testimony of most, if not all, Latino and African American witnesses.

- Again, in the special session, one hearing was held in each chamber after the plan was drawn. This plan was never seen by minority members of the house and senate, or even minority members of the house or senate redistricting committees, until it was made public on Tuesday, May 31.

- Governor Perry signaled how he hoped the plan would be developed and passed without little, if any, public input when he told reporters that he would only call legislators back to Austin on redistricting if lawmakers agree on a map in advance.

- *The Texas Tribune* reported on May 28, 2011, that Perry said: "When they get to an agreed bill, then I would be willing to talk about having them back in there for a very quick two- or three-day session to get redistricting done."

Statewide Retrogression

Facts

- Texas received four additional congressional districts for one reason only: the explosive growth of the state's Latino and African American population growth. Latino growth alone is responsible for 65 percent of the state's population growth, and non-Anglos are responsible for roughly 90 percent of that growth.

- In fact, Texas is now a "majority minority" state. Only 45 percent of the Texas population is Anglo, but this republican plan would give Anglo voters electoral control of 72 percent—or 26 of 36—congressional districts.

- The proposed PLAN C141 would actually allow Anglo voters to control three additional districts, which clearly constitutes illegal retrogression under Section 5 of the Voting Rights Act.

- Additionally, because an alternative plan (PLAN C121) has been presented that shows three additional Minority Opportunity Districts can be drawn in a 36 district plan (and others have proposed a fourth), the proposed PLAN C141 almost certainly violates Section 2 of the Voting Rights Act as well.

Section 5 Violations

The current 32-district congressional map has 11 districts where minority voters have been able to elect their candidate of choice within the last decade. Of the 11, seven are effective Latino Opportunity Districts (15-Hinojosa, 16-Reyes, 20-Gonzales, 23-Canseco, 27-Farenthold, 28-Cuellar, 29-G. Green); three are effective African American Opportunity Districts (9-A. Green, 18-Jackson Lee, 30-Johnson); and in one district (25-Doggett), minority voters and like-minded Anglo voters have formed coalitions to elect their candidate of choice. Although Districts 23 and 27 did not elect the Latino candidate of choice in the 2010 "wave" election, they did elect the Latino candidate of choice in every previous election under their current configuration. Under the Seliger-Solomons plans, there are only 10 districts where minority voters would have an effective opportunity to elect their candidate of choice, one less than the current plan, even though four additional congressional districts were apportioned to Texas solely because of minority population growth.

NOTE: The republican sponsors of this plan will attempt to mask this illegal and unconscionable statewide retrogression by saying two of the new districts, 34 and 35, are new Latino Opportunity Districts. However, that is not the case.

- The District 27-District 34 switch: The "new" Latino District 34 is simply a replacement for the existing effective District 27, which could be easily controlled by Anglo voters under the proposed plan.

- The Dilution of District 23: Even more egregious is the change made to District 23, which would also be controlled by high turnout Anglo precincts and counties in this plan. Although the PLAN C141 configuration would maintain its Latino population based on census data alone, a look at election data demonstrates that it would no longer be an effective Latino Opportunity District. For example, the Hispanic candidate of choice in 2008 was President Obama, who carried the district with 50.9 percent of the vote. Under this plan, McCain carried the district with 51.9 percent of the vote to Obama's 47.2 percent—a 3.7 percent change. This outcome was achieved by exchanging selected precincts in Bexar and El Paso Counties, even going so far as to take District 23 all the way across the Franklin Mountains into the west side of El Paso to achieve a purely partisan outcome.

- Even if the plan preserved District 23 as an effective Latino Opportunity District, simply maintaining 10 current Minority Opportunity Districts in a plan that now has 36 districts instead of 32 would constitute an illegal retrogressive effect.

- District 25 eliminated as an effective coalition district: PLAN C141 also splits the effective Travis County voting coalition into five districts, leaving the state's fifth largest county and the Capital of Texas without a majority of the population in any one of these five congressional districts.

Section 2 Violations: The Failure to Draw Additional Minority Opportunity Districts

- The "Fair Texas" PLAN C121 demonstrates that it is possible to draw three of the four new districts as additional Minority Opportunity Districts while preserving all the current effective Minority Opportunity Districts.

- The "Fair Texas" plan and numerous other plans have shown that it is possible to draw two additional Latino Opportunity Districts while preserving all seven effective existing Latino districts, including one in Dallas and Tarrant Counties and another in the South Texas border region between the Rio Grande and South Central Texas.

- The "Fair Texas" PLAN C121 also demonstrates that it is possible to draw a second effective African American Opportunity District 35 in Dallas and Tarrant Counties (while preserving all the current and proposed Minority Opportunity Districts) which has population characteristics remarkably similar to PLAN C141's District 9 in Harris and Fort Bend Counties.

- Other plans propose the creation of an additional Latino Opportunity District or Latino majority district in Harris County, which, if adopted, would make all four new districts majority minority districts.

- Given the presence of these alternative plans, the willful decision by the authors of PLAN C141 to reduce the number of effective Minority Opportunity Districts when additional districts could be drawn clearly violates the Voting Rights Act.

Regional Analysis

North Texas

In Dallas-Forth Worth, only one district provides opportunity for 2.1 million Latinos and African Americans. The combined population of Dallas and Tarrant Counties is similar to the population of Harris County. Over 2.1 million Latinos and African Americans reside in the two counties—a 52 percent majority of the population—but under the proposed congressional map, only one of eight, or 12.5 percent, of the districts that include parts of Dallas and Tarrant Counties would provide an effective electoral opportunity for African American and Hispanic voters.

- None of the five districts that include all or part of Tarrant County provide an electoral opportunity for African Americans or Hispanic voters.

- Between 2000 and 2010, the Anglo population in Dallas and Tarrant Counties decreased by 156,742 while the African American and Hispanic population increased by almost 600,000. Only 41.2 percent of the Dallas-Tarrant population is Anglo, but in the republican plan, Anglos would control seven of eight, or 87.5 percent, of the congressional districts in the North Texas region.

The Republican Plan Packs District 30 and Cracks the Rest of the DFW Minority Population

- Over 1.4 million Latinos reside in Dallas and Tarrant Counties, but the republican PLAN C141 cracks the DFW Latino population into at least seven different districts, denying effective electoral opportunity for the fastest growing Latino community in the country.

- The core Dallas County Latino community in the Oak Cliff area is split between District 30 and the Anglo-controlled suburban District 6, which also includes Grand Prairie. Other Hispanic neighborhoods are placed in suburban Anglo Districts 24 and 32, and rural-based Anglo District 5.

- In Tarrant County, the Latino north side community is exiled to Denton-based suburban District 26, while the growing south side Latino community is placed in District 33, which is based in Arlington and Parker County.

- Several alternative plans proposed a new Latino Opportunity District in the region that is over 70 percent Latino, but those plans were ignored in republican PLAN C141.

Representative Veasey's "Fair Texas" PLAN C121 proposed not only a new Latino Opportunity District, but also an additional African American Opportunity District in the DFW area, but the republican plan denies the Tarrant County African American community an effective voice in Congress, again. Most of the southeast Fort Worth, as well as Forest Hill and Everman, African American community is placed in District 12, which would be controlled by Anglo voters in northern and western Tarrant County. Most of the African American growth areas in south and southwest Tarrant County and Arlington are placed in suburban and Anglo District 33.

South Texas Border Region

- The current 32 district congressional map has six effective Latino Opportunity Districts in the South Texas border region (15-Hinojosa, 16-Reyes, 20-Gonzales, 23-Canseco, 27-Farenthold, 28-Cuellar).

- The republican PLAN C141 does not create an additional effective Latino district in the South Texas border region. Instead, two currently effective districts (23 and 27) are made ineffective to protect republican incumbents, and those districts are swapped for new districts (34 and 35).

- The republican sponsors of this plan will attempt to mask this swap by implying Districts 34 and 35 are additional Latino Opportunity Districts.

- The "new" Latino District 34, which is based in Cameron and Hidalgo Counties, is simply a replacement for the existing effective District 27, which becomes an Anglo controlled Coastal Bend and rural district under the proposed republican plan.

- The republican plan dilutes an effective Latino electoral opportunity in District 23 in the same way that caused the supreme court to strike down the district as drawn in the 2003 DeLay map.

- District 23 would be controlled by high turnout Anglo precincts and counties in the republican plan. Even though it would maintain its Latino population based on census data alone, a look at election data in the proposed district demonstrates that it would no longer be an effective Latino Opportunity District. Under this plan, the district would swing over four percent to the Anglo candidate of choice, an outcome achieved by exchanging selected precincts in Bexar and El Paso Counties, even going so far as to take District 23 all the way from northern Bexar County all the way across east El Paso and the Franklin Mountains to cherry pick precincts from the far west side of El Paso.

- Given the dilution of District 23, the new San Antonio to Austin District 35 simply replaces it as an effective district, although District 35 goes unnecessarily into the near west side of San Antonio.

- District 20 is maintained as an effective San Antonio-based Latino district, although this configuration splits a portion of its west side base and extends it outside the Anderson Loop.

- District 16 is maintained as an effective Latino Opportunity District based in El Paso County, but the configuration of District 23, which splits lower valley and west side communities, shows a blatant disregard for preserving communities of interest.

- District 15 is maintained as an effective Latino Opportunity District based in Hidalgo County; District 28 is maintained as an effective Latino Opportunity District based in Webb County.

Harris County - Southeast Texas Region

- The republican plan does maintain the three effective Minority Opportunity Districts in Harris County, although the configuration of African American Opportunity Districts 9 and 18 is dramatically altered to extend District 18 all the way south to the Fort Bend County line and into southwest Houston, where an emerging Latino population is split three ways between Districts 9, 18, and 7 (Culberson).

- Given the fact that the proposed plan creates no additional effective Minority Opportunity Districts or majority minority districts in Harris County, there is no reason for the dramatic changes in those districts, and the "Fair Texas" plan maintains these districts with minimal changes.

- Harris County lost 82,000 Anglo residents over the last 10 years, while the Latino population grew by almost 552,000 and the African American population increased by over 134,000. Today, Harris County is only 33 percent Anglo, and neighboring Fort Bend County, with a population of over 585,000, is only 38 percent Anglo.

- 1.7 million Latinos reside in Harris County, and plans have been proposed that create an additional Latino majority district in Harris County, a legislative policy choice the republicans in charge have rejected.

Travis County

- Travis County, and the current District 25 (Doggett), is home to an extraordinary and cohesive coalition of Latinos, African Americans, and like-minded Anglos that have elected their candidates of choice at every level of government—from Congress and the legislature to countywide, citywide, and local district offices.

- In fact, Travis County is so cohesive that the only way republicans can break it up is by proposing a congressional plan that splits it into five districts, none of which would have a majority of its residents in Travis County.

- The proposed District 35 links parts of the Austin Latino community with Latino communities in Bexar County to create a Latino Opportunity District. Even if that were one of only two districts sharing Travis County, the effective coalition could still function in the remainder of the county. Instead, the republican plan splits Travis County into four more districts, and the diverse commissioner's Precinct One represented by African American County Commissioner Ron Davis is split into four districts, a key component of the plan's destruction of the multi-racial Travis County coalition.

- District 25 literally exports the diverse east and northeast Austin African American population into a district that runs west through a sliver of the county in a district that runs 200 miles to Brownwood and the Johnson County suburbs of Forth Worth.

- San Antonio-based District 21 (Smith) enters the county from the south, pulling central south Austin, downtown, the Capitol, and the UT campus down into a district controlled by suburban Bexar County.

- District 10 (McCaul), which is actually based politically in suburban Harris County, enters the county from the east to pull out some African American voters in northeast Austin and Pflugerville and a large portion of north central Austin.

- District 17 is the newcomer to the deny-Austin-a-voice sweepstakes, grabbing a majority minority slice of north and northeast Travis County and submerging it in a Bryan-College Station and Waco-based district.

Rural Texas

Although republicans control rural districts today, the republican plan shows little respect for many rural counties in south, central, and southeast Texas, splitting them for no apparent reason other than snaking their bizarre district lines around the state to achieve a partisan and discriminatory purpose. For example, as a direct result of their insidious five way division of Travis County, the republican plan also splits all seven rural counties immediately east and southeast of Austin and splits both Bastrop and Hays Counties three ways.

Lastly, members, my final exhibit, my final exhibit, my final exhibit. I'm going to label it exhibit number five. This exhibit, members, is a letter from the state demographer. All session long, all session long, all session long, all session long we've talked about the numbers, the numbers, the numbers. The population increased close to four million. Hispanics, close to three million. That's the main point we've been trying to make all session long. All session long about the increase of Hispanics, African Americans, and Asians. Just to make it easier members, I sent it through the internet so you can read it on your own. That is my final point. This is my final exhibit. I rise against, I speak against this plan. Please vote no on the Seliger/Solomons map.

Exhibit V

OFFICE OF THE STATE DEMOGRAPHER

February 24, 2011

The Honorable Roberto Alonzo
Room CAP 4N.6, Capitol
P.O. Box 2910

Austin, TX 78768

Dear Representative Alonzo,

Please see below for the demographic information you requested. You specifically requested the Census 2000 and Census 2010 population counts for Texas by race/ethnicity. Additionally, you requested an estimate of how much of the population growth between 2000 and 2010 can be attributed to growth in the Hispanic population.

The table below references the U.S. Census Bureau 2000 and 2010 Population Counts. As you can see in the table below, the population of the State of Texas has grown by a little over 20 percent. A large majority of that growth is attributed to growth in the Hispanic population, making up about 65 percent of the total population increase.

	2000 Census Pop.	% of 2000 Pop.	2010 Census Pop.	% 2010 Pop.	2000 to 2010 Change	2000 % Change	% of 2000 Pop. Growth
State Tot.	20,851,820	100.0%	25,145,561	100.0%	4,293,741	20.6%	100.0%
Anglo*	11,074,716	53.1%	11,397,345	45.3%	322,629	2.9%	7.5%
Black*	2,421,653	11.6%	2,886,825	11.5%	465,172	19.2%	10.8%
Asian*	685,785	3.3%	1,400,470	5.6%	714,685	104.2%	16.6%
Hispanic	6,669,666	32.0%	9,460,921	37.6%	2,791,255	41.8%	65.0%

Please do not hesitate to contact us if you have any questions on this material or additional data requests. You can reach me at 210-458-6539 or lloyd.potter@osd.state.tx.us. You can also reach us at our Austin office at 512-936-3542.

Respectfully,

Lloyd Potter, Ph.D.
State Demographer

VEASEY: Members, in the old south politicians used high African American populations in order to continue to send themselves to congress. The communities that were being discriminated against in the wake of this very blatant and overt discrimination in places like Charleston, South Carolina, Birmingham, Alabama; Atlanta, Georgia, places that have large African American populations. The people that went to congress repeatedly, over, and over, and over were people who upheld segregation and were against those communities. Even in the midwest, in places like Chicago, and Detroit, and Cleveland. In the wake of the great migration, politicians there still managed even with the fast growing numbers of African Americans that continued to move into those cities, the politicians there continued to keep that power and those additional opportunities bottled up for themselves. And that is exactly what this plan does. The Solomons-Seliger plan. Despite the fact that 90 percent of growth in this state over the last 10 years has been African American and Hispanic, there are three new additional Anglo seats that are being created. I don't understand that math. It's nothing more than discrimination. That is exactly what this plan is all about. Splitting, packing, making it impossible for African American and Latino communities to make, to pick the candidate of their choice. And the people that get to go to D.C., just like back in the old days, are the people that are going to be against these very same communities. They're going to go up there and they are going to vote against things that are important to the African American and Latino community over, and over, and over again.

Times have changed, and things are definitely different. But when you look at this plan, it definitely could have been concocted out of the 1950s, the 1940s. It is no different in regards to that a long time ago. It ignores the fact that if we were dependent on the Anglo population only we would probably be losing a seat. But once again, this plan fails to even take that into consideration. Thank

God for the Voting Rights Act. Representative Dukes talked about that a little bit earlier. Because I believe that Section 2 of the Voting Rights Act and Section 5 makes this plan blatantly illegal.

The other thing that I think is important to point out is that we took field hearings from all around the state over, and over, and over again. And one of the things that I'm proud of, and I presented my "Texas Fair Plan" earlier today that protected all the incumbents and awarded the seats based on proportion of elections and what have you, so we could actually have a fair plan, and not have one that is retrogressive like the one today is. That not only did I listen to the African American and Latino residents of our state that came to testify before the Redistricting Committee, I also listened to the republican communities that are largely Anglo in this state. I can tell you that in North Texas we had republicans, Anglo republicans from Johnson County, from Hood County, from Johnson County, from Collin County, Denton County. All came and testified and said that they did not want their communities to be paired with citizens in urban Dallas and in urban Fort Worth. Exactly what this plan does to dilute votes in those communities to make those communities vote less powerful. That is exactly what they've done, not only in Dallas/Fort Worth, but they did that everywhere. If you look at the Solomons/Seliger plan, there are only 10 Minority Opportunity Districts in the entire plan. That's retrogression. The current plan has 11 seats, so not only does this plan go backwards, it takes into—you would think there was no African American, and no Latino growth at all in the last 10 years, but that is just not a fact. And so, just like back in the day, in 2011 this plan creates new seats for people who are going to go Washington and vote against these very same communities that will allow them to go to congress, and that's just wrong. I urge you to vote no on this plan.

MARTINEZ FISCHER: Again Burt, thank you. I know I've said this publicly and privately—I know it's not easy chairing redistricting. I know you've worked hard, and the committee's worked hard, and the staff, and so on and so forth. And so, while I and other members aren't agreeing with the map that's being produced, we all recognize the effort and the commitment that you and the committee have put into it. And so, you know, thank you for that. Having said that, here's what my concern is. You and I both were talking about redistricting 10 years ago and we talked about how this went to the courts. And from the State Board of Education, the state house, the state senate to now, we've had lots of discussion about theories. You know, your theory, or the theory behind **SB 4** versus the theory, let's say, behind the MALC map. And ultimately, you and I agree that some other authority, whether it be a reviewing authority like the DOJ, or a D.C. court, or three judge panel on the U.S. Supreme Court, somebody is going to have the final say other than us. You agree with that?

SOLOMONS: There is an appellate process—as an attorney, there is an appellate process. You do have another set of eyes down the road that will look at what you're doing. That's why it's so important for the committee, both committees, both in the senate and the house, to try to come up with the fairest, legal plan that we could. You and I both know that you can do things in a lot of different ways, but we think this map will hold up. You may differ in that. Some of the groups differ, but you and I both know that's going to be reviewed by other folks.

MARTINEZ FISCHER: And all I'm asking for is—10 years ago, a group like MALC challenged the LRB map, and we were successful at the United States Supreme Court level. And as you know, under these federal voting rights cases, MALC became a prevailing party, and as a prevailing party they were entitled to their court awarded attorney's fees, expert fees, and all their costs for litigation. And you may or may not know this because of the back story after it was all said and done. We were awarded those fees and costs that we're entitled to as a prevailing party, and then we had to sue the State of Texas to collect them,

because at that time Attorney General Cornyn appealed, and we had to petition before the United States Supreme Court just on attorney's fees. Nothing else. We had already won, the maps were fixed, all the fighting was done, it was just now paying the bill, and all I want from you is to know if that were to happen again that we could get your commitment to work with us, to work with the State of Texas, and make sure if MALC prevails, or any other group that's entitled to relieve it, that you work with us to see that we get what we're entitled to so that we're not fighting these things on shoestring budgets. We don't have the unlimited resources, and should we prevail, would you commit to do your part to help us seek the relief that we're entitled to if it's awarded by a court?

SOLOMONS: I'm not sure how I can do that. That's up to the attorney general to decide on whether or not they think that, for example, the cost would be too high. A lot of times, as you well know, in civil rights cases, and other types of issues, on the federal level especially, that goes to whether or not the parties believe—they may be entitled to the attorney's fees, but there is some issue as to the amount of the attorney's fees. Certainly after all the tort reform we've had around here about prevailing parties, and so forth, I'm sure that's going to be a part of the mix.

MARTINEZ FISCHER: But, you know, just keeping it consistent with the loser-pays philosophy, you know—

SOLOMONS: Tort reform.

MARTINEZ FISCHER: But, being clear, on this issue 10 years ago, the court decided. They set an amount. It was a judgement.

SOLOMONS: I wasn't aware of that. I didn't have that background. You know when Pete walked up he was going, "You know that's true." I believe you. If that's the case, that's fine. And certainly, if the attorney's fees are reasonable, the expenses are reasonable, I would think the attorney general would want to work with the parties. But I can't really comment on what the attorney general would or would not do.

GALLEGO: Mr. Solomons, the last time that we went through this process, the Mexican American Legislative Caucus did, in fact, prevail. The courts ordered the awarding of attorney's fees, and at that point the leadership and the attorney general made the decision not to pay the attorney's fees. And essentially, the goal was a deliberate effort, in my view, to punish the caucus, or to break the caucus. And, I would hope, financially, because of the outpouring of money, the outlay of cash that had gone into the litigation, and so I would hope that you would at least be willing to go with the members of MALC and have the conversations with the attorney general about the appropriateness of following the court orders. Because frankly, had it ended up on the issue of attorney's fees, because that was the only issue that would have gone back up to the Supreme Court, the state would have been sanctioned for something so frivolous. Talk about a frivolous lawsuit of just going up on the issue of attorney's fees and wasting the Supreme Court's time. So I would hope that you would at least be willing to go with the members of MALC and talk to the appropriate—whether it be the attorney general or the governor or whoever—about the appropriateness of ending the litigation. When it's over, it's over. And the cards fall where the cards fall. And we pay the bills accordingly. And I would hope that you would be able to help do that.

SOLOMONS: I generally have found in federal cases, if you prevail, you can argue about the amount, but usually the courts are going to go along and award the prevailing party, in those kinds of cases, attorney's fees.

GALLEGO: And when the court has reviewed the bills and set the amount—

SOLOMONS: Right. I can't. You know and I know, I can't speak on behalf of what the attorney general down the road will do.

GALLEGO: Absolutely. And all we're asking is that you—

SOLOMONS: But let me just say this, as an attorney, as someone who in his younger days actually tried cases; listen, I'm always for the awarding of reasonable attorney's fees.

GALLEGO: And so I would hope, again, we're not—obviously, none of us have the authority to commit the attorney general. But, at the appropriate—and, frankly, this attorney general, General Abbot, on his first day in office is the guy who signed the order paying us the attorneys fees and, personally, I'll be forever grateful for that. But I would be hopeful that you would be willing to engage the attorney general in conversation on our behalf. And I think that's the question, if the circumstances merit that.

SOLOMONS: Well, I'm kind of hoping that you don't prevail, but if you do, I'll certainly consider it.

VEASEY: Mr. Solomons, did you adhere to the republican doctrine back in 2003, when the mid-decade redistricting was done, that the percentage of seats should be awarded based on statewide election totals? And what I mean by that is one of the things that we heard over and over in 2003 was that 50 some odd percent of Texas voters voted an average of 50 some odd percent in state wide elections for republican candidates. So, therefore, that percentage of the congressional seats should be awarded to those candidates. Was that a philosophy that you bought into back in 2003?

SOLOMONS: You know, I vaguely remember 2003 and congressional redistricting. I wasn't really part of that. I remember that we had—it was very contentious in 2003 in congressional redistricting. A lot of arguments were made. I'm sure that was one of them. I know you've tried to make that record on your "Texas Fair Plan," as well as what we're doing here on this plan. So I'm not here to countermand you. I just don't remember distinctly 2003, and what specific arguments were made.

VEASEY: Okay. The other question that I had for you was, of course, you've heard that 90 percent of the growth in the state has been non-Anglo, that 90 percent of the growth in the past 10 years has been Hispanic, African American, and Asian American. I want to specifically ask you about the metroplex. Of course, you know the metroplex is the fastest growing Hispanic area in the entire country, and the second fastest growing African American area in the entire country. You have 2.1 million residents that are African American or Hispanic that live in the Dallas/Fort Worth metroplex. How do you justify drawing only one seat for such a large group?

SOLOMONS: Well, we drew other seats in other parts of the state, and you have an opportunity to decide where you want to put seats. There is some concern about Hispanic citizen voting age population versus raw numbers from the black community. You have mostly—there are citizens. And you look at the total population, you look at the voting age population as well and the totality. But, in context, this is the map we came up with. I know that your position is very strong about creating another Hispanic minority majority opportunity seat in the Fort Worth metroplex, but I think that what we did in the map was fair, it's legal. And, as you well know, and as Mr. Martinez Fischer alluded to, we're probably going to go to the courts and decide if, in fact, we're right on this issue that we can put the seats where we put the seats in the context of the entire state.

VEASEY: Well, I guess more specifically, because I know that ya'll have been able to sort of manipulate and be a little misleading with the SSVR and the HCVAP. But I wanted to ask you about the Section 2 African American—

SOLOMONS: I don't think we've been misleading. Those are the real numbers. Now, we can argue how important they are, but they are the real numbers. They are part of a greater progression of items that you look at in redistricting. I've never served on redistricting before. This is my first session. All I wanted to do, if you recall, I think I told every member of this house, all I wanted to do was be on the committee. But somehow in doing this, as a chair I've had to learn a few things. And one of them is that there are a number of traditional redistricting matters that you look at, not all of it is reliant on the numbers. But the numbers are very important. And that's what we've relied on heavily, the numbers, as well as the other traditional items that you look at in redistricting. With the AG's office looking behind our shoulders, and litigation counsel, and all the people that have far greater experience than maybe you or I in what you really look at to take a map, and you know it's going to be reviewed by the DOJ or the federal courts. And so you try to draw up a map that you can think you can defend, that you think is fair, and that you think is legal.

VEASEY: And those are arbitrary numbers. But let me specifically ask you about the Section 2, African American district that I drew in the Dallas/Fort Worth metroplex. Once again, you have the opportunity to easily draw a Section 2 district in the metroplex. There's already one Section 2 African American district that Congresswomen Eddie Bernice Johnson represents, she's obviously not happy with the plan **SB 4** that you have today. Why didn't you draw a second Section 2 African American district in the metroplex when you could have easily done so, instead of trying to pack all of those African American residents into one district?

SOLOMONS: I understand, and I think the members of this body understand, this is not just Senator Seliger's map, this is not just Chairman Solomons's map. It is a map that comes out of both the bodies of the house and the respective committees. Not just our idea on how we decided on what we were going to do as individuals, it was a body proposed map. You know, we make proposals. We all make proposals, you made proposals. And if the body didn't want to go with that proposal, it would be a body and committee matter. It's not just one individual or two individuals making all the decisions in this case.

MENENDEZ: Chairman Solomons, I have a quick question about communities of interest. And I was wondering, in urban areas, did you have a particular test that would constitute a community of interest? Was there any particular type of test that would apply in an urban area?

SOLOMONS: Just the variety of numbers and the variety of—just a matter of input from the various incumbents and various constituents, and public, and trying to look at communities of interest. You also have to look at where all the numbers really are. And most of them, as you know—now this state is no longer just a pure rural state or even a division. It's become an urban state. You go where the numbers are.

MENENDEZ: Correct.

SOLOMONS: You have to split some precincts, you have to split some tracts, some communities. We tried to go on the core of those communities. We tried to keep those intact. It doesn't mean that you can keep everything intact, but it does mean that you try to go toward the core of those communities of interest.

MENENDEZ: The reason I bring it up is because, even though I do appreciate the work that you did to put the Edgewood Independent School District back into our historic 20th congressional district, now our downtown area of San Antonio, the majority of it seems to be into a district that's up into Austin, into Travis county. And so I was concerned that our city, our downtown San Antonio—I'm not sure how much of a community of interest it is with Travis county. And so I'm concerned that we haven't necessarily applied these community of interest

tests effectively. Now the next question I have here is what did you use in order to evaluate whether a given district constituted an effective Hispanic Opportunity District? Was it specifically just the Spanish surname voter registration?

SOLOMONS: Since we are trying to do legislative intent on the record, let me make it clear, once again, to why we did what we did and try to take in a variety of factors. We looked at Hispanic voting population, we looked at Hispanic voting age population, we looked at the SSVR issue, Spanish surname voting population. We looked at Hispanic citizen voting age population, the actual voters. We looked at—and for a black minority, we looked at black total population, black voting age population. But we did look at, and we had to consider, and we wanted to consider—in fact the bodies, the committees, everybody needs to look at all the various aspects, that includes communities of interest, cores of existing districts, incumbency, compactness, continuity, and other traditional redistricting principles. Whatever they are, you have a number of folks who when you look at these things you have to take into consideration, or try to take into consideration, as much of that as you can. So SSVR, although important, is not the sole factor. But it's a very important factor. Just as is Hispanic citizen voting age population. You may have a number of Hispanics living in an area, but when you break it down to SSVRs and Hispanic voting age populations, those help make some decisions for you on where the line should go.

MENENDEZ: So the answer seems to be that it was truly demographic data that was used to sort of determine whether or not an Hispanic performance and a Hispanic effective opportunity district.

SOLOMONS: Most of redistricting, what I have discovered this session, is about numbers, and about legal requirements. And you're trying to draw districts, as imperfect as some may be, and as perfect as some may be. What you're trying to do is look at numbers, numbers, numbers. And then you look at the other areas of concern that you look at in redistricting that I mentioned, and, quite frankly, you try to do the best you can.

MENENDEZ: Did you use any election data to run through this analysis on the districts?

SOLOMONS: We did regression analyses based on prior elections, whether they're performing or not, and how that really works. But, you know, we had legal counsel actually performing those tests, those analyses that they do, which I absolutely cannot describe to you exactly how they do it, but it does go kind of based on voting population. For example, we made some adjustments in your situation, I think we got to 10 out of 10. I mean, you know, those things are apparently important to people that look at redistricting from a legal context for regression.

MENENDEZ: Right. So, you don't know which election data that they used on which races?

SOLOMONS: No, not off the top of my head, no. I just know they go back to a series of elections, as far back as they can go on that, which is usually around the number 10. It could be six out of seven, it could be, for example, SBOE one of them I remember being six out of seven. Basically that's what it was at the time. So it just kind of depends on how far they go back. But usually the cut off seems to be around 10, and it could be less. Just depends on how long the district's been there, I suppose.

MENENDEZ: Did you consult with any of the sitting congressmen or women of the Texas delegation on the redrawing of the maps?

SOLOMONS: Did I?

MENENDEZ: Yes.

SOLOMONS: Yes. I mean, Mr. Menendez, Jose, let me just tell you this—we took your comments, we took members' comments about—and they have been talking to their congressmen. Our congressmen in Texas, almost all of them at one time or another, not all, but almost all of them, have either come down here or talked on the phone to various members, including the members of the committee, including some to me. Not all of them, believe it or not, not all of them stopped by to say hello or anything. But a number of them did call, but not all of them. But they did talk in great detail, I think, to some of the members on the committee, and also to members of this body. And also the same on the senate side.

MENENDEZ: I guess the question comes from certain congressmen don't necessarily know whether they had input, and I guess what you're saying is that my congressman had input through my testimony with you.

SOLOMONS: Right. Well, every congressional district changed, it had to change somewhat. And, you know, some congressmen didn't need much change, but some needed a great deal of change. And some districts needed the change. But nobody got exactly what they wanted. Some of them changed more dramatically than others. But they all had a chance to have input as to what they liked and didn't like.

MENENDEZ: I think the reason that there's some sort of consternation on behalf of the congressman that represents me, is that they were 13,000 over in population, and yet they've lost the heart of this downtown area where their office is, where the previous congressman's office is.

SOLOMONS: We took into consideration what they liked and what they didn't like, but they didn't all get what they wanted. And some of it was out of need, some of it was out of—well, a lot of it was out of necessity to make numbers work and districts. But we tried to accommodate where we could. But, yes, not everybody is happy with certain areas. They lost this special event center, or they didn't quite get all of downtown over here. But we tried to keep in context the cores of existing districts as best we could.

MENENDEZ: I appreciate your time.

SOLOMONS: Members, I really want to thank all the members of the committee on the house redistricting side. Thank Senator Seliger and thank you all for your courtesies and your civilities in dealing with each other on this. I know it's a very personal issue even on congressional redistricting. And with that, I would move passage.

[CSSB 4, as amended, was passed to third reading by Record No. 79.]

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

SUPPLEMENT

NINTH DAY — WEDNESDAY, JUNE 15, 2011

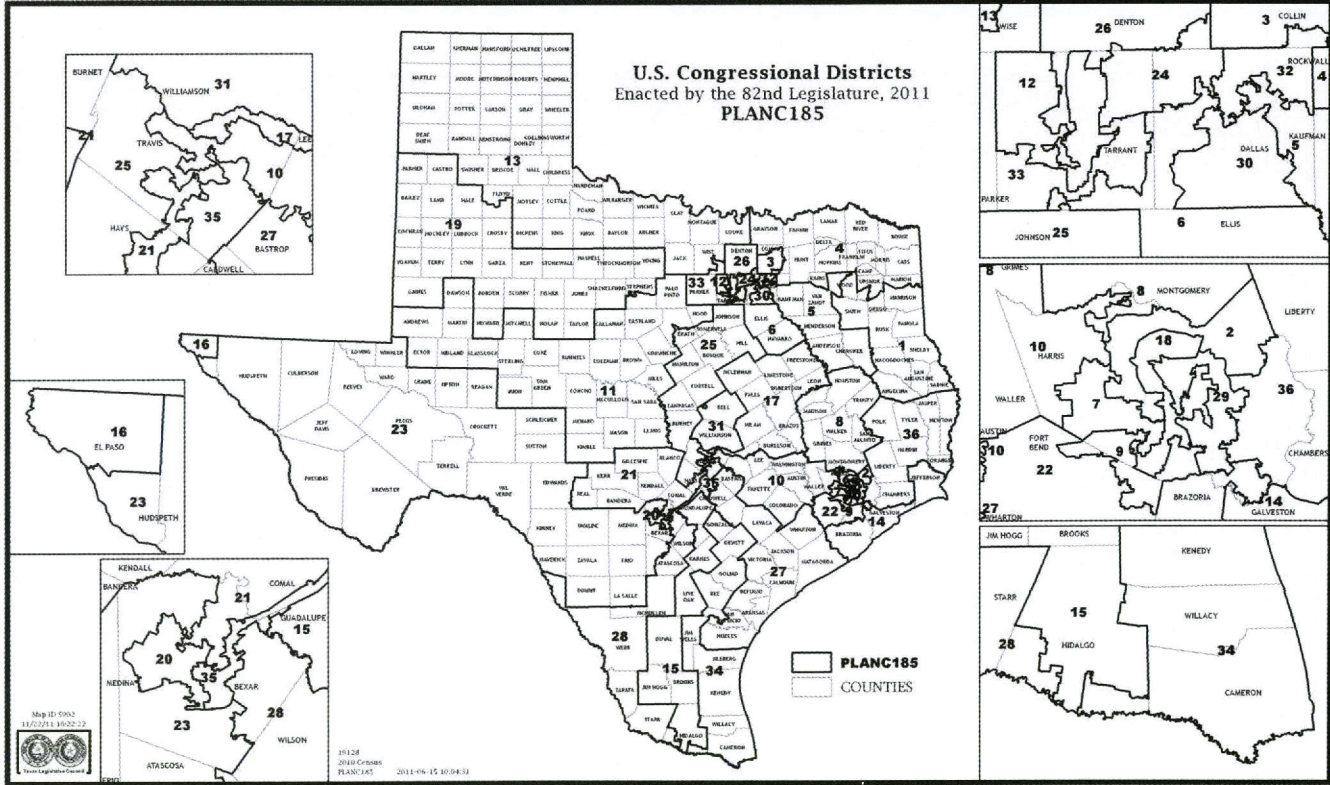
SB 4 - AMENDMENTS

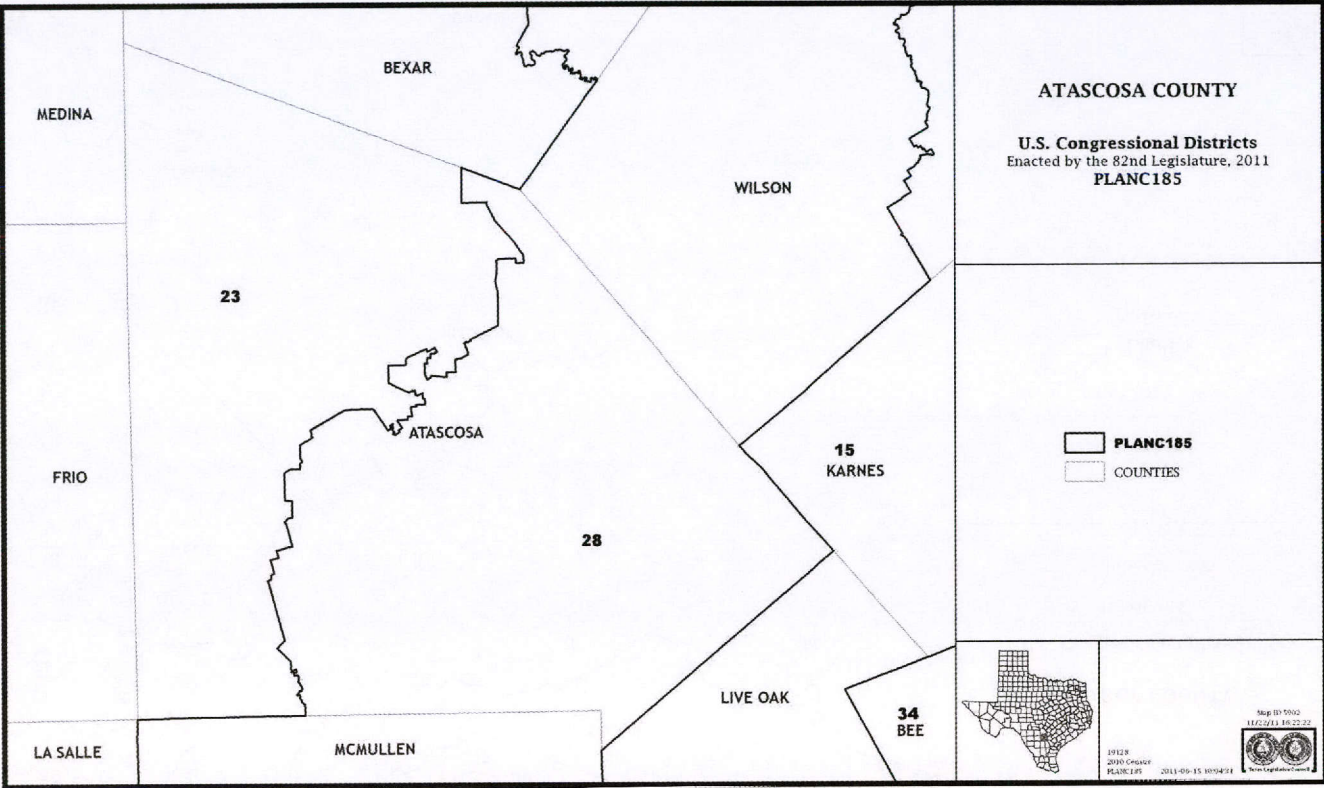
The following are the proposed maps and reports associated with amendments offered on second reading of **SB 4**:

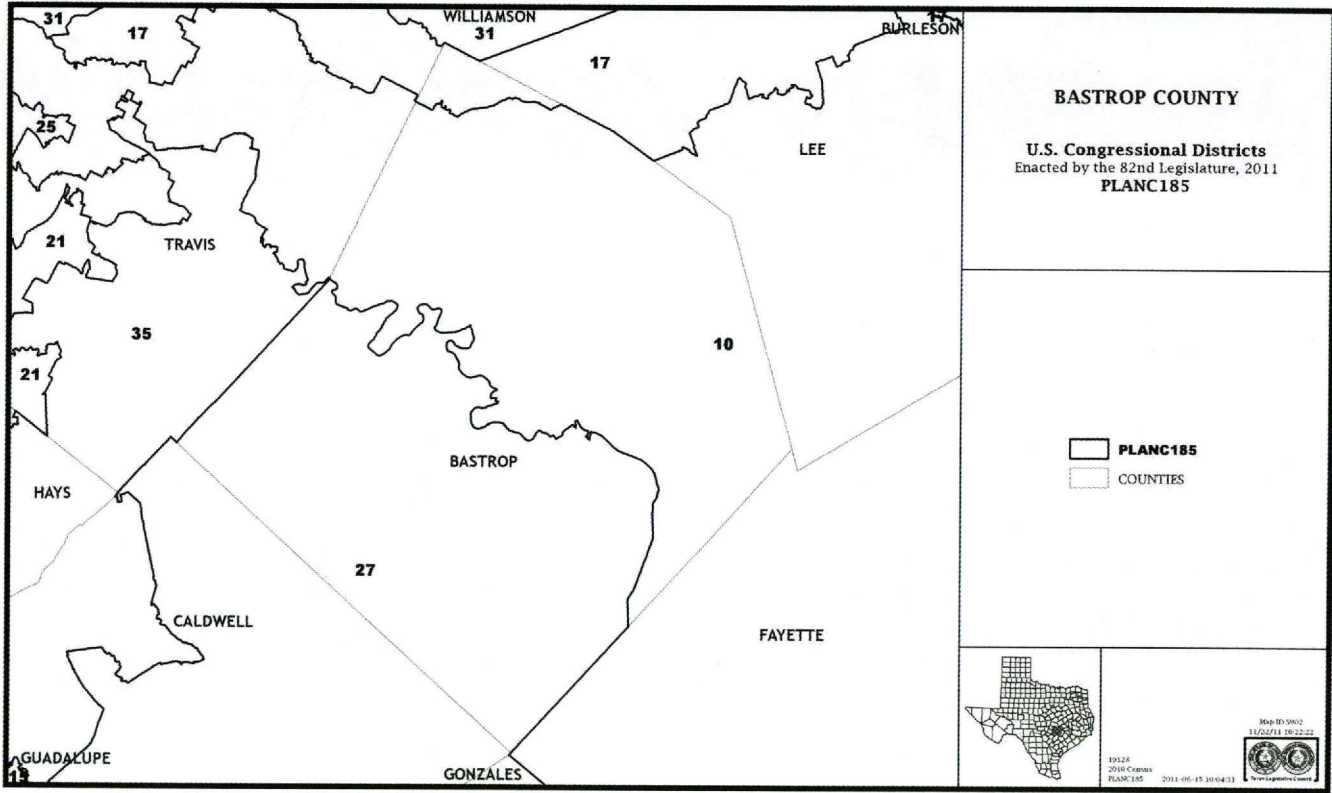
Amendment No. 1 by Solomons S422

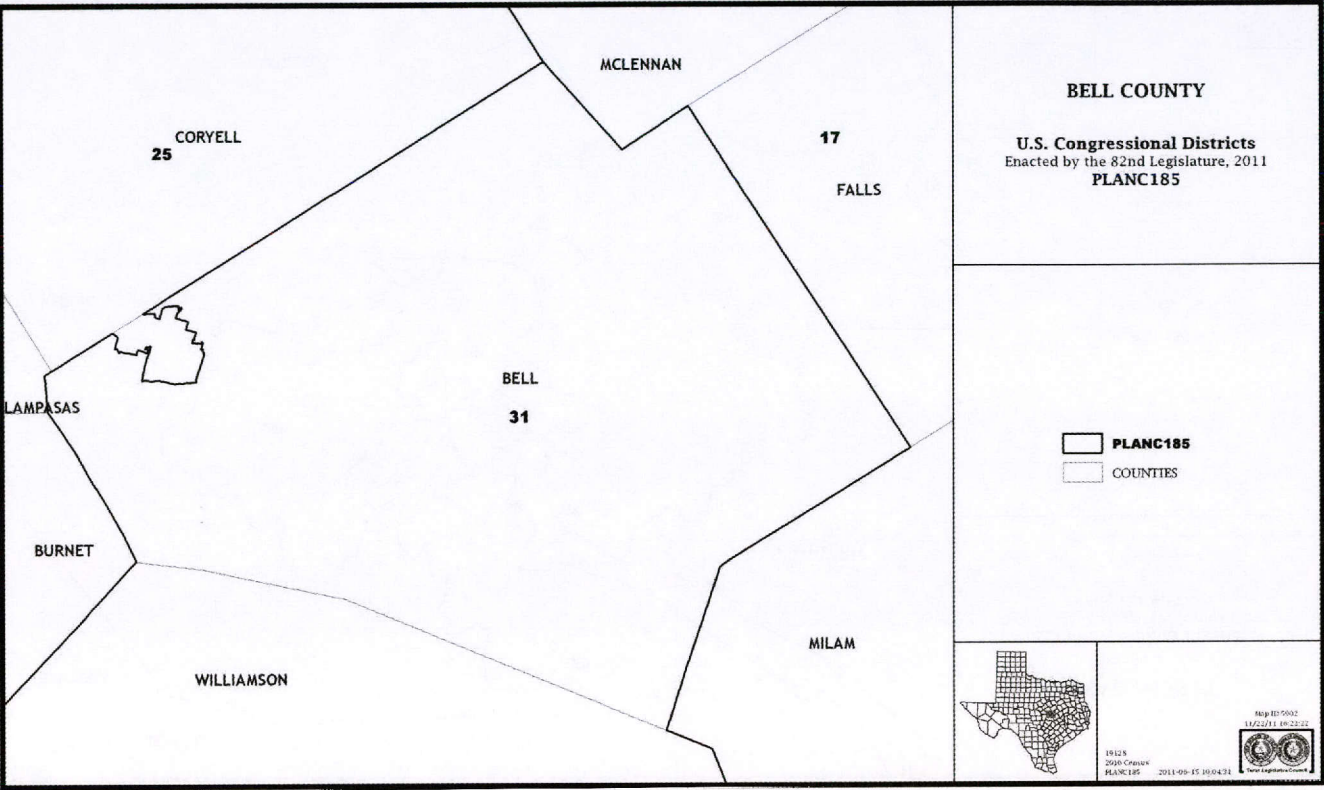
Amendment No. 2 by Zedler S456

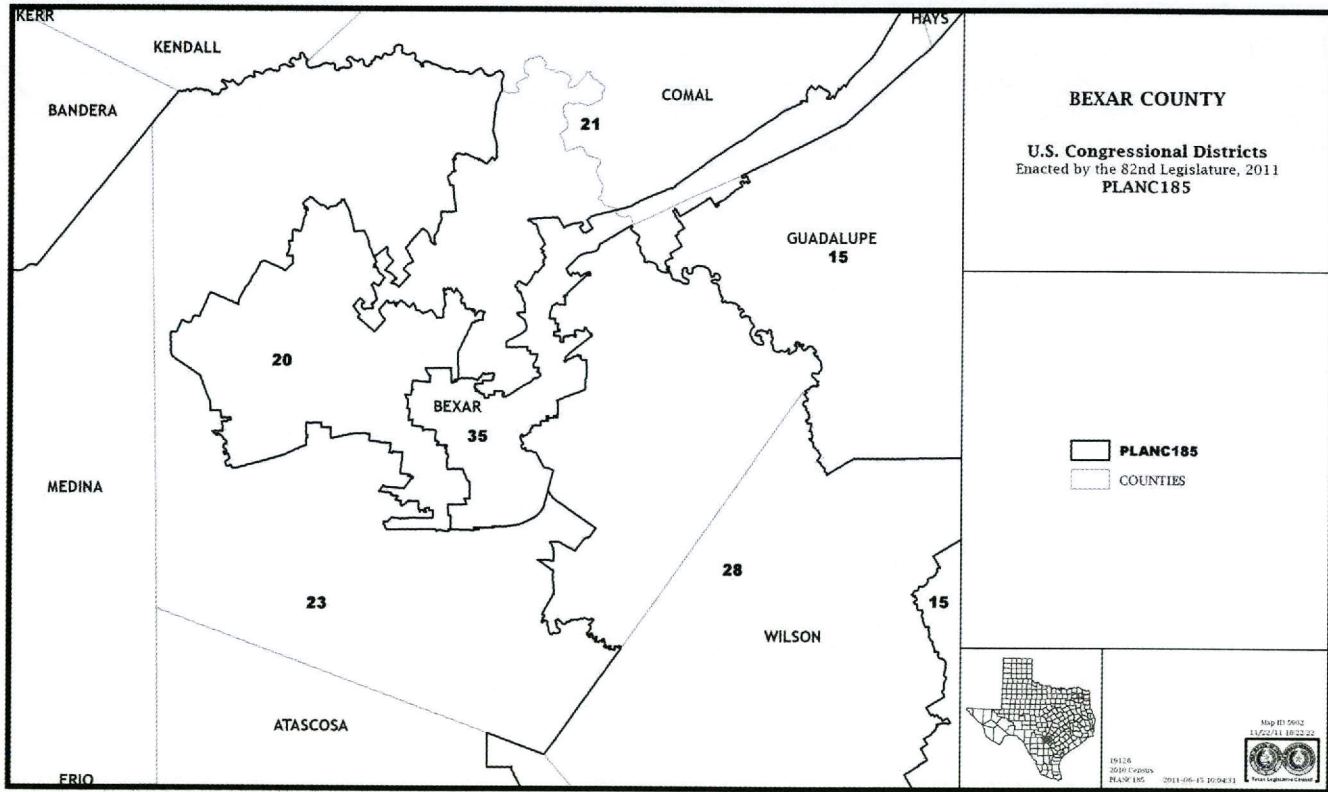
Amendment No. 1 (by Solomons)

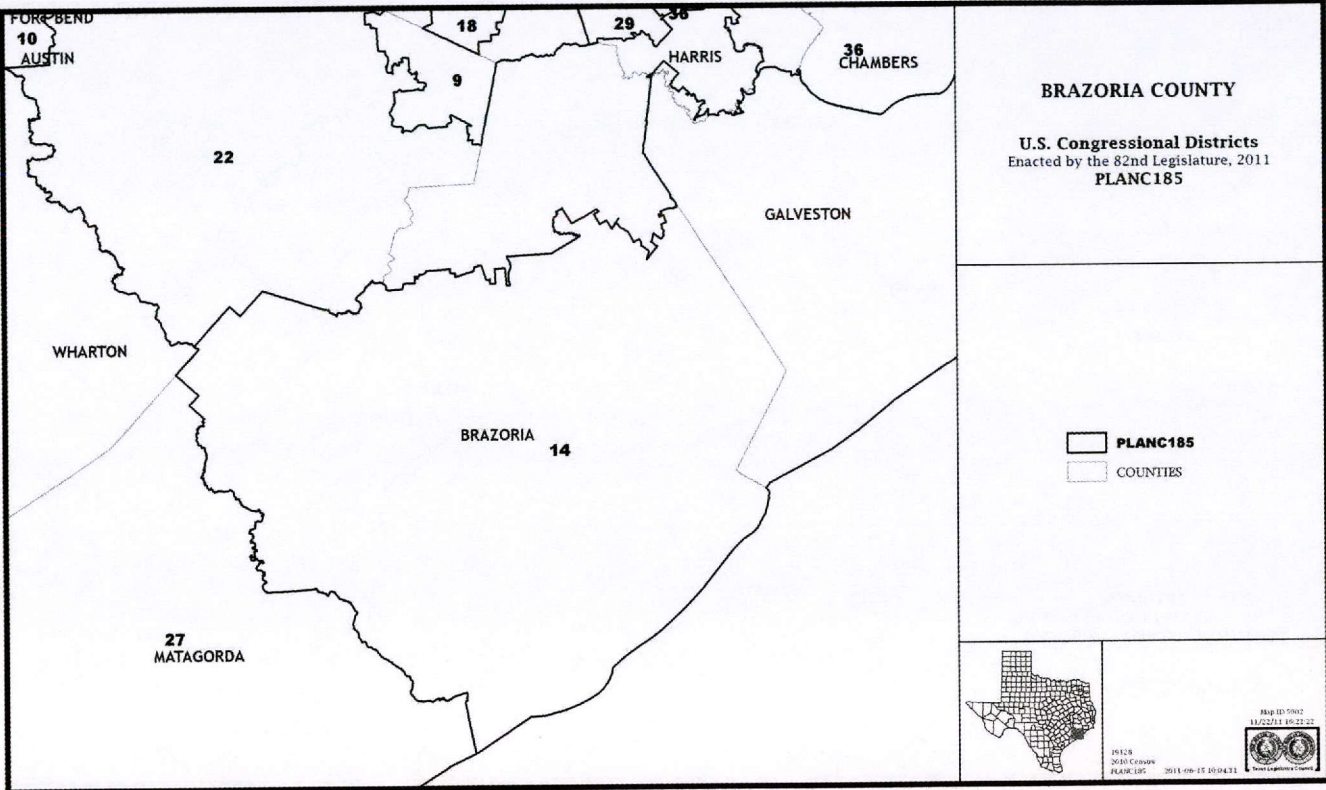


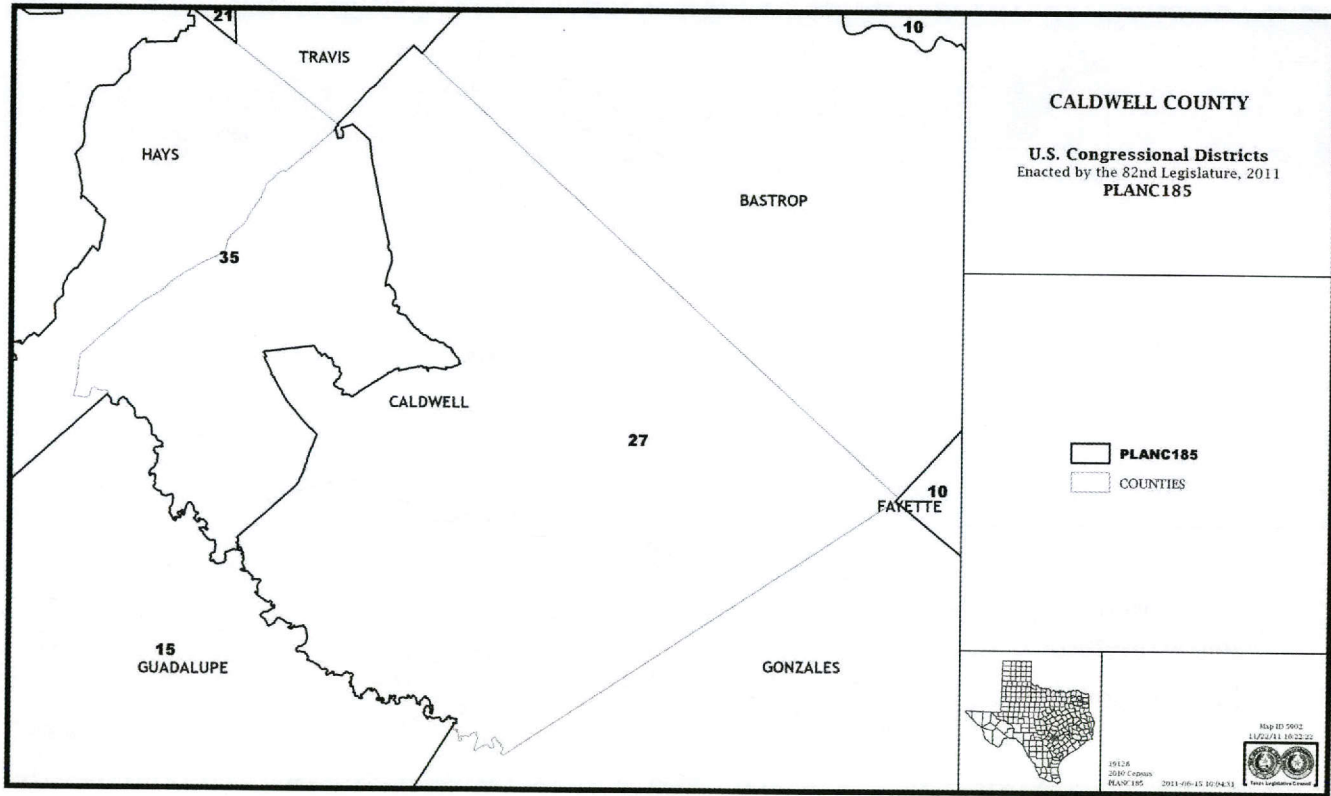


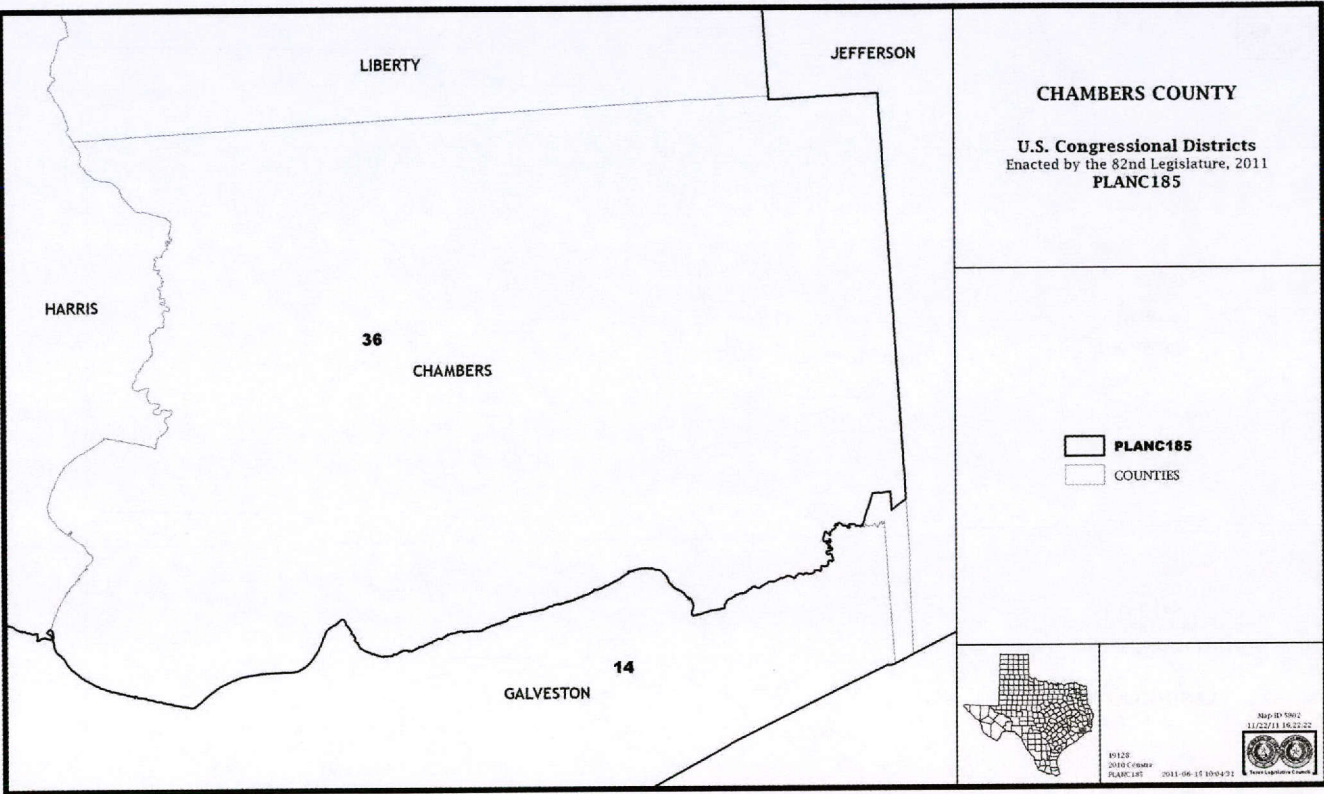


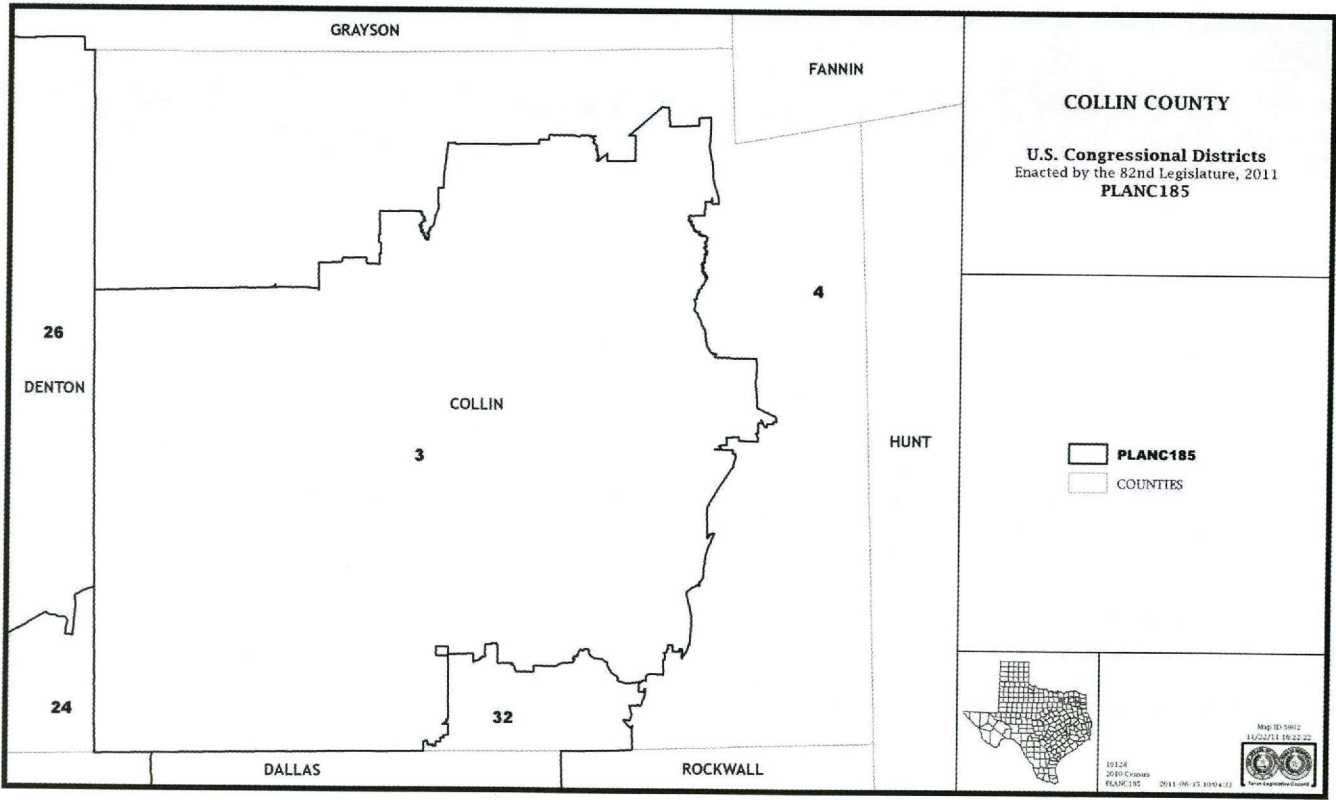


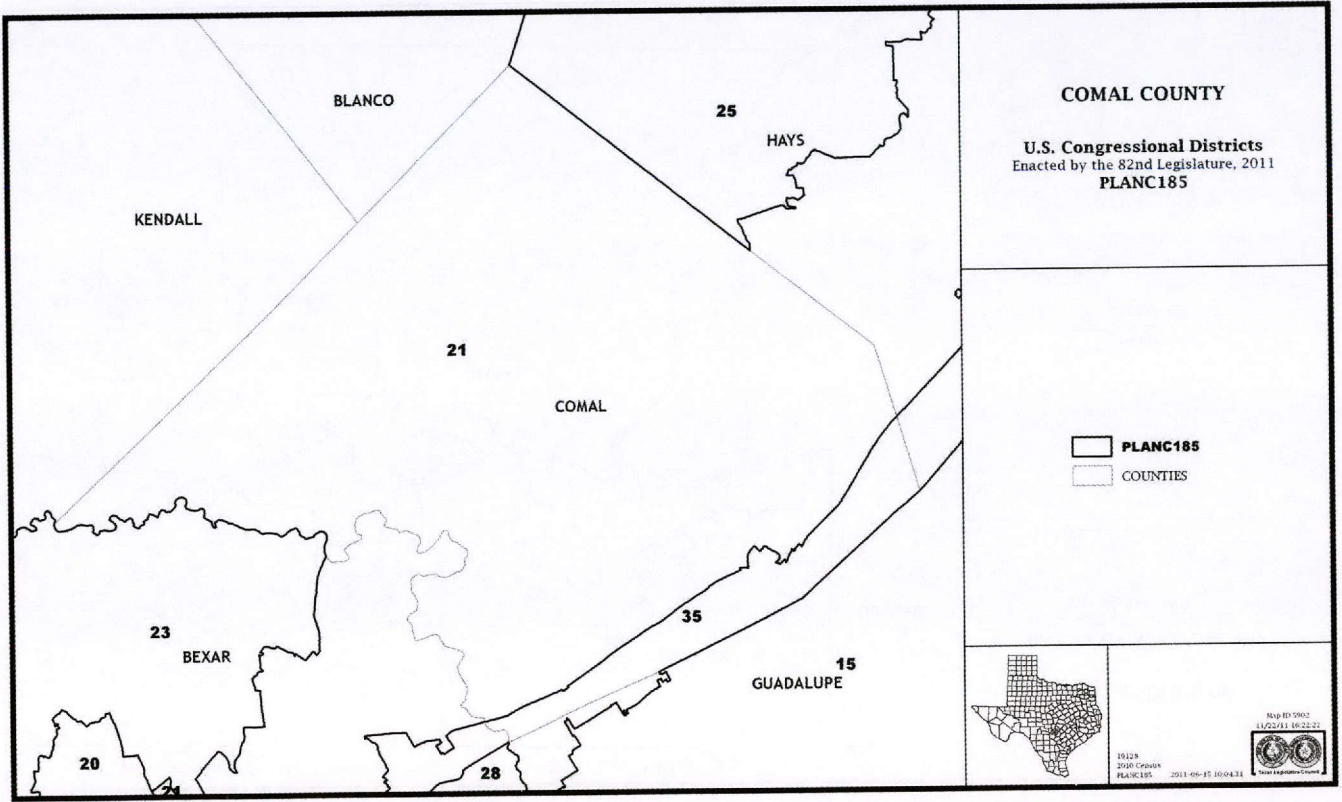


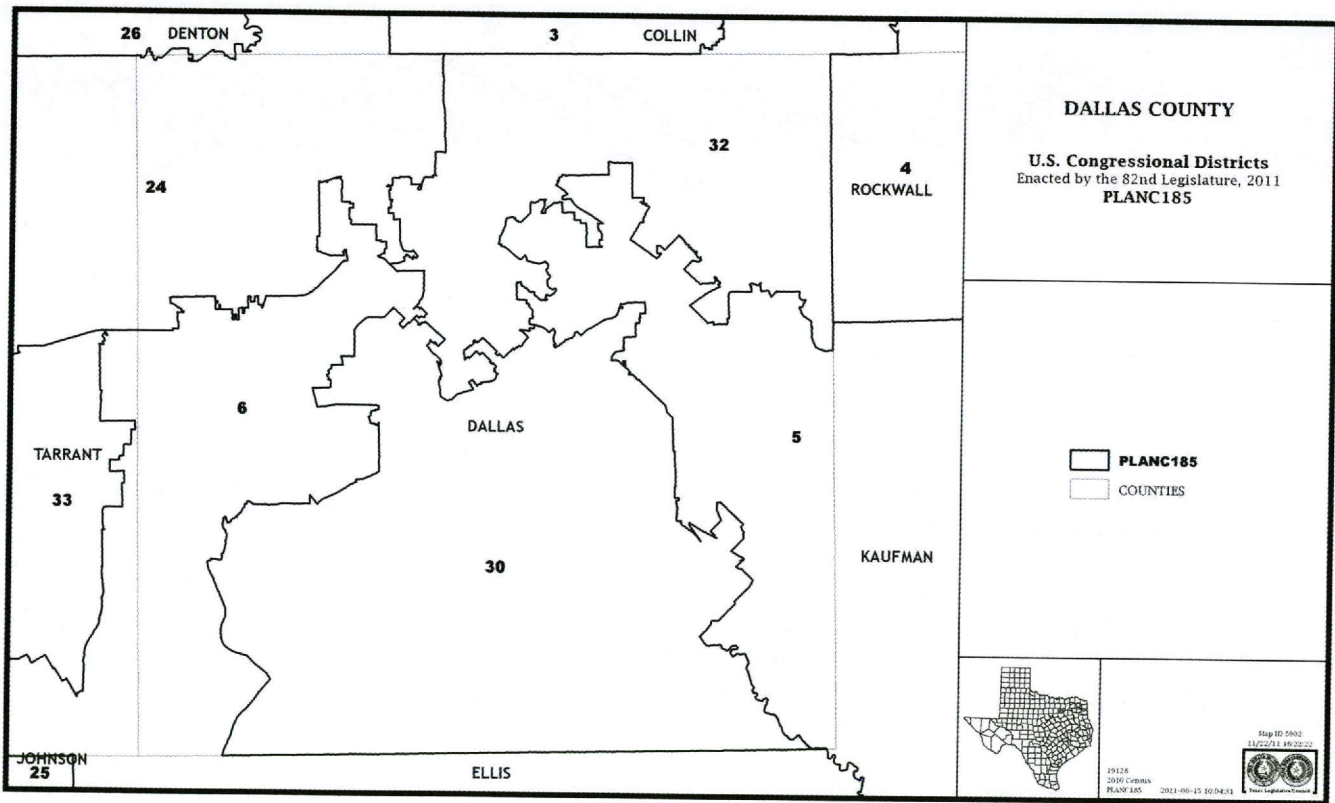


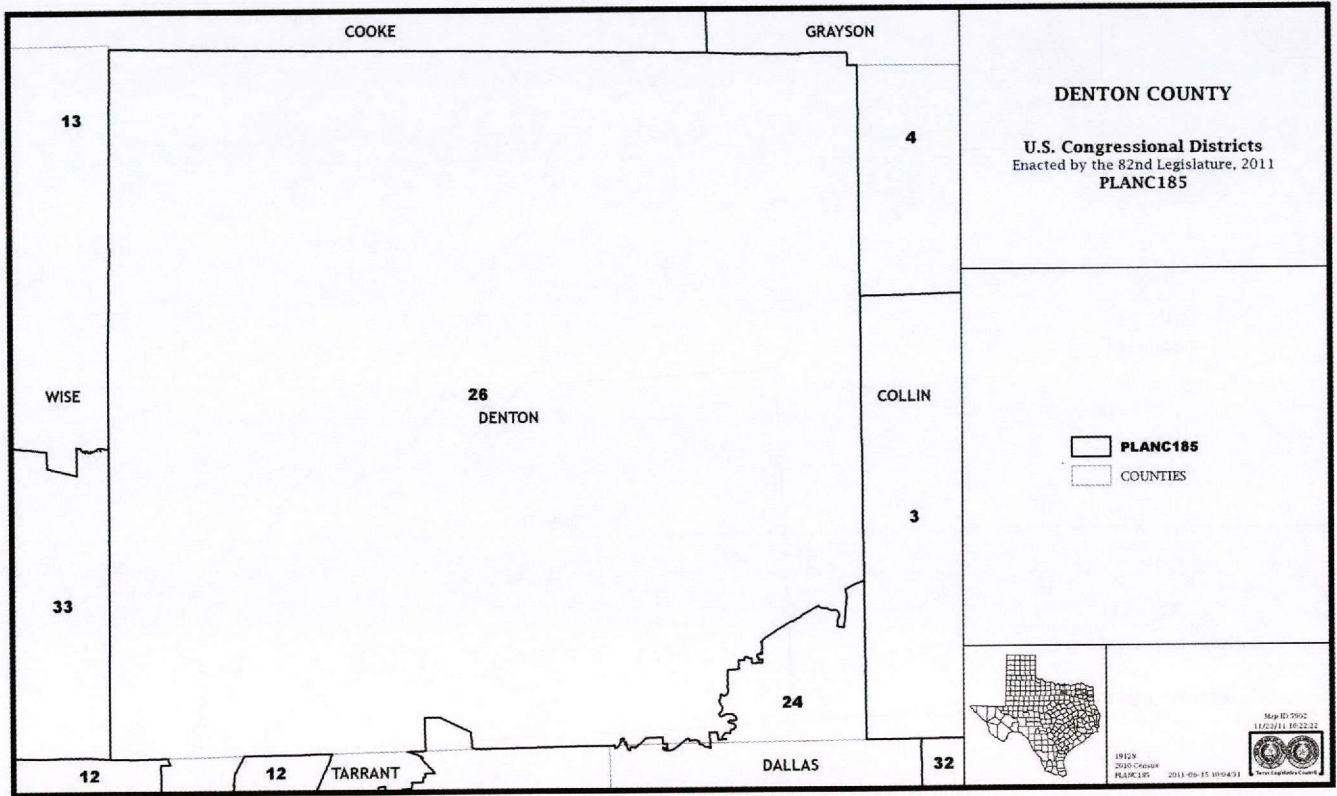


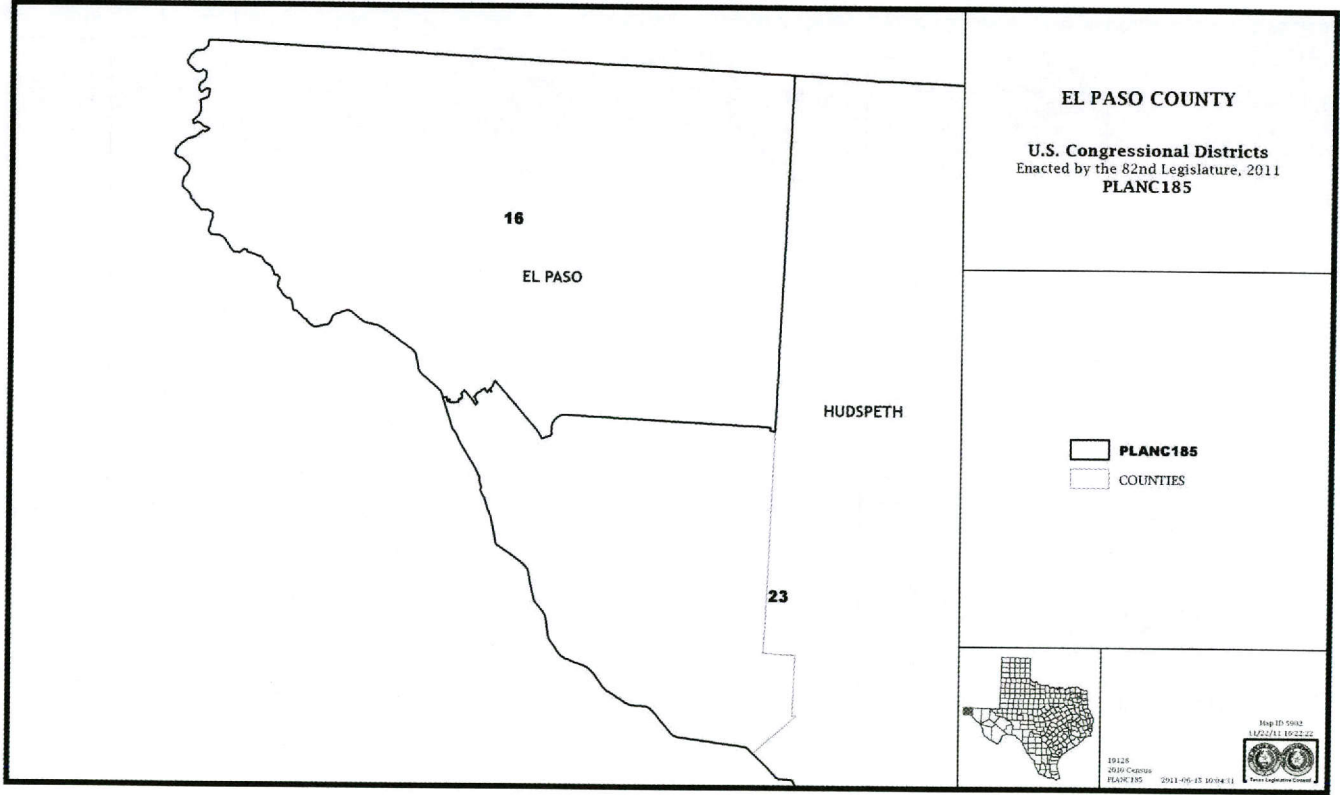


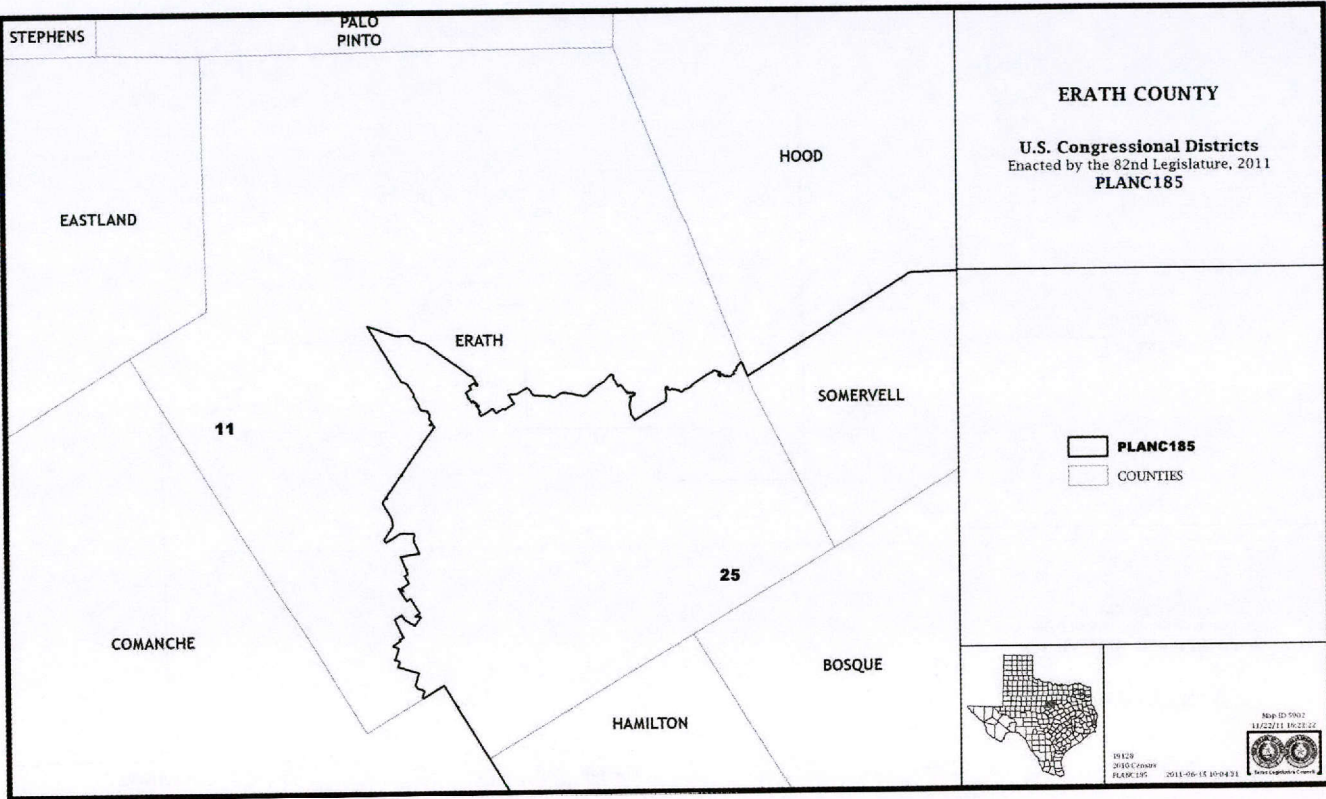


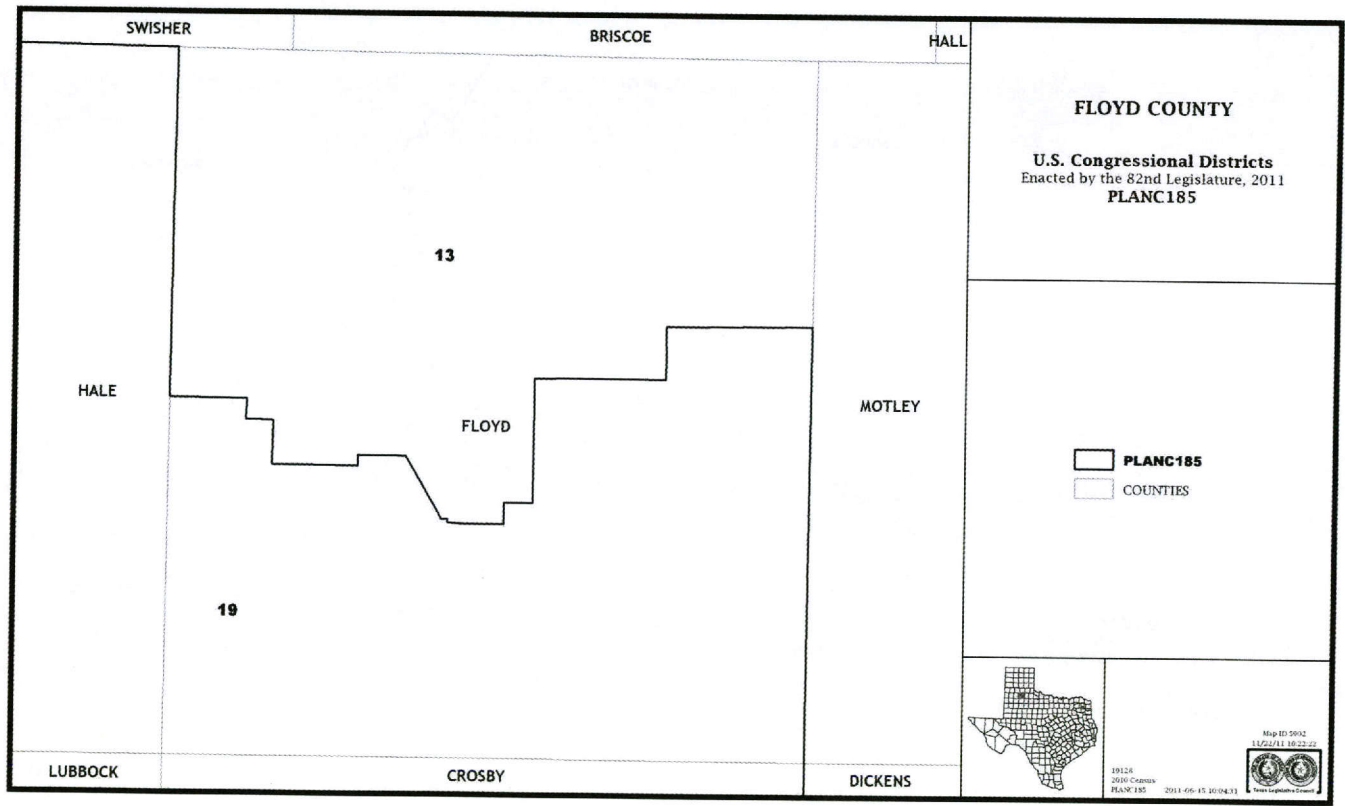


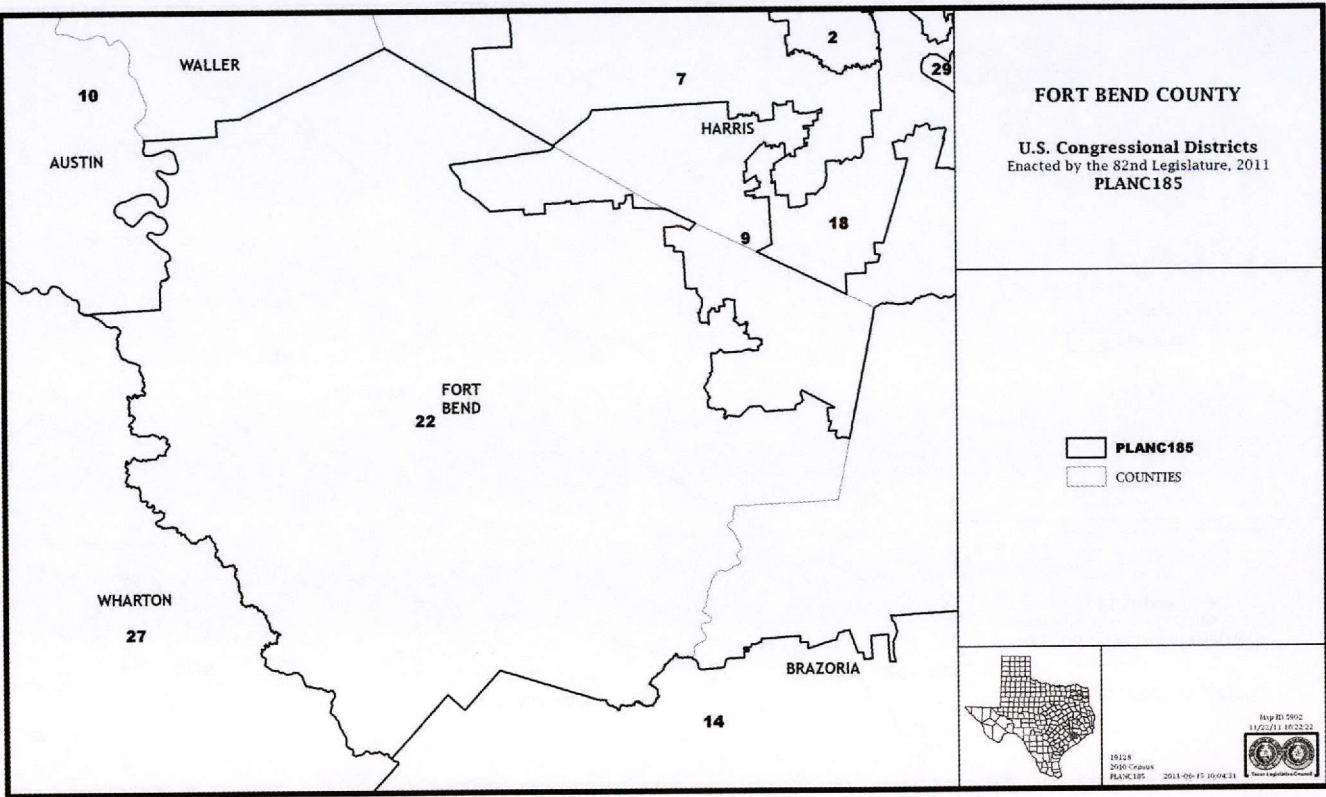


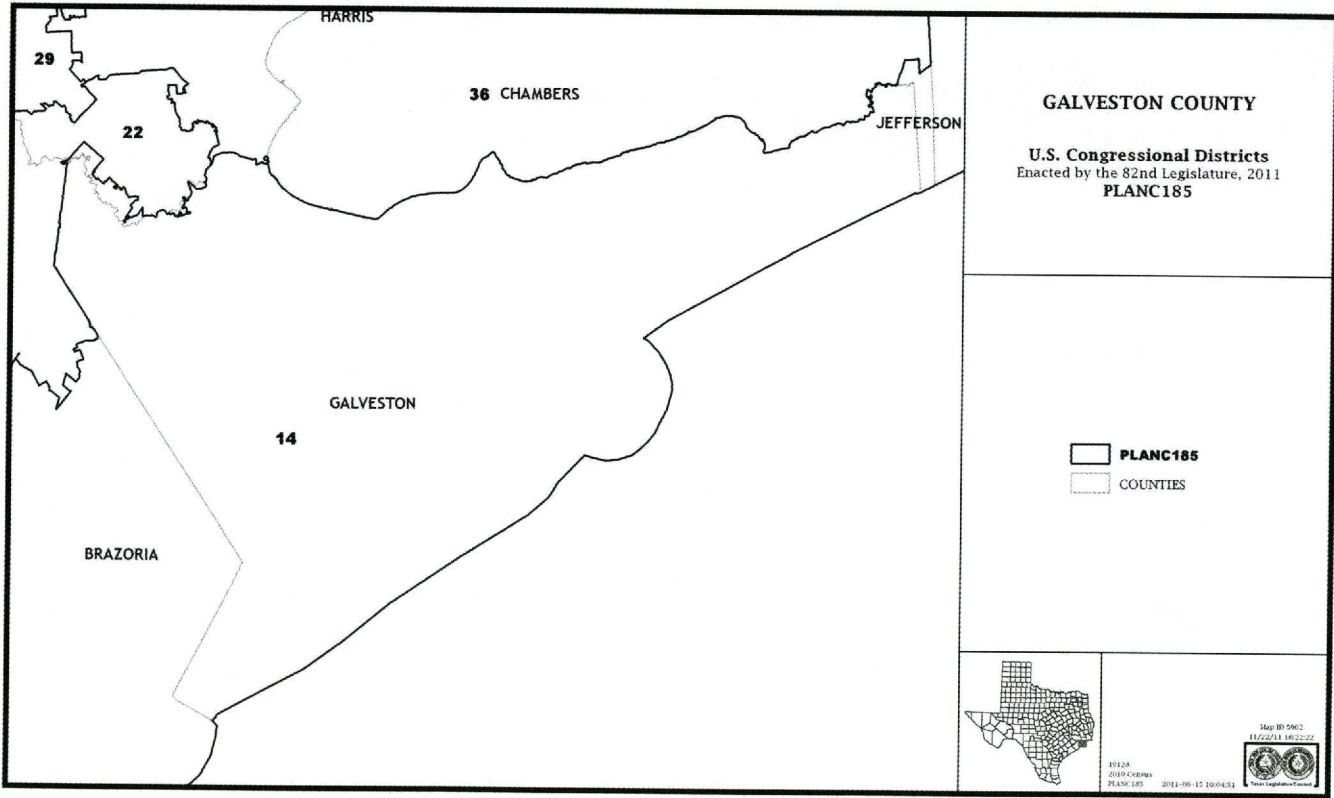


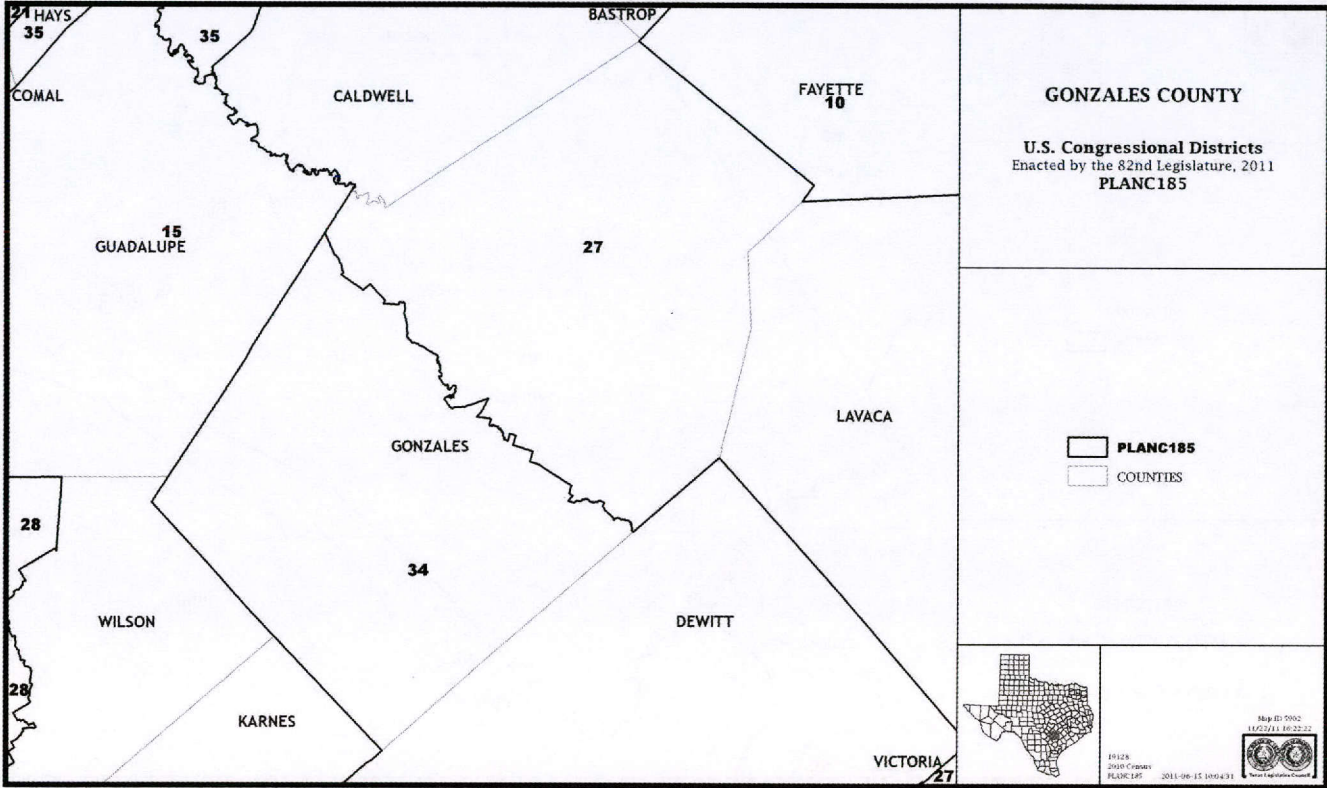


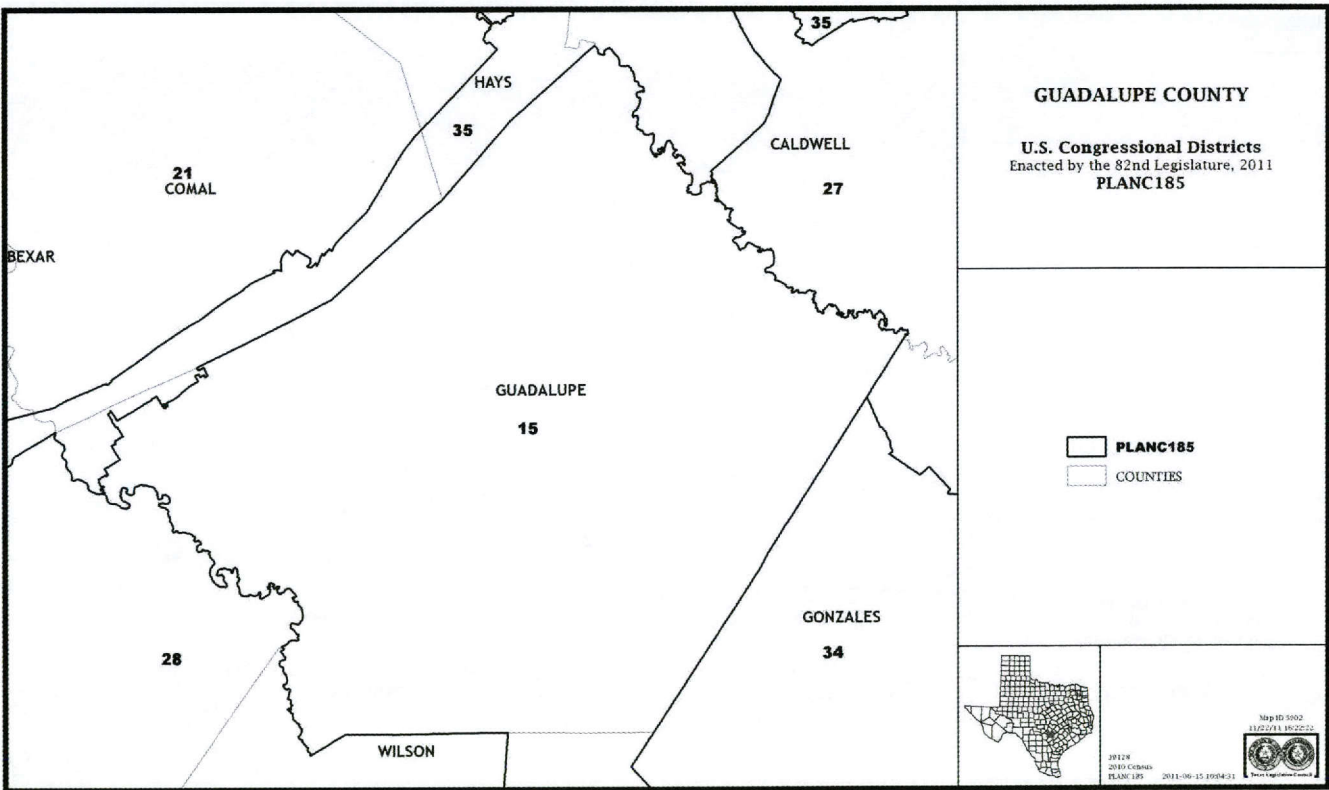


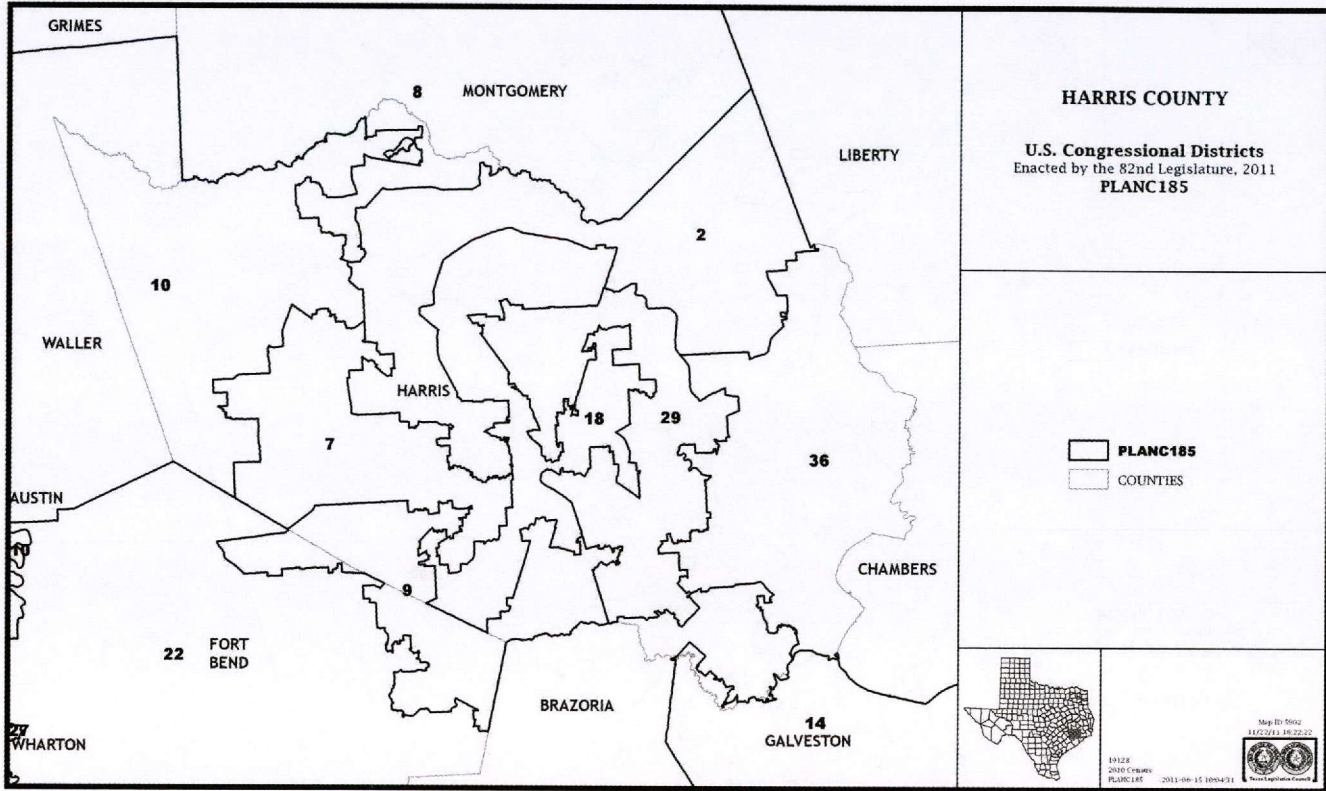


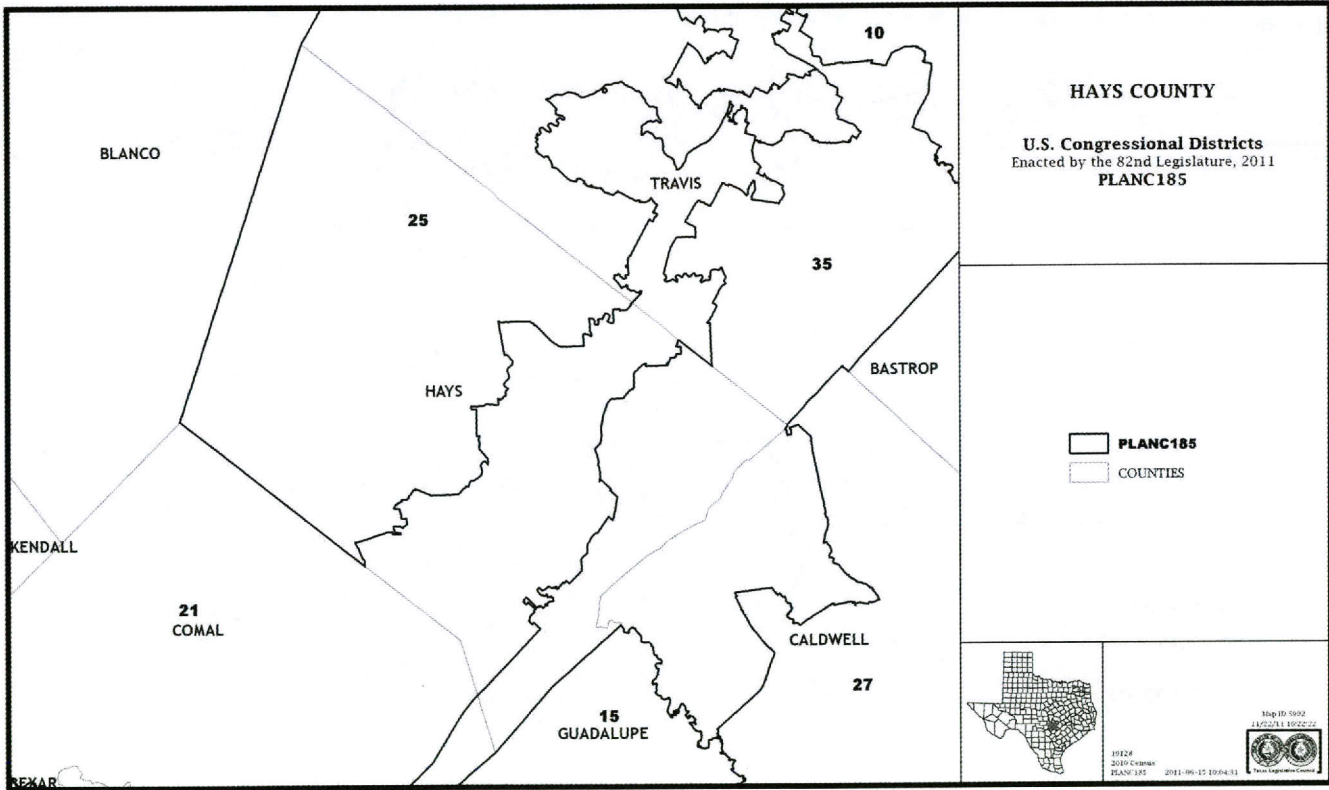


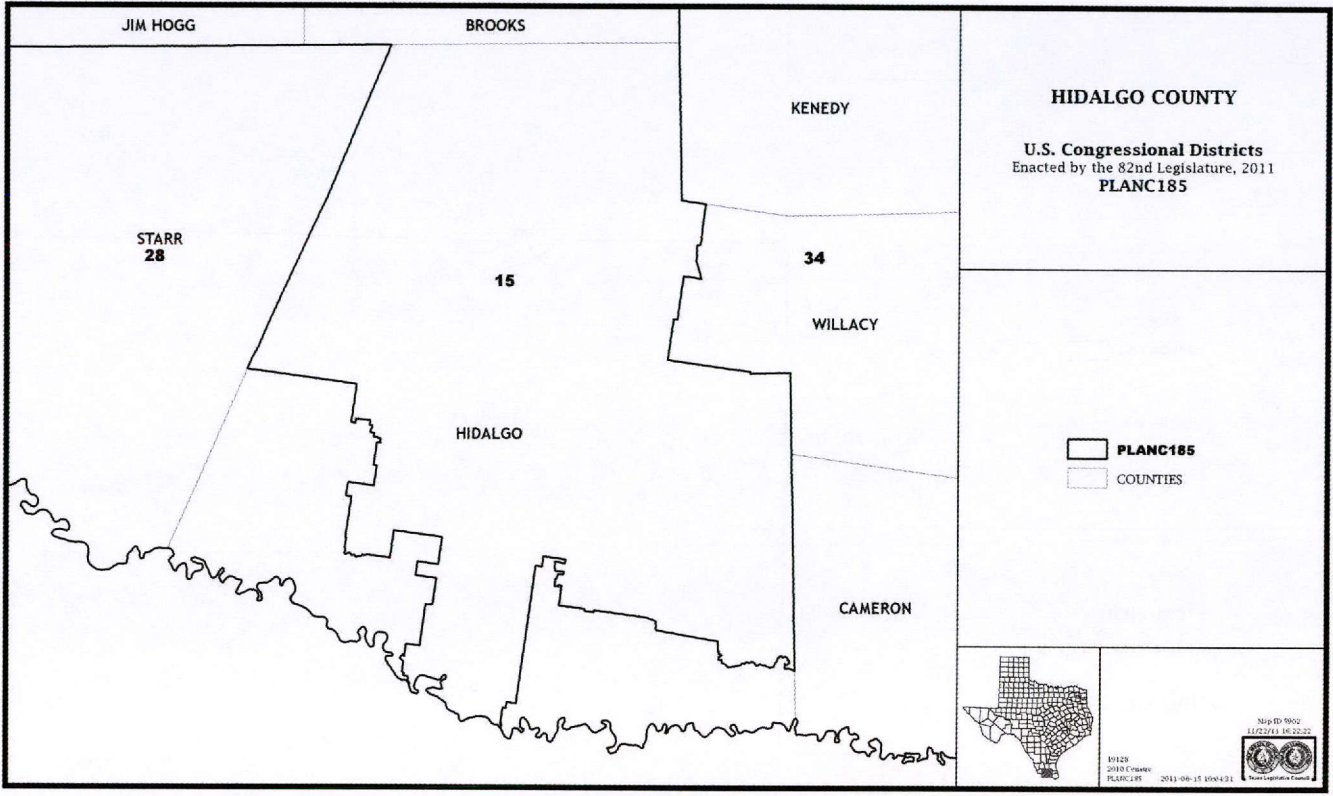


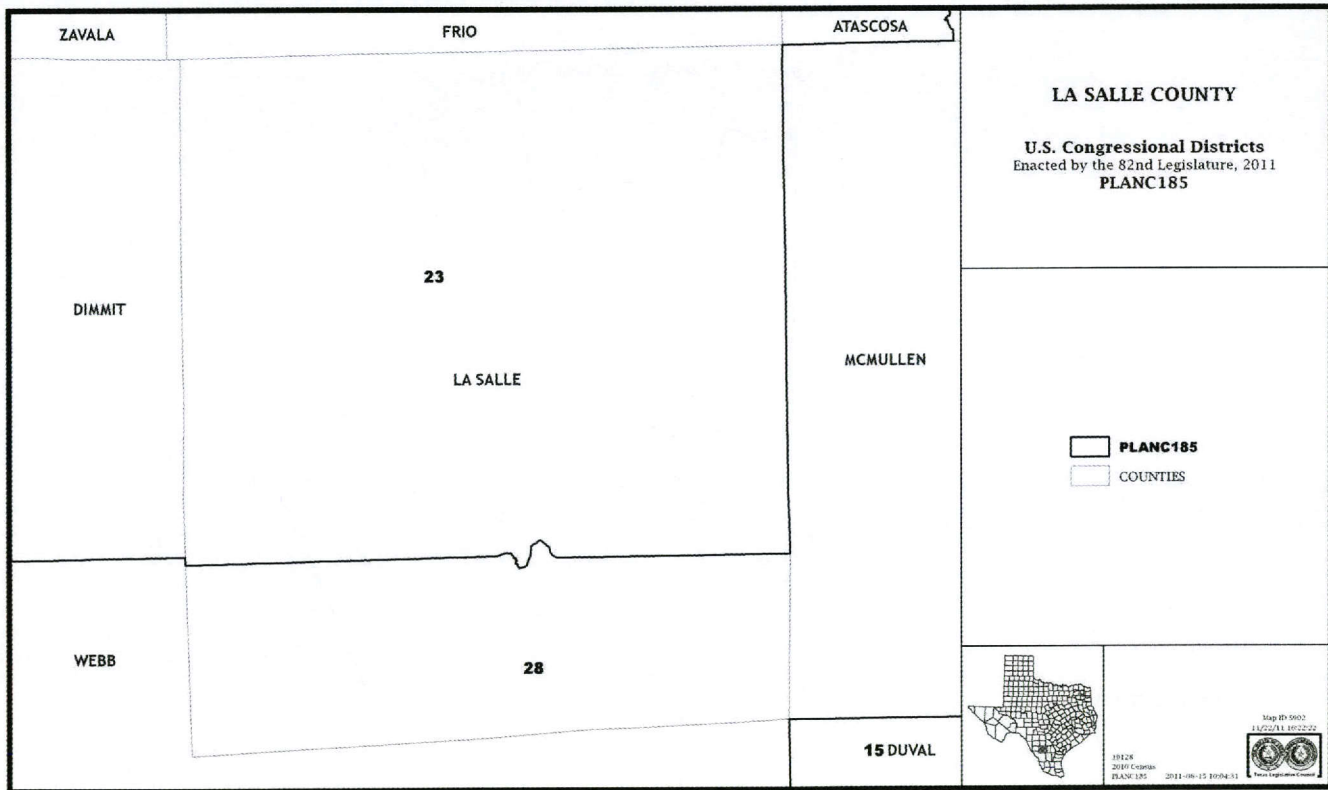


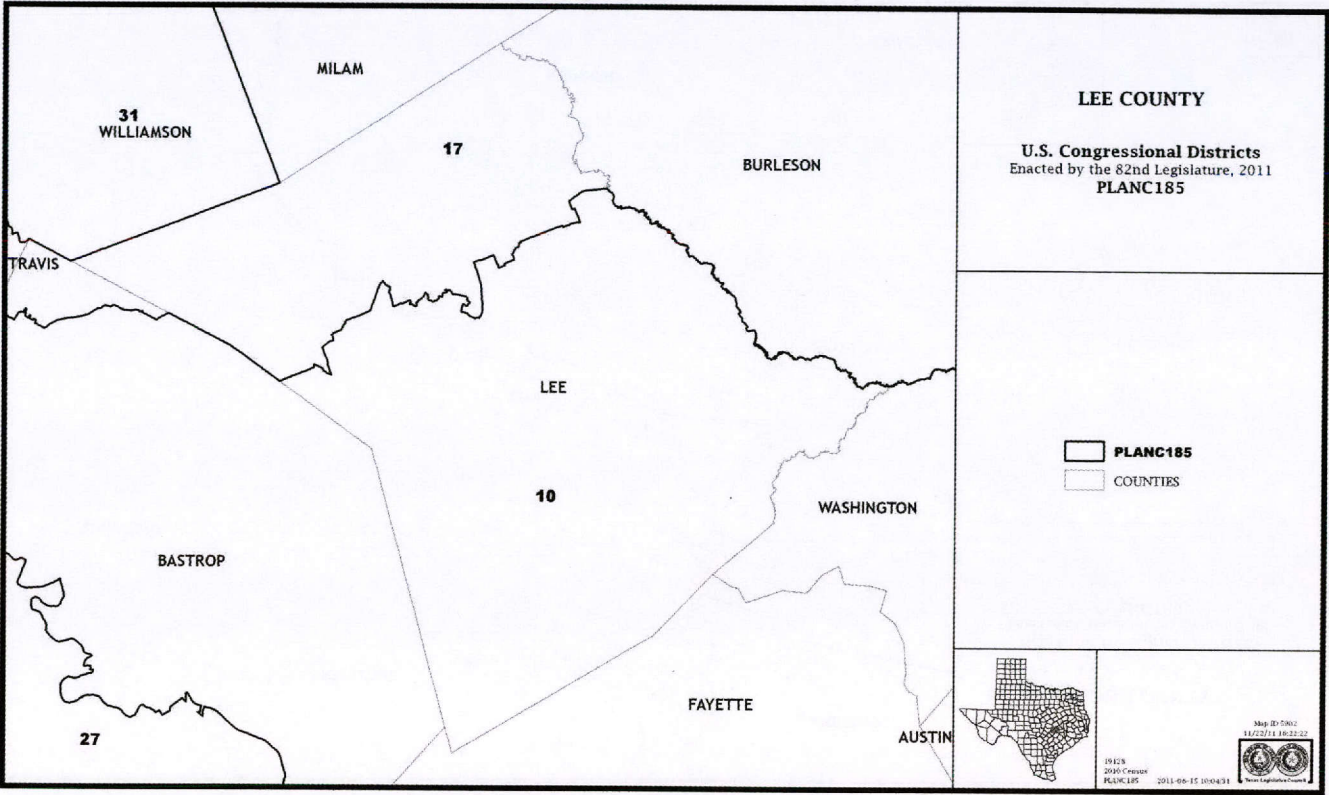


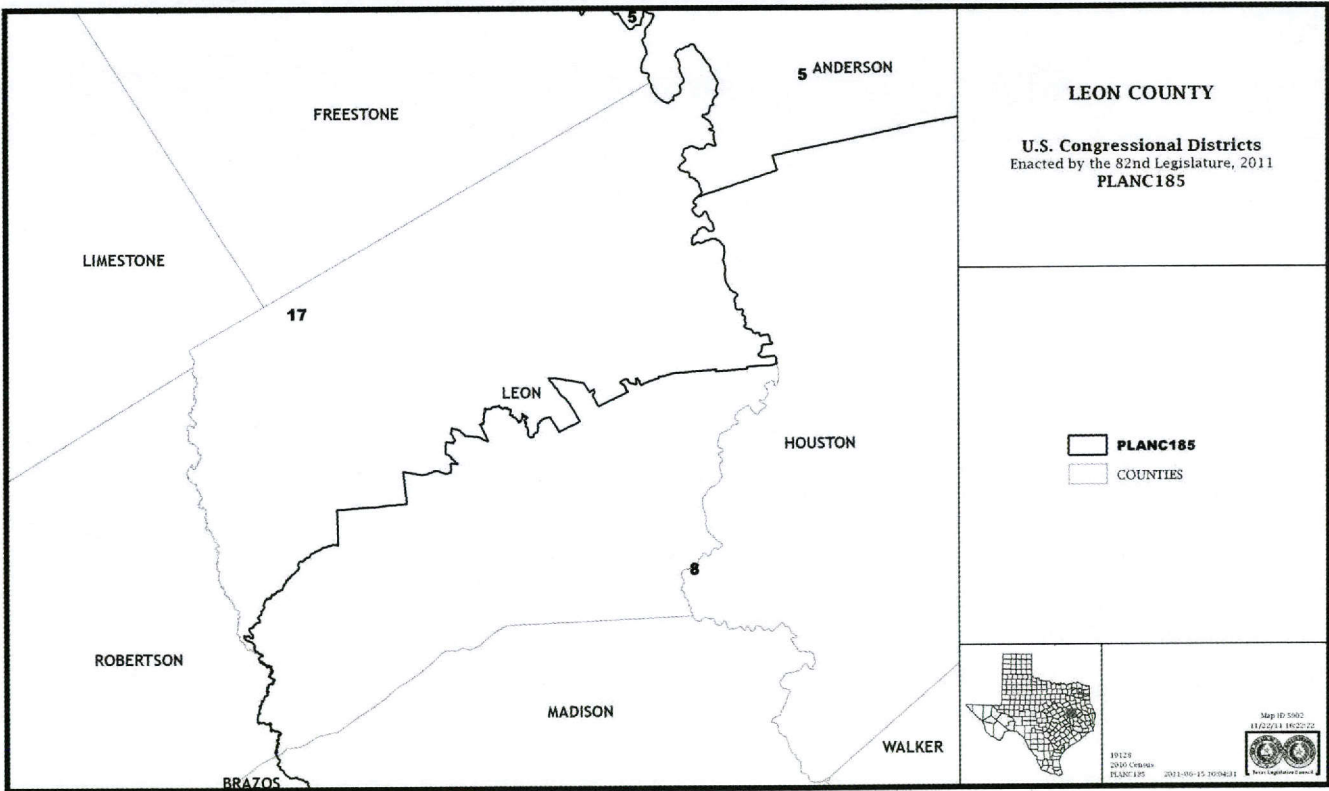


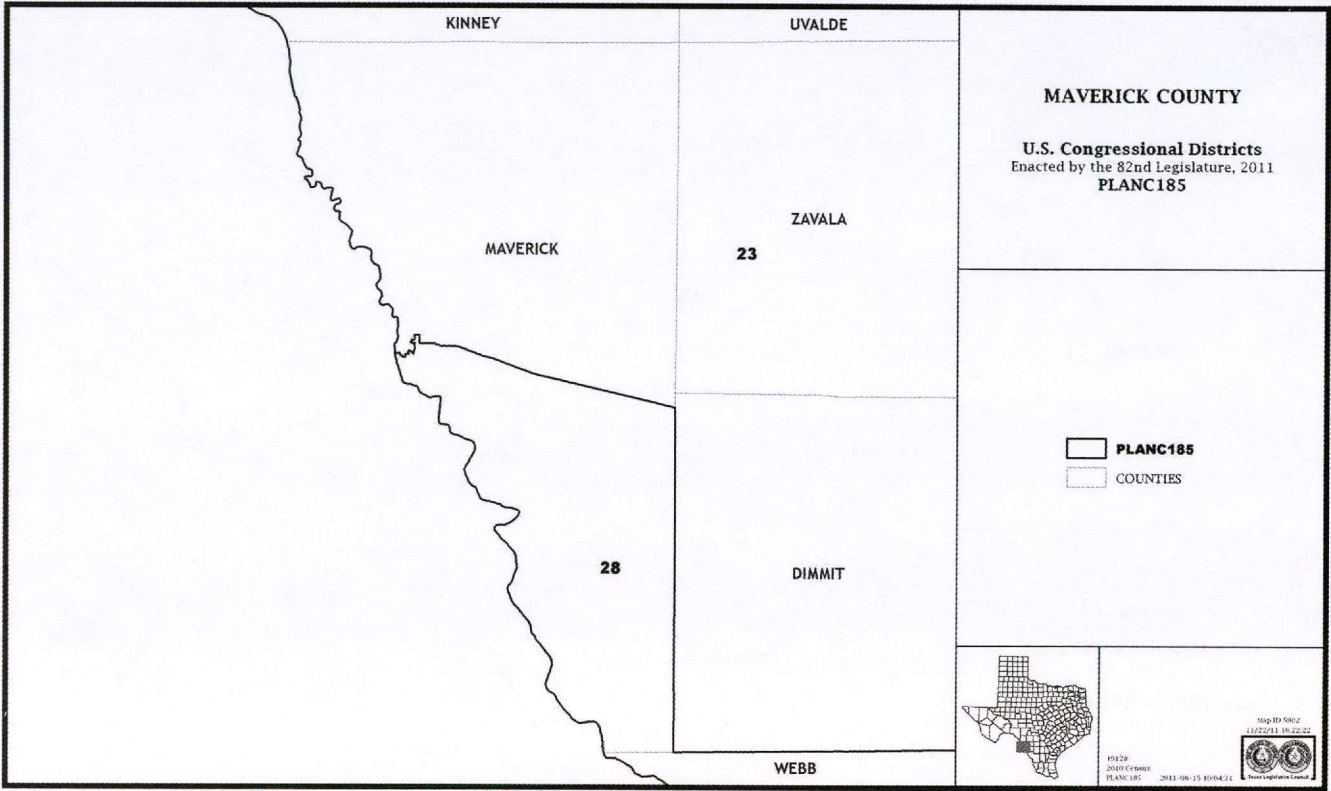


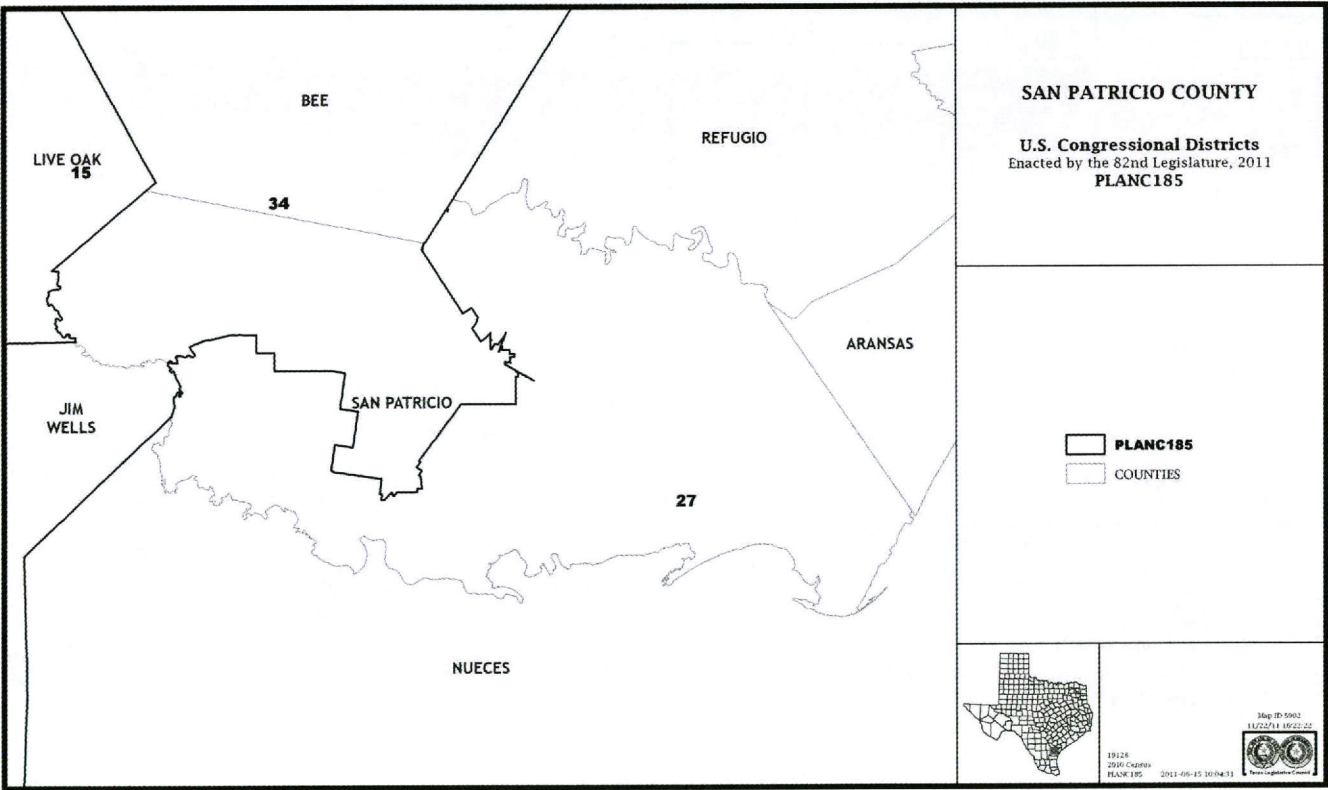


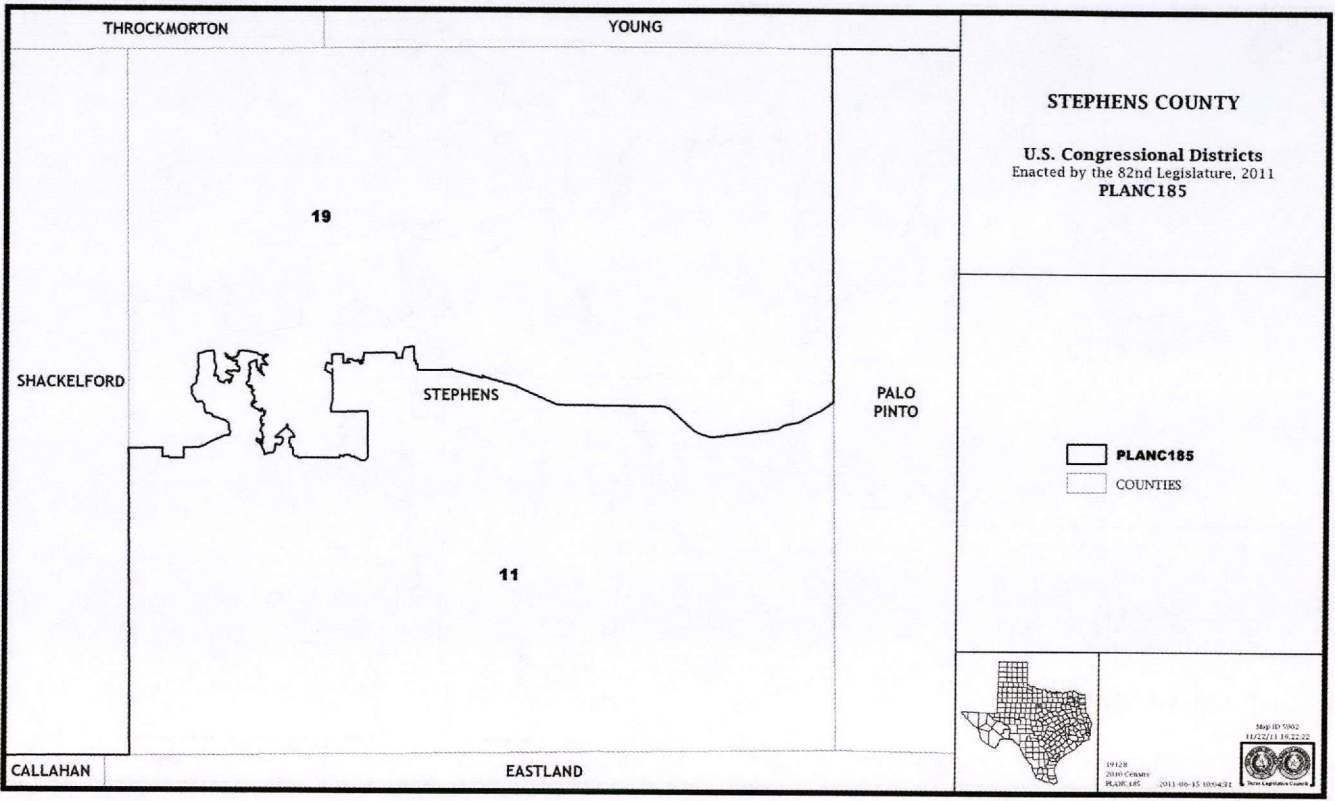


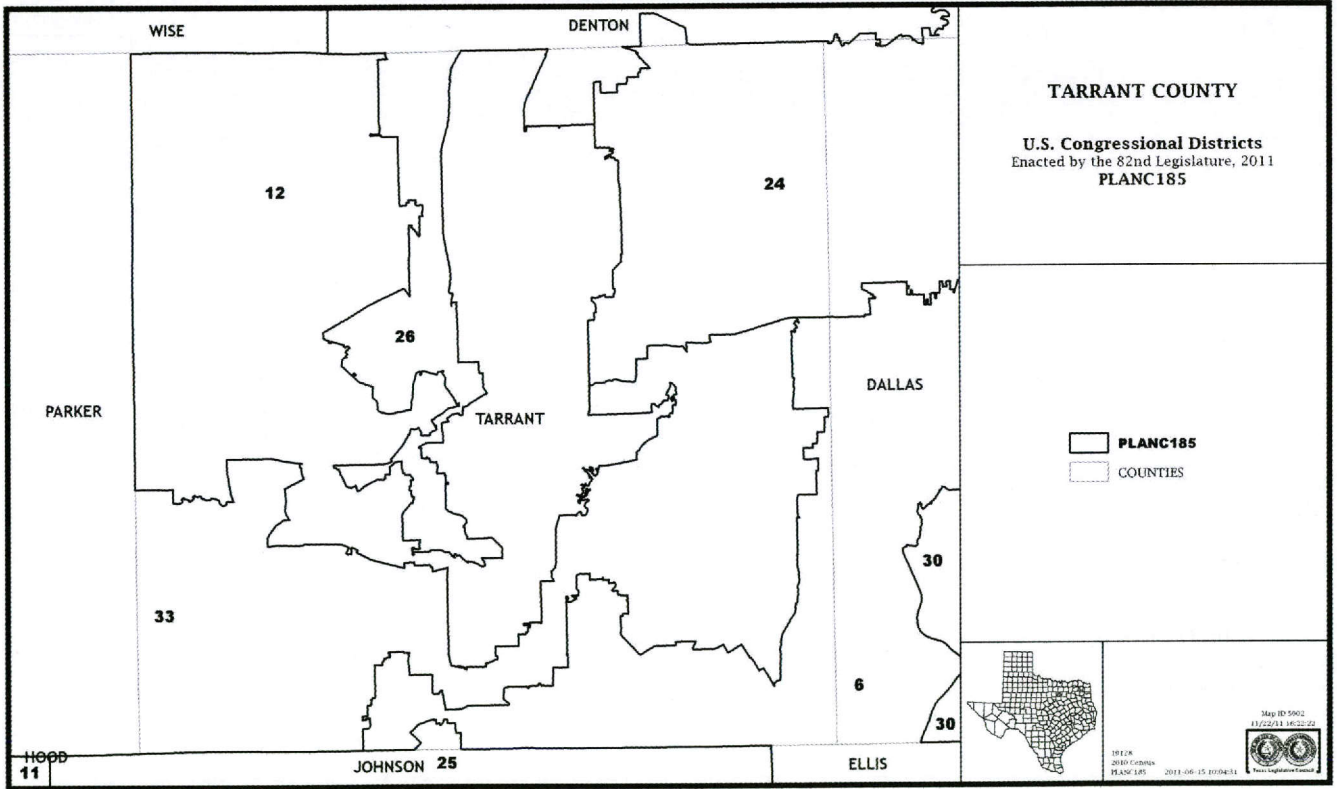


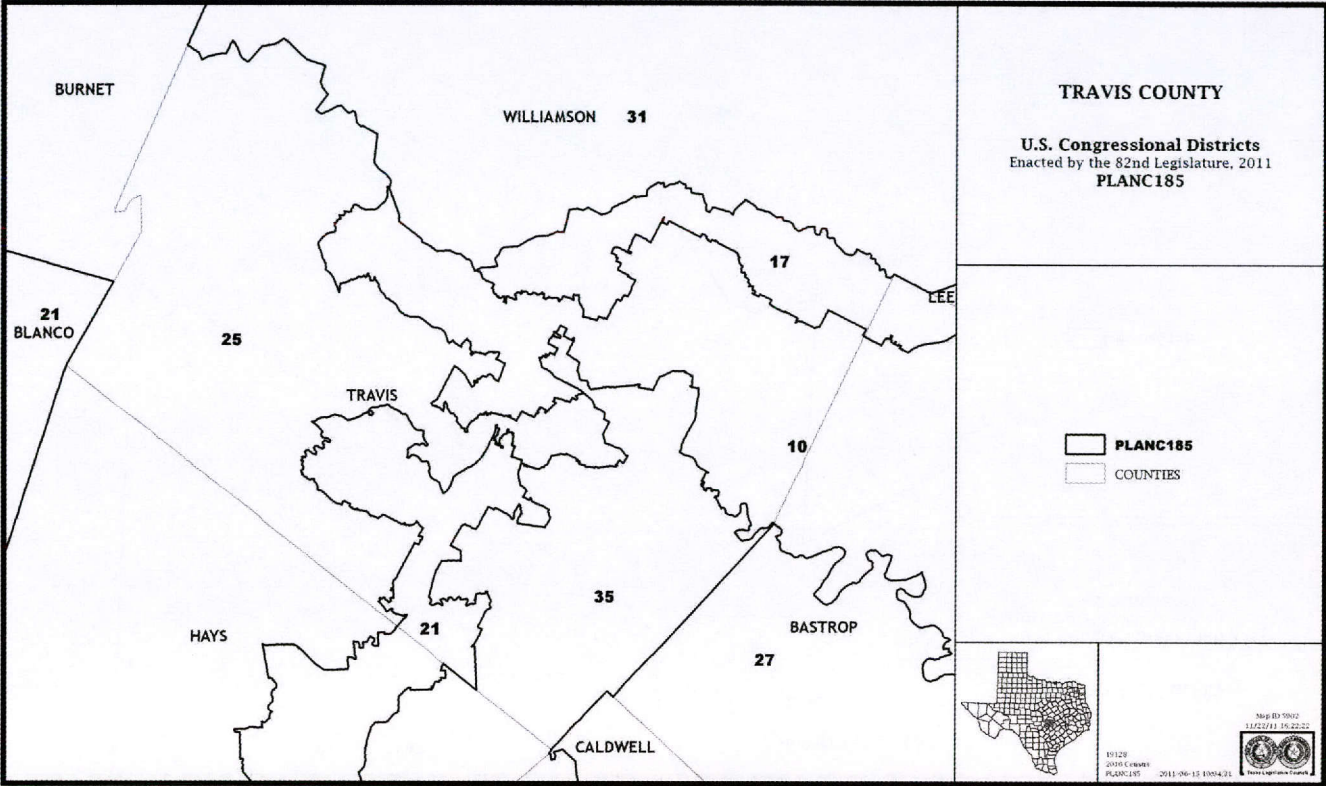


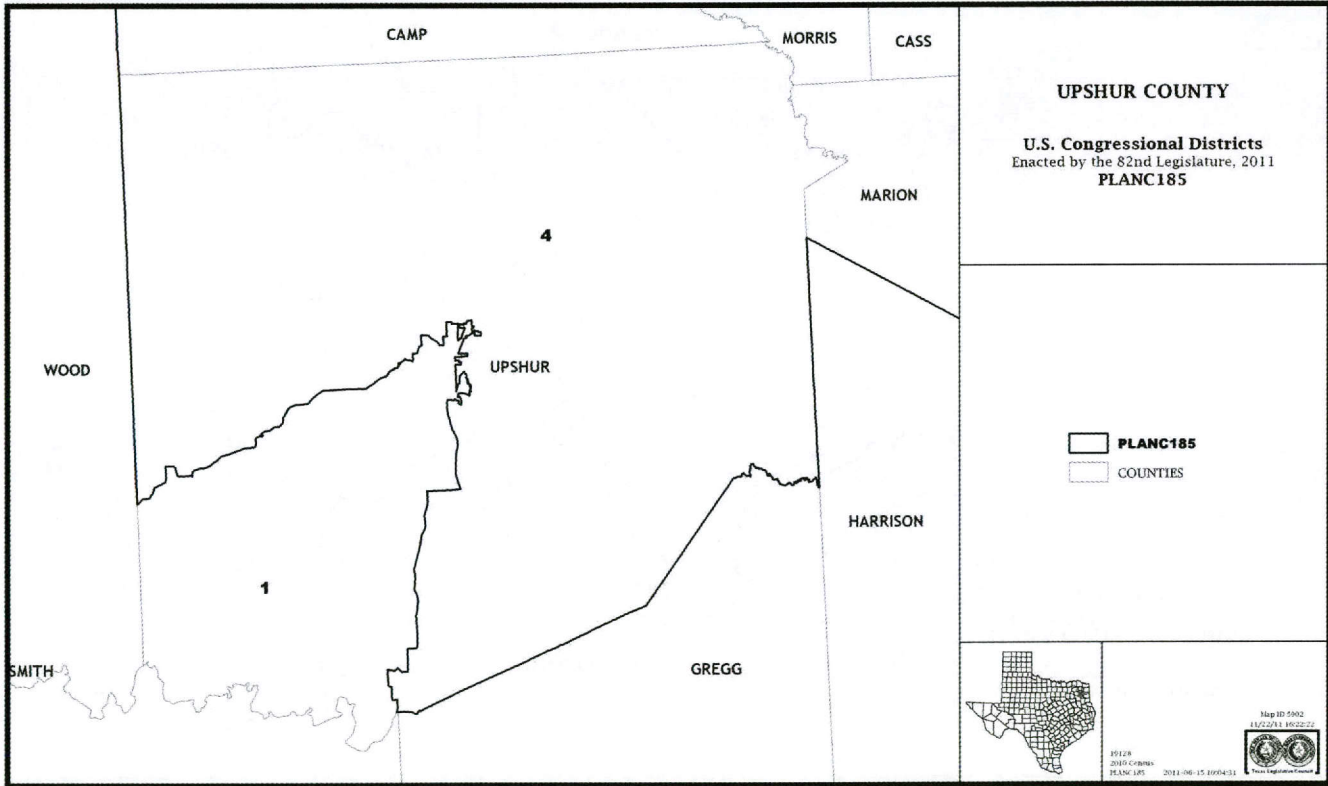


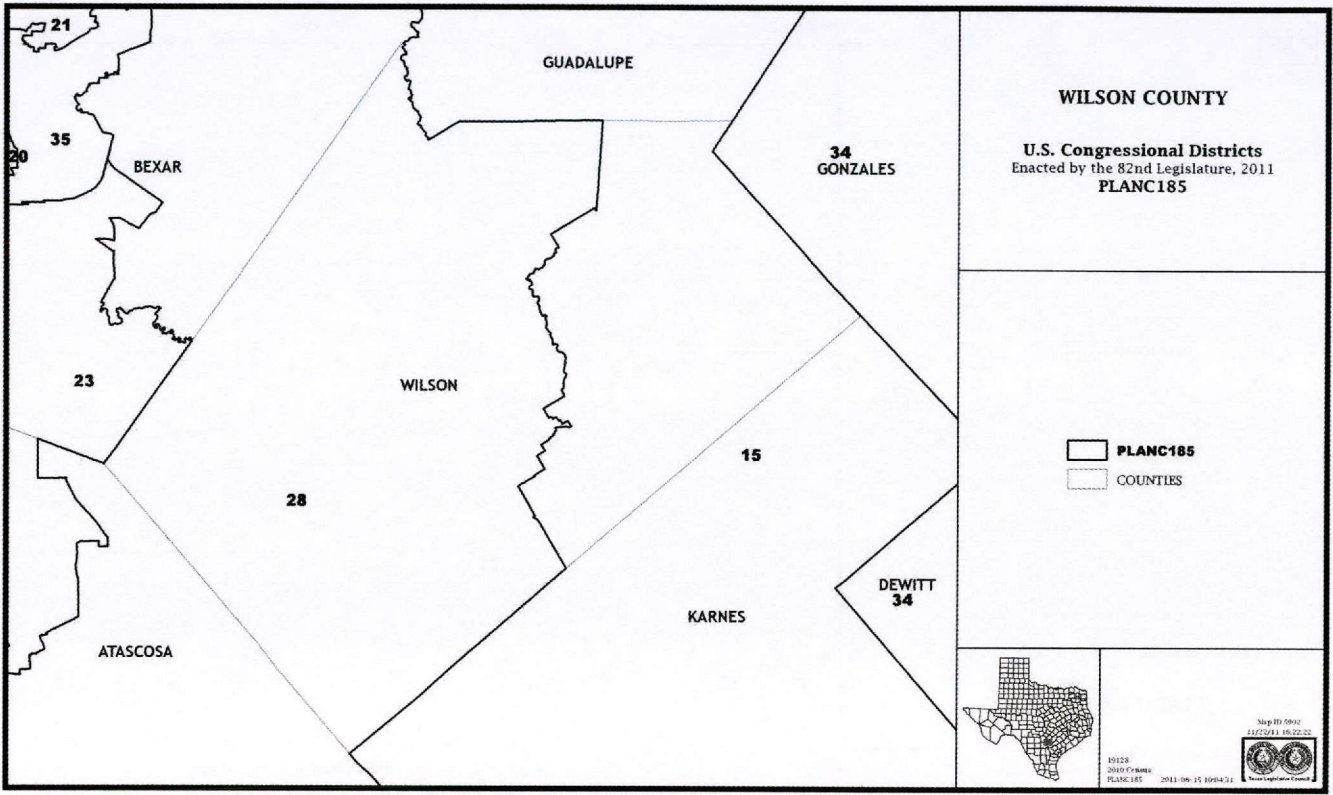


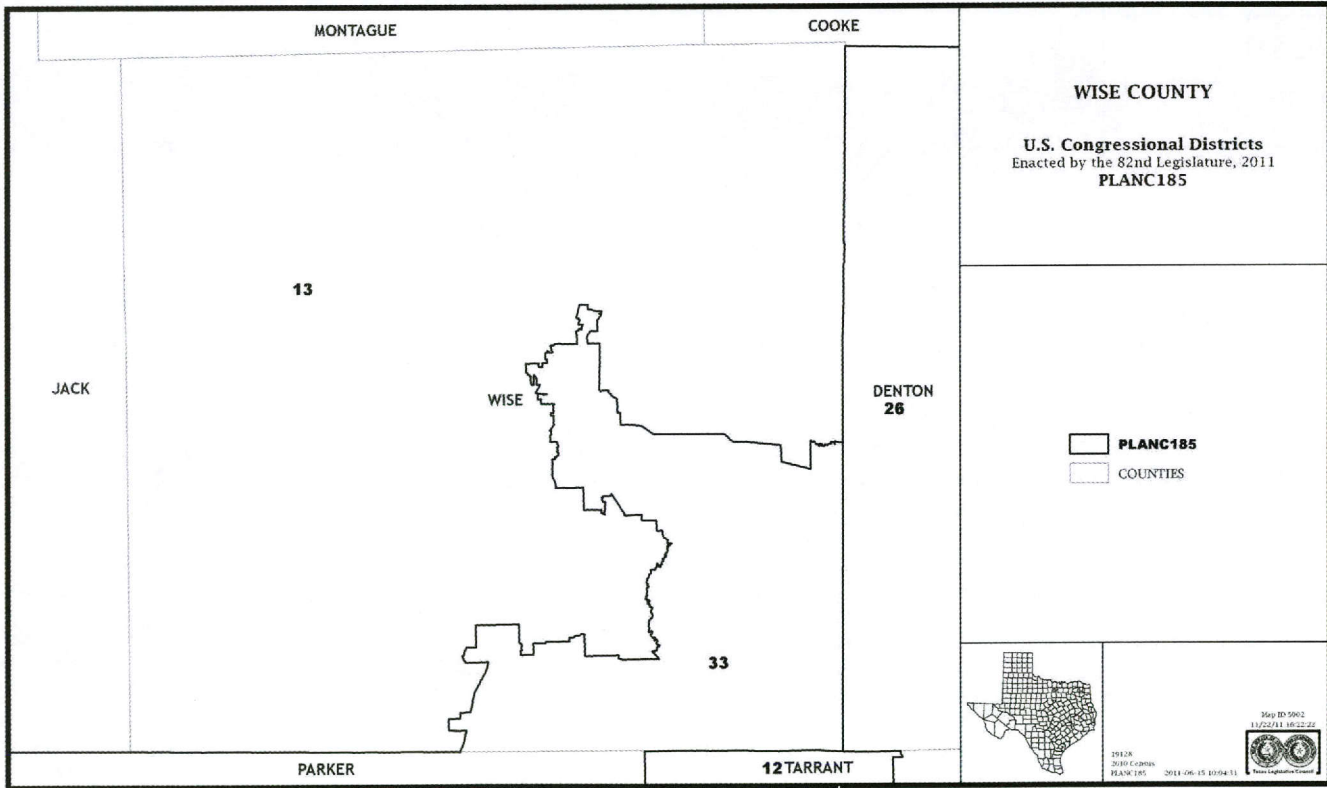


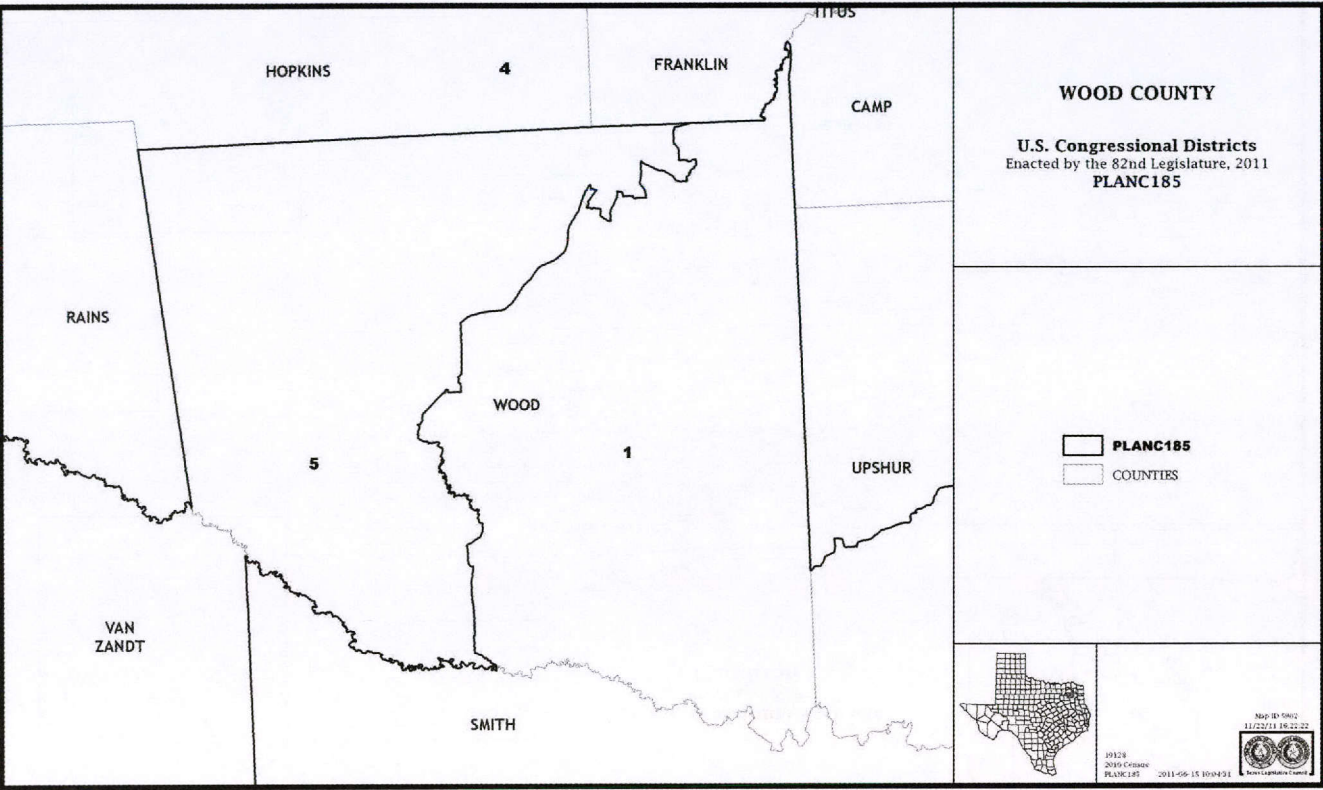


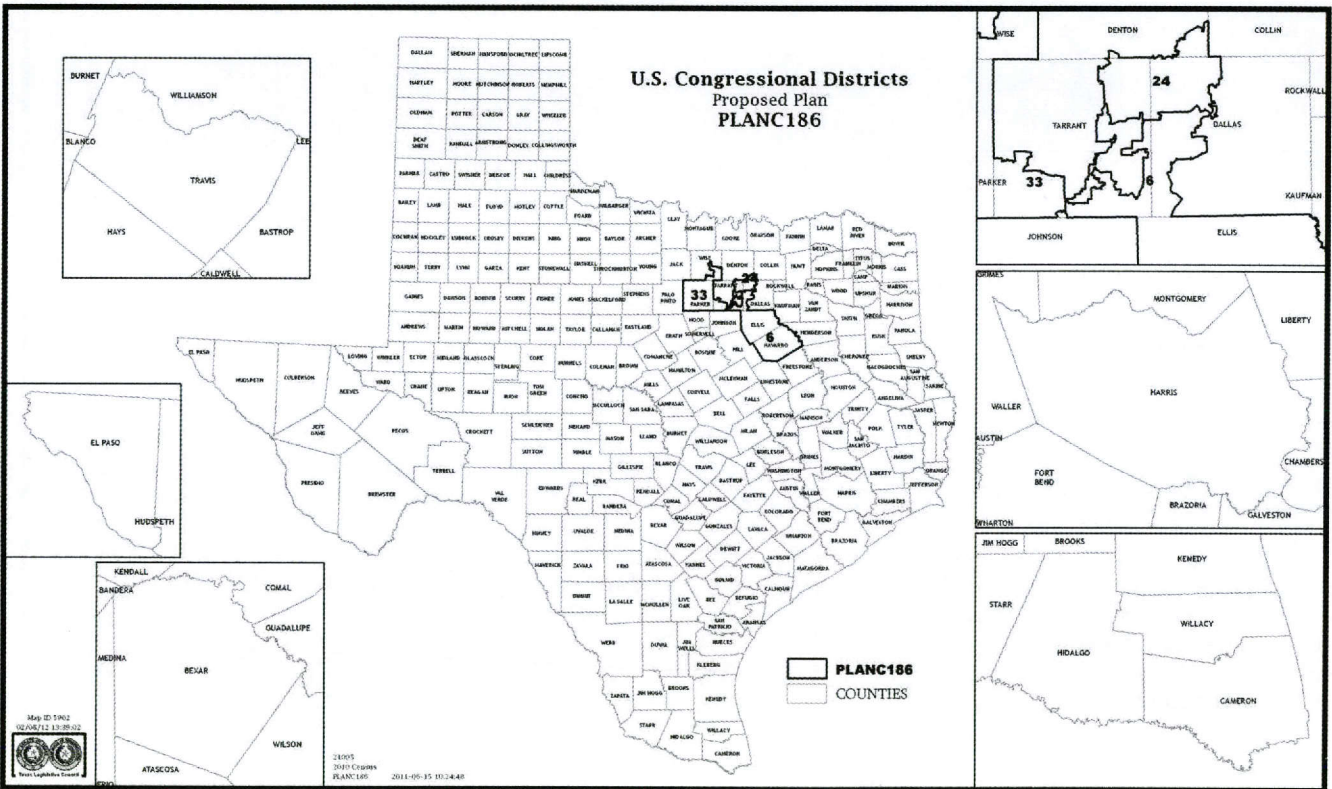


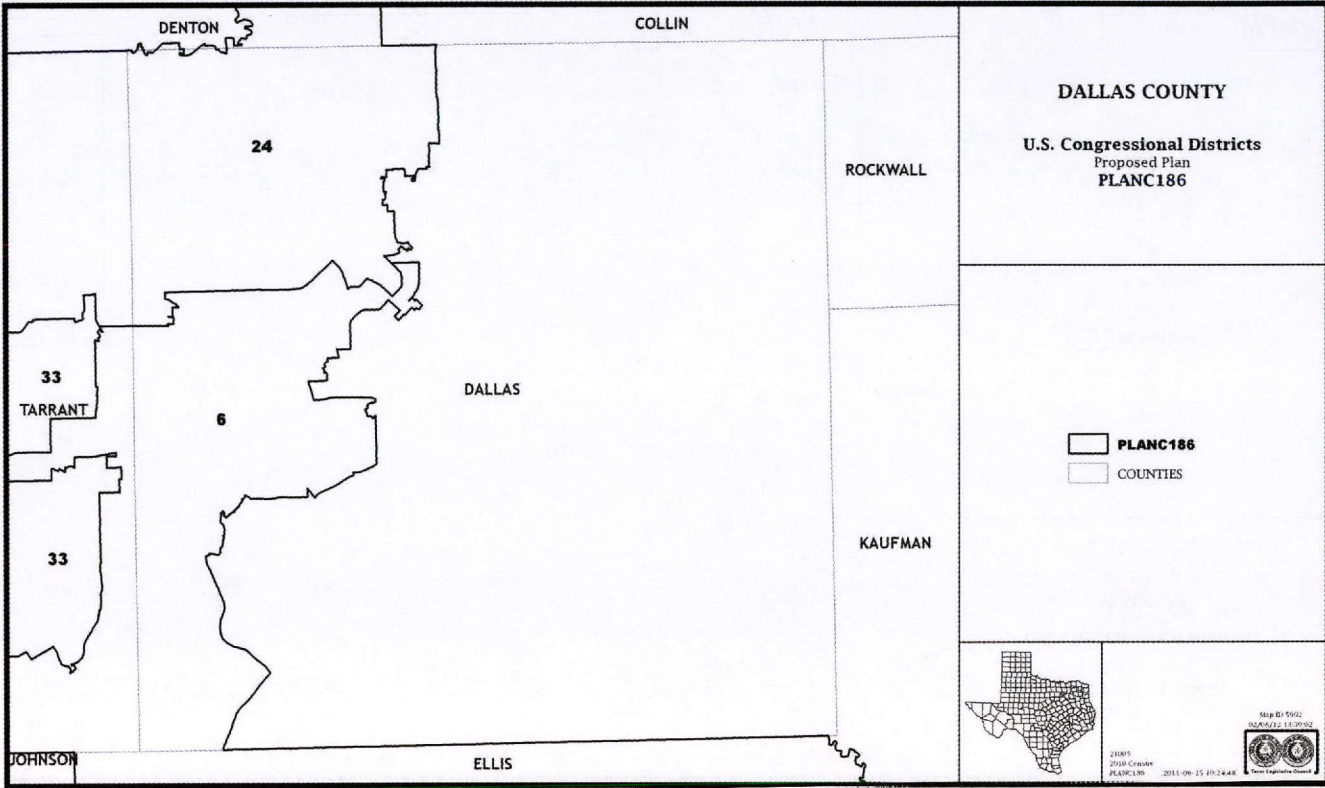


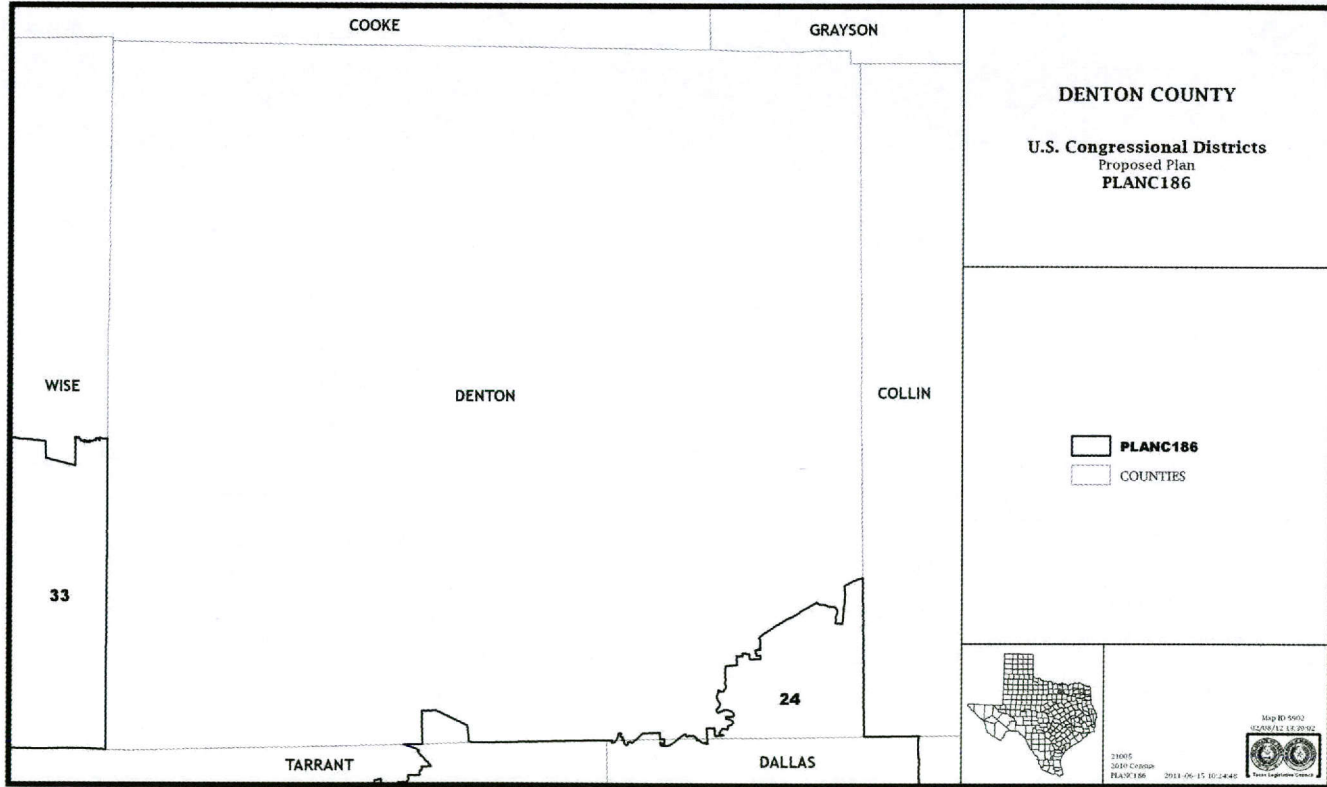


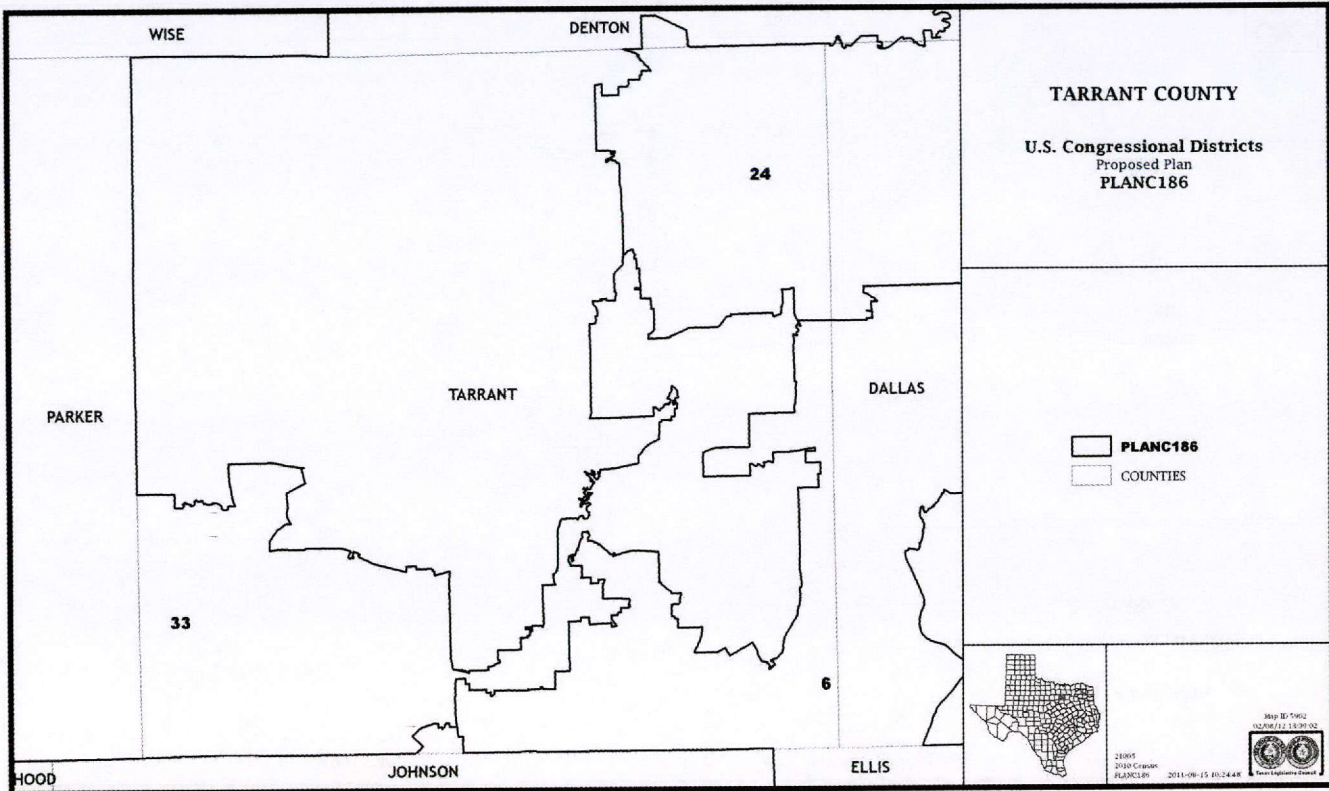


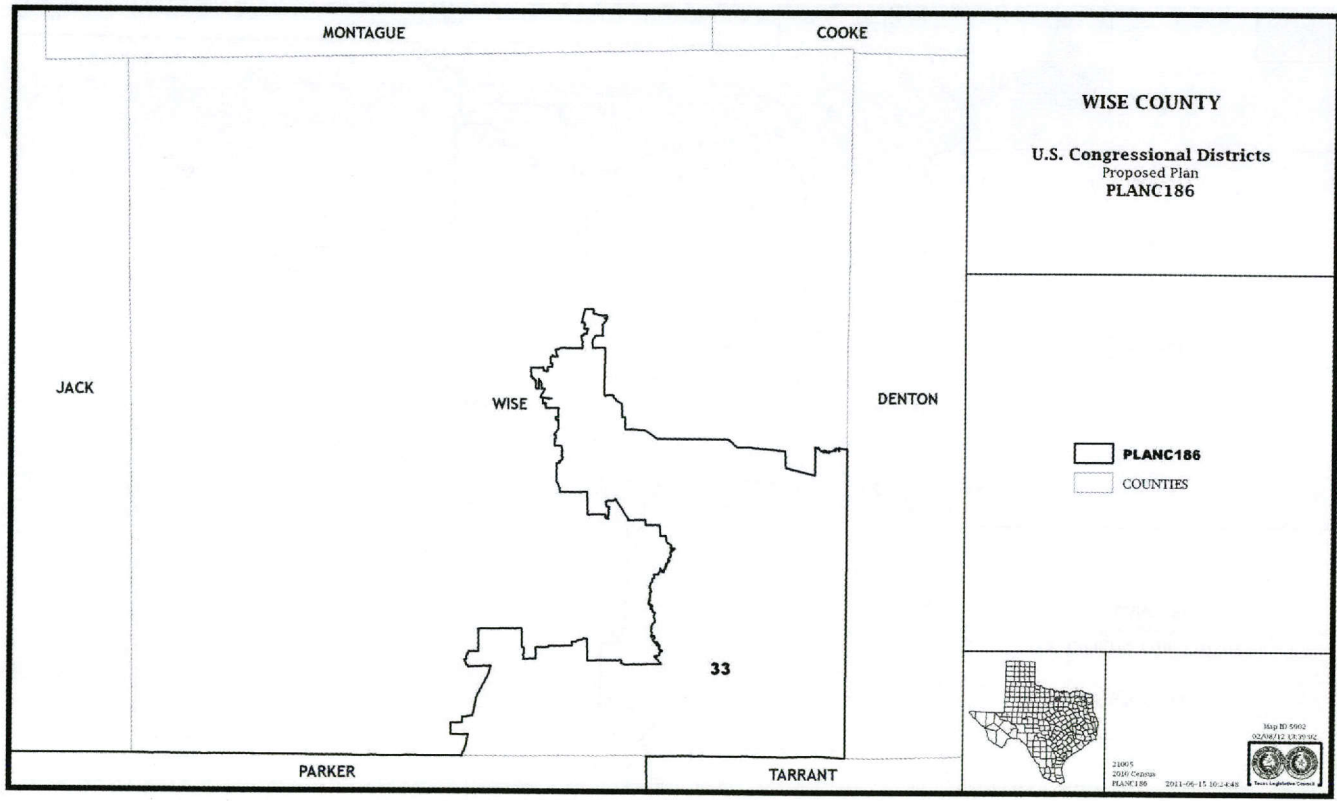












**HOUSE BILLS, HISTORY OF
IN THE HOUSE**

HB 1. Relating to certain state fiscal matters; providing penalties.

Author(s): Pitts

Companion document(s): **SB 1**

Read first time 8. Referred to Appropriations 8. Rules suspended 7.

HB 2. Appropriating money for the support of state government for the period beginning September 1, 2011 and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds; and declaring an emergency.

Author(s): Pitts

Companion document(s): **SB 2**

Read first time 8. Referred to Appropriations 8. Rules suspended 7.

HB 3. Relating to the operation of the Texas Windstorm Insurance Association, to the resolution of certain disputes concerning claims made to that association, and to the issuance of windstorm and hail insurance policies in the private insurance market by certain insurers; providing penalties.

Author(s): Smithee

Senate Sponsor(s): Carona

Companion document(s): **SB 3**

Read first time 13. Referred to Insurance 13. Committee report filed with committee coordinator 387. Read second time 425. Amendment offered (1-Smithee) 426. Amendment amended (2-Smithee) 435. Amendment adopted as amended (1-Smithee) 435. Amended (3-L. Taylor) 435. Amended (4-Smithee) 437. Amendment tabled (5-Walle) 439. Record vote (RV#84) 439. Amended (6-W. Smith) 440. Amendment tabled (7-Gallego) 442. Record vote (RV#85) 442. Amended (8-Eiland) 443. Amended (9-Walle) 443. Amendment tabled (10-Hernandez Luna) 443. Record vote (RV#86) 443. Amended (11-Sheets) 444. Record vote (RV#87) 444. Statement of vote recorded in journal 445. Amendment tabled (12-Castro) 445. Record vote (RV#88) 446. Statement of vote recorded in journal 446. Amended (13-L. Taylor) 446. Passed to engrossment as amended 447. Record vote (RV#89) 447. Read third time 499. Amended (1-Smithee) 499. Amended (2-Smithee) 499. Passed as amended 505. Record vote (RV#111) 505. Statement of vote recorded in journal 505. Reported engrossed 524. Senate passage as amended-reported 551. House refuses to concur in senate amendments 557. House requests conference committee 557. House appoints conferees 557. Senate grants request for conference committee-reported 581. Senate appoints conferees-reported 581. Senate adopts conference committee report-reported 677. House adopts resolution to go outside bounds (HR218) 586. House adopts conference committee report 590. Record vote (RV#139) 626. Reported enrolled 762. Signed in the house 676. Sent to the governor 762. Signed by the governor 762.

HB 4. Relating to the composition of the congressional districts for the State of Texas.

Author(s): Solomons

Companion document(s): **SB 4**

Read first time 8. Referred to Redistricting 8.

HB 5. Relating to the Interstate Health Care Compact.

Author(s): Kolkhorst; Creighton; Bonnen

Companion document(s): **SB 5**

Read first time 8. Referred to State Sovereignty, Select 8. Committee report filed with committee coordinator 91. Read second time 447. Point of order overruled (Rule 4, Section 32(c)(1)) 447. Amended (1-Turner and Eiland) 448. Record vote (RV#90) 448. Statement of vote recorded in journal 448. Passed to engrossment as amended 449. Record vote (RV#91) 449. Statement of vote recorded in journal 449. Read third time 508. Passed 508. Record vote (RV#115) 508. Statement of vote recorded in journal 509. Reported engrossed 524.

HB 6. Relating to the foundation curriculum, the establishment of the instructional materials allotment, the adoption, review, and purchase of instructional materials and technological equipment for public schools, and the administration of state assessment instruments to public school students.

Author(s): Eissler

Companion document(s): **SB 6**

Read first time 12. Referred to Public Education 12. Rules suspended 11. Committee report filed with committee coordinator 91.

HB 7. Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state.

Author(s): Zerwas

Companion document(s): **SB 7**

Read first time 8. Referred to Appropriations 8. Rules suspended 7.

HB 8. Relating to flexibility for public schools to administer primary and secondary education efficiently.

Author(s): Eissler

Read first time 12. Referred to Public Education 12.

HB 9. Relating to the enforcement of state and federal laws governing immigration by certain governmental entities.

Author(s): Solomons

Coauthor(s): Creighton, Geren, Madden

Read first time 513. Referred to State Affairs 513.

HB 10. Relating to the duty of a law enforcement agency to request information regarding the immigration status of an arrested person.

Author(s): Solomons

Read first time 513. Referred to State Affairs 513.

HB 11. Relating to the duty of a local law enforcement agency to verify the immigration status of certain arrested persons by use of the federal Secure Communities program.

Author(s): Solomons

Read first time 513. Referred to State Affairs 513.

HB 13. Relating to the Medicaid program and alternate methods of providing health services to low-income persons in this state.

Author(s): Kolkhorst

Read first time 8. Referred to Appropriations 8. Committee report filed with committee coordinator 18. Read second time 385. Passed to engrossment 385. Record vote (RV#64) 385. Read third time 391. Passed 391. Record vote (RV#67) 391. Statement of vote recorded in journal 391. Reported engrossed 454.

HB 17. Relating to the minimum salary for and minimum service required of certain public school employees.

Author(s): Callegari

Read first time 13. Referred to Government Efficiency & Reform 13. Committee report filed with committee coordinator 365. Read second time 512. Postponed 512. Laid out as postponed business 537. Postponed 537. Laid out as postponed business 543. Postponed 543. Laid out as postponed business 576. Postponed 576.

HB 18. Relating to elementary class size limits in public schools.

Author(s): Eissler

Read first time 12. Referred to Public Education 12. Rules suspended 11. Committee report filed with committee coordinator 18. Read second time 385. Amended (1-Eissler) 385. Passed to engrossment as amended 386. Record vote (RV#65) 386. Statement of vote recorded in journal 387. Read third time 392. Passed 392. Record vote (RV#68) 392. Statement of vote recorded in journal 392. Reported engrossed 454.

HB 19. Relating to hearings on public school educator contracts.

Author(s): Aycock

Read first time 12. Referred to Public Education 12. Rules suspended 11. Committee report filed with committee coordinator 18. Recommitted to committee 384. Committee report filed with committee coordinator 411. Read second time 512. Postponed 512. Laid out as postponed business 537. Postponed 537. Laid out as postponed business 543. Postponed 543. Laid out as postponed business 575. Postponed 576.

HB 20. Relating to notice required for termination of a teacher's probationary contract or nonrenewal of a teacher's term contract.

Author(s): Huberty

Read first time 12. Referred to Public Education 12. Rules suspended 11. Committee report filed with committee coordinator 18. Read second time 406. Postponed 406. Laid out as postponed business 517. Postponed 517. Laid out as postponed business 544. Postponed 544. Laid out as postponed business 576. Postponed 576.

HB 21. Relating to the reduction in force of teachers employed by a school district.

Author(s): Shelton

Read first time 12. Referred to Public Education 12. Rules suspended 11. Committee report filed with committee coordinator 18. Read second time 406. Postponed 406. Laid out as postponed business 517. Postponed 518. Laid out as postponed business 544. Postponed 544. Laid out as postponed business 576. Postponed 576.

HB 26. Relating to the containment of costs incurred in the correctional health care system and to studies regarding delivery of health care services by certain nurses.

Author(s): Madden

Read first time 12. Referred to Corrections 12. Committee report filed with committee coordinator 365. Read second time 509. Amended (1-Allen) 509. Amendment offered (2-Brown) 510. Amendment amended (3-Turner) 511. Amendment adopted as amended (2-Brown) 511. Amended (4-Christian) 511. Nonrecord vote recorded in journal 512. Passed to engrossment as amended 512. Read third time 516. Amended (1-Madden) 516. Passed as amended 517. Record vote (RV#117) 517. Reported engrossed 544.

HB 27. Relating to reducing costs in public school extracurricular activities.

Author(s): Hochberg

Read first time 8. Referred to Public Education 8.

HB 28. Relating to the eligibility of a student to participate in extracurricular activities or competitions after transferring or moving from one public school to another.

Author(s): Hochberg

Read first time 8. Referred to Public Education 8.

HB 29. Relating to requirements for students to be assessed in certain subjects and in certain grades.

Author(s): Hochberg

Read first time 8. Referred to Public Education 8.

HB 30. Relating to unpaid furloughs for state employees.

Author(s): Callegari

Read first time 13. Referred to Government Efficiency & Reform 13. Committee report filed with committee coordinator 514.

HB 31. Relating to school district personnel.

Author(s): Callegari

Read first time 13. Referred to Government Efficiency & Reform 13.

HB 32. Relating to creation of a study committee for the Interstate Health Care Compact.

Author(s): Zerwas

Companion document(s): **SB 17**

Read first time 12. Referred to Appropriations 12.

HB 33. Relating to providing for efficient government resource allocation.

Author(s): Miller, Sid

Read first time 13. Referred to Government Efficiency & Reform 13.

HB 34. Relating to funding for basic civil legal services, indigent defense, and judicial technical support through certain fees and court costs and to the establishment of the judicial access and improvement account.

Author(s): Madden; Hartnett; Hughes; Davis, Sarah

Companion document(s): **SB 23**

Read first time 12. Referred to Judiciary & Civil Jurisprudence 12.

HB 35. Relating to an increase in the cigarette tax, to the use of revenue from the tax, and to the enforcement of the tax.

Author(s): Alvarado

Read first time 23. Referred to Ways & Means 23.

HB 36. Relating to reimbursement for health care services provided at certain times to persons enrolled in the Medicaid managed care program.

Author(s): Guillen

- Read first time 23. Referred to Public Health 23.
- HB 37.** Relating to a pilot project to establish a comprehensive access point for long-term services and supports provided to older persons and persons with physical disabilities.
Author(s): Guillen
Read first time 23. Referred to Human Services 23.
- HB 38.** Relating to the optional flexible school day program provided by school districts.
Author(s): Guillen
Read first time 23. Referred to Public Education 23.
- HB 39.** Relating to revising, revoking, or denying renewal of charters of open-enrollment charter schools under certain circumstances.
Author(s): Shelton
Companion document(s): **SB 33**
Read first time 13. Referred to Public Education 13.
- HB 40.** Relating to an interlocal contract between a governmental entity and a purchasing cooperative to purchase roofing materials or services.
Author(s): Anderson, Charles "Doc"
Read first time 23. Referred to State Affairs 23. Correction in referral 365. Referred to Government Efficiency & Reform 365.
- HB 41.** Relating to prosecution and punishment for the offense of official oppression by the intrusive touching of persons seeking access to public buildings and transportation; providing penalties.
Author(s): Simpson
Coauthor(s): Aliseda, Allen, Alonzo, Alvarado, C. Anderson, R. Anderson, Aycock, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Cain, Callegari, Carter, Chisum, Christian, Creighton, J. Davis, S. Davis, Deshotel, Driver, Dutton, Eiland, Eissler, Elkins, Fletcher, Flynn, Frullo, Gallego, Garza, Giddings, L. Gonzales, V. Gonzales, Gonzalez, Gooden, Guillen, Hamilton, Hancock, Hardcastle, Harper-Brown, Hilderbran, Hopson, C. Howard, Huberty, Hughes, Isaac, Keffer, T. King, P. King, S. King, Kolkhorst, Kuempel, Landtroop, Larson, Laubenberg, Lavender, Legler, Lewis, Lozano, Lucio, Lyne, Madden, Mallory Caraway, Margo, Marquez, Martinez, Menendez, D. Miller, S. Miller, Morrison, Murphy, Naishtat, Nash, Oliveira, Orr, Otto, Parker, Patrick, Paxton, Peña, Perry, Phillips, Pickett, Pitts, Price, Quintanilla, Raymond, Reynolds, Riddle, Schwertner, Sheets, Sheffield, Smithee, T. Smith, W. Smith, L. Taylor, V. Taylor, Torres, Truitt, Turner, Weber, White, Workman, Zedler
Companion document(s): **SB 29**
Read first time 23. Referred to Criminal Jurisprudence 23. Committee report filed with committee coordinator 514. Recommitted to committee 537. Committee report filed with committee coordinator 544. Read second time 577. Amended (1-Simpson) 577. Amended (2-Fletcher and S. Miller) 577. Statement of legislative intent recorded in journal 578. Statement of legislative intent recorded in journal 578. Amended (3-Gallego) 579. Statement of legislative intent recorded in journal 579. Passed to engrossment as amended 579. Rules suspended 746. Record vote (RV#149) 746. Statement of vote recorded in journal 747. Vote reconsidered 747. Companion considered in lieu of (SB 29) 747.
- HB 42.** Relating to the operation, powers, and duties of certain water districts.
Author(s): Callegari
Read first time 23. Referred to Natural Resources 23.
- HB 43.** Relating to election through secret ballot of a labor union as the exclusive bargaining representative.
Author(s): Anderson, Charles "Doc"
Read first time 23. Referred to Economic & Small Business Development 23.
- HB 44.** Relating to the consolidation of, or detachment and annexation of territory in, certain school districts and the board of trustees of those districts.
Author(s): Dutton
Read first time 24. Referred to Public Education 24.
- HB 45.** Relating to allocation of state and federal funds for adult basic education.
Author(s): Guillen
Read first time 24. Referred to Public Education 24.

- HB 46.** Relating to reducing state Medicaid and other health care costs by prohibiting smoking in certain public places; providing penalties.
Author(s): Crownover
Companion document(s): **SB 28**
Read first time 13. Referred to Appropriations 13.
- HB 47.** Relating to a person's ability to read and write in English as a qualification for service as a petit juror.
Author(s): Bonnen
Read first time 24. Referred to Judiciary & Civil Jurisprudence 24.
- HB 48.** Relating to the governance of home-rule school districts.
Author(s): Weber
Read first time 24. Referred to Public Education 24.
- HB 49.** Relating to personal leave provided for a school district employee who is a victim of certain assaults.
Author(s): Weber
Read first time 24. Referred to Public Education 24.
- HB 50.** Relating to a disciplinary proceeding for a professional employee of a school district based on the employee's use of physical force against a student.
Author(s): Weber
Read first time 24. Referred to Public Education 24.
- HB 51.** Relating to the authority of school districts to suspend teachers without pay pending discharge.
Author(s): Weber
Read first time 24. Referred to Public Education 24.
- HB 52.** Relating to the right to a hearing before an independent hearing examiner of a public school teacher suspended without pay.
Author(s): Weber
Read first time 24. Referred to Public Education 24.
- HB 53.** Relating to the offense of coercing a person to have or seek an abortion and informed and voluntary consent for an abortion; providing penalties.
Author(s): Callegari
Read first time 24. Referred to State Affairs 24.
- HB 54.** Relating to equal opportunity for access by private and parochial school students to University Interscholastic League sponsored activities.
Author(s): Garza
Read first time 24. Referred to Public Education 24.
- HB 55.** Relating to increasing fiscal flexibility through the provision of state aid for certain juvenile justice alternative education programs that enter into certain revenue sharing agreements.
Author(s): McClendon
Read first time 24. Referred to Corrections 24.
- HB 56.** Relating to the regulation of certain animals.
Author(s): Larson; Guillen
Companion document(s): **SB 35**
Read first time 24. Referred to Culture, Recreation, and Tourism 24. Committee report filed with committee coordinator 411.
- HB 57.** Relating to the creation of the offense of criminal trespass by an illegal alien and to certain procedures for arresting illegal aliens for committing that criminal offense.
Author(s): Riddle
Read first time 513. Referred to State Affairs 513.
- HB 58.** Relating to the creation of the offense of employing or contracting with an unauthorized alien.
Author(s): Riddle
Read first time 513. Referred to State Affairs 513.
- HB 59.** Relating to reporting by state agencies on the financial effect of providing services to illegal immigrants.
Author(s): Riddle

- Read first time 513. Referred to State Affairs 513.
- HB 60.** Relating to state control of teacher appraisal criteria, curriculum standards, and assessment instruments.
Author(s): Huberty
Read first time 25. Referred to Public Education 25.
- HB 61.** Relating to inclusion of a course on the United States Constitution in the curriculum requirements for public high school students.
Author(s): Flynn
Read first time 25. Referred to Public Education 25.
- HB 62.** Relating to the posting of the Ten Commandments in public school classrooms.
Author(s): Flynn
Read first time 25. Referred to Public Education 25.
- HB 63.** Relating to a moratorium on administering assessment instruments to public school students under the public school accountability system.
Author(s): Flynn
Read first time 25. Referred to Public Education 25.
- HB 64.** Relating to a county mental health services Medicaid waiver program.
Author(s): Coleman
Read first time 25. Referred to Appropriations 25.
- HB 65.** Relating to requirements for reapportionment of congressional districts.
Author(s): Howard, Donna
Companion document(s): **SB 32**
Read first time 25. Referred to Redistricting 25.
- HB 66.** Relating to the availability of certain school district financial information on districts' Internet websites.
Author(s): Zedler
Read first time 364. Referred to Public Education 364.
- HB 67.** Relating to the entitlement of school districts and open-enrollment charter schools to a certain funding level and to the appropriation of money from the economic stabilization fund to be used for public education.
Author(s): Gallego; Coleman; Burnam; Farrar; Castro
Read first time 364. Referred to Public Education 364.
- HB 68.** Relating to drug testing of certain persons seeking financial assistance benefits.
Author(s): Laubenberg
Read first time 364. Referred to Human Services 364.
- HB 69.** Relating to the dispensing of certain drugs by physicians.
Author(s): Laubenberg
Read first time 364. Referred to Public Health 364.
- HB 70.** Relating to a financial exigency of a school district.
Author(s): Dutton
Read first time 364. Referred to Public Education 364.
- HB 71.** Relating to the establishment of certain water and sewer utility rates and the transfer of certain functions from the Texas Commission on Environmental Quality to the Public Utility Commission of Texas.
Author(s): Larson
Companion document(s): **SB 34**
Read first time 364. Referred to Natural Resources 364.
- HB 72.** Relating to certain responsibilities of education research centers and to a joint advisory board for education research centers.
Author(s): Eissler
Read first time 364. Referred to Public Education 364. Committee report filed with committee coordinator 454.
- HB 73.** Relating to the use of forfeited property proceeds by the district attorney for the 198th Judicial District.
Author(s): Hilderbran
Read first time 364. Referred to Judiciary & Civil Jurisprudence 364.

- HB 74.** Relating to the use of forfeited property proceeds by the district attorney for the 198th Judicial District.
Author(s): Hilderbran
Read first time 364. Referred to Judiciary & Civil Jurisprudence 364.
- HB 75.** Relating to the punishment for the offense of indecent exposure.
Author(s): Harper-Brown
Read first time 364. Referred to Criminal Jurisprudence 364. Committee report filed with committee coordinator 514.
- HB 76.** Relating to the bilingual education and special language programs offered in public schools.
Author(s): Harper-Brown
Read first time 364. Referred to Public Education 364.
- HB 77.** Relating to claims for and distribution of unclaimed land grant mineral proceeds.
Author(s): Guillen
Read first time 364. Referred to Business & Industry 364.
- HB 78.** Relating to a county HIV and AIDS services Medicaid waiver program.
Author(s): Coleman
Read first time 364. Referred to Public Health 364.
- HB 79.** Relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by H.B. No. 1, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government.
Author(s): Lewis; Jackson, Jim
Senate Sponsor(s): Duncan
Read first time 365. Referred to Judiciary & Civil Jurisprudence 365. Committee report filed with committee coordinator 454. Read second time 518. Amended (1-Lewis) 518. Amendment tabled (2-Lucio) 519. Record vote (RV#118) 519. Amendment withdrawn (3-S. Davis) 520. Point of order overruled 520. Amendment offered (4-R. Anderson) 520. Motion to table (4-R. Anderson) 520. Record vote (RV#119) 520. Statement of vote recorded in journal 521. Resumed consideration 529. Amendment amended (5-Lewis) 529. Statement of legislative intent recorded in journal 529. Amendment adopted as amended (4-R. Anderson) 530. Nonrecord vote recorded in journal 530. Amended (6-S. Davis) 530. Amended (7-S. Davis) 531. Amendment fails of adoption (8-S. Davis) 531. Record vote (RV#121) 532. Statement of vote recorded in journal 532. Amendment withdrawn (9-S. Davis) 532. Amendment offered (10-Hilderbran) 533. Point of order sustained-amendment (Rule 11, Section 2) 533. Amended (11-Laubenberg) 533. Amendment offered (12-Berman and Hilderbran) 534. Point of order overruled-amendment (Rule 11, Section 2) 534. Amended (12-Berman) 535. Record vote (RV#122) 535. Statement of vote recorded in journal 535. Statement of legislative intent recorded in journal 535. Passed to engrossment as amended 536. Record vote (RV#123) 536. Statement of vote recorded in journal 536. Read third time 540. Amended (1-Phillips) 540. Statement of legislative intent recorded in journal 541. Passed as amended 542. Record vote (RV#125) 542. Statement of vote recorded in journal 543. Reported engrossed 552. Senate passage as amended-reported 677. Rules suspended 680. Record vote (RV#147) 680. House concurs in senate amendments 680. Record vote (RV#148) 681. Statement of vote recorded in journal 681. Text of senate amendments 680. Reported enrolled 762. Signed in the house 761. Sent to the governor 762. Signed by the governor 762.
- HB 80.** Relating to restrictions on certain private security companies' use of vehicles that mimic law enforcement vehicles.
Author(s): Harper-Brown
Read first time 407. Referred to Public Safety 407.
- HB 81.** Relating to required individual health insurance coverage.
Author(s): White
Filed.
- HB 82.** Relating to unit operations for oil, gas, or oil and gas production or carbon dioxide storage.
Author(s): Taylor, Van
Filed.

HB 83. Relating to remedies for discrimination by a public employer against a public employee in connection with a claim for workers' compensation.

Author(s): Garza

Filed.

HB 84. Relating to authorizing the Department of Public Safety of the State of Texas to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses.

Author(s): Miller, Sid; Callegari

Filed.

**HOUSE CONCURRENT RESOLUTIONS, HISTORY OF
IN THE HOUSE**

- HCR 5.** Urging Congress to take appropriate action to ensure acceptable treatment of the public by personnel of the Transportation Security Administration.
Author(s): Harper-Brown; Fletcher; Cook; Gallego; Simpson
Coauthor(s): C. Anderson, Aycock, Branch, Burkett, Button, Callegari, Carter, Chisum, Creighton, Crownover, J. Davis, Eissler, Elkins, Flynn, Frullo, Geren, L. Gonzales, Hancock, C. Howard, Kolkhorst, Larson, Legler, Lewis, Margo, D. Miller, S. Miller, Nash, Orr, Otto, Parker, Price, Sheffield, Shelton, T. Smith, W. Smith, L. Taylor, Weber, Workman, Zedler
Referred to State Affairs 551. Rules suspended 584. Adopted 584. Record vote (RV#137) 584. Statement of vote recorded in journal 585.
- HCR 11.** Urging the federal government to grant a conditional green card to certain noncitizens to allow them to enlist in the United States armed forces and urging the federal government to award citizenship to these immigrants upon the completion of four years of honorable military service.
Author(s): Hartnett
Referred to State Affairs 25.
- HCR 12.** Congratulating country-pop superstar Kenny Rogers on his achievements.
Author(s): Dutton
Referred to Rules & Resolutions 87. Rules suspended 671. Adopted 671.
- HCR 13.** Urging Congress to enact an overhaul of the immigration system.
Author(s): Garza
Referred to State Affairs 365.
- HCR 14.** Directing the Texas Historical Commission to work with the City of Austin to honor the memory of President John F. Kennedy with an official Texas Historical Marker at or near the site of the Austin Municipal Auditorium.
Author(s): Raymond
Referred to Culture, Recreation, and Tourism 407. Committee report filed with committee coordinator 524.
- HCR 15.** In memory of Pete A. Gallego, Jr., of Alpine.
Author(s): Coleman; Hochberg; Castro; Martinez, "Mando"; Walle
Senate Sponsor(s): Uresti
Referred to Rules & Resolutions 407. Rules suspended 627. Adopted 627. Senate passage-reported 761. Reported enrolled 762. Signed in the house 761. Sent to the governor 762. Signed by the governor 762.
- HCR 16.** Granting William James Stroman, Jr., permission to sue the State of Texas and the board of regents of The University of Texas.
Author(s): Craddick; Howard, Donna
Referred to Judiciary & Civil Jurisprudence 408.
- HCR 17.** In memory of Stacy Furdek of Lubbock.
Author(s): Perry
Referred to Rules & Resolutions 408.
- HCR 18.** In memory of Sergeant Joshua David Powell of Quitman.
Author(s): Hughes
Senate Sponsor(s): Eltife
Rules suspended 527. Adopted 527. Senate passage-reported 580. Reported enrolled 762. Signed in the house 676. Sent to the governor 762. Signed by the governor 762.
- HCR 19.** In memory of U.S. Army Chief Warrant Officer 2 Bradley Justin Gaudet of Gladewater.
Author(s): Hughes; Simpson; White

- Senate Sponsor(s): Eltife
Rules suspended 528. Adopted 528. Senate passage-reported 580. Reported enrolled 762. Signed in the house 676. Sent to the governor 762. Signed by the governor 762.
- HCR 20.** Commemorating the 40th anniversary of Southwest Airlines.
Author(s): Craddick; Parker; Darby; Anchia
Senate Sponsor(s): Deuell; Williams
Rules suspended 527. Adopted 527. Senate passage-reported 678. Reported enrolled 762. Signed in the house 761. Sent to the governor 762. Signed by the governor 762.
- HCR 21.** Congratulating the Dallas Mavericks on winning the 2011 NBA championship.
Author(s): Branch; Giddings; Alonzo; Davis, Yvonne
Coauthor(s): Button
Senate Sponsor(s): West
Rules suspended 585. Adopted 585. Senate passage-reported 761. Reported enrolled 762. Signed in the house 761. Sent to the governor 762. Signed by the governor 762.
- HCR 22.** Commending the members of the Texas Supreme Court for their actions in support of legal aid services and honoring them for their work in promoting access to justice for the state's most vulnerable citizens.
Author(s): Madden
Coauthor(s): Hartnett, Pitts
Senate Sponsor(s): Rodriguez
Referred to Rules & Resolutions 547. Rules suspended 557. Adopted 557. Senate passage-reported 581. Reported enrolled 762. Signed in the house 676. Sent to the governor 762. Signed by the governor 762.
- HCR 23.** In memory of Susan Ann Cassidy of Amarillo.
Author(s): Cain
Coauthor(s): Chisum, Hughes, Landtroop, Laubenberg, Perry, Price, Smithee
Senate Sponsor(s): Seliger
Rules suspended 673. Adopted 673. Senate passage-reported 762. Reported enrolled 762. Signed in the house 761. Sent to the governor 762. Signed by the governor 762.
- HCR 24.** In memory of Joseph Patrick Cassidy of Panhandle.
Author(s): Cain
Coauthor(s): Chisum, Hughes, Landtroop, Laubenberg, Perry, Price, Smithee
Senate Sponsor(s): Seliger
Rules suspended 673. Adopted 673. Senate passage-reported 762. Reported enrolled 762. Signed in the house 761. Sent to the governor 762. Signed by the governor 762.
- HCR 25.** Instructing the enrolling clerk of the senate to make corrections in S.B. No. 7.
Author(s): Zerwas
Senate Sponsor(s): Nelson
Laid before the house 560. Adopted (SB7) 560. Record vote (RV#129) 561. Senate passage-reported 581. Reported enrolled 762. Signed in the house 676. Sent to the governor 762. Signed by the governor 762.
- HCR 26.** Congratulating the baseball team of Brazoswood High School in Clute on winning the 2011 UIL 5A state championship.
Author(s): Bonnen
Senate Sponsor(s): Huffman
Rules suspended 560. Adopted 560. Senate passage-reported 677. Reported enrolled 762. Signed in the house 761. Sent to the governor 762. Signed by the governor 762.
- HCR 27.** Congratulating the nine Texas community colleges named among the nation's top 120 by the Aspen Institute.
Author(s): Weber; Smith, Wayne; Zerwas; Lavender; Morrison
Coauthor(s): Gallego, Gooden, S. King, Kolkhorst
Rules suspended 671. Adopted 671.

**HOUSE JOINT RESOLUTIONS, HISTORY OF
IN THE HOUSE**

- HJR 11.** Proposing a constitutional amendment relating to the use of the assets of certain associations established by the legislature of this state for the purpose of providing certain insurance coverage.
Author(s): Legler
Read first time 25. Referred to Insurance 25.
- HJR 12.** Proposing a constitutional amendment to establish certain principles and procedures for the drawing of congressional districts.
Author(s): Howard, Donna
Companion document(s): **SJR 1**
Read first time 25. Referred to Redistricting 25.
- HJR 13.** Proposing a constitutional amendment providing for the election and staggering of terms of county commissioners following a change in boundaries of a commissioners precinct.
Author(s): Branch; Burkett; Button
Coauthor(s): Carter, Hartnett
Read first time 408. Referred to Elections 408. Posting rule suspended 424.
- HJR 14.** Proposing a constitutional amendment limiting the uses of revenue from motor vehicle registration fees, taxes on motor fuels and lubricants, and certain revenue received from the federal government.
Author(s): Pickett
Read first time 513. Referred to Appropriations 513.

**HOUSE RESOLUTIONS, HISTORY OF
IN THE HOUSE**

- HR 11.** Congratulating Julian Rodriguez on being named the 2011 valedictorian of Adamson High School in Dallas.
Author(s): Alonzo
Referred to Rules & Resolutions 87. Rules suspended 660. Adopted 660.
- HR 12.** Congratulating Adan Gonzalez on being named the 2011 salutatorian of Adamson High School in Dallas.
Author(s): Alonzo
Referred to Rules & Resolutions 88. Rules suspended 660. Adopted 660.
- HR 13.** Congratulating Kevin Prado on being named the 2011 valedictorian of Molina High School in Dallas.
Author(s): Alonzo
Referred to Rules & Resolutions 88. Rules suspended 661. Adopted 661.
- HR 14.** Congratulating Leticia Gallegos on being named the 2011 salutatorian of Molina High School in Dallas.
Author(s): Alonzo
Referred to Rules & Resolutions 88. Rules suspended 661. Adopted 661.
- HR 15.** Congratulating Gustavo Castillo on being named the 2011 valedictorian of Trini Garza Early College High School in Dallas.
Author(s): Alonzo
Referred to Rules & Resolutions 88. Rules suspended 661. Adopted 661.
- HR 16.** Congratulating Jocelyn Velasquez on being named the 2011 salutatorian of Trini Garza Early College High School in Dallas.
Author(s): Alonzo
Referred to Rules & Resolutions 88. Rules suspended 661. Adopted 661.
- HR 17.** Congratulating Xochitl Escobar on being named valedictorian of Sunset High School in Dallas.
Author(s): Alonzo
Referred to Rules & Resolutions 88. Rules suspended 661. Adopted 661.
- HR 18.** Congratulating Veronica Flores on being named salutatorian of Sunset High School in Dallas.
Author(s): Alonzo
Referred to Rules & Resolutions 88. Rules suspended 661. Adopted 661.
- HR 19.** Congratulating Kathy T. Do on being named the 2011 valedictorian of Grand Prairie High School.
Author(s): Alonzo
Referred to Rules & Resolutions 88. Rules suspended 661. Adopted 661.
- HR 20.** Congratulating Juan C. Cerda on being named the 2011 Salutatorian of Grand Prairie High School.
Author(s): Alonzo
Referred to Rules & Resolutions 88. Rules suspended 661. Adopted 661.
- HR 21.** Congratulating Rosa Walker on her induction into the Texas AFL-CIO Hall of Fame.
Author(s): Alonzo
Referred to Rules & Resolutions 88. Rules suspended 661. Adopted 661.
- HR 22.** Congratulating Ervin and Janice Schwindt of Belton on their 50th wedding anniversary.
Author(s): Sheffield
Referred to Rules & Resolutions 88. Rules suspended 661. Adopted 661.

- HR 23.** Congratulating Dr. Vernon D. Holleman and Shirley Holleman of Temple on their 50th wedding anniversary.
Author(s): Sheffield
Referred to Rules & Resolutions 88. Rules suspended 661. Adopted 661.
- HR 24.** Honoring Roy and Eloisa Donoso of Temple on their 50th wedding anniversary.
Author(s): Sheffield
Referred to Rules & Resolutions 89. Rules suspended 661. Adopted 661.
- HR 25.** Honoring Carl and Patsy Feller of Salado on their 60th wedding anniversary.
Author(s): Sheffield
Referred to Rules & Resolutions 89. Rules suspended 661. Adopted 661.
- HR 26.** Congratulating Matthew Simpson of Huffman on being named valedictorian of the Class of 2011 at Hargrave High School.
Author(s): Huberty
Referred to Rules & Resolutions 89. Rules suspended 661. Adopted 661.
- HR 27.** Congratulating Paige Alan Sullivan on her graduation from Kingwood High School.
Author(s): Huberty
Referred to Rules & Resolutions 89. Rules suspended 661. Adopted 661.
- HR 28.** Congratulating Lake Travis High School basketball coach Jan Jernberg on his retirement.
Author(s): Workman
Referred to Rules & Resolutions 89. Rules suspended 661. Adopted 661.
- HR 29.** In memory of Ronald Gene Howell of Arlington.
Author(s): Patrick, Diane
Referred to Rules & Resolutions 89. Rules suspended 671. Adopted 671.
- HR 30.** Recognizing the Best Southwest Partnership on the occasion of the 25th anniversary of its incorporation.
Author(s): Davis, Yvonne
Referred to Rules & Resolutions 89. Rules suspended 363. Adopted 363.
- HR 31.** Congratulating Burks Elementary School in McKinney on earning recognition as a Healthy Zone School.
Author(s): Paxton
Referred to Rules & Resolutions 89. Rules suspended 661. Adopted 661.
- HR 32.** Congratulating Patti Jurena Wiggs of Round Rock on her retirement as a teacher at Park Crest Middle School in Pflugerville.
Author(s): Gonzales, Larry
Referred to Rules & Resolutions 89. Rules suspended 661. Adopted 661.
- HR 33.** Congratulating R. E. "Bob" Parker on his induction into the Corpus Christi Business Hall of Fame.
Author(s): Torres
Referred to Rules & Resolutions 89. Rules suspended 661. Adopted 661.
- HR 34.** Congratulating the marketing and community relations department of Driscoll Children's Hospital in Corpus Christi on winning three 2011 Aster Awards.
Author(s): Torres
Referred to Rules & Resolutions 89. Rules suspended 662. Adopted 662.
- HR 35.** Congratulating the Destination ImagiNation teams from Baker Middle School in Corpus Christi for advancing to the 2011 Destination ImagiNation Global Finals.
Author(s): Torres
Referred to Rules & Resolutions 89. Rules suspended 662. Adopted 662.
- HR 36.** Congratulating David Richter on his induction into the Corpus Christi Business Hall of Fame.
Author(s): Torres

- Referred to Rules & Resolutions 90. Rules suspended 662. Adopted 662.
- HR 37.** Congratulating Dr. Robert R. Furgason on his induction into the Corpus Christi Business Hall of Fame.
Author(s): Torres
Referred to Rules & Resolutions 90. Rules suspended 662. Adopted 662.
- HR 38.** Congratulating Elizabeth Chu Richter on her induction into the Corpus Christi Business Hall of Fame.
Author(s): Torres
Referred to Rules & Resolutions 90. Rules suspended 662. Adopted 662.
- HR 39.** Congratulating Gertrude Jack Lewis of Houston on the occasion of her 100th birthday.
Author(s): Dutton
Referred to Rules & Resolutions 90. Rules suspended 662. Adopted 662.
- HR 40.** Congratulating Second Lieutenant Jermaine Dewayne Wright of Sulphur Springs on his graduation from the United States Military Academy at West Point.
Author(s): Cain
Referred to Rules & Resolutions 90. Rules suspended 662. Adopted 662.
- HR 41.** In memory of Mary Ruth Duke Loika of Austin.
Author(s): Darby
Rules suspended 22. Adopted 22.
- HR 42.** In memory of Eladio Carrera of Rio Grande City.
Author(s): Guillen
Referred to Rules & Resolutions 90. Rules suspended 671. Adopted 671.
- HR 43.** Congratulating Homero Juan Salmon on his retirement as constable of Starr County Precinct 4.
Author(s): Guillen
Referred to Rules & Resolutions 90. Rules suspended 662. Adopted 662.
- HR 44.** Commemorating EXPO 2011, hosted by the Houston Minority Supplier Development Council.
Author(s): Dutton
Referred to Rules & Resolutions 90. Rules suspended 662. Adopted 662.
- HR 45.** Commending the Honorable John A. Pope III of McAllen for his distinguished work in the legal profession.
Author(s): Guillen
Referred to Rules & Resolutions 90. Rules suspended 662. Adopted 662.
- HR 46.** Honoring Lino Canales, Jr., for his contributions to the community as founder of the Starr County Town Crier.
Author(s): Guillen
Referred to Rules & Resolutions 90. Rules suspended 662. Adopted 662.
- HR 47.** In memory of Nidia Ann Leal.
Author(s): Guillen
Referred to Rules & Resolutions 90. Rules suspended 671. Adopted 671.
- HR 48.** Honoring Immaculate Conception Church in Rio Grande City for its service to the community.
Author(s): Guillen
Referred to Rules & Resolutions 90. Rules suspended 662. Adopted 662.
- HR 49.** In memory of Graham Charles Holloway of Cedar Park.
Author(s): Schwertmer; Murphy; Brown
Rules suspended 368. Adopted 368.

- HR 50.** Congratulating Clarence and Ann Crow of Georgetown on their 60th wedding anniversary.
Author(s): Schwertner
Referred to Rules & Resolutions 408. Rules suspended 662. Adopted 662.
- HR 51.** In memory of Thomas G. Ratcliffe of Kerrville.
Author(s): Hilderbran
Referred to Rules & Resolutions 408. Rules suspended 671. Adopted 671.
- HR 52.** In memory of Elizabeth Ann Liggett of Kerrville.
Author(s): Hilderbran
Referred to Rules & Resolutions 408. Rules suspended 671. Adopted 671.
- HR 53.** Honoring Lauro Solis on his installation as governor of Rotary International District 5930.
Author(s): Gonzales, Veronica
Referred to Rules & Resolutions 408. Rules suspended 662. Adopted 662.
- HR 54.** Congratulating Rachele Grace of McAllen Memorial High School on her receipt of the 2011 H-E-B Excellence in Education Leadership Award in the secondary school category.
Author(s): Gonzales, Veronica
Referred to Rules & Resolutions 408. Rules suspended 662. Adopted 662.
- HR 55.** Honoring Ernie Madsen for his nearly eight decades of service to Rotary International.
Author(s): Gonzales, Veronica
Referred to Rules & Resolutions 408. Rules suspended 662. Adopted 662.
- HR 56.** Congratulating Taryn B. Millar on earning her doctorate in psychology from George Washington University.
Author(s): Gonzales, Veronica
Referred to Rules & Resolutions 408. Rules suspended 662. Adopted 662.
- HR 57.** Commending Judge Rudy Delgado on his selection as the April 2011 Cancer Fighter of the Month by the American Cancer Society of the Rio Grande Valley.
Author(s): Gonzales, Veronica
Referred to Rules & Resolutions 408. Rules suspended 663. Adopted 663.
- HR 58.** In memory of Oscar Raul Cardenas of McAllen.
Author(s): Gonzales, Veronica
Referred to Rules & Resolutions 408. Rules suspended 671. Adopted 671.
- HR 59.** Congratulating Jan Seale on being named Texas Poet Laureate for 2012.
Author(s): Gonzales, Veronica
Referred to Rules & Resolutions 408. Rules suspended 663. Adopted 663.
- HR 60.** Congratulating Las Palmas Healthcare Center in McAllen on earning the Public Information and Education Award from the Texas Health Care Association.
Author(s): Gonzales, Veronica
Referred to Rules & Resolutions 408. Rules suspended 663. Adopted 663.
- HR 61.** Congratulating Mariella Gorena on her retirement as principal of Wilson Elementary School in McAllen.
Author(s): Gonzales, Veronica
Referred to Rules & Resolutions 409. Rules suspended 663. Adopted 663.
- HR 62.** Honoring Lauro L. Lopez of Rio Grande City for his contributions as a business and civic leader and as a member of the armed forces.
Author(s): Guillen
Referred to Rules & Resolutions 409. Rules suspended 663. Adopted 663.
- HR 63.** Honoring Clemente Garza, Jr., and the staff of the Texas Cafe in Rio Grande City for their hard work and entrepreneurial achievements.

- Author(s): Guillen
Referred to Rules & Resolutions 409. Rules suspended 663. Adopted 663.
- HR 64.** Congratulating Elvia Escobedo, founder of Elvia's Beauty Shop in Rio Grande City.
Author(s): Guillen
Referred to Rules & Resolutions 409. Rules suspended 663. Adopted 663.
- HR 65.** Congratulating former NFL star Tim Brown of DeSoto on being named a North Texas Father of the Year by the Sylvan Landau Foundation.
Author(s): Davis, Yvonne
Referred to Rules & Resolutions 409. Rules suspended 663. Adopted 663.
- HR 66.** Congratulating Michelle Thomas on her promotion to the position of executive director of financial analysis with AT&T in Dallas and honoring her for her many contributions to the San Antonio community.
Author(s): Menendez
Referred to Rules & Resolutions 409. Rules suspended 456. Adopted 456.
- HR 67.** Commending Katherine Hinton-Rosenberg for her service as a legislative intern in the office of State Representative Helen Giddings.
Author(s): Giddings
Referred to Rules & Resolutions 409. Rules suspended 663. Adopted 663.
- HR 68.** Commending Clayton Tucker for his service as a legislative intern in the office of State Representative Helen Giddings.
Author(s): Giddings
Referred to Rules & Resolutions 409. Rules suspended 663. Adopted 663.
- HR 69.** Congratulating Will Hoenig of Lake Travis High School on earning first place in extemporaneous persuasive speaking at the 2011 UIL Conference 4A State Academics Spring Meet.
Author(s): Workman
Referred to Rules & Resolutions 409. Rules suspended 663. Adopted 663.
- HR 70.** Congratulating Lake Travis High School on its receipt of the sweepstakes award in speech at the 2011 UIL Conference 4A State Academics Spring Meet.
Author(s): Workman
Referred to Rules & Resolutions 409. Rules suspended 663. Adopted 663.
- HR 71.** Congratulating the Forney High School softball team on its outstanding 2011 season and its appearance in the UIL 4A title game.
Author(s): Gooden
Referred to Rules & Resolutions 409. Rules suspended 663. Adopted 663.
- HR 72.** In memory of Juan Caro of Rio Grande City.
Author(s): Guillen
Referred to Rules & Resolutions 409. Rules suspended 671. Adopted 671.
- HR 73.** Honoring Dr. Mario E. Ramirez on his contributions to health care in South Texas.
Author(s): Guillen
Referred to Rules & Resolutions 410. Rules suspended 663. Adopted 663.
- HR 74.** Commemorating the 100th anniversary of the establishment of First Baptist Church in Hawkins.
Author(s): Hughes
Rules suspended 93. Adopted 93.
- HR 75.** Congratulating the first graduating class of Sunnyvale High School.
Author(s): Burkett
Referred to Rules & Resolutions 410. Rules suspended 663. Adopted 663.
- HR 76.** In memory of U.S. Army Corporal Eduardo Pedregon of El Paso, who gave his life while fighting in the Korean War.
Author(s): Quintanilla

- Referred to Rules & Resolutions 450. Rules suspended 671. Adopted 671.
- HR 77.** Congratulating Billie Ann and Kenneth Baker of Midland on their 65th wedding anniversary.
Author(s): Craddick
Referred to Rules & Resolutions 450. Rules suspended 663. Adopted 663.
- HR 78.** Congratulating Neal White on earning first place in extemporaneous informative speaking at the 2011 UIL Conference 4A State Academics Spring Meet.
Author(s): Workman
Referred to Rules & Resolutions 450. Rules suspended 664. Adopted 664.
- HR 79.** Congratulating James Bounds on earning the top score on the physics portion of the science contest at the 2011 UIL Conference 4A State Academics Spring Meet.
Author(s): Workman
Referred to Rules & Resolutions 450. Rules suspended 664. Adopted 664.
- HR 80.** In memory of Steven F. Gehrlein of San Antonio.
Author(s): Larson
Referred to Rules & Resolutions 450. Rules suspended 671. Adopted 671.
- HR 81.** Honoring the life and work of Dr. Mamiliano Juan Rodriguez.
Author(s): Guillen
Referred to Rules & Resolutions 451. Rules suspended 671. Adopted 671.
- HR 82.** Congratulating Cruz Garza, Jr., on his retirement from Rio Grande City High School.
Author(s): Guillen
Referred to Rules & Resolutions 451. Rules suspended 664. Adopted 664.
- HR 83.** Honoring Gilberto Amado Hinojosa, Sr., of Benavides, for his service to Duval County.
Author(s): Guillen
Referred to Rules & Resolutions 451. Rules suspended 664. Adopted 664.
- HR 84.** In memory of Lino Perez, Jr., of Rio Grande City.
Author(s): Guillen
Referred to Rules & Resolutions 451. Rules suspended 671. Adopted 671.
- HR 85.** Congratulating Jack and Barbara Pallick of Midland on their 50th wedding anniversary.
Author(s): Craddick
Referred to Rules & Resolutions 451. Rules suspended 664. Adopted 664.
- HR 86.** Congratulating L. G. and Willie Atchley on their 70th wedding anniversary.
Author(s): Craddick
-Referred to Rules & Resolutions 451. Rules suspended 664. Adopted 664.
- HR 87.** Congratulating Scott Coulson on his retirement as band director of Poteet High School in Mesquite.
Author(s): Burkett
Referred to Rules & Resolutions 451. Rules suspended 664. Adopted 664.
- HR 88.** Commending Alda Santana for her service as senior legislative assistant in the office of State Representative Eddie Rodriguez.
Author(s): Rodriguez, Eddie
Referred to Rules & Resolutions 451. Rules suspended 664. Adopted 664.
- HR 89.** Honoring Jovita Rebecca Guevara of Jovita's Beauty Salon in Benavides.
Author(s): Guillen
Referred to Rules & Resolutions 451. Rules suspended 664. Adopted 664.
- HR 90.** Congratulating Hunter Pritchett of Quinlan on attaining the rank of Eagle Scout.
Author(s): Gooden
Referred to Rules & Resolutions 451. Rules suspended 664. Adopted 664.

- HR 91.** Congratulating Patricia Barton of Dallas and LaJuana Barton of DeSoto on the publication of Faithful Remembrances Volume I.
Author(s): Davis, Yvonne
Referred to Rules & Resolutions 451. Rules suspended 664. Adopted 664.
- HR 92.** In memory of the Honorable Ed Hunt of Mineola.
Author(s): Hughes
Referred to Rules & Resolutions 451. Rules suspended 671. Adopted 671.
- HR 93.** In memory of U.S. Army Chief Warrant Officer 2 Bradley Justin Gaudet of Gladewater.
Author(s): Hughes
Referred to Rules & Resolutions 451. Rules suspended 671. Adopted 671.
- HR 94.** Congratulating Floretta and Wilbern Peden of Midland on their 60th wedding anniversary.
Author(s): Craddick
Referred to Rules & Resolutions 451. Rules suspended 664. Adopted 664.
- HR 95.** Congratulating Jim and Marilyn Clanahan of Midland on their 60th wedding anniversary.
Author(s): Craddick
Referred to Rules & Resolutions 452. Rules suspended 664. Adopted 664.
- HR 96.** Congratulating Chief Robert Finn on his retirement from the police services division of the Southlake Department of Public Safety.
Author(s): Truitt
Referred to Rules & Resolutions 452. Rules suspended 664. Adopted 664.
- HR 97.** In memory of George Vernon Wright, Jr., of San Antonio.
Author(s): Larson
Referred to Rules & Resolutions 452. Rules suspended 671. Adopted 671.
- HR 98.** Paying tribute to the lives of Ramiro and Hortencia "Nena" Hinojosa of Starr County.
Author(s): Guillen
Referred to Rules & Resolutions 452. Rules suspended 671. Adopted 671.
- HR 99.** Honoring the life and legacy of former Starr County sheriff Reymundo Alvarez.
Author(s): Guillen
Referred to Rules & Resolutions 452. Rules suspended 671. Adopted 671.
- HR 100.** Commending the Honorable Jose Benito Canales for more than 30 years of service as justice of the peace of Precinct 4 of Duval County.
Author(s): Guillen
Referred to Rules & Resolutions 452. Rules suspended 664. Adopted 664.
- HR 101.** Paying tribute to Rodolfo, Marcos, Alejandro, Vicente, Jose, and Arturo Torres for their service in the armed forces of the United States of America.
Author(s): Alonzo
Referred to Rules & Resolutions 452. Rules suspended 664. Adopted 664.
- HR 102.** Congratulating the baseball team of Rider High School in Wichita Falls on winning the UIL 4A state championship.
Author(s): Lyne
Rules suspended 390. Adopted 390.
- HR 103.** Congratulating Tina Marie Garza on her graduation from The University of Texas at Austin.
Author(s): Aliseda
Referred to Rules & Resolutions 452. Rules suspended 664. Adopted 664.
- HR 104.** Directing the Texas Historical Commission to work with the City of Austin to honor the memory of President John F. Kennedy with an official Texas Historical Marker at or near the site of the Austin Municipal Auditorium.

Author(s): Raymond
Referred to Culture, Recreation, and Tourism 513.

- HR 105.** Honoring Rear Admiral Jerry R. Kelley on the occasion of his retirement from the United States Navy.
Author(s): Miller, Doug
Rules suspended 406. Adopted 406.
- HR 106.** Congratulating Daniel Robnett of Plano on his promotion to the rank of captain in the U.S. Marine Corps and on his receipt of the Navy Marine Corps Commendation Medal.
Author(s): Taylor, Van
Rules suspended 667. Adopted 667.
- HR 107.** In memory of the Reverend R. A. Callies of San Antonio.
Author(s): McClendon
Referred to Rules & Resolutions 452. Rules suspended 671. Adopted 671.
- HR 108.** Commending Harry LaRosiliere for his service as a member of the Plano City Council.
Author(s): Madden
Referred to Rules & Resolutions 452. Rules suspended 664. Adopted 664.
- HR 109.** Commending Jean Callison for her service on the Plano City Council.
Author(s): Madden
Referred to Rules & Resolutions 452. Rules suspended 665. Adopted 665.
- HR 110.** Congratulating the Methodist Richardson Foundation on the success of its 2011 WildRide! WildRun! Against Cancer.
Author(s): Button
Referred to Rules & Resolutions 452. Rules suspended 665. Adopted 665.
- HR 111.** Honoring Richland College on its designation as a two-year National Center of Academic Excellence in Information Assurance Education.
Author(s): Button
Referred to Rules & Resolutions 452. Rules suspended 665. Adopted 665.
- HR 112.** Honoring Elida "Lela" Gutierrez Garcia of Benavides for her longtime service to area residents as the owner of Lela's Beauty Shop.
Author(s): Guillen
Referred to Rules & Resolutions 453. Rules suspended 665. Adopted 665.
- HR 113.** In memory of Manuel P. Guillen of Rio Grande City.
Author(s): Guillen
Referred to Rules & Resolutions 453. Rules suspended 671. Adopted 671.
- HR 114.** Recognizing Dr. Roberto S. Margo of Rio Grande City for his service as a veterinarian.
Author(s): Guillen
Referred to Rules & Resolutions 453. Rules suspended 665. Adopted 665.
- HR 115.** Congratulating Gretchen Zamora on her retirement from Austin State Hospital Support Services.
Author(s): Gonzales, Larry
Rules suspended 456. Adopted 456.
- HR 116.** In memory of Javier "J. V." Villanueva of Duval County.
Author(s): Guillen
Referred to Rules & Resolutions 453. Rules suspended 672. Adopted 672.
- HR 117.** In memory of former Starr County judge Blas Chapa of Mission.
Author(s): Guillen
Referred to Rules & Resolutions 453. Rules suspended 672. Adopted 672.

- HR 118.** Paying tribute to the life and legacy of Dr. Ramiro Narro of Weslaco.
Author(s): Guillen
Referred to Rules & Resolutions 453. Rules suspended 672. Adopted 672.
- HR 119.** Commemorating the 30th anniversary of the Liberty Cafe in Freer.
Author(s): Guillen
Referred to Rules & Resolutions 453. Rules suspended 665. Adopted 665.
- HR 120.** Commending Edna and Arnoldo Cantu of Freer for their contributions to their community.
Author(s): Guillen
Referred to Rules & Resolutions 453. Rules suspended 665. Adopted 665.
- HR 121.** Honoring Francisco Guerra, Jr., of Starr County for his achievements in business.
Author(s): Guillen
Referred to Rules & Resolutions 453. Rules suspended 665. Adopted 665.
- HR 122.** Honoring Sun Metro on its receipt of a 2011 Outstanding Public Transportation System award by the American Public Transportation Association.
Author(s): Margo
Referred to Rules & Resolutions 453. Rules suspended 665. Adopted 665.
- HR 123.** Congratulating retired Brigadier General Richard A. Behrenhausen and Elizabeth Behrenhausen of El Paso on their 50th wedding anniversary.
Author(s): Margo
Referred to Rules & Resolutions 453. Rules suspended 665. Adopted 665.
- HR 124.** Congratulating the baseball team of Eastfield College in Mesquite on winning the NJCAA Division III World Series.
Author(s): Burkett
Referred to Rules & Resolutions 453. Rules suspended 665. Adopted 665.
- HR 125.** Honoring the Center for Public Policy Priorities on its 25th anniversary.
Author(s): Naishtat
Referred to Rules & Resolutions 453. Rules suspended 585. Adopted 585.
- HR 126.** Congratulating William Noah Bankston on attaining the rank of Eagle Scout.
Author(s): Gooden
Referred to Rules & Resolutions 454. Rules suspended 665. Adopted 665.
- HR 127.** Honoring Dr. John Mendelsohn for his 15-year tenure as president of The University of Texas M. D. Anderson Cancer Center.
Author(s): Craddick
Referred to Rules & Resolutions 514. Rules suspended 665. Adopted 665.
- HR 128.** Congratulating Glen Larum on his retirement from the Texas Department of Transportation.
Author(s): Lewis
Referred to Rules & Resolutions 514. Rules suspended 665. Adopted 665.
- HR 129.** In memory of the Honorable Graham Boynton Purcell, Jr., of Wichita Falls.
Author(s): Lyne
Referred to Rules & Resolutions 514. Rules suspended 672. Adopted 672.
- HR 130.** Congratulating Sijifredo "Chacho" and Diana Flores of Benavides on their 50th wedding anniversary.
Author(s): Guillen
Referred to Rules & Resolutions 514. Rules suspended 665. Adopted 665.
- HR 131.** Honoring Judge Benito V. Garza for his 34 years of service as justice of the peace for Precinct 3 in Duval County.
Author(s): Guillen
Referred to Rules & Resolutions 514. Rules suspended 665. Adopted 665.

- HR 132.** Honoring Julian F. Stockwell for his years of service to Duval County.
Author(s): Guillen
Referred to Rules & Resolutions 514. Rules suspended 665. Adopted 665.
- HR 133.** Honoring U.S. Marine Corps Sergeant Jacob De la Garza for his service to this nation.
Author(s): Pena
Referred to Rules & Resolutions 547. Rules suspended 665. Adopted 665.
- HR 134.** Honoring Alma Garza for her service on the Edinburg City Council.
Author(s): Pena
Referred to Rules & Resolutions 547. Rules suspended 666. Adopted 666.
- HR 135.** In memory of Rio Grande City police officer Robert A. Ramirez.
Author(s): Guillen
Referred to Rules & Resolutions 547. Rules suspended 672. Adopted 672.
- HR 136.** Congratulating Charlotte Ramsey of Cedar Park on her retirement from Pleasant Hill Elementary School in Leander.
Author(s): Schwertner
Referred to Rules & Resolutions 548. Rules suspended 666. Adopted 666.
- HR 137.** Congratulating the baseball team of Yoe High School in Cameron on winning the UIL 2A state championship.
Author(s): Schwertner
Referred to Rules & Resolutions 548. Rules suspended 666. Adopted 666.
- HR 138.** Commending Bill Carlisle for his 14 years of service as an officer in the Arlington Kiwanis Club.
Author(s): Zedler
Referred to Rules & Resolutions 548. Rules suspended 555. Adopted 555.
- HR 139.** In memory of Dr. Charles A. Hunter of Dallas.
Author(s): Davis, Yvonne
Referred to Rules & Resolutions 548. Rules suspended 672. Adopted 672.
- HR 140.** Congratulating Don and Linda Rhodes of Mineola on their 50th wedding anniversary.
Author(s): Hughes
Referred to Rules & Resolutions 548. Rules suspended 666. Adopted 666.
- HR 141.** Congratulating the Texas A&M University men's and women's track and field teams on winning national titles at the NCAA Division I Outdoor Track and Field Championships for the third consecutive year.
Author(s): Dukes; Guillen
Rules suspended 519. Adopted 519.
- HR 142.** Honoring Rodolfo Carlos Salinas, Jr., of Rio Grande City for his contributions to his community.
Author(s): Guillen
Referred to Rules & Resolutions 548. Rules suspended 666. Adopted 666.
- HR 143.** Congratulating Pedro and Estefana Villareal on their 67th wedding anniversary.
Author(s): Guillen
Referred to Rules & Resolutions 548. Rules suspended 666. Adopted 666.
- HR 144.** Congratulating Juan Francisco "Pancho" Ochoa on being named the 2011 BusinessPerson of the Year by the Laredo Chamber of Commerce.
Author(s): Raymond
Referred to Rules & Resolutions 548. Rules suspended 666. Adopted 666.
- HR 145.** Congratulating Juan D. and Jerry Nichols of Quitman on their 60th wedding anniversary.
Author(s): Hughes

- Referred to Rules & Resolutions 548. Rules suspended 666. Adopted 666.
- HR 146.** In memory of James E. Taylor of Marshall.
Author(s): Hughes
Referred to Rules & Resolutions 548. Rules suspended 672. Adopted 672.
- HR 147.** Commemorating the 2011 CowParade in Austin benefiting the Dell Children's Medical Center of Central Texas.
Author(s): Lucio III; Dukes
Referred to Rules & Resolutions 548. Rules suspended 666. Adopted 666.
- HR 148.** Congratulating Ruben Longoria Saenz and Matilda Delgado Saenz of Robstown on their 40th wedding anniversary.
Author(s): Gonzales, Veronica
Referred to Rules & Resolutions 548. Rules suspended 666. Adopted 666.
- HR 149.** In memory of Dorothy Edna Schulte "Dot" McCalpin of Richardson.
Author(s): Madden
Coauthor(s): Button, Carter
Referred to Rules & Resolutions 548. Rules suspended 672. Adopted 672.
- HR 150.** In memory of Valerie Evelyn Tumlinson of Athens.
Author(s): Gooden
Referred to Rules & Resolutions 548. Rules suspended 672. Adopted 672.
- HR 151.** Congratulating Captain Kay Langford on her retirement from the Henderson County Sheriff's Office.
Author(s): Gooden
Referred to Rules & Resolutions 549. Rules suspended 666. Adopted 666.
- HR 152.** Congratulating Lula Beatrice McGough Jordan of Dallas on the occasion of her 100th birthday.
Author(s): Johnson
Referred to Rules & Resolutions 549. Rules suspended 666. Adopted 666.
- HR 153.** Honoring Martin A. Canales, Jr., of Roma for his contributions to his community.
Author(s): Guillen
Referred to Rules & Resolutions 549. Rules suspended 666. Adopted 666.
- HR 154.** In memory of the Reverend John Brannon Haskins, Sr., of Houston.
Author(s): Callegari
Referred to Rules & Resolutions 549. Rules suspended 672. Adopted 672.
- HR 155.** Commemorating the 30th anniversary of the founding of Cornerstone Baptist Church in Terrell.
Author(s): Gooden
Referred to Rules & Resolutions 549. Rules suspended 666. Adopted 666.
- HR 156.** Honoring Rudy and Ann Casas for their success as the owners of Freer Iron Works in Duval County.
Author(s): Guillen
Referred to Rules & Resolutions 549. Rules suspended 666. Adopted 666.
- HR 157.** Congratulating Fred Brockwell of Del Rio on earning a 2010 Spotlight Award from the American Association of Community Theatre.
Author(s): Gallego
Referred to Rules & Resolutions 549. Rules suspended 666. Adopted 666.
- HR 158.** In memory of Eugene Russell Watson of Marathon.
Author(s): Gallego
Referred to Rules & Resolutions 549. Rules suspended 672. Adopted 672.
- HR 159.** Congratulating James "Bubba" Martin, Jr., on his retirement as chief juvenile probation officer for Jefferson County.

- Author(s): Madden
Referred to Rules & Resolutions 549. Rules suspended 666. Adopted 666.
- HR 160.** Congratulating Lovie Mae Walker Kazee of Dallas on the occasion of her 95th birthday.
Author(s): Johnson
Referred to Rules & Resolutions 549. Rules suspended 666. Adopted 666.
- HR 161.** Congratulating Ashley Alspaugh of Atascocita on her graduation from St. Pius X High School.
Author(s): Huberty
Referred to Rules & Resolutions 549. Rules suspended 666. Adopted 666.
- HR 162.** Honoring William Patrick Barnett, Sr., on his 75th birthday.
Author(s): Huberty
Referred to Rules & Resolutions 549. Rules suspended 667. Adopted 667.
- HR 163.** In memory of Antonio Palaganas.
Author(s): Button
Coauthor(s): Madden
Referred to Rules & Resolutions 549. Rules suspended 672. Adopted 672.
- HR 164.** Congratulating Benjamin Mauro of Austin on attaining the rank of Eagle Scout.
Author(s): Howard, Donna
Referred to Rules & Resolutions 549. Rules suspended 667. Adopted 667.
- HR 165.** Congratulating Tanner Mauro of Austin on attaining the rank of Eagle Scout.
Author(s): Howard, Donna
Referred to Rules & Resolutions 550. Rules suspended 667. Adopted 667.
- HR 166.** In memory of the Honorable Frank Harrington Crain of Victoria.
Author(s): Morrison
Referred to Rules & Resolutions 550. Rules suspended 674. Adopted 674.
- HR 167.** Congratulating Elizabeth F. Springs of Kingsville on her participation in the NASA High School Aerospace Scholars program.
Author(s): Lozano
Referred to Rules & Resolutions 550. Rules suspended 555. Adopted 555.
- HR 168.** Congratulating Carlton and Margaret Robinson of San Antonio on their 65th wedding anniversary.
Author(s): McClendon
Referred to Rules & Resolutions 550. Rules suspended 667. Adopted 667.
- HR 169.** Honoring Rene G. Smith, Jr., of Starr County for his contributions to his community.
Author(s): Guillen
Referred to Rules & Resolutions 550. Rules suspended 667. Adopted 667.
- HR 170.** Commemorating the Eighth Annual Awareness Banquet hosted by the Dallas/Fort Worth chapter of the Korean American Coalition and extending best wishes to newly elected chapter president Soo Yeon Nam.
Author(s): Harper-Brown
Referred to Rules & Resolutions 550. Rules suspended 667. Adopted 667.
- HR 171.** Congratulating The Woodlands High School softball team on winning the UIL 5A state championship.
Author(s): Eissler
Referred to Rules & Resolutions 550. Rules suspended 575. Adopted 575.
- HR 172.** Honoring Edelmira Sotelo for her 21 years of service as district director for the Del Rio office of State Representative Pete Gallego.
Author(s): Gallego
Referred to Rules & Resolutions 550. Rules suspended 667. Adopted 667.

- HR 173.** In memory of Moises L. Prieto of Del Rio.
Author(s): Gallego
Referred to Rules & Resolutions 550. Rules suspended 672. Adopted 672.
- HR 174.** In memory of Jesus Alberto Solis of Starr County.
Author(s): Guillen
Referred to Rules & Resolutions 550. Rules suspended 672. Adopted 672.
- HR 175.** In memory of State District Judge Britton E. Plunk of Silsbee.
Author(s): Hamilton
Referred to Rules & Resolutions 550. Rules suspended 672. Adopted 672.
- HR 176.** In memory of A. J. Leger of Beaumont.
Author(s): Hamilton
Referred to Rules & Resolutions 550. Rules suspended 672. Adopted 672.
- HR 177.** In memory of civil rights activist and former Dallas City Council member Al Lipscomb.
Author(s): Davis, Yvonne; Johnson; Mallory Caraway; Giddings
Rules suspended 562. Adopted 562.
- HR 178.** In memory of Sharon Elaine Wright of Plano.
Author(s): Madden
Referred to Rules & Resolutions 550. Rules suspended 672. Adopted 672.
- HR 179.** Congratulating Wendell Dee Moore of Lubbock on being recognized by the Texas State Board of Public Accountancy for maintaining his CPA license for 50 years.
Author(s): Perry
Referred to Rules & Resolutions 550. Rules suspended 556. Adopted 556.
- HR 180.** Commemorating the dedication of a historical marker in memory of Texas pioneer Obedience Fort Smith of Houston.
Author(s): Davis, Sarah
Rules suspended 554. Adopted 554.
- HR 181.** Congratulating Ronald G. Giroto on the occasion of his retirement as president and CEO of the Methodist Hospital System in Houston.
Author(s): Davis, Sarah
Referred to Rules & Resolutions 551. Rules suspended 554. Adopted 554.
- HR 182.** Commemorating the dedication of Evelyn's Park in Bellaire.
Author(s): Davis, Sarah
Referred to Rules & Resolutions 551. Rules suspended 554. Adopted 554.
- HR 183.** In memory of Lois Elaine Black Couch of Baytown.
Author(s): Smith, Wayne
Rules suspended 672. Adopted 672.
- HR 184.** Congratulating the Dallas Baptist University baseball team on its outstanding 2011 season.
Author(s): Davis, Yvonne
Rules suspended 667. Adopted 667.
- HR 185.** Honoring El Valle Bakery in Rio Grande City and its founders, Adolfo Berlanga and Maria del Carmen Berlanga.
Author(s): Guillen
Rules suspended 667. Adopted 667.
- HR 186.** In memory of Robert Ochoa Moon of Irving.
Author(s): Harper-Brown
Rules suspended 672. Adopted 672.
- HR 187.** In memory of Evelyn T. Clifton of Irving.
Author(s): Harper-Brown

Rules suspended 672. Adopted 672.

- HR 188.** Congratulating Kelly Anne Sullivan on her graduation from Kingwood Park High School in 2010.
Author(s): Huberty
Rules suspended 667. Adopted 667.
- HR 189.** Commemorating the 100th anniversary of the dedication of the First United Methodist Church building in Palestine and 175 years of Methodism in the Palestine area.
Author(s): Cook
Rules suspended 667. Adopted 667.
- HR 190.** Commending Deputy Sergeant Natividad Guerrero of the El Paso County Sheriff's Office for his 25 years of service.
Author(s): Marquez
Rules suspended 667. Adopted 667.
- HR 191.** Commending El Paso County Deputy Sheriff Patrick Gailey for helping an elderly woman escape a brush fire.
Author(s): Marquez
Rules suspended 667. Adopted 667.
- HR 192.** Honoring Charlie Gomez for his contributions to the El Paso community.
Author(s): Marquez
Rules suspended 667. Adopted 667.
- HR 193.** Congratulating the El Paso County Historical Commission on receiving a 2010 Distinguished Service Award from the Texas Historical Commission.
Author(s): Marquez
Rules suspended 667. Adopted 667.
- HR 194.** Commemorating the opening of the new indoor farmers' market at Mercado Mayapan in El Paso.
Author(s): Marquez
Rules suspended 667. Adopted 667.
- HR 195.** Congratulating the Volar Center for Independent Living on being named the 2011 Center for Independent Living of the Year by the State of Texas.
Author(s): Marquez
Rules suspended 668. Adopted 668.
- HR 196.** Honoring the Intellectual Entrepreneurship Consortium at The University of Texas at Austin for its innovative leadership in the realm of higher education.
Author(s): Dukes; Naishtat; Howard, Donna
Rules suspended 555. Adopted 555.
- HR 197.** Suspending limitations on conference committee jurisdiction, S.B. No. 2.
Author(s): Pitts
Three hour notice-for consideration 554. Laid before the house 562. Adopted (SB2) 562. Record vote (RV#130) 562. Statement of vote recorded in journal 563.
- HR 198.** Suspending limitations on conference committee jurisdiction, S.B. No. 8.
Author(s): Eissler
Three hour notice-for consideration 554. Laid before the house 564. Adopted (SB6) 564. Record vote (RV#132) 567. Statement of vote recorded in journal 567.
- HR 199.** Suspending limitations on conference committee jurisdiction, S.B. No. 8.
Author(s): Eissler
Three hour notice-for consideration 554. Laid before the house 568. Adopted (SB8) 568. Record vote (RV#134) 570. Statement of vote recorded in journal 570.
- HR 200.** Congratulating Hilton Kelley of Port Arthur on his receipt of a 2011 Goldman Environmental Prize.
Author(s): Deshotel

- Rules suspended 554. Adopted 554.
- HR 201.** In memory of Ralph M. Lazarine of San Antonio.
Author(s): Martinez Fischer
Rules suspended 556. Adopted 556.
- HR 202.** In memory of Jesse Robert Woody of Carrollton.
Author(s): Jackson, Jim
Rules suspended 675. Adopted 675.
- HR 203.** Congratulating Kiki Luna on her receipt of the J. C. Montgomery, Jr., Child Safety Award from the Texas Office for Prevention of Developmental Disabilities.
Author(s): Gallego
Rules suspended 668. Adopted 668.
- HR 204.** Congratulating Alfredo Delgado on his retirement from the Housing Authority of Del Rio.
Author(s): Gallego
Rules suspended 668. Adopted 668.
- HR 205.** Honoring U.S. Air Force Colonel Michael R. Frankel, commander of the 47th Flying Training Wing at Laughlin Air Force Base, for his service to this country.
Author(s): Gallego
Rules suspended 668. Adopted 668.
- HR 206.** Congratulating Ely Gallego of Alpine High School on being named to the Texas High School Baseball Coaches Association 2A All-State team.
Author(s): Gallego
Rules suspended 668. Adopted 668.
- HR 207.** Congratulating Joyce Lindsey on the occasion of her retirement as associate director of the Texas Access to Justice Foundation.
Author(s): Gallego
Rules suspended 555. Adopted 555.
- HR 208.** Congratulating Dorothy Grace Turner Jenkins of Kerrville on the occasion of her 90th birthday.
Author(s): Hilderbran
Rules suspended 556. Adopted 556.
- HR 209.** Congratulating June Lohman on the occasion of her retirement from Comcast.
Author(s): Thompson
Rules suspended 561. Adopted 561.
- HR 210.** In memory of noted Western craftsman Jerry Cates of Amarillo.
Author(s): Smithee
Rules suspended 672. Adopted 672.
- HR 211.** In memory of Richard Bruce Duncan, the justice of the peace for Precinct 2 of Walker County.
Author(s): Kolkhorst
Rules suspended 672. Adopted 672.
- HR 212.** Congratulating the Danbury High School softball team on winning the UIL 2A state championship.
Author(s): Bonnen
Rules suspended 560. Adopted 560.
- HR 213.** Honoring Glenda Lyzette Avila-Salazar of Dallas.
Author(s): Alonzo
Rules suspended 575. Adopted 575.
- HR 214.** Congratulating Mike Rawlings on his election as mayor of the City of Dallas.
Author(s): Davis, Yvonne; Alonzo

Rules suspended 668. Adopted 668.

HR 215. Commemorating the dedication of the Cali Carranza community gymnasium in Pharr and honoring Mr. Carranza for his achievements and service.

Author(s): Munoz, Jr.

Rules suspended 668. Adopted 668.

HR 216. Congratulating Dr. Coy Holcombe, Eustace ISD superintendent, on his designation as 2011 Region 7 Superintendent of the Year.

Author(s): Gooden

Rules suspended 668. Adopted 668.

HR 217. Congratulating Coy Ellis and the Ellis Motor Company in Chandler on the 40th anniversary of the business.

Author(s): Gooden

Rules suspended 668. Adopted 668.

HR 218. Suspending limitations on conference committee jurisdiction, H.B. No. 3.

Author(s): Smithee

Three hour notice-for consideration 584. Laid before the house 586. Adopted (HB3) 586. Record vote (RV#138) 590. Statement of vote recorded in journal 590.

HR 219. Commemorating the 50th anniversary of San Jacinto College and recognizing September 19, 2011, as San Jacinto College Day.

Author(s): Dutton; Huberty

Rules suspended 668. Adopted 668.

HR 220. Congratulating Michael Quildon on his reelection to the Cedar Hill Independent School District Board of Trustees.

Author(s): Davis, Yvonne

Rules suspended 668. Adopted 668.

HR 221. Congratulating Dan Hernandez on his reelection to the Cedar Hill Independent School District Board of Trustees.

Author(s): Davis, Yvonne

Rules suspended 668. Adopted 668.

HR 222. Congratulating Wendy Hodges-Kent on her election to the Cedar Hill Independent School District Board of Trustees.

Author(s): Davis, Yvonne

Rules suspended 668. Adopted 668.

HR 223. In memory of civil rights pioneer and political leader Percy Ellis Sutton.

Author(s): McClendon

Rules suspended 672. Adopted 672.

HR 224. In memory of U.S. Army Colonel (Ret.) James Lloyd Hayden of El Paso.

Author(s): Margo; Marquez

Rules suspended 672. Adopted 672.

HR 225. Congratulating Sergeant Louis C. Felini of the Dallas Police Department on receiving a Professional Achievement Award from the Texas Commission on Law Enforcement Officer Standards and Education.

Author(s): Harper-Brown

Rules suspended 668. Adopted 668.

HR 226. In memory of Lenora Josephine Cavazos of Irving.

Author(s): Harper-Brown

Rules suspended 672. Adopted 672.

HR 227. In memory of Harold Wayne Cline, Sr., of Irving.

Author(s): Harper-Brown

Rules suspended 673. Adopted 673.

- HR 228.** In memory of Jo Ann Okle of Irving.
Author(s): Harper-Brown
Rules suspended 673. Adopted 673.
- HR 229.** Congratulating Alfred and Bernice Vrazel of Buckholts on their 50th wedding anniversary.
Author(s): Schwertner
Rules suspended 668. Adopted 668.
- HR 230.** Honoring the Texas Stars Service Unit on the occasion of the centennial of Girl Scouts of the USA.
Author(s): Zerwas
Rules suspended 668. Adopted 668.
- HR 231.** Congratulating the baseball team of Coronado High School in Lubbock on its outstanding 2011 season and its appearance in the UIL 5A state title game.
Author(s): Perry
Rules suspended 669. Adopted 669.
- HR 232.** Suspending limitations on conference committee jurisdiction, S.B. No. 1.
Author(s): Pitts
Three hour notice-for consideration 583. Laid before the house 629. Statement of legislative intent recorded in journal 654. Adopted (SB1) 629. Record vote (RV#141) 655.
- HR 233.** In memory of Yolanda Evette Williams.
Author(s): Miles
Rules suspended 627. Adopted 627.
- HR 234.** Congratulating the Navarro College baseball team on winning the 2011 NJCAA Division I national championship.
Author(s): Cook
Rules suspended 669. Adopted 669.
- HR 235.** Commending Patrick M. Reilly and the other members of Chapter 1919 of the Military Order of the Purple Heart for their efforts to bring the Texas Capitol Vietnam War Monument to fruition.
Author(s): Schwertner
Rules suspended 669. Adopted 669.
- HR 236.** Congratulating Sean and Emily Carter of Wylie on their 10th wedding anniversary.
Author(s): Carter
Rules suspended 669. Adopted 669.
- HR 237.** In memory of Charles Ray Williams of Irving.
Author(s): Harper-Brown
Rules suspended 673. Adopted 673.
- HR 238.** In memory of Steve K. Askins of Irving.
Author(s): Harper-Brown
Rules suspended 673. Adopted 673.
- HR 239.** In memory of Lola Lenore Ernsting of Irving.
Author(s): Harper-Brown
Rules suspended 673. Adopted 673.
- HR 240.** In memory of Shirley Jane Bearden Sweet of Irving.
Author(s): Harper-Brown
Rules suspended 673. Adopted 673.
- HR 241.** Recognizing Multilayer Technology for receiving its third consecutive Best of Irving Award in the Printed Circuit Board category from the United States Commerce Association.
Author(s): Harper-Brown

- Rules suspended 669. Adopted 669.
- HR 242.** Commemorating the 2011 Fourth of July celebration in the Greenway Parks neighborhood of Dallas and recognizing the rich history of this important community.
Author(s): Branch
Rules suspended 669. Adopted 669.
- HR 243.** Congratulating David Chapasko of Preston Hollow Elementary School on being named the Dallas Independent School District 2011 Principal of the Year.
Author(s): Branch
Rules suspended 669. Adopted 669.
- HR 244.** Commending Celia Reilly Saenz for her service to her community.
Author(s): Guillen
Rules suspended 669. Adopted 669.
- HR 245.** In memory of E. E. "Shelly" Shelhamer of Pampa.
Author(s): Chisum
Rules suspended 675. Adopted 675.
- HR 246.** Congratulating Pauline Bond Baxter on being named grand marshal of the 2011 Fourth of July parade in Kaufman.
Author(s): Gooden
Rules suspended 669. Adopted 669.
- HR 247.** In memory of Angnet Marie Rice Norman of San Antonio.
Author(s): McClendon
Rules suspended 673. Adopted 673.
- HR 248.** Congratulating Emma Jewel Johnson on her retirement from the San Antonio Independent School District.
Author(s): McClendon
Rules suspended 669. Adopted 669.
- HR 249.** Commemorating the grand opening of the Katy Trail Ice House in Dallas.
Author(s): Branch
Rules suspended 669. Adopted 669.
- HR 250.** Congratulating Dr. Ben Coker on his retirement as assistant superintendent of business services for Highland Park Independent School District.
Author(s): Branch
Rules suspended 669. Adopted 669.
- HR 251.** Commemorating the groundbreaking for the George W. Bush Presidential Center at Southern Methodist University in Dallas.
Author(s): Branch
Rules suspended 669. Adopted 669.
- HR 252.** Commemorating the 100th anniversary of the Eighth Court of Appeals.
Author(s): Marquez
Rules suspended 669. Adopted 669.
- HR 253.** In memory of U.S. Army Staff Sergeant Nicholas Price Belliard of El Paso.
Author(s): Marquez
Rules suspended 673. Adopted 673.
- HR 254.** In memory of Rio Grande Valley physician, educator, and civil rights leader Dr. Ramiro Raul Casso.
Author(s): Gonzales, Veronica; Martinez, "Mando"; Munoz, Jr.; Alonzo
Rules suspended 673. Adopted 673.
- HR 255.** Congratulating Dr. Herbert H. Ortega on his receipt of the 2011 Distinguished Service Award from the Rotary Club of El Paso.
Author(s): Margo

- Rules suspended 669. Adopted 669.
- HR 256.** In memory of Johnna Puckett Reynolds of Driftwood.
Author(s): Workman
Rules suspended 673. Adopted 673.
- HR 257.** Congratulating Sally Jaime on being named the 2011 Firefighter of the Year by the Edinburg Volunteer Fire Department.
Author(s): Pena
Rules suspended 669. Adopted 669.
- HR 258.** Recognizing the month of April 2011 as Genocide Awareness and Prevention Month.
Author(s): Naishtat
Rules suspended 627. Adopted 627.
- HR 259.** Recognizing July 2011 as DoubleTree by Hilton Chocolate Chip Cookie Month in Texas.
Author(s): Naishtat
Rules suspended 585. Adopted 585.
- HR 260.** Congratulating Wendell and Myra Shirley Crist of Yantis on their 50th wedding anniversary.
Author(s): Hughes
Rules suspended 669. Adopted 669.
- HR 261.** Commemorating the 10th anniversary of the Bellaire MENS Club.
Author(s): Davis, Sarah
Rules suspended 670. Adopted 670.
- HR 262.** Congratulating Delvin Dennis, district engineer of the Houston District, Texas Department of Transportation, on the occasion of his retirement.
Author(s): Davis, Sarah
Rules suspended 670. Adopted 670.
- HR 263.** In memory of Ramsay Gillman of Houston.
Author(s): Woolley
Rules suspended 673. Adopted 673.
- HR 264.** Congratulating Texas Junior State of America on its 20th anniversary.
Author(s): Thompson
Rules suspended 670. Adopted 670.
- HR 265.** Honoring Terry Ruskowski for his achievements as coach, general manager, and president of the Laredo Bucks hockey team.
Author(s): Raymond
Rules suspended 670. Adopted 670.
- HR 266.** Commending the Former Texas Rangers Foundation on its outstanding work.
Author(s): Hilderbran
Rules suspended 670. Adopted 670.
- HR 267.** In memory of Thomas "Jack" Plyler of Del Rio.
Author(s): Gallego
Rules suspended 673. Adopted 673.
- HR 268.** In memory of Margaret Pauline Seward Newbill.
Author(s): Gallego
Rules suspended 673. Adopted 673.
- HR 269.** Congratulating the Dallas Baptist University basketball team on winning the 2010-2011 National Christian College Athletic Association Division I national championship.
Author(s): Davis, Yvonne

Rules suspended 670. Adopted 670.

HR 270. In memory of Susan Ann Cassidy of Amarillo.

Author(s): Cain

Rules suspended 673. Adopted 673.

HR 271. In memory of Joseph Patrick Cassidy of Panhandle.

Author(s): Cain

Rules suspended 673. Adopted 673.

HR 272. Commemorating the opening of the Wilbert M. Curtis Texas Prince Hall Library Museum in Fort Worth, which is dedicated to the history of African American Freemasonry in Texas.

Author(s): Veasey

Rules suspended 670. Adopted 670.

HR 273. Congratulating the Brazoswood High School Trap and Clay Shooters on their championship performance at the state Clay Trap/Sporting Clays Tournament in San Antonio.

Author(s): Bonnen

Rules suspended 670. Adopted 670.

HR 274. Congratulating Jenna Pisarski of Brazoswood High School in Clute on becoming the 2010-2011 wrestling state champion in the 110-pound weight class.

Author(s): Bonnen

Rules suspended 670. Adopted 670.

HR 275. Congratulating Janet Harris on her election to the Duncanville City Council.

Author(s): Davis, Yvonne

Rules suspended 670. Adopted 670.

HR 276. In memory of Ricardo A. Arzamendi of Brownsville.

Author(s): Oliveira

Rules suspended 673. Adopted 673.

HR 277. Congratulating Dr. Robert M. Gates on his retirement as the United States secretary of defense.

Author(s): Gallego

Rules suspended 670. Adopted 670.

HR 278. Honoring Dr. Ismael Sosa, Jr., for his service as president of Southwest Texas Junior College and his contributions to the Uvalde community.

Author(s): Gallego

Rules suspended 670. Adopted 670.

HR 279. In memory of U.S. Army Private Andrew Mark Krippner of Garland.

Author(s): Carter

Rules suspended 673. Adopted 673.

HR 280. Congratulating Judy Smithey on her retirement as a senior public policy consultant with Dean International, Inc.

Author(s): Harper-Brown

Rules suspended 670. Adopted 670.

HR 281. Honoring the Irving Art Association on the 55th anniversary of its founding.

Author(s): Harper-Brown

Rules suspended 670. Adopted 670.

HR 282. In memory of Dorothy "Dot" Tapley of Emory.

Author(s): Harper-Brown

Rules suspended 673. Adopted 673.

HR 283. Recognizing the Just Kautz It's Right nonprofit initiative and its founder, Maricela De Leon, for assisting schoolchildren in the Rio Grande Valley.

- Author(s): Pena
Rules suspended 670. Adopted 670.
- HR 284.** Congratulating Machree Garrett Gibson on her election as president of the Texas Exes.
Author(s): Davis, Yvonne; Reynolds; Branch
Rules suspended 670. Adopted 670.
- HR 285.** Commemorating the 40th anniversary of Southwest Airlines.
Author(s): Craddick
Rules suspended 670. Adopted 670.
- HR 286.** Honoring the Pasadena Bay-Area Junior Forum on the 50th anniversary of its founding.
Author(s): Legler
Rules suspended 670. Adopted 670.
- HR 287.** In memory of David Coulter Templeton of Mineola.
Author(s): Hughes
Rules suspended 760. Adopted 760.
- HR 288.** Honoring the Wood County Airport for being named the 2010 General Aviation Airport of the Year by the Texas Department of Transportation.
Author(s): Hughes
Rules suspended 760. Adopted 760.
- HR 289.** Commemorating the dedication of the Spring Fire Department's new fire station and administration building.
Author(s): Riddle
Rules suspended 671. Adopted 671.
- HR 290.** Commemorating the 150th anniversary of the founding of Mt. Shiloh Baptist Church in Quitman.
Author(s): Hughes
Rules suspended 676. Adopted 676.
- HR 291.** In memory of former Kinney County judge Oscar Thomas "Tommy" Seargeant.
Author(s): Gallego
Rules suspended 760. Adopted 760.
- HR 292.** Commemorating the 15th anniversary of Pinnacle Technical Resources of Dallas.
Author(s): Branch
Rules suspended 760. Adopted 760.
- HR 293.** In memory of Bowie High School band director Bruce Dinkins of Austin.
Author(s): Workman
Rules suspended 760. Adopted 760.
- HR 294.** In memory of Evelyn Walters of Kingwood.
Author(s): Huberty
Rules suspended 760. Adopted 760.
- HR 295.** Congratulating the Texas community colleges that were named among the top 120 community colleges in the nation by the Aspen Institute.
Author(s): Weber; Gallego; King, Susan; Morrison; Zerwas
Rules suspended 760. Adopted 760.

**SENATE BILLS, HISTORY OF
IN THE HOUSE**

SB 1. Relating to certain state fiscal matters; providing penalties.

Author(s): Duncan; Shapiro

House Sponsor(s): Pitts

Companion document(s): **HB 1**

Received from the senate 14. Read first time 13. Referred to Appropriations 13. Committee report filed with committee coordinator 18. Calendars Committee rule adopted 20. Record vote (RV#6) 20. Read second time 96. Postponed 96. Laid out as postponed business 120. Amended (1-Pitts) 120. Amendment withdrawn (2-Isaac) 124. Amendment offered (3-Simpson) 124. Motion to table lost (3-Simpson) 125. Record vote (RV#23) 125. Statement of vote recorded in journal 125. Amendment fails of adoption (3-Simpson) 126. Record vote (RV#24) 126. Statement of vote recorded in journal 126. Amendment tabled (4-Simpson) 127. Record vote (RV#25) 127. Statement of vote recorded in journal 128. Amendment withdrawn (5-Y. Davis) 128. Amendment withdrawn (6-Darby) 128. Amended (7-Darby) 128. Amended (8-Sheffield) 129. Amended (9-Turner) 129. Nonrecord vote recorded in journal 129. Amendment withdrawn (10-Martinez) 129. Amendment tabled (11-Zedler) 129. Record vote (RV#26) 129. Statement of vote recorded in journal 130. Amendment withdrawn (12-Hilderbran) 131. Amendment tabled (13-Weber) 132. Record vote (RV#27) 132. Statement of vote recorded in journal 132. Amendment withdrawn (14-Weber) 132. Amended (15-Naishtat) 133. Nonrecord vote recorded in journal 133. Amendment tabled (16-Dutton) 133. Record vote (RV#28) 133. Statement of vote recorded in journal 134. Amendment tabled (17-Simpson) 134. Record vote (RV#29) 134. Statement of vote recorded in journal 135. Amended (18-D. Howard) 135. Nonrecord vote recorded in journal 135. Amendment tabled (19-Turner) 135. Record vote (RV#30) 136. Amended (20-Patrick) 136. Amendment withdrawn (21-Turner) 139. Amendment offered (22-S. King) 144. Amendment to amendment withdrawn (23-Hilderbran) 145. Amendment withdrawn (22-S. King) 147. Amended (24-Workman) 147. Nonrecord vote recorded in journal 149. Amended (25-V. Taylor) 149. Nonrecord vote recorded in journal 151. Amended (26-Truitt) 151. Nonrecord vote recorded in journal 152. Amendment withdrawn (27-Martinez) 152. Amendment withdrawn (28-Madden) 153. Amendment withdrawn (29-Shelton) 156. Amended (30-Harper-Brown) 157. Nonrecord vote recorded in journal 163. Amendment tabled (31-Dutton) 163. Record vote (RV#31) 163. Statement of vote recorded in journal 164. Amendment withdrawn (32-Dutton) 164. Amended (33-Guillen) 164. Amendment offered (34-Shelton) 165. Point of order withdrawn-amendment 167. Amendment withdrawn (34-Shelton) 167. Amended (35-Guillen) 167. Amendment withdrawn (36-Madden) 168. Amended (37-Madden) 168. Amended (38-Bonnen, Lyne, Madden, Harless, Geren, Flynn, Berman, Kolkhorst, Ritter, Sheffield, Paxton, Marque) 170. Record vote (RV#32) 170. Statement of vote recorded in journal 171. Amended (39-Flynn) 171. Record vote (RV#33) 172. Statement of vote recorded in journal 172. Amendment withdrawn (40-Martinez) 172. Amended (41-Chisum and Branch) 173. Amendment withdrawn (42-Aycock) 173. Amendment tabled (43-Marquez) 174. Record vote (RV#34) 175. Statement of vote recorded in journal 176. Amended (44-Aycock) 176. Amended (45-Aycock) 176. Amended (46-Deshotel) 177. Nonrecord vote recorded in journal 178. Amendment withdrawn (47-Aycock) 178. Amendment offered (48-Zedler) 178. Point of order withdrawn-amendment 179. Amendment withdrawn (48-Zedler) 179. Amendment fails of adoption (49-Huberty) 179. Nonrecord vote recorded in journal 180. Amended (50-Deshotel) 180. Nonrecord vote recorded in journal 181. Amendment offered (51-Branch) 181. Amendment amended (52-Branch) 183. Amendment adopted as amended (51-Branch) 183. Nonrecord vote recorded in journal 183. Amendment withdrawn (53-Deshotel) 183. Amendment withdrawn (54-Kolkhorst) 184. Amended (55-Alonzo) 186. Nonrecord vote recorded in journal 187. Amended (56-Margo) 187. Amended (57-Alonzo) 187. Nonrecord vote recorded in

journal 188. Amendment offered (58-V. Taylor) 188. Point of order withdrawn-amendment (Rule 11, Section 2) 189. Amendment withdrawn (58-V. Taylor) 189. Amendment offered (59-Geren) 189. Amendment amended (60-Geren) 193. Nonrecord vote recorded in journal 193. Amendment amended (61-Hochberg) 193. Amendment adopted as amended (59-Geren) 193. Nonrecord vote recorded in journal 193. Amendment offered (62-Chisum) 193. Amendment amended (63-Chisum) 194. Amendment adopted as amended (62-Chisum) 194. Amended (64-Naishtat) 194. Nonrecord vote recorded in journal 197. Amended (65-Gallego) 197. Amended (66-Perry) 198. Amended (67-Cain, Berman, Huberty, Farias, Jackson, Lavender, Fletcher, Lyne, Burkett, Hardcastle, Beck, Phil) 199. Amended (68-Perry) 200. Amendment withdrawn (69-Y. Davis) 200. Amendment offered (70-Christian) 202. Point of order withdrawn-amendment 205. Amendment withdrawn (70-Christian) 205. Amendment withdrawn (71-Brown) 205. Amendment withdrawn (72-Y. Davis) 206. Amendment fails of adoption (73-Kleinschmidt) 206. Record vote (RV#35) 209. Amended (74-Callegari) 209. Amendment offered (75-Martinez) 210. Point of order withdrawn-amendment (Rule 11, Section 2 and Rule 11, Section 3) 211. Amended (75-Martinez) 211. Nonrecord vote recorded in journal 211. Amendment withdrawn (76-Callegari) 211. Amendment tabled (77-Gallego) 216. Record vote (RV#36) 217. Statement of vote recorded in journal 217. Amended (78-Madden) 218. Nonrecord vote recorded in journal 218. Amendment offered (79-Callegari) 218. Amendment amended (80-Hardcastle and Callegari) 222. Amendment adopted as amended (79-Callegari) 224. Amendment offered (81-Madden) 224. Amendment amended (82-Allen) 228. Amendment adopted as amended (81-Madden) 229. Record vote (RV#37) 229. Statement of vote recorded in journal 230. Amendment fails of adoption (83-Guillen) 230. Record vote (RV#38) 233. Statement of vote recorded in journal 234. Amended (84-Coleman) 234. Amended (85-Coleman) 235. Amendment offered (86-Zerwas) 236. Amendment amended (87-Zerwas) 237. Amendment adopted as amended (86-Zerwas) 239. Amendment offered (88-Zerwas) 239. Amendment amended (89-V. Gonzales, Muñoz, Oliveira, Lucio, Lozano, and Martinez) 239. Amendment amended (90-Brown) 245. Amendment adopted as amended (88-Zerwas) 245. Amendment withdrawn (91-Geren) 246. Amended (92-Guillen) 247. Nonrecord vote recorded in journal 248. Amended (93-C. Anderson) 248. Nonrecord vote recorded in journal 248. Amended (94-L. Gonzales) 248. Record vote (RV#39) 251. Statement of vote recorded in journal 251. Amendment offered (95-Brown) 251. Amendment amended (96-Brown) 253. Amendment adopted as amended (95-Brown) 254. Amendment offered (97-Gallego) 254. Amendment amended (98-Gallego) 255. Amendment adopted as amended (97-Gallego) 256. Amended (99-Zerwas) 256. Amendment offered (100-Christian) 257. Point of order overruled-amendment (Rule 11, Section 2) 258. Amendment amended (101-Hughes, Eissler, Gooden, Paxton, Parker, Bonnen, Zedler, Burkett, Scott, L. Taylor, T. Smith, Ha) 258. Point of order overruled-amendment 259. Point of order overruled-amendment (Rule 8, Section 3) 259. Amendment adopted as amended (100-Christian) 259. Record vote (RV#40) 259. Statement of vote recorded in journal 260. Amended (102-Hardcastle) 260. Amendment offered (103-Guillen) 262. Point of order withdrawn-amendment 267. Amendment withdrawn (103-Guillen) 267. Amendment offered (104-Guillen) 267. Point of order sustained-amendment 267. Amended (105-Castro) 268. Record vote (RV#41) 269. Statement of vote recorded in journal 270. Amendment offered (106-Naishtat) 270. Point of order withdrawn-amendment (Rule 11, Section 2) 273. Amendment withdrawn (106-Naishtat) 273. Amendment offered (107-Guillen) 274. Amendment to amendment withdrawn (108-Guillen) 275. Amended (107-Guillen) 275. Amended (109-Naishtat) 275. Nonrecord vote recorded in journal 278. Amendment offered (110-Giddings) 278. Amendment amended (111-Giddings) 280. Amendment as amended fails of adoption (110-Giddings) 280. Record vote (RV#42) 280. Statement of vote recorded in journal 281. Amendment withdrawn (112-Menendez) 281. Amendment offered (113-Kleinschmidt) 282. Amendment to amendment offered (114-Chisum) 283. Point of order withdrawn-amendment 285. Amendment to amendment withdrawn (114-Chisum) 285. Amendment withdrawn (113-Kleinschmidt) 285. Amended

(115-Thompson) 285. Amended (116-Simpson, Farias, Berman, Eiland, Riddle, T. King, Flynn, Elkins, Quintanilla, Brown, Guillen, Ha) 286. Amended (117-Christian) 287. Record vote (RV#43) 289. Amendment offered (118-Kleinschmidt) 289. Amendment amended (119-Chisum) 290. Amendment to amendment offered (120-S. Davis) 292. Point of order withdrawn-amendment 294. Amendment to amendment withdrawn (120-S.Davis) 294. Amendment adopted as amended (118-Kleinschmidt) 294. Amended (121-Thompson) 294. Amended (122-Gallego) 296. Record vote (RV#44) 297. Statement of vote recorded in journal 298. Amendment withdrawn (123-V. Taylor) 298. Amendment tabled (124-V. Taylor) 298. Record vote (RV#45) 299. Statement of vote recorded in journal 300. Amended (125-Torres) 300. Amended (126-Eiland) 300. Nonrecord vote recorded in journal 300. Amendment offered (127-Villarreal) 300. Amendment to amendment tabled (128-Villarreal) 301. Record vote (RV#46) 301. Statement of vote recorded in journal 302. Amendment tabled (127-Villarreal) 302. Record vote (RV#47) 302. Statement of vote recorded in journal 303. Amendment fails of adoption (129-Guillen) 303. Record vote (RV#48) 303. Statement of vote recorded in journal 304. Amended (130-Guillen, Eissler, Paxton, Creighton, L. Taylor, and Raymond) 304. Record vote (RV#49) 305. Statement of vote recorded in journal 306. Amended (131-Phillips and Lavender) 306. Amendment offered (132-Pitts and Geren) 307. Point of order withdrawn-amendment 313. Amendment to amendment withdrawn (133-Alonzo) 313. Amended (132-Pitts and Geren) 314. Nonrecord vote recorded in journal 314. Amendment offered (134-Phillips) 314. Amendment amended (135-Deshotel) 314. Nonrecord vote recorded in journal 315. Point of order sustained-amendment (Rule 11, Section 2) 315. Amended (136-Orr) 315. Amendment offered (137-Hilderbran) 316. Amendment amended (138-Hilderbran) 316. Amendment as amended withdrawn (137-Hilderbran) 317. Amended (139-R. Anderson) 317. Nonrecord vote recorded in journal 318. Amendment withdrawn (140-Perry) 318. Statement of legislative intent recorded in journal 319. Amended (141-P. King) 320. Record vote (RV#50) 320. Statement of vote recorded in journal 321. Amendment withdrawn (142-Morrison) 321. Amendment offered (143-McClendon) 321. Amendment amended (144-McClendon) 322. Amendment amended (145-Berman) 323. Amendment adopted as amended (143-McClendon) 323. Record vote (RV#51) 323. Statement of vote recorded in journal 324. Amended (146-Madden) 324. Amendment fails of adoption (147-Oliveira) 324. Record vote (RV#52) 338. Statement of vote recorded in journal 339. Amendment offered (148-Christian) 339. Amendment to amendment withdrawn (149-Veasey) 339. Amendment to amendment fails of adoption (150-Veasey) 340. Record vote (RV#53) 340. Statement of vote recorded in journal 341. Amendment to amendment fails of adoption (151-Dukes) 341. Record vote (RV#54) 341. Statement of vote recorded in journal 342. Amendment amended (152-Hughes) 342. Point of order withdrawn (Rule 6, Section 16) 342. Amendment as amended withdrawn (148-Christian) 342. Amendment offered (153-Larson) 342. Point of order sustained-amendment 343. Amendment offered (154-Guillen) 343. Point of order sustained-amendment 343. Amendment offered (155-Isaac, R. Anderson, Carter, P. King, Flynn, Eissler, Hughes, Weber, Harper-Brown, Cain, S. Mille) 343. Amendment amended (156-Isaac) 344. Amendment adopted as amended (155-Isaac, R. Anderson, Carter, P. King, Flynn, Eissler, Hughes, Weber, Harper-Brown, Cain, S. Mille) 344. Amendment offered (157-Y. Davis) 344. Amendment amended (158-Y. Davis) 345. Amendment as amended withdrawn (157-Y. Davis) 345. Amendment offered (159-Madden) 345. Amendment amended (160-Madden) 346. Amendment adopted as amended (159-Madden) 346. Amendment offered (161-Garza) 346. Point of order sustained-amendment (Rule 11, Section 2) 348. Amendment withdrawn (162-Isaac) 348. Amended (163-Aycock) 349. Amendment offered (164-Guillen) 350. Amendment amended (165-Alonzo, D. Miller, Cain, Jackson, Riddle, Christian, Gooden, Morrison, J. Davis, Sheffield, Keff) 350. Amendment adopted as amended (164-Guillen) 351. Nonrecord vote recorded in journal 351. Amended (166-Zedler) 351. Amendment offered (167-Christian) 352. Point of order overruled-amendment 355. Amendment to amendment withdrawn (168-Workman) 355. Amendment withdrawn (167-Christian) 355. Amendment offered (169-Menendez)

355. Amendment amended (170-Elkins) 356. Amendment adopted as amended (169-Menendez) 356. Amendment offered (171-Guillen) 356. Point of order sustained-amendment 361. Amended (172-Y. Davis) 362. Passed to third reading as amended 362. Record vote (RV#55) 362. Statement of vote recorded in journal 362. Read third time 374. Amended (1-Chisum) 374. Amendment fails of adoption (2-S. Davis) 375. Record vote (RV#60) 377. Statement of vote recorded in journal 378. Amendment fails of adoption (3-V. Taylor) 378. Record vote (RV#61) 378. Statement of vote recorded in journal 379. Amendment fails of adoption (4-Alonzo) 379. Record vote (RV#62) 379. Statement of vote recorded in journal 380. Amendment offered (5-Hilderbran) 380. Point of order sustained-amendment (Rule 11, Section 2) 380. Amended (6-Madden) 380. Amendment offered (7-Garza) 381. Point of order sustained-amendment 383. Passed as amended 383. Record vote (RV#63) 383. Statement of vote recorded in journal 384. Reason for vote recorded in journal 384. Senate refuses to concur-reported 410. Senate requests conference committee-reported 410. Senate appoints conferees-reported 410. House grants request for conference committee 456. Motion to instruct conferees 456. Motion prevails 456. Record vote (RV#93) 456. Motion to instruct conferees 457. Motion prevails 457. House appoints conferees with instructions 457. Senate adopts conference committee report-reported 677. House adopts resolution to go outside bounds (HR232) 629. Statement of legislative intent recorded in journal 656. House refuses to adopt conference committee report 656. Record vote (RV#142) 657. Statement of vote recorded in journal 658. Rules suspended 658. Vote reconsidered 658. Record vote (RV#143) 658. Statement of vote recorded in journal 659. House adopts conference committee report 659. Record vote (RV#144) 659. Statement of vote recorded in journal 660. House adopts resolution for technical correction (SCR5) 673. Signed in the house 761.

SB 2. Appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds.

Author(s): Ogden

House Sponsor(s): Pitts

Companion document(s): **HB 2**

Received from the senate 14. Read first time 13. Referred to Appropriations 13. Committee report filed with committee coordinator 18. Calendars Committee rule adopted 21. Record vote (RV#7) 21. Statement of vote recorded in journal 22. Read second time 96. Amended (1-Pitts) 96. Amendment offered (2-Shelton) 99. Motion to table lost (2-Shelton) 99. Record vote (RV#16) 99. Statement of vote recorded in journal 100. Amended (2-Shelton) 101. Amended (3-Margo and Patrick) 101. Amended (4-Margo) 102. Amended (5-Lucio) 102. Amendment offered (6-Perry, Aliseda, Weber, R. Anderson, Elkins, Beck, Flynn, Simpson, Laubenberg, Sheets, and Landtroo) 102. Amendment to amendment tabled (7-Strama and Anchia) 103. Record vote (RV#17) 103. Statement of vote recorded in journal 104. Amendment tabled (6-Perry, Aliseda, Weber, R. Anderson, Elkins, Beck, Flynn, Simpson, Laubenberg, Sheets, and Landtroo) 104. Record vote (RV#18) 104. Statement of vote recorded in journal 105. Amendment withdrawn (8-Larson) 105. Amendment withdrawn (9-Alonzo) 106. Amended (10-Zerwas) 106. Amendment withdrawn (11-Madden) 107. Amended (12-Darby) 107. Amendment withdrawn (13-Kleinschmidt) 107. Amended (14-Pickett and Workman) 108. Amendment withdrawn (15-Kleinschmidt) 109. Amended (16-Chisum) 109. Nonrecord vote recorded in journal 109. Amended (17-Zerwas) 110. Amendment offered (18-Gooden) 110. Point of order withdrawn-amendment 110. Amendment tabled (18-Gooden) 110. Record vote (RV#19) 111. Statement of vote recorded in journal 111. Vote reconsidered 111. Amendment withdrawn (16-Chisum) 111. Amendment withdrawn (19-Alonzo) 112. Amendment offered (20-Menendez) 112. Amendment amended (21-Menendez) 112. Amendment adopted as amended (20-Menendez) 113. Nonrecord vote recorded in journal 113. Amendment offered

(22-Farrar) 113. Amendment to amendment tabled (23-Gallego) 113. Record vote (RV#20) 114. Amendment amended (24-D. Howard) 115. Nonrecord vote recorded in journal 116. Amendment adopted as amended (22-Farrar) 116. Nonrecord vote recorded in journal 116. Amended (25-Madden) 116. Amendment withdrawn (26-Madden and Hartnett) 117. Amended (27-Madden) 118. Record vote (RV#21) 118. Statement of vote recorded in journal 119. Passed to third reading as amended 119. Record vote (RV#22) 119. Statement of vote recorded in journal 120. Reason for vote recorded in journal 120. Read third time 369. Amended (1-Isaac) 369. Nonrecord vote recorded in journal 370. Amended (2-Morrison) 370. Nonrecord vote recorded in journal 370. Amendment fails of adoption (3-P. King, Hancock, Sheets, Landtroop, Aliseda, Chisum, Jackson, Isaac, Sheffield, Cain, Cook, Laube) 370. Record vote (RV#58) 370. Statement of vote recorded in journal 371. Amended (4-Truitt, Otto, Patrick, Price, Deshotel, Zedler, Brown, Scott, Chisum, Workman, Frullo, Burkett, Sh) 371. Nonrecord vote recorded in journal 372. Amendment withdrawn (5-Larson) 372. Passed as amended 372. Record vote (RV#59) 372. Subject to Art.III Sec.49a Texas Constitution 373. Statement of vote recorded in journal 373. Reason for vote recorded in journal 373. Senate refuses to concur-reported 410. Senate requests conference committee-reported 410. Senate appoints conferees-reported 410. House grants request for conference committee 457. House appoints conferees with instructions 457. Record vote (RV#94) 457. Statement of vote recorded in journal 458. House adopts resolution to go outside bounds (HR197) 562. House adopts conference committee report 563. Record vote (RV#131) 563. Subject to Art.III Sec.49a Texas Constitution 564. Statement of vote recorded in journal 564. Senate adopts conference committee report-reported 581. Signed in the house 677.

SB 4. Relating to the composition of the congressional districts for the State of Texas.

Author(s): Seliger

House Sponsor(s): Solomons

Companion document(s): **HB 4**

Received from the senate 18. Read first time 23. Referred to Redistricting 23. Committee report filed with committee coordinator 387. Calendars Committee rule adopted 368. Record vote (RV#57) 368. Read second time 393. Amended (1-Solomons) 393. Record vote (RV#69) 393. Statement of vote recorded in journal 394. Amended (2-Geren) 394. Nonrecord vote recorded in journal 394. Amendment withdrawn (3-Kuempel) 394. Amended (4-Hughes) 395. Amendment offered (5-Riddle) 395. Amendment amended (6-Riddle) 395. Amendment as amended tabled (5-Riddle) 395. Record vote (RV#70) 395. Statement of vote recorded in journal 396. Amendment tabled (7-Alvarado) 396. Record vote (RV#71) 397. Amendment offered (8-Johnson) 397. Amendment amended (9-Johnson) 397. Amendment adopted as amended (8-Johnson) 398. Amendment tabled (10-Veasey) 398. Record vote (RV#72) 398. Amendment tabled (11-Alonzo) 398. Record vote (RV#73) 399. Amendment tabled (12-Turner and Y. Davis) 399. Record vote (RV#74) 399. Statement of vote recorded in journal 400. Amendment tabled (13-Martinez Fischer) 400. Record vote (RV#75) 400. Statement of vote recorded in journal 401. Vote reconsidered (8-Johnson) 401. Vote reconsidered (9-Johnson) 401. Amendment to amendment withdrawn (9-Johnson) 401. Amendment amended (14-Johnson) 401. Amendment adopted as amended (8-Johnson) 401. Amendment tabled (15-Martinez Fischer) 401. Record vote (RV#76) 402. Statement of vote recorded in journal 402. Amendment tabled (16-Martinez Fischer) 402. Record vote (RV#77) 403. Statement of vote recorded in journal 403. Amendment tabled (17-Dukes) 403. Record vote (RV#78) 403. Statement of vote recorded in journal 404. Amendment offered (18-Hilderbran) 404. Amendment amended (19-Hilderbran) 404. Amendment as amended withdrawn (18-Hilderbran) 404. Passed to third reading as amended 405. Record vote (RV#79) 405. Read third time 414. Amended (1-Solomons) 414. Amendment tabled (2-Zedler) 415. Record vote (RV#81) 420. Statement of vote recorded in journal 421. Passed as amended 421. Record vote (RV#82) 421. Statement of vote recorded in journal 421. Senate concurs in house amendments-reported 523. Signed in the house 551.

SB 6. 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; providing penalties.

Author(s): Shapiro

House Sponsor(s): Branch; Eissler; Hochberg

Companion document(s): **HB 6**

Received from the senate 14. Read first time 13. Referred to Public Education 13. Committee report filed with committee coordinator 387. Read second time 486. Amendment offered (1-Eissler) 486. Amendment amended (2-Hochberg) 492. Amendment adopted as amended (1-Eissler) 493. Amended (3-Hochberg) 493. Amended (4-Hochberg) 493. Amendment tabled (5-Alvarado) 494. Record vote (RV#110) 496. Amended (6-Madden) 496. Amended (7-Hancock and Hochberg) 497. Statement of legislative intent recorded in journal 498. Statement of legislative intent recorded in journal 498. Passed to third reading as amended 498. Nonrecord vote recorded in journal 498. Constitutional three day rule suspended 506. Record vote (RV#112) 506. Read third time 506. Passed 507. Record vote (RV#114) 507. Senate refuses to concur-reported 523. Senate requests conference committee-reported 523. House grants request for conference committee 528. House appoints conferees 528. Senate adopts conference committee report-reported 581. House adopts resolution to go outside bounds (HR198) 564. House adopts conference committee report 568. Record vote (RV#133) 568. Statement of vote recorded in journal 568. Signed in the house 677.

SB 7. Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state; creating an offense; providing penalties.

Author(s): Nelson

House Sponsor(s): Zerwas

Companion document(s): **HB 7**

Received from the senate 14. Read first time 13. Referred to Appropriations 13. Committee report filed with committee coordinator 18. Read second time 29. Amendment offered (1-Zerwas) 29. Amendment to amendment offered (2-Geren) 32. Motion to table lost (2-Geren) 32. Record vote (RV#9) 32. Statement of vote recorded in journal 32. Amendment amended (2-Geren) 33. Amendment amended (3-Zerwas) 33. Amendment adopted as amended (1-Zerwas) 33. Amended (4-D. Howard) 33. Amended (5-Naishtat) 33. Amendment offered (6-Brown) 33. Motion to table lost (6-Brown) 34. Record vote (RV#10) 34. Statement of vote recorded in journal 35. Amended (6-Brown) 35. Amended (7-Hughes) 35. Amended (8-Zedler) 35. Nonrecord vote recorded in journal 44. Amendment offered (9-Simpson) 44. Point of order sustained-amendment (Rule 11, Section 2) 45. Amended (10-S. King) 45. Amendment tabled (11-Riddle and Simpson) 45. Record vote (RV#11) 45. Statement of vote recorded in journal 46. Amended (12-Menendez) 46. Amendment withdrawn (13-Alonzo) 58. Amended (14-Kolkhorst) 59. Nonrecord vote recorded in journal 63. Amended (15-Kolkhorst) 63. Nonrecord vote recorded in journal 66. Amended (16-Riddle) 66. Nonrecord vote recorded in journal 66. Amended (17-Christian and Coleman) 66. Amended (18-V. Gonzales, Deshotel, Muñoz, and Schwertner) 67. Amended (19-Guillen) 69. Amended (20-Eiland) 72. Amendment offered (21-Chisum) 79. Amendment amended (22-Schwertner) 80. Amendment adopted as amended (21-Chisum) 81. Amendment offered (23-Hardcastle) 81. Point of order withdrawn-amendment (Rule 11, Section 2) 81. Amendment amended (24-Thompson) 82. Amendment adopted as amended (23-Hardcastle) 82. Amendment offered (25-Jackson) 82. Point of order overruled-amendment (Rule 11, Section 2) 83. Amended (25-Jackson) 83. Amended (26-Alonzo) 83. Amendment offered (27-Christian) 83. Point of order overruled-amendment (Rule 11, Section 2) 84. Point of order overruled-amendment (Rule 8, Section 3) 85. Amended (27-Christian) 85. Record vote (RV#12) 85. Amendment offered (28-Lucio) 85. Amendment amended (29-Zerwas) 86. Amendment adopted as amended (28-Lucio) 86. Passed to third reading as amended 86. Record vote (RV#13) 86. Read third time 94. Amended (1-Lucio) 95. Passed as

amended 95. Record vote (RV#15) 95. Statement of vote recorded in journal 95. Senate refuses to concur-reported 410. Senate requests conference committee-reported 410. Senate appoints conferees-reported 410. House grants request for conference committee 424. Motion to instruct conferees 424. Motion prevails 424. Record vote (RV#83) 425. Motion to instruct conferees 425. Motion prevails 425. House appoints conferees with instructions 425. House adopts conference committee report 557. Statement of legislative intent recorded in journal 557. Record vote (RV#128) 559. Statement of vote recorded in journal 560. Reason for vote recorded in journal 560. Senate adopts conference committee report-reported 581. House adopts resolution for technical correction (HCR25) 560. Signed in the house 677.

SB 8. Relating to the flexibility of the board of trustees of a school district in the management and operation of public schools in the district.

Author(s): Shapiro

House Sponsor(s): Eissler

Received from the senate 18. Read first time 23. Referred to Public Education 23. Committee report filed with committee coordinator 454. Read second time 459. Amended (1-Eissler) 459. Amended (2-Eissler) 459. Nonrecord vote recorded in journal 459. Amendment tabled (3-Walle) 459. Record vote (RV#95) 460. Statement of vote recorded in journal 460. Amended (4-D. Miller and Button) 460. Amended (5-Shelton) 461. Record vote (RV#96) 461. Statement of vote recorded in journal 461. Amendment offered (6-Huberty) 462. Amendment to amendment tabled (7-Castro) 463. Record vote (RV#97) 463. Amendment amended (8-Huberty) 464. Nonrecord vote recorded in journal 464. Amendment adopted as amended (6-Huberty) 464. Record vote (RV#98) 464. Statement of vote recorded in journal 464. Reason for vote recorded in journal 465. Amendment tabled (9-Patrick) 465. Record vote (RV#99) 465. Statement of vote recorded in journal 466. Amendment tabled (10-Martinez) 466. Record vote (RV#100) 467. Amendment tabled (11-Farias) 468. Record vote (RV#101) 468. Amendment offered (12-Callegari) 468. Amendment amended (13-Marquez) 469. Amendment adopted as amended (12-Callegari) 469. Record vote (RV#102) 469. Amended (14-Patrick) 470. Amended (15-Parker) 470. Amendment tabled (16-Dutton) 470. Record vote (RV#103) 473. Statement of vote recorded in journal 473. Amended (17-Y. Davis) 473. Amendment offered (18-Shelton) 474. Motion to table lost 474. Record vote (RV#104) 474. Statement of vote recorded in journal 475. Amended (18-Shelton) 475. Record vote (RV#105) 475. Amended (19-Dutton) 475. Amended (20-Huberty) 476. Nonrecord vote recorded in journal 476. Amended (21-Huberty and Burkett) 476. Amended (22-Alonzo) 476. Record vote (RV#106) 477. Statement of vote recorded in journal 477. Amended (23-Villarreal) 478. Nonrecord vote recorded in journal 478. Amended (24-Guillen) 479. Amended (25-Crownover) 479. Amended (26-Giddings) 479. Amendment tabled (27-Weber) 482. Record vote (RV#107) 482. Statement of vote recorded in journal 483. Amended (28-Weber) 483. Nonrecord vote recorded in journal 483. Amendment fails of adoption (29-Weber) 484. Record vote (RV#108) 484. Statement of vote recorded in journal 485. Passed to third reading as amended 485. Record vote (RV#109) 485. Statement of vote recorded in journal 485. Constitutional three day rule suspended 506. Record vote (RV#112) 506. Read third time 506. Passed 507. Record vote (RV#113) 507. Statement of vote recorded in journal 507. Senate refuses to concur-reported 523. Senate requests conference committee-reported 523. House grants request for conference committee 528. House appoints conferees 528. Senate adopts conference committee report-reported 581. House adopts resolution to go outside bounds (HR199) 568. Motion to adopt conference committee report 571. Statement of legislative intent recorded in journal 571. Point of order overruled (Rule 13, Section 3(b), Rule 13, Section 9(a), and Rule 13, Section 11(a)) 572. Statement of legislative intent recorded in journal 572. House adopts conference committee report 574. Record vote (RV#135) 574. Statement of vote recorded in journal 575. Signed in the house 677.

- SB 9.** Relating to the enforcement of state and federal laws governing immigration by certain governmental entities and the administration of certain documentation of citizenship status and other lawful admittance by the Department of Public Safety of the State of Texas.
Author(s): Williams; Birdwell; Carona; Deuell; Duncan; Eltife; Estes; Fraser; Harris; Hegar; Huffman; Jackson; Nelson; Nichols; Ogden; Patrick; Seliger; Shapiro; Wentworth
Received from the senate 454. Read first time 514. Referred to State Affairs 514.
- SB 22.** Relating to the reapportionment of congressional districts and the creation, function, and duties of the Texas Congressional Redistricting Commission.
Author(s): Wentworth
Received from the senate 551.
- SB 29.** Relating to prosecution and punishment for the offense of official oppression by the intrusive touching of persons seeking access to public buildings and transportation; providing penalties.
Author(s): Patrick
House Sponsor(s): Simpson
Companion document(s): **HB 41**
Received from the senate 677. Read first time 676. Referred to Criminal Jurisprudence 676. Committee report filed with committee coordinator 762. Laid out in lieu of companion 747. Read second time 747. Statement of legislative intent recorded in journal 747. Passed to third reading 751. Record vote (RV#150) 751. Motion to suspend rules lost 752. Record vote (RV#151) 754. Statement of vote recorded in journal 754.
- SB 30.** Relating to the state virtual school network.
Author(s): Shapiro
Received from the senate 410. Read first time 410. Referred to Public Education 410.
- SB 31.** Relating to the guarantee of open-enrollment charter school bonds by the permanent school fund.
Author(s): Shapiro
Received from the senate 410. Read first time 410. Referred to Public Education 410.
- SB 43.** Relating to authorizing the Department of Public Safety of the State of Texas to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses.
Author(s): Lucio
Received from the senate 581.

**SENATE CONCURRENT RESOLUTIONS, HISTORY OF
IN THE HOUSE**

SCR 1. In memory of former Texas Senator John Nesbett Leedom.

Author(s): Carona

House Sponsor(s): Jackson, Jim

Received from the senate 410. Rules suspended 406. Adopted 406. Signed in the house 523.

SCR 3. In memory of Stacy Richards Furdek of Lubbock.

Author(s): Duncan

House Sponsor(s): Perry

Received from the senate 523. Rules suspended 527. Adopted 527. Signed in the house 580.

SCR 5. Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1.

Author(s): Duncan

House Sponsor(s): Pitts

Received from the senate 677. Laid before the house 673. Adopted (SB1) 673. Record vote (RV#145) 673. Statement of vote recorded in journal 674. Signed in the house 761.

SCR 6. Recognizing Melba Glyn Hill Cook of Waller on the occasion of her 80th birthday.

Author(s): Hegar

House Sponsor(s): Pitts

Received from the senate 677. Rules suspended 760. Adopted 760. Signed in the house 761.

**HOUSE BILLS AND RESOLUTIONS
AUTHORS OF**

Aliseda, Jose:

HR 103, Congratulating Tina Marie Garza on her graduation from The University of Texas at Austin. —A18

Allen, Alma A.:

No bills were filed by this representative.

Alonzo, Roberto R.:

HR 11, Congratulating Julian Rodriguez on being named the 2011 valedictorian of Adamson High School in Dallas. —A12

HR 12, Congratulating Adan Gonzalez on being named the 2011 salutatorian of Adamson High School in Dallas. —A12

HR 13, Congratulating Kevin Prado on being named the 2011 valedictorian of Molina High School in Dallas. —A12

HR 14, Congratulating Leticia Gallegos on being named the 2011 salutatorian of Molina High School in Dallas. —A12

HR 15, Congratulating Gustavo Castillo on being named the 2011 valedictorian of Trini Garza Early College High School in Dallas. —A12

HR 16, Congratulating Jocelyn Velasquez on being named the 2011 salutatorian of Trini Garza Early College High School in Dallas. —A12

HR 17, Congratulating Xochitl Escobar on being named valedictorian of Sunset High School in Dallas. —A12

HR 18, Congratulating Veronica Flores on being named salutatorian of Sunset High School in Dallas. —A12

HR 19, Congratulating Kathy T. Do on being named the 2011 valedictorian of Grand Prairie High School. —A12

HR 20, Congratulating Juan C. Cerda on being named the 2011 Salutatorian of Grand Prairie High School. —A12

HR 21, Congratulating Rosa Walker on her induction into the Texas AFL-CIO Hall of Fame. —A12

HR 101, Paying tribute to Rodolfo, Marcos, Alejandro, Vicente, Jose, and Arturo Torres for their service in the armed forces of the United States of America. —A18

HR 213, Honoring Glenda Lyzette Avila-Salazar of Dallas. —A26

Alvarado, Carol:

HB 35, Relating to an increase in the cigarette tax, to the use of revenue from the tax, and to the enforcement of the tax. —A3

Anchia, Rafael M.:

No bills were filed by this representative.

Anderson, Charles "Doc":

HB 40, Relating to an interlocal contract between a governmental entity and a purchasing cooperative to purchase roofing materials or services. —A4

HB 43, Relating to election through secret ballot of a labor union as the exclusive bargaining representative. —A4

Anderson, Rodney E.:

No bills were filed by this representative.

Aycock, Jimmie Don:

HB 19, Relating to hearings on public school educator contracts. —A2

Beck, Marva:

No bills were filed by this representative.

Berman, Leo:

No bills were filed by this representative.

Bohac, Dwayne:

No bills were filed by this representative.

Bonnen, Dennis:

HB 47, Relating to a person's ability to read and write in English as a qualification for service as a petit juror. —A5

HCR 26, Congratulating the baseball team of Brazoswood High School in Clute on winning the 2011 UIL 5A state championship. —A10

HR 212, Congratulating the Danbury High School softball team on winning the UIL 2A state championship. —A26

HR 273, Congratulating the Brazoswood High School Trap and Clay Shooters on their championship performance at the state Clay Trap/Sporting Clays Tournament in San Antonio. —A31

HR 274, Congratulating Jenna Pisarski of Brazoswood High School in Clute on becoming the 2010-2011 wrestling state champion in the 110-pound weight class. —A31

Branch, Dan:

HCR 21, Congratulating the Dallas Mavericks on winning the 2011 NBA championship. —A10

HJR 13, Proposing a constitutional amendment providing for the election and staggering of terms of county commissioners following a change in boundaries of a commissioners precinct. —A11

HR 242, Commemorating the 2011 Fourth of July celebration in the Greenway Parks neighborhood of Dallas and recognizing the rich history of this important community. —A29

HR 243, Congratulating David Chapasko of Preston Hollow Elementary School on being named the Dallas Independent School District 2011 Principal of the Year. —A29

HR 249, Commemorating the grand opening of the Katy Trail Ice House in Dallas. —A29

HR 250, Congratulating Dr. Ben Coker on his retirement as assistant superintendent of business services for Highland Park Independent School District. —A29

HR 251, Commemorating the groundbreaking for the George W. Bush Presidential Center at Southern Methodist University in Dallas. —A29

HR 292, Commemorating the 15th anniversary of Pinnacle Technical Resources of Dallas. —A32

Brown, Fred:

No bills were filed by this representative.

Burkett, Cindy:

HR 75, Congratulating the first graduating class of Sunnyvale High School. —A16

HR 87, Congratulating Scott Coulson on his retirement as band director of Poteet High School in Mesquite. —A17

HR 124, Congratulating the baseball team of Eastfield College in Mesquite on winning the NJCAA Division III World Series. —A20

Burnam, Lon:

No bills were filed by this representative.

Button, Angie Chen:

HR 110, Congratulating the Methodist Richardson Foundation on the success of its 2011 WildRide! WildRun! Against Cancer. —A19

HR 111, Honoring Richland College on its designation as a two-year National Center of Academic Excellence in Information Assurance Education. —A19

HR 163, In memory of Antonio Palaganas. —A23

Cain, Erwin:

HCR 23, In memory of Susan Ann Cassidy of Amarillo. —A10

HCR 24, In memory of Joseph Patrick Cassidy of Panhandle. —A10

HR 40, Congratulating Second Lieutenant Jermaine Dewayne Wright of Sulphur Springs on his graduation from the United States Military Academy at West Point. —A14

HR 270, In memory of Susan Ann Cassidy of Amarillo. —A31

HR 271, In memory of Joseph Patrick Cassidy of Panhandle. —A31

Callegari, Bill:

HB 17, Relating to the minimum salary for and minimum service required of certain public school employees. —A2

HB 30, Relating to unpaid furloughs for state employees. —A3

HB 31, Relating to school district personnel. —A3

HB 42, Relating to the operation, powers, and duties of certain water districts. —A4

HB 53, Relating to the offense of coercing a person to have or seek an abortion and informed and voluntary consent for an abortion; providing penalties. —A5

HR 154, In memory of the Reverend John Brannon Haskins, Sr., of Houston. —A22

Carter, Stefani:

HR 236, Congratulating Sean and Emily Carter of Wylie on their 10th wedding anniversary. —A28

HR 279, In memory of U.S. Army Private Andrew Mark Krippner of Garland. —A31

Castro, Joaquin:

No bills were filed by this representative.

Chisum, Warren:

HR 245, In memory of E. E. "Shelly" Shelhamer of Pampa. —A29

Christian, Wayne:

No bills were filed by this representative.

Coleman, Garnet F.:

- HB 64**, Relating to a county mental health services Medicaid waiver program. —A6
HB 78, Relating to a county HIV and AIDS services Medicaid waiver program. —A7
HCR 15, In memory of Pete A. Gallego, Jr., of Alpine. —A9

Cook, Byron:

- HR 189**, Commemorating the 100th anniversary of the dedication of the First United Methodist Church building in Palestine and 175 years of Methodism in the Palestine area. —A25
HR 234, Congratulating the Navarro College baseball team on winning the 2011 NJCAA Division I national championship. —A28

Craddick, Tom:

- HCR 16**, Granting William James Stroman, Jr., permission to sue the State of Texas and the board of regents of The University of Texas. —A9
HCR 20, Commemorating the 40th anniversary of Southwest Airlines. —A10
HR 77, Congratulating Billie Ann and Kenneth Baker of Midland on their 65th wedding anniversary. —A17
HR 85, Congratulating Jack and Barbara Pallick of Midland on their 50th wedding anniversary. —A17
HR 86, Congratulating L. G. and Willie Atchley on their 70th wedding anniversary. —A17
HR 94, Congratulating Floretta and Wilbern Peden of Midland on their 60th wedding anniversary. —A18
HR 95, Congratulating Jim and Marilyn Clanahan of Midland on their 60th wedding anniversary. —A18
HR 127, Honoring Dr. John Mendelsohn for his 15-year tenure as president of The University of Texas M. D. Anderson Cancer Center. —A20
HR 285, Commemorating the 40th anniversary of Southwest Airlines. —A32

Creighton, Brandon:

No bills were filed by this representative.

Crownover, Myra:

- HB 46**, Relating to reducing state Medicaid and other health care costs by prohibiting smoking in certain public places; providing penalties. —A5

Darby, Drew:

- HR 41**, In memory of Mary Ruth Duke Loika of Austin. —A14

Davis, John E.:

No bills were filed by this representative.

Davis, Sarah:

- HR 180**, Commemorating the dedication of a historical marker in memory of Texas pioneer Obedience Fort Smith of Houston. —A24
HR 181, Congratulating Ronald G. Giroto on the occasion of his retirement as president and CEO of the Methodist Hospital System in Houston. —A24
HR 182, Commemorating the dedication of Evelyn's Park in Bellaire. —A24
HR 261, Commemorating the 10th anniversary of the Bellaire MENS Club. —A30

Davis, Sarah: — (continued)

HR 262, Congratulating Delvin Dennis, district engineer of the Houston District, Texas Department of Transportation, on the occasion of his retirement. —A30

Davis, Yvonne:

HR 30, Recognizing the Best Southwest Partnership on the occasion of the 25th anniversary of its incorporation. —A13

HR 65, Congratulating former NFL star Tim Brown of DeSoto on being named a North Texas Father of the Year by the Sylvan Landau Foundation. —A16

HR 91, Congratulating Patricia Barton of Dallas and LaJuana Barton of DeSoto on the publication of Faithful Remembrances Volume I. —A18

HR 139, In memory of Dr. Charles A. Hunter of Dallas. —A21

HR 177, In memory of civil rights activist and former Dallas City Council member Al Lipscomb. —A24

HR 184, Congratulating the Dallas Baptist University baseball team on its outstanding 2011 season. —A24

HR 214, Congratulating Mike Rawlings on his election as mayor of the City of Dallas. —A26

HR 220, Congratulating Michael Quildon on his reelection to the Cedar Hill Independent School District Board of Trustees. —A27

HR 221, Congratulating Dan Hernandez on his reelection to the Cedar Hill Independent School District Board of Trustees. —A27

HR 222, Congratulating Wendy Hodges-Kent on her election to the Cedar Hill Independent School District Board of Trustees. —A27

HR 269, Congratulating the Dallas Baptist University basketball team on winning the 2010-2011 National Christian College Athletic Association Division I national championship. —A30

HR 275, Congratulating Janet Harris on her election to the Duncanville City Council. —A31

HR 284, Congratulating Machree Garrett Gibson on her election as president of the Texas Exes. —A32

Deshotel, Joseph "Joe":

HR 200, Congratulating Hilton Kelley of Port Arthur on his receipt of a 2011 Goldman Environmental Prize. —A25

Driver, Joe:

No bills were filed by this representative.

Dukes, Dawnna:

HR 141, Congratulating the Texas A&M University men's and women's track and field teams on winning national titles at the NCAA Division I Outdoor Track and Field Championships for the third consecutive year. —A21

HR 196, Honoring the Intellectual Entrepreneurship Consortium at The University of Texas at Austin for its innovative leadership in the realm of higher education. —A25

Dutton, Jr., Harold V.:

HB 44, Relating to the consolidation of, or detachment and annexation of territory in, certain school districts and the board of trustees of those districts. —A4

HB 70, Relating to a financial exigency of a school district. —A6

Dutton, Jr., Harold V.: — (continued)

- HCR 12**, Congratulating country-pop superstar Kenny Rogers on his achievements. —A9
- HR 39**, Congratulating Gertrude Jack Lewis of Houston on the occasion of her 100th birthday. —A14
- HR 44**, Commemorating EXPO 2011, hosted by the Houston Minority Supplier Development Council. —A14
- HR 219**, Commemorating the 50th anniversary of San Jacinto College and recognizing September 19, 2011, as San Jacinto College Day. —A27

Eiland, Craig:

No bills were filed by this representative.

Eissler, Rob:

- HB 6**, Relating to the foundation curriculum, the establishment of the instructional materials allotment, the adoption, review, and purchase of instructional materials and technological equipment for public schools, and the administration of state assessment instruments to public school students. —A1
- HB 8**, Relating to flexibility for public schools to administer primary and secondary education efficiently. —A2
- HB 18**, Relating to elementary class size limits in public schools. —A2
- HB 72**, Relating to certain responsibilities of education research centers and to a joint advisory board for education research centers. —A6
- HR 171**, Congratulating The Woodlands High School softball team on winning the UIL 5A state championship. —A23
- HR 198**, Suspending limitations on conference committee jurisdiction, S.B. No. 6. —A25
- HR 199**, Suspending limitations on conference committee jurisdiction, S.B. No. 8. —A25

Elkins, Gary:

No bills were filed by this representative.

Farias, Joe:

No bills were filed by this representative.

Farrar, Jessica Cristina:

No bills were filed by this representative.

Fletcher, Allen:

No bills were filed by this representative.

Flynn, Dan:

- HB 61**, Relating to inclusion of a course on the United States Constitution in the curriculum requirements for public high school students. —A6
- HB 62**, Relating to the posting of the Ten Commandments in public school classrooms. —A6
- HB 63**, Relating to a moratorium on administering assessment instruments to public school students under the public school accountability system. —A6

Fruilo, John:

No bills were filed by this representative.

Gallego, Pete P.:

- HB 67**, Relating to the entitlement of school districts and open-enrollment charter schools to a certain funding level and to the appropriation of money from the economic stabilization fund to be used for public education. —A6
- HR 157**, Congratulating Fred Brockwell of Del Rio on earning a 2010 Spotlight Award from the American Association of Community Theatre. —A22
- HR 158**, In memory of Eugene Russell Watson of Marathon. —A22
- HR 172**, Honoring Edelmira Sotelo for her 21 years of service as district director for the Del Rio office of State Representative Pete Gallego. —A23
- HR 173**, In memory of Moises L. Prieto of Del Rio. —A24
- HR 203**, Congratulating Kiki Luna on her receipt of the J. C. Montgomery, Jr., Child Safety Award from the Texas Office for Prevention of Developmental Disabilities. —A26
- HR 204**, Congratulating Alfredo Delgado on his retirement from the Housing Authority of Del Rio. —A26
- HR 205**, Honoring U.S. Air Force Colonel Michael R. Frankel, commander of the 47th Flying Training Wing at Laughlin Air Force Base, for his service to this country. —A26
- HR 206**, Congratulating Ely Gallego of Alpine High School on being named to the Texas High School Baseball Coaches Association 2A All-State team. —A26
- HR 207**, Congratulating Joyce Lindsey on the occasion of her retirement as associate director of the Texas Access to Justice Foundation. —A26
- HR 267**, In memory of Thomas "Jack" Plyler of Del Rio. —A30
- HR 268**, In memory of Margaret Pauline Seward Newbill. —A30
- HR 277**, Congratulating Dr. Robert M. Gates on his retirement as the United States secretary of defense. —A31
- HR 278**, Honoring Dr. Ismael Sosa, Jr., for his service as president of Southwest Texas Junior College and his contributions to the Uvalde community. —A31
- HR 291**, In memory of former Kinney County judge Oscar Thomas "Tommy" Sargeant. —A32

Garza, John V.:

- HB 54**, Relating to equal opportunity for access by private and parochial school students to University Interscholastic League sponsored activities. —A5
- HB 83**, Relating to remedies for discrimination by a public employer against a public employee in connection with a claim for workers' compensation. —A8
- HCR 13**, Urging Congress to enact an overhaul of the immigration system. —A9

Geren, Charlie:

No bills were filed by this representative.

Giddings, Helen:

- HR 67**, Commending Katherine Hinton-Rosenberg for her service as a legislative intern in the office of State Representative Helen Giddings. —A16
- HR 68**, Commending Clayton Tucker for his service as a legislative intern in the office of State Representative Helen Giddings. —A16

Gonzales, Larry:

- HR 32**, Congratulating Patti Jurena Wiggs of Round Rock on her retirement as a teacher at Park Crest Middle School in Pflugerville. —A13
- HR 115**, Congratulating Gretchen Zamora on her retirement from Austin State Hospital Support Services. —A19

Gonzales, Veronica:

- HR 53**, Honoring Lauro Solis on his installation as governor of Rotary International District 5930. —A15
- HR 54**, Congratulating Rachele Grace of McAllen Memorial High School on her receipt of the 2011 H-E-B Excellence in Education Leadership Award in the secondary school category. —A15
- HR 55**, Honoring Ernie Madsen for his nearly eight decades of service to Rotary International. —A15
- HR 56**, Congratulating Taryn B. Millar on earning her doctorate in psychology from George Washington University. —A15
- HR 57**, Commending Judge Rudy Delgado on his selection as the April 2011 Cancer Fighter of the Month by the American Cancer Society of the Rio Grande Valley. —A15
- HR 58**, In memory of Oscar Raul Cardenas of McAllen. —A15
- HR 59**, Congratulating Jan Seale on being named Texas Poet Laureate for 2012. —A15
- HR 60**, Congratulating Las Palmas Healthcare Center in McAllen on earning the Public Information and Education Award from the Texas Health Care Association. —A15
- HR 61**, Congratulating Mariella Gorena on her retirement as principal of Wilson Elementary School in McAllen. —A15
- HR 148**, Congratulating Ruben Longoria Saenz and Matilda Delgado Saenz of Robstown on their 40th wedding anniversary. —A22
- HR 254**, In memory of Rio Grande Valley physician, educator, and civil rights leader Dr. Ramiro Raul Casso. —A29

Gonzalez, Naomi R.:

No bills were filed by this representative.

Gooden, Lance:

- HR 71**, Congratulating the Forney High School softball team on its outstanding 2011 season and its appearance in the UIL 4A title game. —A16
- HR 90**, Congratulating Hunter Pritchett of Quinlan on attaining the rank of Eagle Scout. —A17
- HR 126**, Congratulating William Noah Bankston on attaining the rank of Eagle Scout. —A20
- HR 150**, In memory of Valerie Evelyn Tumlinson of Athens. —A22
- HR 151**, Congratulating Captain Kay Langford on her retirement from the Henderson County Sheriff's Office. —A22
- HR 155**, Commemorating the 30th anniversary of the founding of Cornerstone Baptist Church in Terrell. —A22
- HR 216**, Congratulating Dr. Coy Holcombe, Eustace ISD superintendent, on his designation as 2011 Region 7 Superintendent of the Year. —A27
- HR 217**, Congratulating Coy Ellis and the Ellis Motor Company in Chandler on the 40th anniversary of the business. —A27

Gooden, Lance: — (continued)

HR 246, Congratulating Pauline Bond Baxter on being named grand marshal of the 2011 Fourth of July parade in Kaufman. —A29

Guillen, Ryan:

HB 36, Relating to reimbursement for health care services provided at certain times to persons enrolled in the Medicaid managed care program. —A3

HB 37, Relating to a pilot project to establish a comprehensive access point for long-term services and supports provided to older persons and persons with physical disabilities. —A4

HB 38, Relating to the optional flexible school day program provided by school districts. —A4

HB 45, Relating to allocation of state and federal funds for adult basic education. —A4

HB 77, Relating to claims for and distribution of unclaimed land grant mineral proceeds. —A7

HR 42, In memory of Eladio Carrera of Rio Grande City. —A14

HR 43, Congratulating Homero Juan Salmon on his retirement as constable of Starr County Precinct 4. —A14

HR 45, Commending the Honorable John A. Pope III of McAllen for his distinguished work in the legal profession. —A14

HR 46, Honoring Lino Canales, Jr., for his contributions to the community as founder of the Starr County Town Crier. —A14

HR 47, In memory of Nidia Ann Leal. —A14

HR 48, Honoring Immaculate Conception Church in Rio Grande City for its service to the community. —A14

HR 62, Honoring Lauro L. Lopez of Rio Grande City for his contributions as a business and civic leader and as a member of the armed forces. —A15

HR 63, Honoring Clemente Garza, Jr., and the staff of the Texas Cafe in Rio Grande City for their hard work and entrepreneurial achievements. —A15

HR 64, Congratulating Elvia Escobedo, founder of Elvia's Beauty Shop in Rio Grande City. —A16

HR 72, In memory of Juan Caro of Rio Grande City. —A16

HR 73, Honoring Dr. Mario E. Ramirez on his contributions to health care in South Texas. —A16

HR 81, Honoring the life and work of Dr. Mamiliano Juan Rodriguez. —A17

HR 82, Congratulating Cruz Garza, Jr., on his retirement from Rio Grande City High School. —A17

HR 83, Honoring Gilberto Amado Hinojosa, Sr., of Benavides, for his service to Duval County. —A17

HR 84, In memory of Lino Perez, Jr., of Rio Grande City. —A17

HR 89, Honoring Jovita Rebecca Guevara of Jovita's Beauty Salon in Benavides. —A17

HR 98, Paying tribute to the lives of Ramiro and Hortencia "Nena" Hinojosa of Starr County. —A18

HR 99, Honoring the life and legacy of former Starr County sheriff Reymundo Alvarez. —A18

Guillen, Ryan: — (continued)

- HR 100**, Commending the Honorable Jose Benito Canales for more than 30 years of service as justice of the peace of Precinct 4 of Duval County. —A18
- HR 112**, Honoring Elida "Lela" Gutierrez Garcia of Benavides for her longtime service to area residents as the owner of Lela's Beauty Shop. —A19
- HR 113**, In memory of Manuel P. Guillen of Rio Grande City. —A19
- HR 114**, Recognizing Dr. Roberto S. Margo of Rio Grande City for his service as a veterinarian. —A19
- HR 116**, In memory of Javier "J. V." Villanueva of Duval County. —A19
- HR 117**, In memory of former Starr County judge Blas Chapa of Mission. —A19
- HR 118**, Paying tribute to the life and legacy of Dr. Ramiro Narro of Weslaco. —A20
- HR 119**, Commemorating the 30th anniversary of the Liberty Cafe in Freer. —A20
- HR 120**, Commending Edna and Arnoldo Cantu of Freer for their contributions to their community. —A20
- HR 121**, Honoring Francisco Guerra, Jr., of Starr County for his achievements in business. —A20
- HR 130**, Congratulating Sijifredo "Chacho" and Diana Flores of Benavides on their 50th wedding anniversary. —A20
- HR 131**, Honoring Judge Benito V. Garza for his 34 years of service as justice of the peace for Precinct 3 in Duval County. —A20
- HR 132**, Honoring Julian F. Stockwell for his years of service to Duval County. —A21
- HR 135**, In memory of Rio Grande City police officer Robert A. Ramirez. —A21
- HR 142**, Honoring Rodolfo Carlos Salinas, Jr., of Rio Grande City for his contributions to his community. —A21
- HR 143**, Congratulating Pedro and Estefana Villareal on their 67th wedding anniversary. —A21
- HR 153**, Honoring Martin A. Canales, Jr., of Roma for his contributions to his community. —A22
- HR 156**, Honoring Rudy and Ann Casas for their success as the owners of Freer Iron Works in Duval County. —A22
- HR 169**, Honoring Rene G. Smith, Jr., of Starr County for his contributions to his community. —A23
- HR 174**, In memory of Jesus Alberto Solis of Starr County. —A24
- HR 185**, Honoring El Valle Bakery in Rio Grande City and its founders, Adolfo Berlanga and Maria del Carmen Berlanga. —A24
- HR 244**, Commending Celia Reilly Saenz for her service to her community. —A29

Gutierrez, Roland:

No bills were filed by this representative.

Hamilton, Mike:

HR 175, In memory of State District Judge Britton E. Plunk of Silsbee. —A24

HR 176, In memory of A. J. Leger of Beaumont. —A24

Hancock, Kelly:

No bills were filed by this representative.

Hardcastle, Richard L. "Rick":

No bills were filed by this representative.

Harless, Patricia:

No bills were filed by this representative.

Harper-Brown, Linda:

HB 75, Relating to the punishment for the offense of indecent exposure. —A7

HB 76, Relating to the bilingual education and special language programs offered in public schools. —A7

HB 80, Relating to restrictions on certain private security companies' use of vehicles that mimic law enforcement vehicles. —A7

HCR 5, Urging Congress to take appropriate action to ensure acceptable treatment of the public by personnel of the Transportation Security Administration. —A9

HR 170, Commemorating the Eighth Annual Awareness Banquet hosted by the Dallas/Fort Worth chapter of the Korean American Coalition and extending best wishes to newly elected chapter president Soo Yeon Nam. —A23

HR 186, In memory of Robert Ochoa Moon of Irving. —A24

HR 187, In memory of Evelyn T. Clifton of Irving. —A24

HR 225, Congratulating Sergeant Louis C. Felini of the Dallas Police Department on receiving a Professional Achievement Award from the Texas Commission on Law Enforcement Officer Standards and Education. —A27

HR 226, In memory of Lenora Josephine Cavazos of Irving. —A27

HR 227, In memory of Harold Wayne Cline, Sr., of Irving. —A27

HR 228, In memory of Jo Ann Okle of Irving. —A28

HR 237, In memory of Charles Ray Williams of Irving. —A28

HR 238, In memory of Steve K. Askins of Irving. —A28

HR 239, In memory of Lola Lenore Ernsting of Irving. —A28

HR 240, In memory of Shirley Jane Bearden Sweet of Irving. —A28

HR 241, Recognizing Multilayer Technology for receiving its third consecutive Best of Irving Award in the Printed Circuit Board category from the United States Commerce Association. —A28

HR 280, Congratulating Judy Smithey on her retirement as a senior public policy consultant with Dean International, Inc. —A31

HR 281, Honoring the Irving Art Association on the 55th anniversary of its founding. —A31

HR 282, In memory of Dorothy "Dot" Tapley of Emory. —A31

Hartnett, Will:

HCR 11, Urging the federal government to grant a conditional green card to certain noncitizens to allow them to enlist in the United States armed forces and urging the federal government to award citizenship to these immigrants upon the completion of four years of honorable military service. —A9

Hernandez Luna, Ana E.:

No bills were filed by this representative.

Hilderbran, Harvey:

- HB 73**, Relating to the use of forfeited property proceeds by the district attorney for the 198th Judicial District. —A6
- HB 74**, Relating to the use of forfeited property proceeds by the district attorney for the 198th Judicial District. —A7
- HR 51**, In memory of Thomas G. Ratcliffe of Kerrville. —A15
- HR 52**, In memory of Elizabeth Ann Liggett of Kerrville. —A15
- HR 208**, Congratulating Dorothy Grace Turner Jenkins of Kerrville on the occasion of her 90th birthday. —A26
- HR 266**, Commending the Former Texas Rangers Foundation on its outstanding work. —A30

Hochberg, Scott:

- HB 27**, Relating to reducing costs in public school extracurricular activities. —A3
- HB 28**, Relating to the eligibility of a student to participate in extracurricular activities or competitions after transferring or moving from one public school to another. —A3
- HB 29**, Relating to requirements for students to be assessed in certain subjects and in certain grades. —A3

Hopson, Chuck:

No bills were filed by this representative.

Howard, Charlie:

No bills were filed by this representative.

Howard, Donna:

- HB 65**, Relating to requirements for reapportionment of congressional districts. —A6
- HJR 12**, Proposing a constitutional amendment to establish certain principles and procedures for the drawing of congressional districts. —A11
- HR 164**, Congratulating Benjamin Mauro of Austin on attaining the rank of Eagle Scout. —A23
- HR 165**, Congratulating Tanner Mauro of Austin on attaining the rank of Eagle Scout. —A23

Huberty, Dan:

- HB 20**, Relating to notice required for termination of a teacher's probationary contract or nonrenewal of a teacher's term contract. —A2
- HB 60**, Relating to state control of teacher appraisal criteria, curriculum standards, and assessment instruments. —A6
- HR 26**, Congratulating Matthew Simpson of Huffman on being named valedictorian of the Class of 2011 at Hargrave High School. —A13
- HR 27**, Congratulating Paige Alan Sullivan on her graduation from Kingwood High School. —A13
- HR 161**, Congratulating Ashley Alspaugh of Atascocita on her graduation from St. Pius X High School. —A23
- HR 162**, Honoring William Patrick Barnett, Sr., on his 75th birthday. —A23
- HR 188**, Congratulating Kelly Anne Sullivan on her graduation from Kingwood Park High School in 2010. —A25

Huberty, Dan: — (continued)

HR 294, In memory of Evelyn Walters of Kingwood. —A32

Hughes, Bryan:

HCR 18, In memory of Sergeant Joshua David Powell of Quitman. —A9

HCR 19, In memory of U.S. Army Chief Warrant Officer 2 Bradley Justin Gaudet of Gladewater. —A9

HR 74, Commemorating the 100th anniversary of the establishment of First Baptist Church in Hawkins. —A16

HR 92, In memory of the Honorable Ed Hunt of Mineola. —A18

HR 93, In memory of U.S. Army Chief Warrant Officer 2 Bradley Justin Gaudet of Gladewater. —A18

HR 140, Congratulating Don and Linda Rhodes of Mineola on their 50th wedding anniversary. —A21

HR 145, Congratulating Juan D. and Jerry Nichols of Quitman on their 60th wedding anniversary. —A21

HR 146, In memory of James E. Taylor of Marshall. —A22

HR 260, Congratulating Wendell and Myra Shirley Crist of Yantis on their 50th wedding anniversary. —A30

HR 287, In memory of David Coulter Templeton of Mineola. —A32

HR 288, Honoring the Wood County Airport for being named the 2010 General Aviation Airport of the Year by the Texas Department of Transportation. —A32

HR 290, Commemorating the 150th anniversary of the founding of Mt. Shiloh Baptist Church in Quitman. —A32

Hunter, Todd:

No bills were filed by this representative.

Isaac, Jason A.:

No bills were filed by this representative.

Jackson, Jim:

HR 202, In memory of Jesse Robert Woody of Carrollton. —A26

Johnson, Eric:

HR 152, Congratulating Lula Beatrice McGough Jordan of Dallas on the occasion of her 100th birthday. —A22

HR 160, Congratulating Lovie Mae Walker Kazee of Dallas on the occasion of her 95th birthday. —A23

Keffer, James L. "Jim":

No bills were filed by this representative.

King, Phil:

No bills were filed by this representative.

King, Susan L.:

No bills were filed by this representative.

King, Tracy O.:

No bills were filed by this representative.

Kleinschmidt, Tim:

No bills were filed by this representative.

Kolkhorst, Lois W.:

HB 5, Relating to the Interstate Health Care Compact. —A1

HB 13, Relating to the Medicaid program and alternate methods of providing health services to low-income persons in this state. —A2

HR 211, In memory of Richard Bruce Duncan, the justice of the peace for Precinct 2 of Walker County. —A26

Kuempel, John:

No bills were filed by this representative.

Landtroop, Jim:

No bills were filed by this representative.

Larson, Lyle:

HB 56, Relating to the regulation of certain animals. —A5

HB 71, Relating to the establishment of certain water and sewer utility rates and the transfer of certain functions from the Texas Commission on Environmental Quality to the Public Utility Commission of Texas. —A6

HR 80, In memory of Steven F. Gehrlein of San Antonio. —A17

HR 97, In memory of George Vernon Wright, Jr., of San Antonio. —A18

Laubenberg, Jodie:

HB 68, Relating to drug testing of certain persons seeking financial assistance benefits. —A6

HB 69, Relating to the dispensing of certain drugs by physicians. —A6

Lavender, George:

No bills were filed by this representative.

Legler, Ken:

HJR 11, Proposing a constitutional amendment relating to the use of the assets of certain associations established by the legislature of this state for the purpose of providing certain insurance coverage. —A11

HR 286, Honoring the Pasadena Bay-Area Junior Forum on the 50th anniversary of its founding. —A32

Lewis, Tryon D.:

HB 79, Relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by H.B. No. 1, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government. —A7

HR 128, Congratulating Glen Larum on his retirement from the Texas Department of Transportation. —A20

Lozano, J. M.:

HR 167, Congratulating Elizabeth F. Springs of Kingsville on her participation in the NASA High School Aerospace Scholars program. —A23

Lucio, III, Eddie:

HR 147, Commemorating the 2011 CowParade in Austin benefiting the Dell Children's Medical Center of Central Texas. —A22

Lyne, Lanham:

HR 102, Congratulating the baseball team of Rider High School in Wichita Falls on winning the UIL 4A state championship. —A18

HR 129, In memory of the Honorable Graham Boynton Purcell, Jr., of Wichita Falls. —A20

Madden, Jerry:

HB 26, Relating to the containment of costs incurred in the correctional health care system and to studies regarding delivery of health care services by certain nurses. —A3

HB 34, Relating to funding for basic civil legal services, indigent defense, and judicial technical support through certain fees and court costs and to the establishment of the judicial access and improvement account. —A3

HCR 22, Commending the members of the Texas Supreme Court for their actions in support of legal aid services and honoring them for their work in promoting access to justice for the state's most vulnerable citizens. —A10

HR 108, Commending Harry LaRosiliere for his service as a member of the Plano City Council. —A19

HR 109, Commending Jean Callison for her service on the Plano City Council. —A19

HR 149, In memory of Dorothy Edna Schulte "Dot" McCalpin of Richardson. —A22

HR 159, Congratulating James "Bubba" Martin, Jr., on his retirement as chief juvenile probation officer for Jefferson County. —A22

HR 178, In memory of Sharon Elaine Wright of Plano. —A24

Mallory Caraway, Barbara:

No bills were filed by this representative.

Margo, Dec:

HR 122, Honoring Sun Metro on its receipt of a 2011 Outstanding Public Transportation System award by the American Public Transportation Association. —A20

HR 123, Congratulating retired Brigadier General Richard A. Behrenhausen and Elizabeth Behrenhausen of El Paso on their 50th wedding anniversary. —A20

HR 224, In memory of U.S. Army Colonel (Ret.) James Lloyd Hayden of El Paso. —A27

HR 255, Congratulating Dr. Herbert H. Ortega on his receipt of the 2011 Distinguished Service Award from the Rotary Club of El Paso. —A29

Marquez, Marisa:

HR 190, Commending Deputy Sergeant Natividad Guerrero of the El Paso County Sheriff's Office for his 25 years of service. —A25

HR 191, Commending El Paso County Deputy Sheriff Patrick Gailey for helping an elderly woman escape a brush fire. —A25

HR 192, Honoring Charlie Gomez for his contributions to the El Paso community. —A25

HR 193, Congratulating the El Paso County Historical Commission on receiving a 2010 Distinguished Service Award from the Texas Historical Commission. —A25

Marquez, Marisa: — (continued)

HR 194, Commemorating the opening of the new indoor farmers' market at Mercado Mayapan in El Paso. —A25

HR 195, Congratulating the Volar Center for Independent Living on being named the 2011 Center for Independent Living of the Year by the State of Texas. —A25

HR 252, Commemorating the 100th anniversary of the Eighth Court of Appeals. —A29

HR 253, In memory of U.S. Army Staff Sergeant Nicholas Price Bellard of El Paso. —A29

Martinez Fischer, Trey:

HR 201, In memory of Ralph M. Lazarine of San Antonio. —A26

Martinez, Armando "Mando":

No bills were filed by this representative.

McClendon, Ruth Jones:

HB 55, Relating to increasing fiscal flexibility through the provision of state aid for certain juvenile justice alternative education programs that enter into certain revenue sharing agreements. —A5

HR 107, In memory of the Reverend R. A. Callies of San Antonio. —A19

HR 168, Congratulating Carlton and Margaret Robinson of San Antonio on their 65th wedding anniversary. —A23

HR 223, In memory of civil rights pioneer and political leader Percy Ellis Sutton. —A27

HR 247, In memory of Angnet Marie Rice Norman of San Antonio. —A29

HR 248, Congratulating Emma Jewel Johnson on her retirement from the San Antonio Independent School District. —A29

Menéndez, José:

HR 66, Congratulating Michelle Thomas on her promotion to the position of executive director of financial analysis with AT&T in Dallas and honoring her for her many contributions to the San Antonio community. —A16

Miles, Borris L.:

HR 233, In memory of Yolanda Evette Williams. —A28

Miller, Doug:

HR 105, Honoring Rear Admiral Jerry R. Kelley on the occasion of his retirement from the United States Navy. —A19

Miller, Sid:

HB 33, Relating to providing for efficient government resource allocation. —A3

HB 84, Relating to authorizing the Department of Public Safety of the State of Texas to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses. —A8

Morrison, Geanie W.:

HR 166, In memory of the Honorable Frank Harrington Crain of Victoria. —A23

Muñoz, Jr., Sergio:

HR 215, Commemorating the dedication of the Cali Carranza community gymnasium in Pharr and honoring Mr. Carranza for his achievements and service. —A27

Murphy, Jim:

No bills were filed by this representative.

Naishtat, Elliott:

HR 125, Honoring the Center for Public Policy Priorities on its 25th anniversary. —A20

HR 258, Recognizing the month of April 2011 as Genocide Awareness and Prevention Month. —A30

HR 259, Recognizing July 2011 as DoubleTree by Hilton Chocolate Chip Cookie Month in Texas. —A30

Nash, Barbara:

No bills were filed by this representative.

Oliveira, René O.:

HR 276, In memory of Ricardo A. Arzamendi of Brownsville. —A31

Orr, Rob:

No bills were filed by this representative.

Otto, John:

No bills were filed by this representative.

Parker, Tan:

No bills were filed by this representative.

Patrick, Diane:

HR 29, In memory of Ronald Gene Howell of Arlington. —A13

Paxton, Ken:

HR 31, Congratulating Burks Elementary School in McKinney on earning recognition as a Healthy Zone School. —A13

Peña, Aaron:

HR 133, Honoring U.S. Marine Corps Sergeant Jacob De la Garza for his service to this nation. —A21

HR 134, Honoring Alma Garza for her service on the Edinburg City Council. —A21

HR 257, Congratulating Sally Jaime on being named the 2011 Firefighter of the Year by the Edinburg Volunteer Fire Department. —A30

HR 283, Recognizing the Just Kautz It's Right nonprofit initiative and its founder, Maricela De Leon, for assisting schoolchildren in the Rio Grande Valley. —A31

Perry, Charles:

HCR 17, In memory of Stacy Furdek of Lubbock. —A9

HR 179, Congratulating Wendell Dee Moore of Lubbock on being recognized by the Texas State Board of Public Accountancy for maintaining his CPA license for 50 years. —A24

HR 231, Congratulating the baseball team of Coronado High School in Lubbock on its outstanding 2011 season and its appearance in the UIL 5A state title game. —A28

Phillips, Larry:

No bills were filed by this representative.

Pickett, Joseph "Joe" C.:

HJR 14, Proposing a constitutional amendment limiting the uses of revenue from motor vehicle registration fees, taxes on motor fuels and lubricants, and certain revenue received from the federal government. —A11

Pitts, Jim:

HB 1, Relating to certain state fiscal matters; providing penalties. —A1

HB 2, Appropriating money for the support of state government for the period beginning September 1, 2011 and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds; and declaring an emergency. —A1

HR 197, Suspending limitations on conference committee jurisdiction, S.B. No. 2. —A25

HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1. —A28

Price, Four:

No bills were filed by this representative.

Quintanilla, Chente:

HR 76, In memory of U.S. Army Corporal Eduardo Pedregon of El Paso, who gave his life while fighting in the Korean War. —A16

Raymond, Richard Peña:

HR 14, Directing the Texas Historical Commission to work with the City of Austin to honor the memory of President John F. Kennedy with an official Texas Historical Marker at or near the site of the Austin Municipal Auditorium. —A9

HR 104, Directing the Texas Historical Commission to work with the City of Austin to honor the memory of President John F. Kennedy with an official Texas Historical Marker at or near the site of the Austin Municipal Auditorium. —A18

HR 144, Congratulating Juan Francisco "Pancho" Ochoa on being named the 2011 BusinessPerson of the Year by the Laredo Chamber of Commerce. —A21

HR 265, Honoring Terry Ruskowski for his achievements as coach, general manager, and president of the Laredo Bucks hockey team. —A30

Reynolds, Ron:

No bills were filed by this representative.

Riddle, Debbie:

HB 57, Relating to the creation of the offense of criminal trespass by an illegal alien and to certain procedures for arresting illegal aliens for committing that criminal offense. —A5

HB 58, Relating to the creation of the offense of employing or contracting with an unauthorized alien. —A5

HB 59, Relating to reporting by state agencies on the financial effect of providing services to illegal immigrants. —A5

HR 289, Commemorating the dedication of the Spring Fire Department's new fire station and administration building. —A32

Ritter, Allan B.:

No bills were filed by this representative.

Rodriguez, Eddie:

HR 88, Commending Alda Santana for her service as senior legislative assistant in the office of State Representative Eddie Rodriguez. —A17

Schwertner, Charles:

HR 49, In memory of Graham Charles Holloway of Cedar Park. —A14

HR 50, Congratulating Clarence and Ann Crow of Georgetown on their 60th wedding anniversary. —A15

HR 136, Congratulating Charlotte Ramsey of Cedar Park on her retirement from Pleasant Hill Elementary School in Leander. —A21

HR 137, Congratulating the baseball team of Yoe High School in Cameron on winning the UIL 2A state championship. —A21

HR 229, Congratulating Alfred and Bernice Vrazel of Buckholts on their 50th wedding anniversary. —A28

HR 235, Commending Patrick M. Reilly and the other members of Chapter 1919 of the Military Order of the Purple Heart for their efforts to bring the Texas Capitol Vietnam War Monument to fruition. —A28

Scott, Connie:

No bills were filed by this representative.

Sheets, Kenneth:

No bills were filed by this representative.

Sheffield, Ralph:

HR 22, Congratulating Ervin and Janice Schwindt of Belton on their 50th wedding anniversary. —A12

HR 23, Congratulating Dr. Vernon D. Holleman and Shirley Holleman of Temple on their 50th wedding anniversary. —A13

HR 24, Honoring Roy and Eloisa Donoso of Temple on their 50th wedding anniversary. —A13

HR 25, Honoring Carl and Patsy Feller of Salado on their 60th wedding anniversary. —A13

Shelton, Mark M.:

HB 21, Relating to the reduction in force of teachers employed by a school district. —A3

HB 39, Relating to revising, revoking, or denying renewal of charters of open-enrollment charter schools under certain circumstances. —A4

Simpson, David:

HB 41, Relating to prosecution and punishment for the offense of official oppression by the intrusive touching of persons seeking access to public buildings and transportation; providing penalties. —A4

Smith, Todd:

No bills were filed by this representative.

Smith, Wayne:

HR 183, In memory of Lois Elaine Black Couch of Baytown. —A24

Smithee, John:

HB 3, Relating to the operation of the Texas Windstorm Insurance Association, to the resolution of certain disputes concerning claims made to that association, and to the issuance of windstorm and hail insurance policies in the private insurance market by certain insurers; providing penalties. —A1

HR 210, In memory of noted Western craftsman Jerry Cates of Amarillo. —A26

HR 218, Suspending limitations on conference committee jurisdiction, H.B. No. 3. —A27

Solomons, Burt:

HB 4, Relating to the composition of the congressional districts for the State of Texas. —A1

HB 9, Relating to the enforcement of state and federal laws governing immigration by certain governmental entities. —A2

HB 10, Relating to the duty of a law enforcement agency to request information regarding the immigration status of an arrested person. —A2

HB 11, Relating to the duty of a local law enforcement agency to verify the immigration status of certain arrested persons by use of the federal Secure Communities program. —A2

Strama, Mark:

No bills were filed by this representative.

Straus, Joe, Speaker:

No bills were filed by this representative.

Taylor, Larry:

No bills were filed by this representative.

Taylor, Van:

HB 82, Relating to unit operations for oil, gas, or oil and gas production or carbon dioxide storage. —A7

HR 106, Congratulating Daniel Robnett of Plano on his promotion to the rank of captain in the U.S. Marine Corps and on his receipt of the Navy Marine Corps Commendation Medal. —A19

Thompson, Senfronia:

HR 209, Congratulating June Lohman on the occasion of her retirement from Comcast. —A26

HR 264, Congratulating Texas Junior State of America on its 20th anniversary. —A30

Torres, Raul:

HR 33, Congratulating R. E. "Bob" Parker on his induction into the Corpus Christi Business Hall of Fame. —A13

HR 34, Congratulating the marketing and community relations department of Driscoll Children's Hospital in Corpus Christi on winning three 2011 Aster Awards. —A13

HR 35, Congratulating the Destination ImagiNation teams from Baker Middle School in Corpus Christi for advancing to the 2011 Destination ImagiNation Global Finals. —A13

HR 36, Congratulating David Richter on his induction into the Corpus Christi Business Hall of Fame. —A13

Torres, Raul: — (continued)

HR 37, Congratulating Dr. Robert R. Furgason on his induction into the Corpus Christi Business Hall of Fame. —A14

HR 38, Congratulating Elizabeth Chu Richter on her induction into the Corpus Christi Business Hall of Fame. —A14

Truitt, Vicki:

HR 96, Congratulating Chief Robert Finn on his retirement from the police services division of the Southlake Department of Public Safety. —A18

Turner, Sylvester:

No bills were filed by this representative.

Veasey, Marc:

HR 272, Commemorating the opening of the Wilbert M. Curtis Texas Prince Hall Library Museum in Fort Worth, which is dedicated to the history of African American Freemasonry in Texas. —A31

Villarreal, Mike:

No bills were filed by this representative.

Vo, Hubert:

No bills were filed by this representative.

Walle, Armando Lucio:

No bills were filed by this representative.

Weber, Randy:

HB 48, Relating to the governance of home-rule school districts. —A5

HB 49, Relating to personal leave provided for a school district employee who is a victim of certain assaults. —A5

HB 50, Relating to a disciplinary proceeding for a professional employee of a school district based on the employee's use of physical force against a student. —A5

HB 51, Relating to the authority of school districts to suspend teachers without pay pending discharge. —A5

HB 52, Relating to the right to a hearing before an independent hearing examiner of a public school teacher suspended without pay. —A5

HCR 27, Congratulating the nine Texas community colleges named among the nation's top 120 by the Aspen Institute. —A10

HR 295, Congratulating the Texas community colleges that were named among the top 120 community colleges in the nation by the Aspen Institute. —A32

White, James:

HB 81, Relating to required individual health insurance coverage. —A7

Woolley, Beverly:

HR 263, In memory of Ramsay Gillman of Houston. —A30

Workman, Paul D.:

HR 28, Congratulating Lake Travis High School basketball coach Jan Jernberg on his retirement. —A13

HR 69, Congratulating Will Hoenig of Lake Travis High School on earning first place in extemporaneous persuasive speaking at the 2011 UIL Conference 4A State Academics Spring Meet. —A16

Workman, Paul D.: — (continued)

- HR 70**, Congratulating Lake Travis High School on its receipt of the sweepstakes award in speech at the 2011 UIL Conference 4A State Academics Spring Meet. —A16
- HR 78**, Congratulating Neal White on earning first place in extemporaneous informative speaking at the 2011 UIL Conference 4A State Academics Spring Meet. —A17
- HR 79**, Congratulating James Bounds on earning the top score on the physics portion of the science contest at the 2011 UIL Conference 4A State Academics Spring Meet. —A17
- HR 256**, In memory of Johnna Puckett Reynolds of Driftwood. —A30
- HR 293**, In memory of Bowie High School band director Bruce Dinkins of Austin. —A32

Zedler, Bill:

- HB 66**, Relating to the availability of certain school district financial information on districts' Internet websites. —A6
- HR 138**, Commending Bill Carlisle for his 14 years of service as an officer in the Arlington Kiwanis Club. —A21

Zerwas, John:

- HB 7**, Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state. —A2
- HB 32**, Relating to creation of a study committee for the Interstate Health Care Compact. —A3
- HCR 25**, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 7. —A10
- HR 230**, Honoring the Texas Stars Service Unit on the occasion of the centennial of Girl Scouts of the USA. —A28

INDEX

ABORTION

- HB 53**, Relating to the offense of coercing a person to have or seek an abortion and informed and voluntary consent for an abortion; providing penalties..... A5
- HB 69**, Relating to the dispensing of certain drugs by physicians..... A6

ADDRESSES BY

- Kelleher, Herb..... 527

ADDRESSES BY, TEXT OF

See PERSONAL PRIVILEGE ADDRESSES BY

ADULT EDUCATION

- HB 45**, Relating to allocation of state and federal funds for adult basic education..... A4

AGING

- HB 37**, Relating to a pilot project to establish a comprehensive access point for long-term services and supports provided to older persons and persons with physical disabilities..... A4

AGING & DISABILITY SERVICES, TEXAS DEPARTMENT OF

- HB 7**, Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state..... A2
- HB 26**, Relating to the containment of costs incurred in the correctional health care system and to studies regarding delivery of health care services by certain nurses.
..... A3
- HB 37**, Relating to a pilot project to establish a comprehensive access point for long-term services and supports provided to older persons and persons with physical disabilities..... A4
- HCR 25**, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 7.
..... A10
- HR 197**, Suspending limitations on conference committee jurisdiction, S.B. No. 2..... A25
- SB 2**, Appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds..... A36
- SB 7**, Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state; creating an offense; providing penalties..... A38

AGRICULTURE, TEXAS DEPARTMENT OF

- SB 1**, Relating to certain state fiscal matters; providing penalties..... A33

AIDS

See HEALTH-AIDS

AIRPORTS

- HCR 5**, Urging Congress to take appropriate action to ensure acceptable treatment of the public by personnel of the Transportation Security Administration..... A9

ALCOHOLIC BEVERAGE COMMISSION, TEXAS

- HB 1**, Relating to certain state fiscal matters; providing penalties..... A1
- HB 46**, Relating to reducing state Medicaid and other health care costs by prohibiting smoking in certain public places; providing penalties..... A5
- HR 232**, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
- SB 1**, Relating to certain state fiscal matters; providing penalties..... A33

ALCOHOLIC BEVERAGE COMMISSION, TEXAS — (continued)

SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1.
 A41

ALCOHOLIC BEVERAGE REGULATION

HB 1, Relating to certain state fiscal matters; providing penalties..... A1

HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1.....
 A28

SB 1, Relating to certain state fiscal matters; providing penalties..... A33

SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1.
 A41

ALISEDA, JOSE, REP.

Amendments and substitutes offered by..... 102, 170, 286, 370

Vote, statement of, by..... 171, 304, 394, 658

Votes, record of, by..... 109

ALLEN, ALMA A., REP.

Amendments and substitutes offered by..... 228, 371, 509

Vote, statement of, by..... 421, 505

ALONZO, ROBERTO R., REP.

Amendments and substitutes offered by..... 58, 83, 106,
 112, 186, 187, 313, 350, 379, 398, 476

Petition submitted by..... 421

Remarks by

SB 4

(Amendment No. 2)..... 418

Votes, record of, by..... 63, 66

ALSPAUGH, ASHLEY

HR 161, Congratulating Ashley Alspaugh of Atascocita on her graduation from St. Pius
 X High School..... A23

ALTERNATIVE EDUCATION PROGRAMS

HB 55, Relating to increasing fiscal flexibility through the provision of state aid for
 certain juvenile justice alternative education programs that enter into certain revenue
 sharing agreements..... A5

ALVARADO, CAROL, REP.

Amendments and substitutes offered by..... 371, 396, 494

Chair, in the..... 72

Vote, reason for, by..... 120

Vote, statement of, by..... 95, 100, 104, 105, 111, 125, 448, 464

Votes, record of, by..... 63, 66, 151, 152, 314

ALVAREZ, JR., JOE

Adjourned in memory of..... 407

ALVAREZ, REYMUNDO

HR 99, Honoring the life and legacy of former Starr County sheriff Reymundo Alvarez.
 A18

ALVIN COMMUNITY COLLEGE

HCR 27, Congratulating the nine Texas community colleges named among the nation's
 top 120 by the Aspen Institute..... A10

ALVIN COMMUNITY COLLEGE — (continued)

HR 295, Congratulating the Texas community colleges that were named among the top 120 community colleges in the nation by the Aspen Institute..... A32

ANCHIA, RAFAEL M., REP.

Amendments and substitutes offered by..... 103, 170
 Point of order raised by
 SB 1
 (Amendment No. 58)..... 189
 (Amendment No. 103)..... 267
 (Amendment No. 171)..... 361
 Vote, reason for, by..... 120
 Vote, statement of, by..... 464
 Votes, record of, by..... 44, 63, 109, 151, 152

ANDERSON, CHARLES "DOC", REP.

Amendments and substitutes offered by..... 170, 199, 248, 258, 286, 343
 Chair, in the..... 450
 Vote, statement of, by..... 125, 128, 132, 392
 Votes, record of, by..... 109, 116, 512

ANDERSON, RODNEY E., REP.

Amendments and substitutes offered by..... 102, 170, 199, 258, 286, 317, 343, 350, 520
 Votes, record of, by..... 109

ANIMALS

HB 56, Relating to the regulation of certain animals..... A5

APPELLATE COURTS

See COURTS—APPELLATE

APPROPRIATIONS

See STATE FINANCES—APPROPRIATIONS

APPROPRIATIONS, COMMITTEE ON

Committee rule suspended by..... 7
 Permission to meet granted to..... 7, 10

ARZAMENDI, RICARDO A.

HR 276, In memory of Ricardo A. Arzamendi of Brownsville..... A31

ASKINS, STEVE K.

HR 238, In memory of Steve K. Askins of Irving..... A28

ASSAULT LEAVE

HB 49, Relating to personal leave provided for a school district employee who is a victim of certain assaults..... A5

ASSESSMENT INSTRUMENTS (EDUCATIONAL)

HB 60, Relating to state control of teacher appraisal criteria, curriculum standards, and assessment instruments..... A6

HB 63, Relating to a moratorium on administering assessment instruments to public school students under the public school accountability system..... A6

ASSISTANCE ANIMALS

See ANIMALS

ATCHLEY, L. G., MR. & MRS.

HR 86, Congratulating L. G. and Willie Atchley on their 70th wedding anniversary..... A17

ATTORNEY GENERAL

HB 41, Relating to prosecution and punishment for the offense of official oppression by the intrusive touching of persons seeking access to public buildings and transportation; providing penalties..... A4
HCR 25, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 7..... A10
HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SB 7, Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state; creating an offense; providing penalties..... A38
SB 29, Relating to prosecution and punishment for the offense of official oppression by the intrusive touching of persons seeking access to public buildings and transportation; providing penalties..... A40
SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1..... A41

AUSTIN, CITY OF

HCR 14, Directing the Texas Historical Commission to work with the City of Austin to honor the memory of President John F. Kennedy with an official Texas Historical Marker at or near the site of the Austin Municipal Auditorium..... A9
HR 104, Directing the Texas Historical Commission to work with the City of Austin to honor the memory of President John F. Kennedy with an official Texas Historical Marker at or near the site of the Austin Municipal Auditorium..... A18

AUTOMOBILES

See VEHICLES & TRAFFIC—GENERAL

AVAILABLE SCHOOL FUND

HR 197, Suspending limitations on conference committee jurisdiction, S.B. No. 2..... A25
SB 2, Appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds..... A36

AVILA-SALAZAR, GLENDA LYZETTE

HR 213, Honoring Glenda Lyzette Avila-Salazar of Dallas..... A26

AYCOCK, JIMMIE DON, REP.

Adjourn sine die, motion to, by..... 760
 Amendments and substitutes offered by..... 170, 173, 176, 178, 349, 371
 Appointed to
 Conference Committee on SB 2..... 458
 Conference Committee on SB 6..... 528
 Conference Committee on SB 8..... 528
 Chair, in the..... 17, 520, 555, 674
 Postpone, motion to, by..... 512, 537, 543, 576
 Votes, record of, by..... 116, 163

BAKER, KENNETH, MR. & MRS.

HR 77, Congratulating Billie Ann and Kenneth Baker of Midland on their 65th wedding anniversary..... A17

BAKER MIDDLE SCHOOL

HR 35, Congratulating the Destination ImagiNation teams from Baker Middle School in Corpus Christi for advancing to the 2011 Destination ImagiNation Global Finals.
..... A13

BANKSTON, WILLIAM NOAH

HR 126, Congratulating William Noah Bankston on attaining the rank of Eagle Scout.
..... A20

BARNETT, SR., WILLIAM PATRICK

HR 162, Honoring William Patrick Barnett, Sr., on his 75th birthday..... A23

BARTON, PATRICIA & LAJUANA

HR 91, Congratulating Patricia Barton of Dallas and LaJuana Barton of DeSoto on the publication of Faithful Remembrances Volume I..... A18

BAXTER, PAULINE BOND

HR 246, Congratulating Pauline Bond Baxter on being named grand marshal of the 2011 Fourth of July parade in Kaufman..... A29

BECK, MARVA, REP.

Amendments and substitutes offered by..... 102, 170, 199, 258
Pledges of allegiance led by..... 539
Votes, record of, by..... 116

BEHRENSHAUSEN, RICHARD A., BG. & MRS.

HR 123, Congratulating retired Brigadier General Richard A. Behrenhausen and Elizabeth Behrenhausen of El Paso on their 50th wedding anniversary..... A20

BELLAIRE MENS CLUB

HR 261, Commemorating the 10th anniversary of the Bellaire MENS Club..... A30

BELLARD, NICHOLAS P., SSG.

HR 253, In memory of U.S. Army Staff Sergeant Nicholas Price Bellard of El Paso.....
..... A29

BERMAN, LEO, REP.

Amendments and substitutes offered by..... 170, 199, 258, 286, 323, 370, 534
Invocation offered by..... 15
Pledges of allegiance led by..... 1, 525
Remarks by
SB 29..... 751
Table, motion to, by..... 217
Votes, record of, by..... 116, 370

BEST SOUTHWEST PARTNERSHIP

HR 30, Recognizing the Best Southwest Partnership on the occasion of the 25th anniversary of its incorporation..... A13

BILLS

Committee on Calendars rule adopted
SB 1..... 20
SB 2..... 21
SB 4..... 368

BILLS — (continued)

Correction in referral..... 365
 Recommit, motion to..... 384, 537
 Rules suspended
 All necessary rules..... 680, 746

BLIND & VISUALLY IMPAIRED

See DISABILITIES, PERSONS WITH

BLINN COLLEGE

HCR 27, Congratulating the nine Texas community colleges named among the nation's top 120 by the Aspen Institute..... A10
HR 295, Congratulating the Texas community colleges that were named among the top 120 community colleges in the nation by the Aspen Institute..... A32

BOHAC, DWAYNE, REP.

Vote, statement of, by..... 445, 754

BOND REVIEW BOARD

HB 1, Relating to certain state fiscal matters; providing penalties..... A1
HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1..... A41

BONDS

HB 42, Relating to the operation, powers, and duties of certain water districts..... A4
SB 31, Relating to the guarantee of open-enrollment charter school bonds by the permanent school fund..... A40

BONNEN, DENNIS, REP.

Adjourn, motion to, by..... 407, 450
 Amendments and substitutes offered by..... 170, 258
 Point of order raised by
 SB 1
 (Amendment No. 153)..... 343
 Remarks by
 SB 29..... 748
 Vote, statement of, by..... 251, 392, 628, 681

BORDER

HB 84, Relating to authorizing the Department of Public Safety of the State of Texas to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses..... A8
SB 43, Relating to authorizing the Department of Public Safety of the State of Texas to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses..... A40

BOUNDS, JAMES

HR 79, Congratulating James Bounds on earning the top score on the physics portion of the science contest at the 2011 UIL Conference 4A State Academics Spring Meet. A17

BRANCH, DAN, REP.

Amendments and substitutes offered by..... 173, 181, 183
 Appointed to

BRANCH, DAN, REP. — (continued)

Conference Committee on SB 6..... 528
 Legislative intent, statement of, by
 HB 41
 (Amendment No. 2)..... 578
 Print, motion to, by..... 579
 Vote, statement of, by..... 125, 126

BRAZOSWOOD HIGH SCHOOL

HCR 26, Congratulating the baseball team of Brazoswood High School in Clute on winning the 2011 UIL 5A state championship..... A10
HR 273, Congratulating the Brazoswood High School Trap and Clay Shooters on their championship performance at the state Clay Trap/Sporting Clays Tournament in San Antonio..... A31

BROCKWELL, FRED

HR 157, Congratulating Fred Brockwell of Del Rio on earning a 2010 Spotlight Award from the American Association of Community Theatre..... A22

BROWN, FRED, REP.

Amendments and substitutes offered by..... 33, 170, 205,
 245, 251, 253, 258, 286, 371, 510
 Instruct committee, motion to, by..... 425
 Personal privilege address by..... 758
 Vote, statement of, by..... 387, 392
 Votes, record of, by..... 498

BROWN, TIM

HR 65, Congratulating former NFL star Tim Brown of DeSoto on being named a North Texas Father of the Year by the Sylvan Landau Foundation..... A16

BURKETT, CINDY, REP.

Amendments and substitutes offered by..... 199, 258, 286, 350, 371, 476
 Vote, statement of, by..... 477
 Votes, record of, by..... 109, 178, 181, 188, 248

BURKS, NELL, ELEMENTARY SCHOOL

HR 31, Congratulating Burks Elementary School in McKinney on earning recognition as a Healthy Zone School..... A13

BURNAM, ALMA ANN BERRY

Adjourned in memory of..... 363

BURNAM, LON, REP.

Point of order raised by
 HB 79
 (Amendment No. 10)..... 533
 (Amendment No. 12)..... 534
 Remarks by
 SB 4
 (Amendment No. 2)..... 415
 Vote, reason for, by..... 120

BUSH, GEORGE W., PRESIDENT

HR 251, Commemorating the groundbreaking for the George W. Bush Presidential Center at Southern Methodist University in Dallas..... A29

BUSINESS & COMMERCE—GENERAL

HB 46, Relating to reducing state Medicaid and other health care costs by prohibiting smoking in certain public places; providing penalties..... A5

BUTTON, ANGIE CHEN, REP.

Amendments and substitutes offered by..... 258, 371, 460
 Vote, statement of, by..... 306
 Votes, record of, by..... 116

CAIN, ERWIN, REP.

Amendments and substitutes offered by..... 170, 199, 258, 286, 343, 350, 370
 Vote, statement of, by..... 421, 461, 509
 Votes, record of, by..... 109, 116, 248, 478

CALENDARS, COMMITTEE ON

Committee on Calendars rule adopted
 SB 1..... 20
 SB 2..... 21
 SB 4..... 368
 Permission to meet granted to..... 209, 405, 415, 526, 540

CALLEGARI, BILL, REP.

Amendments and substitutes offered by..... 199, 209, 211, 218, 222, 258, 370, 371, 468
 Permission for committees to meet requested by..... 17, 235
 Postpone, motion to, by..... 512, 537, 543, 576
 Vote, statement of, by..... 134, 306, 380, 400, 485, 674
 Votes, record of, by..... 116

CALLIES, SR., RAYMOND A.

HR 107, In memory of the Reverend R. A. Callies of San Antonio..... A19
 Adjourned in memory of..... 512

CALLISON, JEAN

HR 109, Commending Jean Callison for her service on the Plano City Council..... A19

CANALES, JOSE BENITO, HON.

HR 100, Commending the Honorable Jose Benito Canales for more than 30 years of service as justice of the peace of Precinct 4 of Duval County..... A18

CANALES, JR., LINO

HR 46, Honoring Lino Canales, Jr., for his contributions to the community as founder of the Starr County Town Crier..... A14

CANALES, JR., MARTIN A.

HR 153, Honoring Martin A. Canales, Jr., of Roma for his contributions to his community..... A22

CANTU, ARNOLDO & EDNA

HR 120, Commending Edna and Arnolndo Cantu of Freer for their contributions to their community..... A20

CARDENAS, OSCAR RAUL

HR 58, In memory of Oscar Raul Cardenas of McAllen..... A15

CARLISLE, BILL

HR 138, Commending Bill Carlisle for his 14 years of service as an officer in the Arlington Kiwanis Club..... A21

CARO, JUAN

HR 72, In memory of Juan Caro of Rio Grande City..... A16

CARRANZA, CALI

HR 215, Commemorating the dedication of the Cali Carranza community gymnasium in Pharr and honoring Mr. Carranza for his achievements and service..... A27

CARRERA, ELADIO

HR 42, In memory of Eladio Carrera of Rio Grande City..... A14

CARTER, SEAN, MR. & MRS.

HR 236, Congratulating Sean and Emily Carter of Wylie on their 10th wedding anniversary..... A28

CARTER, STEFANI, REP.

Amendments and substitutes offered by..... 199, 258, 343, 350, 370
 Vote, reason for, by..... 373
 Vote, statement of, by..... 120, 298, 306, 475, 536, 543
 Votes, record of, by..... 116, 180, 372

CASAS, RUDY & ANN

HR 156, Honoring Rudy and Ann Casas for their success as the owners of Freer Iron Works in Duval County..... A22

CASSIDY, JOSEPH PATRICK

HR 24, In memory of Joseph Patrick Cassidy of Panhandle..... A10

HR 271, In memory of Joseph Patrick Cassidy of Panhandle..... A31

CASSIDY, SUSAN ANN

HR 23, In memory of Susan Ann Cassidy of Amarillo..... A10

HR 270, In memory of Susan Ann Cassidy of Amarillo..... A31

CASSO, RAMIRO RAUL

HR 254, In memory of Rio Grande Valley physician, educator, and civil rights leader Dr. Ramiro Raul Casso..... A29

CASTILLO, GUSTAVO

HR 15, Congratulating Gustavo Castillo on being named the 2011 valedictorian of Trini Garza Early College High School in Dallas..... A12

CASTRO, JOAQUIN, REP.

Amendments and substitutes offered by..... 268, 445, 463
 Vote, reason for, by..... 120, 374
 Votes, record of, by..... 63, 66

CATES, JERRY

HR 210, In memory of noted Western craftsman Jerry Cates of Amarillo..... A26

CAVAZOS, LENORA JOSEPHINE

HR 226, In memory of Lenora Josephine Cavazos of Irving..... A27

CERDA, JUAN C.

HR 20, Congratulating Juan C. Cerda on being named the 2011 Salutatorian of Grand Prairie High School..... A12

CHAPA, BLAS, HON.

HR 117, In memory of former Starr County judge Blas Chapa of Mission..... A19

CHAPASKO, DAVID

HR 243, Congratulating David Chapasko of Preston Hollow Elementary School on being named the Dallas Independent School District 2011 Principal of the Year..... A29

CHARITABLE & NONPROFIT ORGANIZATIONS

HB 56, Relating to the regulation of certain animals..... A5

CHARTER SCHOOLS

See EDUCATION—PRIMARY & SECONDARY—CHARTER SCHOOLS

CHILD HEALTH PLAN

HB 7, Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state..... A2

CHILD SERVICES

See HUMAN SERVICES—CHILD SERVICES

CHISUM, WARREN, REP.

Amendments and substitutes offered by..... 79, 109, 170,
173, 193, 194, 258, 283, 286, 290, 370, 371, 374

Invocation offered by..... 389

Reconsider vote, motion to, by..... 111

CHRISTIAN, WAYNE, REP.

Amendments and substitutes offered by..... 66, 83, 202,
257, 258, 287, 339, 343, 350, 352, 511

Personal privilege address by..... 345

Vote, statement of, by..... 321, 373, 564

Votes, record of, by..... 116

CIGARETTES & CIGARS

See TOBACCO PRODUCTS

CITY GOVERNMENT—GENERAL

HB 9, Relating to the enforcement of state and federal laws governing immigration by certain governmental entities..... A2

HB 40, Relating to an interlocal contract between a governmental entity and a purchasing cooperative to purchase roofing materials or services..... A4

HB 46, Relating to reducing state Medicaid and other health care costs by prohibiting smoking in certain public places; providing penalties..... A5

SB 9, Relating to the enforcement of state and federal laws governing immigration by certain governmental entities and the administration of certain documentation of citizenship status and other lawful admittance by the Department of Public Safety of the State of Texas..... A40

CITY ORDINANCES

See CITY GOVERNMENT—GENERAL

CIVIL REMEDIES & LIABILITIES

HB 83, Relating to remedies for discrimination by a public employer against a public employee in connection with a claim for workers' compensation..... A8

CLANAHAN, JIM, MR. & MRS.

HR 95, Congratulating Jim and Marilyn Clanahan of Midland on their 60th wedding anniversary..... A18

CLIFTON, EVELYN T.

HR 187, In memory of Evelyn T. Clifton of Irving..... A24

CLINE, SR., HAROLD WAYNE

HR 227, In memory of Harold Wayne Cline, Sr., of Irving..... A27

COKER, BEN

HR 250, Congratulating Dr. Ben Coker on his retirement as assistant superintendent of business services for Highland Park Independent School District..... A29

COLEMAN, GARNET F., REP.

Amendments and substitutes offered by..... 66, 234, 235
 Point of order raised by
 HB 5..... 447
 Remarks by
 HB 41..... 746
 SB 29..... 751
 Vote, statement of, by..... 96

COMMITTEE RULE SUSPENDED

Committee on Appropriations..... 7
 Committee on Elections..... 424
 Committee on Public Education..... 11

COMPETITIVE BIDDING

HB 45, Relating to allocation of state and federal funds for adult basic education..... A4

COMPTROLLER OF PUBLIC ACCOUNTS

HB 1, Relating to certain state fiscal matters; providing penalties..... A1
HB 33, Relating to providing for efficient government resource allocation..... A3
HB 34, Relating to funding for basic civil legal services, indigent defense, and judicial technical support through certain fees and court costs and to the establishment of the judicial access and improvement account..... A3
HB 77, Relating to claims for and distribution of unclaimed land grant mineral proceeds..... A7
HR 197, Suspending limitations on conference committee jurisdiction, S.B. No. 2..... A25
HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SB 2, Appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds..... A36
SB 31, Relating to the guarantee of open-enrollment charter school bonds by the permanent school fund..... A40
SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1..... A41

CONGRESS

HB 4, Relating to the composition of the congressional districts for the State of Texas..... A1
HB 65, Relating to requirements for reapportionment of congressional districts..... A6
HJR 12, Proposing a constitutional amendment to establish certain principles and procedures for the drawing of congressional districts..... A11
SB 4, Relating to the composition of the congressional districts for the State of Texas..... A37

CONGRESS — (continued)

SB 22, Relating to the reapportionment of congressional districts and the creation, function, and duties of the Texas Congressional Redistricting Commission..... A40

CONGRESSIONAL REDISTRICTING COMMISSION, TEXAS

SB 22, Relating to the reapportionment of congressional districts and the creation, function, and duties of the Texas Congressional Redistricting Commission..... A40

COOK, BYRON, REP.

Amendments and substitutes offered by..... 170, 258, 370
Vote, statement of, by..... 217, 477

COOK, MELBA GLYN HILL

SCR 6, Recognizing Melba Glyn Hill Cook of Waller on the occasion of her 80th birthday..... A41

CORNERSTONE BAPTIST CHURCH

HR 155, Commemorating the 30th anniversary of the founding of Cornerstone Baptist Church in Terrell..... A22

CORONADO HIGH SCHOOL

HR 231, Congratulating the baseball team of Coronado High School in Lubbock on its outstanding 2011 season and its appearance in the UIL 5A state title game..... A28

CORRECTIONS, TEXAS DEPARTMENT OF

HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28

SB 1, Relating to certain state fiscal matters; providing penalties..... A33

SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1. A41

CORRECTIONS—JAILS & PRISONS

HB 26, Relating to the containment of costs incurred in the correctional health care system and to studies regarding delivery of health care services by certain nurses. A3

COUCH, LOIS ELAINE BLACK

HR 183, In memory of Lois Elaine Black Couch of Baytown..... A24

COULSON, SCOTT

HR 87, Congratulating Scott Coulson on his retirement as band director of Poteet High School in Mesquite..... A17

COUNTY CLERK

See COUNTY GOVERNMENT—EMPLOYEES/OFFICERS

COUNTY GOVERNMENT—EMPLOYEES/OFFICERS

HJR 13, Proposing a constitutional amendment providing for the election and staggering of terms of county commissioners following a change in boundaries of a commissioners precinct..... A11

COUNTY GOVERNMENT—GENERAL

HB 9, Relating to the enforcement of state and federal laws governing immigration by certain governmental entities..... A2

HB 11, Relating to the duty of a local law enforcement agency to verify the immigration status of certain arrested persons by use of the federal Secure Communities program..... A2

COUNTY GOVERNMENT—GENERAL — (continued)

- HB 40**, Relating to an interlocal contract between a governmental entity and a purchasing cooperative to purchase roofing materials or services..... A4
- HB 46**, Relating to reducing state Medicaid and other health care costs by prohibiting smoking in certain public places; providing penalties..... A5
- HB 64**, Relating to a county mental health services Medicaid waiver program..... A6
- SB 9**, Relating to the enforcement of state and federal laws governing immigration by certain governmental entities and the administration of certain documentation of citizenship status and other lawful admittance by the Department of Public Safety of the State of Texas..... A40

COURT ADMINISTRATION, OFFICE OF

- HB 1**, Relating to certain state fiscal matters; providing penalties..... A1
- HB 34**, Relating to funding for basic civil legal services, indigent defense, and judicial technical support through certain fees and court costs and to the establishment of the judicial access and improvement account..... A3
- HR 197**, Suspending limitations on conference committee jurisdiction, S.B. No. 2..... A25
- HR 232**, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
- SB 1**, Relating to certain state fiscal matters; providing penalties..... A33
- SB 2**, Appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds..... A36
- SCR 5**, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1..... A41

COURTS—ADMINISTRATION

- HB 34**, Relating to funding for basic civil legal services, indigent defense, and judicial technical support through certain fees and court costs and to the establishment of the judicial access and improvement account..... A3
- HB 79**, Relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by H.B. No. 1, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government..... A7

COURTS—APPELLATE

- HB 79**, Relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by H.B. No. 1, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government..... A7

COURTS—COUNTY & STATUTORY

- HB 34**, Relating to funding for basic civil legal services, indigent defense, and judicial technical support through certain fees and court costs and to the establishment of the judicial access and improvement account..... A3
- HB 79**, Relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by H.B. No. 1, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government..... A7

COURTS—DISTRICT

HB 79, Relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by H.B. No. 1, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government..... A7

COURTS—GENERAL

HB 1, Relating to certain state fiscal matters; providing penalties..... A1
HB 79, Relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by H.B. No. 1, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government..... A7
HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1. A41

COURTS—JUDGES

HB 79, Relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by H.B. No. 1, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government..... A7

COURTS—JURIES

HB 47, Relating to a person's ability to read and write in English as a qualification for service as a petit juror..... A5

COURTS—JUSTICE

HB 34, Relating to funding for basic civil legal services, indigent defense, and judicial technical support through certain fees and court costs and to the establishment of the judicial access and improvement account..... A3
HB 79, Relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by H.B. No. 1, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government..... A7

COURTS—MUNICIPAL

HB 34, Relating to funding for basic civil legal services, indigent defense, and judicial technical support through certain fees and court costs and to the establishment of the judicial access and improvement account..... A3
HB 79, Relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by H.B. No. 1, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government..... A7

COURTS—PROSECUTING ATTORNEYS

HB 73, Relating to the use of forfeited property proceeds by the district attorney for the 198th Judicial District..... A6
HB 74, Relating to the use of forfeited property proceeds by the district attorney for the 198th Judicial District..... A7

COWPARADE

HR 147, Commemorating the 2011 CowParade in Austin benefiting the Dell Children's Medical Center of Central Texas..... A22

CRADDICK, TOM, REP.

Vote, statement of, by.....	134, 485
Votes, record of, by.....	116

CRAIN, FRANK HARRINGTON, HON.

HR 166, In memory of the Honorable Frank Harrington Crain of Victoria.....	A23
--	-----

CREIGHTON, BRANDON, REP.

Adjourn, motion to, by.....	17
Amendments and substitutes offered by.....	170, 199, 258, 304
Permission for committees to meet requested by.....	17
Vote, statement of, by.....	130, 660
Votes, record of, by.....	116

CRIMES—AGAINST PERSONS—GENERAL

HB 49, Relating to personal leave provided for a school district employee who is a victim of certain assaults.....	A5
HCR 5, Urging Congress to take appropriate action to ensure acceptable treatment of the public by personnel of the Transportation Security Administration.....	A9

CRIMES—AGAINST PERSONS—SEXUAL

HB 41, Relating to prosecution and punishment for the offense of official oppression by the intrusive touching of persons seeking access to public buildings and transportation; providing penalties.....	A4
HB 75, Relating to the punishment for the offense of indecent exposure.....	A7
SB 29, Relating to prosecution and punishment for the offense of official oppression by the intrusive touching of persons seeking access to public buildings and transportation; providing penalties.....	A40

CRIMES—DRUGS

HB 68, Relating to drug testing of certain persons seeking financial assistance benefits.....	A6
HB 84, Relating to authorizing the Department of Public Safety of the State of Texas to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses.....	A8
SB 43, Relating to authorizing the Department of Public Safety of the State of Texas to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses.....	A40

CRIMES—MISCELLANEOUS

HB 57, Relating to the creation of the offense of criminal trespass by an illegal alien and to certain procedures for arresting illegal aliens for committing that criminal offense.....	A5
HB 58, Relating to the creation of the offense of employing or contracting with an unauthorized alien.....	A5
HB 84, Relating to authorizing the Department of Public Safety of the State of Texas to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses.....	A8
SB 43, Relating to authorizing the Department of Public Safety of the State of Texas to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses.....	A40

CRIMINAL ASSET FORFEITURE

HB 73, Relating to the use of forfeited property proceeds by the district attorney for the 198th Judicial District.....	A6
HB 74, Relating to the use of forfeited property proceeds by the district attorney for the 198th Judicial District.....	A7

CRIMINAL JURISPRUDENCE, COMMITTEE ON

Permission to meet granted to..... 628, 675

CRIMINAL JUSTICE, TEXAS DEPARTMENT OF

HB 1, Relating to certain state fiscal matters; providing penalties..... A1
HB 26, Relating to the containment of costs incurred in the correctional health care system and to studies regarding delivery of health care services by certain nurses..... A3
HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1..... A41

CRIMINAL PROCEDURE—GENERAL

HB 10, Relating to the duty of a law enforcement agency to request information regarding the immigration status of an arrested person..... A2
HB 41, Relating to prosecution and punishment for the offense of official oppression by the intrusive touching of persons seeking access to public buildings and transportation; providing penalties..... A4
HB 73, Relating to the use of forfeited property proceeds by the district attorney for the 198th Judicial District..... A6
HB 74, Relating to the use of forfeited property proceeds by the district attorney for the 198th Judicial District..... A7
HB 79, Relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by H.B. No. 1, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government..... A7
SB 29, Relating to prosecution and punishment for the offense of official oppression by the intrusive touching of persons seeking access to public buildings and transportation; providing penalties..... A40

CRIMINAL PROCEDURE—SENTENCING & PUNISHMENT

HB 57, Relating to the creation of the offense of criminal trespass by an illegal alien and to certain procedures for arresting illegal aliens for committing that criminal offense..... A5
HB 58, Relating to the creation of the offense of employing or contracting with an unauthorized alien..... A5
HB 75, Relating to the punishment for the offense of indecent exposure..... A7

CRIST, WENDELL, MR. & MRS.

HR 260, Congratulating Wendell and Myra Shirley Crist of Yantis on their 50th wedding anniversary..... A30

CROW, CLARENCE, MR. & MRS.

HR 50, Congratulating Clarence and Ann Crow of Georgetown on their 60th wedding anniversary..... A15

CROWNOVER, MYRA, REP.

Amendments and substitutes offered by..... 170, 479
 Appointed to
 Conference Committee on SB 2..... 458
 Conference Committee on SB 8..... 528
 Print, motion to, by..... 512
 Vote, statement of, by..... 32, 46, 532
 Votes, record of, by..... 116, 248, 370

CRUELTY TO ANIMALS

See ANIMALS

CULTURE, RECREATION, & TOURISM, COMMITTEE ON

Permission to meet granted to..... 246, 473

CURRENCY & CURRENCY EXCHANGE**HB 84**, Relating to authorizing the Department of Public Safety of the State of Texas to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses..... A8**SB 43**, Relating to authorizing the Department of Public Safety of the State of Texas to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses..... A40**CURTIS, WILBERT M.****HR 272**, Commemorating the opening of the Wilbert M. Curtis Texas Prince Hall Library Museum in Fort Worth, which is dedicated to the history of African American Freemasonry in Texas..... A31**DALLAS BAPTIST UNIVERSITY****HR 184**, Congratulating the Dallas Baptist University baseball team on its outstanding 2011 season..... A24**HR 269**, Congratulating the Dallas Baptist University basketball team on winning the 2010-2011 National Christian College Athletic Association Division I national championship..... A30**DALLAS MAVERICKS****HCR 21**, Congratulating the Dallas Mavericks on winning the 2011 NBA championship..... A10**DANBURY HIGH SCHOOL****HR 212**, Congratulating the Danbury High School softball team on winning the UIL 2A state championship..... A26**DARBY, DREW, REP.**

Amendments and substitutes offered by..... 107, 128, 170, 258

Appointed to

Conference Committee on SB 2..... 458

Grant request of senate, motion to, by..... 457

Votes, record of, by..... 135, 149

DAVIS, JOHN E., REP.

Adjourn, motion to, by..... 407

Amendments and substitutes offered by..... 170, 199, 258, 350, 371

Appointed to

Conference Committee on SB 7..... 425

DAVIS, SARAH, REP.

Amendments and substitutes offered by..... 199, 286, 292, 375, 520, 530, 531, 532

Pledges of allegiance led by..... 545

DAVIS, YVONNE, REP.

Amendments and substitutes offered by..... 128, 200, 206, 344, 345, 362, 399, 473

Point of order raised by

SB 1

(Amendment No. 120)..... 294

(Amendment No. 134)..... 315

DAVIS, YVONNE, REP. — (continued)

Vote, statement of, by..... 483
 Votes, record of, by..... 151

DE LA GARZA, JACOB, SGT.

HR 133, Honoring U.S. Marine Corps Sergeant Jacob De la Garza for his service to this nation..... A21

DE LEON, MARICELA

HR 283, Recognizing the Just Kautz It's Right nonprofit initiative and its founder, Maricela De Leon, for assisting schoolchildren in the Rio Grande Valley..... A31

DEAF & HARD OF HEARING

See DISABILITIES, PERSONS WITH

DEBATE & DISCUSSION REGARDING

SB 4..... S367

DELGADO, ALFREDO

HR 204, Congratulating Alfredo Delgado on his retirement from the Housing Authority of Del Rio..... A26

DELGADO, RUDY, HON.

HR 57, Commending Judge Rudy Delgado on his selection as the April 2011 Cancer Fighter of the Month by the American Cancer Society of the Rio Grande Valley..... A15

DENNIS, DELVIN

HR 262, Congratulating Delvin Dennis, district engineer of the Houston District, Texas Department of Transportation, on the occasion of his retirement..... A30

DESHOTEL, JOSEPH "JOE", REP.

Amendments and substitutes offered by..... 67, 170, 177, 180, 183, 199, 314, 371
 Pledges of allegiance led by..... 367, 679
 Vote, statement of, by..... 120, 302, 391, 563
 Votes, record of, by..... 63, 66, 151, 152

DINKINS, BRUCE

HR 293, In memory of Bowie High School band director Bruce Dinkins of Austin..... A32

DISABILITIES, PERSONS WITH

HB 37, Relating to a pilot project to establish a comprehensive access point for long-term services and supports provided to older persons and persons with physical disabilities..... A4
SB 30, Relating to the state virtual school network..... A40

DISCRIMINATION

HB 83, Relating to remedies for discrimination by a public employer against a public employee in connection with a claim for workers' compensation..... A8

DISTANCE EDUCATION

SB 30, Relating to the state virtual school network..... A40

DISTRICT COURTS

See COURTS—DISTRICT

DO, KATHY T.

HR 19, Congratulating Kathy T. Do on being named the 2011 valedictorian of Grand Prairie High School..... A12

DOCTOR OF THE DAY PROGRAM

See **PHYSICIAN OF THE DAY PROGRAM**

DOGS

See **ANIMALS**

DONOSO, ROY, MR. & MRS.

HR 24, Honoring Roy and Eloisa Donoso of Temple on their 50th wedding anniversary. A13

DOUBLETREE BY HILTON CHOCOLATE CHIP COOKIE MONTH

HR 259, Recognizing July 2011 as DoubleTree by Hilton Chocolate Chip Cookie Month in Texas..... A30

DRISCOLL CHILDREN'S HOSPITAL

HR 34, Congratulating the marketing and community relations department of Driscoll Children's Hospital in Corpus Christi on winning three 2011 Aster Awards..... A13

DRIVER, JOE, REP.

Amendments and substitutes offered by..... 258, 286
Vote, statement of, by..... 172

DRIVERS LICENSES

See **VEHICLES & TRAFFIC-DRIVER'S LICENSES**

DROPOUTS & AT-RISK STUDENTS

HB 38, Relating to the optional flexible school day program provided by school districts. A4

HB 39, Relating to revising, revoking, or denying renewal of charters of open-enrollment charter schools under certain circumstances..... A4

DRUG & ALCOHOL TESTING

HB 68, Relating to drug testing of certain persons seeking financial assistance benefits. A6

DUKES, DAWNNA, REP.

Adjourn, motion to, by..... 512
Amendments and substitutes offered by..... 341, 403
Point of order raised by
SB 1
(Amendment No. 70)..... 205
Vote, statement of, by..... 448
Votes, record of, by..... 63, 66, 151, 152

DUNCAN, RICHARD BRUCE, HON.

HR 211, In memory of Richard Bruce Duncan, the justice of the peace for Precinct 2 of Walker County..... A26
Adjourned in memory of..... 538

DUTTON, JR., HAROLD V., REP.

Amendments and substitutes offered by..... 133, 163, 164, 286, 470, 475
Invocation offered by..... 413
Vote, statement of, by..... 505

DUTTON, JR., HAROLD V., REP. — (continued)

Votes, record of, by..... 63

EASTFIELD COLLEGE

HR 124, Congratulating the baseball team of Eastfield College in Mesquite on winning the NJCAA Division III World Series..... A20

EDUCATION, COMMISSIONER OF

HB 1, Relating to certain state fiscal matters; providing penalties..... A1

HB 6, Relating to the foundation curriculum, the establishment of the instructional materials allotment, the adoption, review, and purchase of instructional materials and technological equipment for public schools, and the administration of state assessment instruments to public school students..... A1

HB 8, Relating to flexibility for public schools to administer primary and secondary education efficiently..... A2

HB 17, Relating to the minimum salary for and minimum service required of certain public school employees..... A2

HB 18, Relating to elementary class size limits in public schools..... A2

HB 39, Relating to revising, revoking, or denying renewal of charters of open-enrollment charter schools under certain circumstances..... A4

HB 44, Relating to the consolidation of, or detachment and annexation of territory in, certain school districts and the board of trustees of those districts..... A4

HB 55, Relating to increasing fiscal flexibility through the provision of state aid for certain juvenile justice alternative education programs that enter into certain revenue sharing agreements..... A5

HB 70, Relating to a financial exigency of a school district..... A6

HB 72, Relating to certain responsibilities of education research centers and to a joint advisory board for education research centers..... A6

HR 197, Suspending limitations on conference committee jurisdiction, S.B. No. 2..... A25

HR 198, Suspending limitations on conference committee jurisdiction, S.B. No. 6..... A25

HR 199, Suspending limitations on conference committee jurisdiction, S.B. No. 8..... A25

HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28

SB 1, Relating to certain state fiscal matters; providing penalties..... A33

SB 2, Appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds..... A36

SB 6, 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; providing penalties..... A38

SB 8, Relating to the flexibility of the board of trustees of a school district in the management and operation of public schools in the district..... A39

SB 30, Relating to the state virtual school network..... A40

SB 31, Relating to the guarantee of open-enrollment charter school bonds by the permanent school fund..... A40

SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1..... A41

EDUCATION, STATE BOARD OF

- HB 6**, Relating to the foundation curriculum, the establishment of the instructional materials allotment, the adoption, review, and purchase of instructional materials and technological equipment for public schools, and the administration of state assessment instruments to public school students..... A1
- HB 60**, Relating to state control of teacher appraisal criteria, curriculum standards, and assessment instruments..... A6
- HB 61**, Relating to inclusion of a course on the United States Constitution in the curriculum requirements for public high school students..... A6
- HR 198**, Suspending limitations on conference committee jurisdiction, S.B. No. 6..... A25
- SB 6**, 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; providing penalties..... A38

EDUCATION-BILINGUAL

- HB 76**, Relating to the bilingual education and special language programs offered in public schools..... A7

EDUCATION-GENERAL

- HB 6**, Relating to the foundation curriculum, the establishment of the instructional materials allotment, the adoption, review, and purchase of instructional materials and technological equipment for public schools, and the administration of state assessment instruments to public school students..... A1
- HR 198**, Suspending limitations on conference committee jurisdiction, S.B. No. 6..... A25

EDUCATION-HIGHER-GENERAL

- HB 30**, Relating to unpaid furloughs for state employees..... A3
- HB 72**, Relating to certain responsibilities of education research centers and to a joint advisory board for education research centers..... A6
- HR 232**, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
- SB 1**, Relating to certain state fiscal matters; providing penalties..... A33
- SCR 5**, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1..... A41

EDUCATION-PRIMARY & SECONDARY-ACCOUNTABILITY

- HB 6**, Relating to the foundation curriculum, the establishment of the instructional materials allotment, the adoption, review, and purchase of instructional materials and technological equipment for public schools, and the administration of state assessment instruments to public school students..... A1
- HB 29**, Relating to requirements for students to be assessed in certain subjects and in certain grades..... A3
- HB 60**, Relating to state control of teacher appraisal criteria, curriculum standards, and assessment instruments..... A6
- HB 63**, Relating to a moratorium on administering assessment instruments to public school students under the public school accountability system..... A6
- HR 198**, Suspending limitations on conference committee jurisdiction, S.B. No. 6..... A25
- SB 6**, 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; providing penalties..... A38

EDUCATION—PRIMARY & SECONDARY—ADMISSION & ATTENDANCE

HB 8, Relating to flexibility for public schools to administer primary and secondary education efficiently..... A2
HB 18, Relating to elementary class size limits in public schools..... A2
HB 33, Relating to providing for efficient government resource allocation..... A3
HB 38, Relating to the optional flexible school day program provided by school districts. A4

EDUCATION—PRIMARY & SECONDARY—CHARTER SCHOOLS

HB 39, Relating to revising, revoking, or denying renewal of charters of open-enrollment charter schools under certain circumstances..... A4
HB 48, Relating to the governance of home-rule school districts..... A5
HB 67, Relating to the entitlement of school districts and open-enrollment charter schools to a certain funding level and to the appropriation of money from the economic stabilization fund to be used for public education..... A6
SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SB 30, Relating to the state virtual school network..... A40
SB 31, Relating to the guarantee of open-enrollment charter school bonds by the permanent school fund..... A40

EDUCATION—PRIMARY & SECONDARY—CLASS SIZE

HB 18, Relating to elementary class size limits in public schools..... A2

EDUCATION—PRIMARY & SECONDARY—CURRICULUM

HB 6, Relating to the foundation curriculum, the establishment of the instructional materials allotment, the adoption, review, and purchase of instructional materials and technological equipment for public schools, and the administration of state assessment instruments to public school students..... A1
HB 60, Relating to state control of teacher appraisal criteria, curriculum standards, and assessment instruments..... A6
HB 61, Relating to inclusion of a course on the United States Constitution in the curriculum requirements for public high school students..... A6
HB 76, Relating to the bilingual education and special language programs offered in public schools..... A7
HR 198, Suspending limitations on conference committee jurisdiction, S.B. No. 6..... A25
SB 6, 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; providing penalties..... A38
SB 30, Relating to the state virtual school network..... A40

EDUCATION—PRIMARY & SECONDARY—DISCIPLINE

HB 50, Relating to a disciplinary proceeding for a professional employee of a school district based on the employee’s use of physical force against a student..... A5
HB 55, Relating to increasing fiscal flexibility through the provision of state aid for certain juvenile justice alternative education programs that enter into certain revenue sharing agreements..... A5

EDUCATION—PRIMARY & SECONDARY—EXTRACURRICULAR ACTIVITIES

HB 27, Relating to reducing costs in public school extracurricular activities..... A3
HB 28, Relating to the eligibility of a student to participate in extracurricular activities or competitions after transferring or moving from one public school to another..... A3
HB 54, Relating to equal opportunity for access by private and parochial school students to University Interscholastic League sponsored activities..... A5

EDUCATION-PRIMARY & SECONDARY-FACILITIES

HB 62, Relating to the posting of the Ten Commandments in public school classrooms..... A6

EDUCATION-PRIMARY & SECONDARY-FINANCE

HB 1, Relating to certain state fiscal matters; providing penalties..... A1

HB 6, Relating to the foundation curriculum, the establishment of the instructional materials allotment, the adoption, review, and purchase of instructional materials and technological equipment for public schools, and the administration of state assessment instruments to public school students..... A1

HB 8, Relating to flexibility for public schools to administer primary and secondary education efficiently..... A2

HB 18, Relating to elementary class size limits in public schools..... A2

HB 19, Relating to hearings on public school educator contracts..... A2

HB 21, Relating to the reduction in force of teachers employed by a school district.... A3

HB 27, Relating to reducing costs in public school extracurricular activities..... A3

HB 45, Relating to allocation of state and federal funds for adult basic education..... A4

HB 55, Relating to increasing fiscal flexibility through the provision of state aid for certain juvenile justice alternative education programs that enter into certain revenue sharing agreements..... A5

HB 66, Relating to the availability of certain school district financial information on districts' Internet websites..... A6

HB 67, Relating to the entitlement of school districts and open-enrollment charter schools to a certain funding level and to the appropriation of money from the economic stabilization fund to be used for public education..... A6

HB 70, Relating to a financial exigency of a school district..... A6

HR 198, Suspending limitations on conference committee jurisdiction, S.B. No. 6..... A25

HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28

SB 1, Relating to certain state fiscal matters; providing penalties..... A33

SB 6, 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; providing penalties..... A38

SB 8, Relating to the flexibility of the board of trustees of a school district in the management and operation of public schools in the district..... A39

SB 30, Relating to the state virtual school network..... A40

SB 31, Relating to the guarantee of open-enrollment charter school bonds by the permanent school fund..... A40

SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1..... A41

EDUCATION-PRIMARY & SECONDARY-GENERAL

HB 38, Relating to the optional flexible school day program provided by school districts..... A4

HB 62, Relating to the posting of the Ten Commandments in public school classrooms..... A6

HB 72, Relating to certain responsibilities of education research centers and to a joint advisory board for education research centers..... A6

HR 198, Suspending limitations on conference committee jurisdiction, S.B. No. 6..... A25

HR 199, Suspending limitations on conference committee jurisdiction, S.B. No. 8..... A25

SB 8, Relating to the flexibility of the board of trustees of a school district in the management and operation of public schools in the district..... A39

EDUCATION—PRIMARY & SECONDARY—GENERAL — (continued)

SB 30, Relating to the state virtual school network..... A40

EDUCATION—PRIMARY & SECONDARY—HOME SCHOOLING

HB 54, Relating to equal opportunity for access by private and parochial school students to University Interscholastic League sponsored activities..... A5

EDUCATION—PRIMARY & SECONDARY—OTHER SCHOOL PERSONNEL

HB 8, Relating to flexibility for public schools to administer primary and secondary education efficiently..... A2

HB 17, Relating to the minimum salary for and minimum service required of certain public school employees..... A2

HB 20, Relating to notice required for termination of a teacher's probationary contract or nonrenewal of a teacher's term contract..... A2

HB 31, Relating to school district personnel..... A3

HB 44, Relating to the consolidation of, or detachment and annexation of territory in, certain school districts and the board of trustees of those districts..... A4

HB 49, Relating to personal leave provided for a school district employee who is a victim of certain assaults..... A5

HB 50, Relating to a disciplinary proceeding for a professional employee of a school district based on the employee's use of physical force against a student..... A5

HB 52, Relating to the right to a hearing before an independent hearing examiner of a public school teacher suspended without pay..... A5

HR 199, Suspending limitations on conference committee jurisdiction, S.B. No. 8..... A25

SB 8, Relating to the flexibility of the board of trustees of a school district in the management and operation of public schools in the district..... A39

EDUCATION—PRIMARY & SECONDARY—PRIVATE

HB 33, Relating to providing for efficient government resource allocation..... A3

HB 54, Relating to equal opportunity for access by private and parochial school students to University Interscholastic League sponsored activities..... A5

EDUCATION—PRIMARY & SECONDARY—TEACHERS

HB 1, Relating to certain state fiscal matters; providing penalties..... A1

HB 8, Relating to flexibility for public schools to administer primary and secondary education efficiently..... A2

HB 17, Relating to the minimum salary for and minimum service required of certain public school employees..... A2

HB 19, Relating to hearings on public school educator contracts..... A2

HB 20, Relating to notice required for termination of a teacher's probationary contract or nonrenewal of a teacher's term contract..... A2

HB 21, Relating to the reduction in force of teachers employed by a school district.... A3

HB 49, Relating to personal leave provided for a school district employee who is a victim of certain assaults..... A5

HB 50, Relating to a disciplinary proceeding for a professional employee of a school district based on the employee's use of physical force against a student..... A5

HB 51, Relating to the authority of school districts to suspend teachers without pay pending discharge..... A5

HB 52, Relating to the right to a hearing before an independent hearing examiner of a public school teacher suspended without pay..... A5

HB 60, Relating to state control of teacher appraisal criteria, curriculum standards, and assessment instruments..... A6

HB 63, Relating to a moratorium on administering assessment instruments to public school students under the public school accountability system..... A6

HB 70, Relating to a financial exigency of a school district..... A6

EDUCATION—PRIMARY & SECONDARY—TEACHERS — (continued)

HR 199, Suspending limitations on conference committee jurisdiction, S.B. No. 8.....	A25
HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1.....	A28
SB 1, Relating to certain state fiscal matters; providing penalties.....	A33
SB 8, Relating to the flexibility of the board of trustees of a school district in the management and operation of public schools in the district.....	A39
SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1.....	A41

EDUCATION—PRIMARY & SECONDARY—TESTING

HB 6, Relating to the foundation curriculum, the establishment of the instructional materials allotment, the adoption, review, and purchase of instructional materials and technological equipment for public schools, and the administration of state assessment instruments to public school students.....	A1
HB 29, Relating to requirements for students to be assessed in certain subjects and in certain grades.....	A3
HB 60, Relating to state control of teacher appraisal criteria, curriculum standards, and assessment instruments.....	A6
HB 63, Relating to a moratorium on administering assessment instruments to public school students under the public school accountability system.....	A6
HR 198, Suspending limitations on conference committee jurisdiction, S.B. No. 6.....	A25
SB 6, 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; providing penalties.....	A38

EDUCATION—PRIMARY & SECONDARY—TEXTBOOKS

HB 6, Relating to the foundation curriculum, the establishment of the instructional materials allotment, the adoption, review, and purchase of instructional materials and technological equipment for public schools, and the administration of state assessment instruments to public school students.....	A1
HR 198, Suspending limitations on conference committee jurisdiction, S.B. No. 6.....	A25
SB 6, 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; providing penalties.....	A38

EDUCATION—RURAL

SB 30, Relating to the state virtual school network.....	A40
--	-----

EDUCATION—SCHOOL DISTRICTS

HB 1, Relating to certain state fiscal matters; providing penalties.....	A1
HB 6, Relating to the foundation curriculum, the establishment of the instructional materials allotment, the adoption, review, and purchase of instructional materials and technological equipment for public schools, and the administration of state assessment instruments to public school students.....	A1
HB 8, Relating to flexibility for public schools to administer primary and secondary education efficiently.....	A2
HB 18, Relating to elementary class size limits in public schools.....	A2
HB 31, Relating to school district personnel.....	A3
HB 44, Relating to the consolidation of, or detachment and annexation of territory in, certain school districts and the board of trustees of those districts.....	A4
HB 48, Relating to the governance of home-rule school districts.....	A5

EDUCATION—SCHOOL DISTRICTS — (continued)

HB 62, Relating to the posting of the Ten Commandments in public school classrooms..... A6

HB 63, Relating to a moratorium on administering assessment instruments to public school students under the public school accountability system..... A6

HB 66, Relating to the availability of certain school district financial information on districts' Internet websites..... A6

HB 67, Relating to the entitlement of school districts and open-enrollment charter schools to a certain funding level and to the appropriation of money from the economic stabilization fund to be used for public education..... A6

HB 70, Relating to a financial exigency of a school district..... A6

HR 197, Suspending limitations on conference committee jurisdiction, S.B. No. 2..... A25

HR 199, Suspending limitations on conference committee jurisdiction, S.B. No. 8..... A25

HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28

SB 1, Relating to certain state fiscal matters; providing penalties..... A33

SB 2, Appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds..... A36

SB 8, Relating to the flexibility of the board of trustees of a school district in the management and operation of public schools in the district..... A39

SB 31, Relating to the guarantee of open-enrollment charter school bonds by the permanent school fund..... A40

SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1..... A41

EDUCATION AGENCY, TEXAS

HB 6, Relating to the foundation curriculum, the establishment of the instructional materials allotment, the adoption, review, and purchase of instructional materials and technological equipment for public schools, and the administration of state assessment instruments to public school students..... A1

HB 29, Relating to requirements for students to be assessed in certain subjects and in certain grades..... A3

HB 45, Relating to allocation of state and federal funds for adult basic education..... A4

HB 55, Relating to increasing fiscal flexibility through the provision of state aid for certain juvenile justice alternative education programs that enter into certain revenue sharing agreements..... A5

HB 60, Relating to state control of teacher appraisal criteria, curriculum standards, and assessment instruments..... A6

HB 63, Relating to a moratorium on administering assessment instruments to public school students under the public school accountability system..... A6

HB 67, Relating to the entitlement of school districts and open-enrollment charter schools to a certain funding level and to the appropriation of money from the economic stabilization fund to be used for public education..... A6

HB 72, Relating to certain responsibilities of education research centers and to a joint advisory board for education research centers..... A6

HR 197, Suspending limitations on conference committee jurisdiction, S.B. No. 2..... A25

HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28

SB 1, Relating to certain state fiscal matters; providing penalties..... A33

EDUCATION AGENCY, TEXAS — (continued)

- SB 2**, Appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds..... A36
- SCR 5**, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1. A41

EDUCATION RESEARCH CENTERS, JOINT ADVISORY BOARD FOR

- HB 72**, Relating to certain responsibilities of education research centers and to a joint advisory board for education research centers..... A6

EDUCATOR CERTIFICATION, TEXAS STATE BOARD FOR

- HR 199**, Suspending limitations on conference committee jurisdiction, S.B. No. 8..... A25
- SB 8**, Relating to the flexibility of the board of trustees of a school district in the management and operation of public schools in the district..... A39

EIGHTH COURT OF APPEALS

- HR 252**, Commemorating the 100th anniversary of the Eighth Court of Appeals..... A29

EILAND, CRAIG, REP.

- Amendments and substitutes offered by..... 72, 286, 300, 443, 448
- Vote, reason for, by..... 120
- Vote, statement of, by..... 126, 130, 132, 164, 543, 628

EISSLER, ROB, REP.

- Amendments and substitutes offered by..... 258, 286, 304, 343, 385, 459, 486
- Appointed to
 - Conference Committee on SB 1..... 457
 - Conference Committee on SB 6
 - (chair)..... 528
 - Conference Committee on SB 8
 - (chair)..... 528
- Committee rule, motion to suspend, by..... 11
- Conference committee report, motion to adopt, by..... 568, 574
- Grant request of senate, motion to, by..... 528
- Legislative intent, statement of, by
 - SB 1..... 656
 - SB 6..... 498
 - SB 8..... 571
- Permission for committees to meet requested by..... 10, 395
- Recommit, motion to, by..... 384
- Table, motion to, by..... 114, 136, 163, 175, 459, 465, 467, 468, 472, 496
- Vote, statement of, by..... 371, 521

EL PASO COUNTY HISTORICAL COMMISSION

- HR 193**, Congratulating the El Paso County Historical Commission on receiving a 2010 Distinguished Service Award from the Texas Historical Commission..... A25

EL VALLE BAKERY

- HR 185**, Honoring El Valle Bakery in Rio Grande City and its founders, Adolfo Berlanga and Maria del Carmen Berlanga..... A24

ELDERLY

See AGING

ELECTIONS, COMMITTEE ON

Committee rule suspended by..... 424

ELECTIONS—GENERAL

HB 43, Relating to election through secret ballot of a labor union as the exclusive bargaining representative..... A4

HJR 13, Proposing a constitutional amendment providing for the election and staggering of terms of county commissioners following a change in boundaries of a commissioners precinct..... A11

ELECTIONS—REGISTRATION & SUFFRAGE

HR 197, Suspending limitations on conference committee jurisdiction, S.B. No. 2..... A25

SB 2, Appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds..... A36

ELECTIONS—SPECIAL DISTRICTS

HB 42, Relating to the operation, powers, and duties of certain water districts..... A4

ELECTIONS—VOTING SYSTEMS

HB 42, Relating to the operation, powers, and duties of certain water districts..... A4

ELECTRONIC INFORMATION SYSTEMS

HB 34, Relating to funding for basic civil legal services, indigent defense, and judicial technical support through certain fees and court costs and to the establishment of the judicial access and improvement account..... A3

HB 66, Relating to the availability of certain school district financial information on districts' Internet websites..... A6

HCR 25, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 7..... A10

SB 7, Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state; creating an offense; providing penalties..... A38

SB 30, Relating to the state virtual school network..... A40

ELECTRONIC TEXTBOOKS

HB 6, Relating to the foundation curriculum, the establishment of the instructional materials allotment, the adoption, review, and purchase of instructional materials and technological equipment for public schools, and the administration of state assessment instruments to public school students..... A1

ELKINS, GARY, REP.

Amendments and substitutes offered by..... 102, 199, 286, 356
Votes, record of, by..... 116

ELLIS, COY

HR 217, Congratulating Coy Ellis and the Ellis Motor Company in Chandler on the 40th anniversary of the business..... A27

EMERGENCY COMMUNICATIONS, COMMISSION ON STATE

HB 1, Relating to certain state fiscal matters; providing penalties..... A1

HR 197, Suspending limitations on conference committee jurisdiction, S.B. No. 2..... A25

HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28

EMERGENCY COMMUNICATIONS, COMMISSION ON STATE — (continued)

- SB 1**, Relating to certain state fiscal matters; providing penalties..... A33
- SB 2**, Appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds..... A36
- SCR 5**, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1. A41

EMERGING TECHNOLOGY FUND

See TEXAS EMERGING TECHNOLOGY FUND

EMINENT DOMAIN

See PROPERTY INTERESTS–EMINENT DOMAIN

EMPLOYEES RETIREMENT SYSTEM OF TEXAS (ERS)

- HR 197**, Suspending limitations on conference committee jurisdiction, S.B. No. 2..... A25
- HR 232**, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
- SB 1**, Relating to certain state fiscal matters; providing penalties..... A33
- SB 2**, Appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds..... A36
- SCR 5**, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1. A41

ENERGY–CONSERVATION

- HB 42**, Relating to the operation, powers, and duties of certain water districts..... A4

ENERGY–FUEL STORAGE

- HB 82**, Relating to unit operations for oil, gas, or oil and gas production or carbon dioxide storage..... A7

ENGLISH LANGUAGE

- HB 47**, Relating to a person's ability to read and write in English as a qualification for service as a petit juror..... A5
- HB 76**, Relating to the bilingual education and special language programs offered in public schools..... A7

ENVIRONMENTAL QUALITY, TEXAS COMMISSION ON

- HB 42**, Relating to the operation, powers, and duties of certain water districts..... A4
- HB 71**, Relating to the establishment of certain water and sewer utility rates and the transfer of certain functions from the Texas Commission on Environmental Quality to the Public Utility Commission of Texas..... A6
- HR 232**, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
- SB 1**, Relating to certain state fiscal matters; providing penalties..... A33
- SCR 5**, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1. A41

ERNSTING, LOLA LENORE

- HR 239**, In memory of Lola Lenore Ernsting of Irving..... A28

ESCOBAR, XOCHITL

HR 17, Congratulating Xochitl Escobar on being named valedictorian of Sunset High School in Dallas..... A12

ESCOBEDO, ELVIA

HR 64, Congratulating Elvia Escobedo, founder of Elvia's Beauty Shop in Rio Grande City..... A16

EVELYN'S PARK

HR 182, Commemorating the dedication of Evelyn's Park in Bellaire..... A24

E-VERIFY PROGRAM

See IMMIGRANTS, UNDOCUMENTED

FACILITIES COMMISSION, TEXAS

HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28

SB 1, Relating to certain state fiscal matters; providing penalties..... A33

SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1..... A41

FAMILY-PARENT & CHILD

HB 79, Relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by H.B. No. 1, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government..... A7

SB 1, Relating to certain state fiscal matters; providing penalties..... A33

FAMILY & PROTECTIVE SERVICES, TEXAS DEPARTMENT OF

HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28

SB 1, Relating to certain state fiscal matters; providing penalties..... A33

SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1..... A41

FARIAS, JOE, REP.

Amendments and substitutes offered by..... 199, 286, 468

Print, motion to, by..... 574

Vote, statement of, by..... 126, 568

FARRAR, JESSICA CRISTINA, REP.

Adjourn, motion to, by..... 512

Amendments and substitutes offered by..... 113

Point of order raised by

SB 8..... 572

Remarks by

SB 29..... 750

Vote, reason for, by..... 120

Vote, statement of, by..... 128, 449

Votes, record of, by..... 63, 151, 152

FEES & OTHER NONTAX REVENUE-STATE

HB 34, Relating to funding for basic civil legal services, indigent defense, and judicial technical support through certain fees and court costs and to the establishment of the judicial access and improvement account..... A3

HR 197, Suspending limitations on conference committee jurisdiction, S.B. No. 2..... A25

FEES & OTHER NONTAX REVENUE—STATE — (continued)

HR 232 , Suspending limitations on conference committee jurisdiction, S.B. No. 1.....	A28
SB 1 , Relating to certain state fiscal matters; providing penalties.....	A33
SB 2 , Appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds.....	A36
SCR 5 , Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1.....	A41

FELINI, LOUIS C.

HR 225 , Congratulating Sergeant Louis C. Felini of the Dallas Police Department on receiving a Professional Achievement Award from the Texas Commission on Law Enforcement Officer Standards and Education.....	A27
---	-----

FELLER, CARL, MR. & MRS.

HR 25 , Honoring Carl and Patsy Feller of Salado on their 60th wedding anniversary.....	A13
--	-----

FINANCIAL—GENERAL

HB 3 , Relating to the operation of the Texas Windstorm Insurance Association, to the resolution of certain disputes concerning claims made to that association, and to the issuance of windstorm and hail insurance policies in the private insurance market by certain insurers; providing penalties.....	A1
HR 218 , Suspending limitations on conference committee jurisdiction, H.B. No. 3.....	A27

FINN, ROBERT

HR 96 , Congratulating Chief Robert Finn on his retirement from the police services division of the Southlake Department of Public Safety.....	A18
---	-----

FIRE FIGHTERS & POLICE—GENERAL

HB 42 , Relating to the operation, powers, and duties of certain water districts.....	A4
--	----

FIRST BAPTIST CHURCH OF HAWKINS

HR 74 , Commemorating the 100th anniversary of the establishment of First Baptist Church in Hawkins.....	A16
---	-----

FIRST UNITED METHODIST CHURCH OF PALESTINE

HR 189 , Commemorating the 100th anniversary of the dedication of the First United Methodist Church building in Palestine and 175 years of Methodism in the Palestine area.....	A25
--	-----

FLETCHER, ALLEN, REP.

Amendments and substitutes offered by.....	170, 199, 286, 343, 370, 371, 577
Legislative intent, statement of, by HB 41 (Amendment No. 2).....	578
Vote, statement of, by.....	100
Votes, record of, by.....	109

FLORES, SIJIFREDO "CHACHO", MR. & MRS.

HR 130 , Congratulating Sijifredo "Chacho" and Diana Flores of Benavides on their 50th wedding anniversary.....	A20
--	-----

FLORES, VERONICA

HR 18, Congratulating Veronica Flores on being named salutatorian of Sunset High School in Dallas..... A12

FLYNN, DAN, REP.

Amendments and substitutes offered by..... 102, 170, 171, 199, 258, 286, 343
Vote, statement of, by..... 217, 536, 660
Votes, record of, by..... 109, 116, 370

FORMER TEXAS RANGERS FOUNDATION

HR 266, Commending the Former Texas Rangers Foundation on its outstanding work. A30

FORNEY HIGH SCHOOL

HR 71, Congratulating the Forney High School softball team on its outstanding 2011 season and its appearance in the UIL 4A title game..... A16

FOUNDATION SCHOOL FUND

HR 197, Suspending limitations on conference committee jurisdiction, S.B. No. 2..... A25
SB 2, Appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds..... A36

FOUNDATION SCHOOL PROGRAM

HB 1, Relating to certain state fiscal matters; providing penalties..... A1
HR 197, Suspending limitations on conference committee jurisdiction, S.B. No. 2..... A25
HR 199, Suspending limitations on conference committee jurisdiction, S.B. No. 8..... A25
HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SB 2, Appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds..... A36
SB 8, Relating to the flexibility of the board of trustees of a school district in the management and operation of public schools in the district..... A39
SB 30, Relating to the state virtual school network..... A40
SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1. A41

FRANKEL, MICHAEL R., COL.

HR 205, Honoring U.S. Air Force Colonel Michael R. Frankel, commander of the 47th Flying Training Wing at Laughlin Air Force Base, for his service to this country. A26

FRULLO, JOHN, REP.

Amendments and substitutes offered by..... 170, 371
Votes, record of, by..... 116

FURDEK, STACY RICHARDS

HCR 17, In memory of Stacy Furdek of Lubbock..... A9
SCR 3, In memory of Stacy Richards Furdek of Lubbock..... A41

FURGASON, ROBERT R.

HR 37, Congratulating Dr. Robert R. Furgason on his induction into the Corpus Christi Business Hall of Fame..... A14

GAILEY, PATRICK

HR 191, Commending El Paso County Deputy Sheriff Patrick Gailey for helping an elderly woman escape a brush fire..... A25

GALLEGO, ELY

HR 206, Congratulating Ely Gallego of Alpine High School on being named to the Texas High School Baseball Coaches Association 2A All-State team..... A26

GALLEGO, JR., PETE ALMODOVA

HCR 15, In memory of Pete A. Gallego, Jr., of Alpine..... A9

GALLEGO, PETE P., REP.

Amendments and substitutes offered by..... 113, 197, 216, 254, 255, 296, 442, 579

Permission for committees to meet requested by..... 628, 675

Point of order raised by

SB 1

(Amendment No. 132)..... 313

Print, motion to, by..... 758

Recommit, motion to, by..... 537

Remarks by

HB 41..... 744

Vote, statement of, by..... 681

Votes, record of, by..... 109, 151, 152

GALLEGOS, LETICIA

HR 14, Congratulating Leticia Gallegos on being named the 2011 salutatorian of Molina High School in Dallas..... A12

GARCIA, ELIDA GUTIERREZ "LELA"

HR 112, Honoring Elida "Lela" Gutierrez Garcia of Benavides for her longtime service to area residents as the owner of Lela's Beauty Shop..... A19

GARZA, ALMA

HR 134, Honoring Alma Garza for her service on the Edinburg City Council..... A21

GARZA, BENITO V., HON.

HR 131, Honoring Judge Benito V. Garza for his 34 years of service as justice of the peace for Precinct 3 in Duval County..... A20

GARZA, JR., CLEMENTE

HR 63, Honoring Clemente Garza, Jr., and the staff of the Texas Cafe in Rio Grande City for their hard work and entrepreneurial achievements..... A15

GARZA, JR., CRUZ

HR 82, Congratulating Cruz Garza, Jr., on his retirement from Rio Grande City High School..... A17

GARZA, JOHN V., REP.

Amendments and substitutes offered by..... 199, 258, 343, 346, 381

Legislative intent, statement of, by

SB 8..... 572

Vote, statement of, by..... 270, 448, 567

GARZA, TINA MARIE

HR 103, Congratulating Tina Marie Garza on her graduation from The University of Texas at Austin..... A18

GATES, ROBERT M.

HR 277, Congratulating Dr. Robert M. Gates on his retirement as the United States secretary of defense..... A31

GAUDET, BRADLEY JUSTIN, WO2.

HR 19, In memory of U.S. Army Chief Warrant Officer 2 Bradley Justin Gaudet of Gladewater..... A9

HR 93, In memory of U.S. Army Chief Warrant Officer 2 Bradley Justin Gaudet of Gladewater..... A18

GEHRLEIN, STEVEN F.

HR 80, In memory of Steven F. Gehrlein of San Antonio..... A17

GENERAL LAND OFFICE

HR 197, Suspending limitations on conference committee jurisdiction, S.B. No. 2..... A25

SB 2, Appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds..... A36

GENERAL LAND OFFICE COMMISSIONER

HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28

SB 1, Relating to certain state fiscal matters; providing penalties..... A33

SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1. A41

GENOCIDE AWARENESS & PREVENTION MONTH

HR 258, Recognizing the month of April 2011 as Genocide Awareness and Prevention Month..... A30

GEORGE W. BUSH PRESIDENTIAL CENTER

HR 251, Commemorating the groundbreaking for the George W. Bush Presidential Center at Southern Methodist University in Dallas..... A29

GEREN, CHARLIE, REP.

Amendments and substitutes offered by..... 32, 170, 189, 193, 246, 307, 350, 370, 394

Appointed to

Conference Committee on SB 1..... 457

Chair, in the..... 9, 575

Pledges of allegiance led by..... 390

Vote, statement of, by..... 35, 96, 100, 104, 105, 421

GIBSON, MACHREE GARRETT

HR 284, Congratulating Machree Garrett Gibson on her election as president of the Texas Exes..... A32

GIDDINGS, HELEN, REP.

Adjourn, motion to, by..... 580

Amendments and substitutes offered by..... 278, 280, 479

Vote, statement of, by..... 505

Votes, record of, by..... 151, 152

GILLMAN, RAMSAY

HR 263, In memory of Ramsay Gillman of Houston..... A30

GIRL SCOUTS

HR 230, Honoring the Texas Stars Service Unit on the occasion of the centennial of Girl Scouts of the USA..... A28

GIROTTO, RONALD G.

HR 181, Congratulating Ronald G. Girotto on the occasion of his retirement as president and CEO of the Methodist Hospital System in Houston..... A24

GOMEZ, CHARLIE

HR 192, Honoring Charlie Gomez for his contributions to the El Paso community..... A25

GONZALES, LARRY, REP.

Adjourn, motion to, by..... 580
 Amendments and substitutes offered by..... 199, 248, 350
 Vote, statement of, by..... 130, 371, 458
 Votes, record of, by..... 109

GONZALES, VERONICA, REP.

Amendments and substitutes offered by..... 67, 239
 Appointed to
 Conference Committee on SB 7..... 425
 Vote, reason for, by..... 120
 Vote, statement of, by..... 465, 570
 Votes, record of, by..... 63, 109, 151, 152

GONZALEZ, ADAN

HR 12, Congratulating Adan Gonzalez on being named the 2011 salutatorian of Adamson High School in Dallas..... A12

GONZALEZ, NAOMI R., REP.

Amendments and substitutes offered by..... 286, 371
 Pledges of allegiance led by..... 5
 Vote, statement of, by..... 373, 396, 477
 Votes, record of, by..... 63

GOODEN, LANCE, REP.

Amendments and substitutes offered by..... 110, 258, 286, 350
 Table, motion to, by..... 132
 Vote, reason for, by..... 465
 Vote, statement of, by..... 507

GORENA, MARIELLA

HR 61, Congratulating Mariella Gorena on her retirement as principal of Wilson Elementary School in McAllen..... A15

GOVERNMENT EFFICIENCY & REFORM, COMMITTEE ON

Permission to meet granted to..... 17, 235

GOVERNOR

HR 197, Suspending limitations on conference committee jurisdiction, S.B. No. 2..... A25
HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28

GOVERNOR — (continued)

SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SB 2, Appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds..... A36
SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1. A41
 Proclamations by..... 2, 6, 16, 28, 526

GRACE, RACHELLE

HR 54, Congratulating Rachele Grace of McAllen Memorial High School on her receipt of the 2011 H-E-B Excellence in Education Leadership Award in the secondary school category..... A15

GRAND JURIES

See COURTS–JURIES

GREENWAY PARKS NEIGHBORHOOD

HR 242, Commemorating the 2011 Fourth of July celebration in the Greenway Parks neighborhood of Dallas and recognizing the rich history of this important community..... A29

GUARANTEED STUDENT LOAN CORPORATION, TEXAS

HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1. A41

GUERRA, JR., FRANCISCO

HR 121, Honoring Francisco Guerra, Jr., of Starr County for his achievements in business..... A20

GUERRERO, NATIVIDAD

HR 190, Commending Deputy Sergeant Natividad Guerrero of the El Paso County Sheriff's Office for his 25 years of service..... A25

GUEVARA, JOVITA REBECCA

HR 89, Honoring Jovita Rebecca Guevara of Jovita's Beauty Salon in Benavides..... A17

GUILLEN, MANUEL P.

HR 113, In memory of Manuel P. Guillen of Rio Grande City..... A19

GUILLEN, RYAN, REP.

Amendments and substitutes offered by..... 69, 164, 167, 199, 230, 247, 262, 267, 274, 275, 286, 303, 304, 343, 350, 356, 479
 Permission for committees to meet requested by..... 246, 473
 Vote, reason for, by..... 560
 Vote, statement of, by..... 341
 Votes, record of, by..... 63, 151, 152, 178, 314

HAMILTON, MIKE, REP.

Adjourn, motion to, by..... 387
 Amendments and substitutes offered by..... 170, 258, 371
 Chair, in the..... 456

HANCOCK, KELLY, REP.

Adjourn, motion to, by.....	580
Amendments and substitutes offered by.....	170, 258, 286, 370, 497
Appointed to	
Conference Committee on HB 3.....	557
Conference Committee on SB 8.....	528
Invocation offered by.....	525
Legislative intent, statement of, by	
SB 8.....	571
Votes, record of, by.....	109

HARDCASTLE, RICHARD L. "RICK", REP.

Adjourn, motion to, by.....	11
Amendments and substitutes offered by.....	81, 170, 199, 222, 258, 260, 286

HARLESS, PATRICIA, REP.

Amendments and substitutes offered by.....	170, 258
Vote, statement of, by.....	96, 100, 104, 105, 130, 367, 371, 373, 378, 379, 380, 384, 387, 477, 532, 535, 536, 543, 575

HARPER-BROWN, LINDA, REP.

Amendments and substitutes offered by.....	157, 170, 258, 286, 343, 350, 371
Vote, statement of, by.....	100, 478
Votes, record of, by.....	109, 116, 248

HARRIS, JANET

HR 275 , Congratulating Janet Harris on her election to the Duncanville City Council.	A31
---	-----

HARRIS COUNTY

HB 79 , Relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by H.B. No. 1, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government.....	A7
--	----

HARTNETT, WILL, REP.

Amendments and substitutes offered by.....	117
Remarks by	
SB 29.....	753

HASKINS, SR., JOHN BRANNON

HR 154 , In memory of the Reverend John Brannon Haskins, Sr., of Houston.....	A22
--	-----

HAYDEN, JAMES LLOYD, COL. (RET.)

HR 224 , In memory of U.S. Army Colonel (Ret.) James Lloyd Hayden of El Paso.....	A27
--	-----

HEALTH-AIDS

HB 78 , Relating to a county HIV and AIDS services Medicaid waiver program.....	A7
--	----

HEALTH-CHILDREN'S INSURANCE

HCR 25 , Instructing the enrolling clerk of the senate to make corrections in S.B. No. 7.	A10
SB 7 , Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state; creating an offense; providing penalties.....	A38

HEALTH—GENERAL

HB 5, Relating to the Interstate Health Care Compact..... A1
HB 7, Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state..... A2
HB 13, Relating to the Medicaid program and alternate methods of providing health services to low-income persons in this state..... A2
HB 32, Relating to creation of a study committee for the Interstate Health Care Compact..... A3
HB 46, Relating to reducing state Medicaid and other health care costs by prohibiting smoking in certain public places; providing penalties..... A5
HCR 25, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 7..... A10
HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SB 7, Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state; creating an offense; providing penalties..... A38
SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1..... A41

HEALTH—OTHER DISEASES & MEDICAL CONDITIONS

HB 26, Relating to the containment of costs incurred in the correctional health care system and to studies regarding delivery of health care services by certain nurses..... A3

HEALTH—RURAL

HB 69, Relating to the dispensing of certain drugs by physicians..... A6

HEALTH & HUMAN SERVICES COMMISSION

HB 7, Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state..... A2
HB 13, Relating to the Medicaid program and alternate methods of providing health services to low-income persons in this state..... A2
HB 26, Relating to the containment of costs incurred in the correctional health care system and to studies regarding delivery of health care services by certain nurses..... A3
HB 37, Relating to a pilot project to establish a comprehensive access point for long-term services and supports provided to older persons and persons with physical disabilities..... A4
HB 46, Relating to reducing state Medicaid and other health care costs by prohibiting smoking in certain public places; providing penalties..... A5
HB 64, Relating to a county mental health services Medicaid waiver program..... A6
HB 68, Relating to drug testing of certain persons seeking financial assistance benefits..... A6
HCR 25, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 7..... A10
HR 197, Suspending limitations on conference committee jurisdiction, S.B. No. 2..... A25
SB 2, Appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds..... A36
SB 7, Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state; creating an offense; providing penalties..... A38

HEALTH CARE COMPACT ADVISORY COMMITTEE, TEXAS

HB 32, Relating to creation of a study committee for the Interstate Health Care Compact.
 A3

HEALTH CARE PROVIDERS

HB 5, Relating to the Interstate Health Care Compact..... A1
HB 7, Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state..... A2
HB 26, Relating to the containment of costs incurred in the correctional health care system and to studies regarding delivery of health care services by certain nurses.
 A3
HB 32, Relating to creation of a study committee for the Interstate Health Care Compact.
 A3
HB 36, Relating to reimbursement for health care services provided at certain times to persons enrolled in the Medicaid managed care program..... A3
HB 69, Relating to the dispensing of certain drugs by physicians..... A6
HCR 25, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 7.
 A10
SB 7, Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state; creating an offense; providing penalties..... A38

HEALTH CARE QUALITY & EFFICIENCY, TEXAS INSTITUTE OF

HB 7, Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state..... A2
HCR 25, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 7.
 A10
SB 7, Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state; creating an offense; providing penalties..... A38

HEALTH INSURANCE

See INSURANCE-HEALTH & ACCIDENT

HEALTH MAINTENANCE ORGANIZATIONS

HCR 25, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 7.
 A10
SB 7, Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state; creating an offense; providing penalties..... A38

HEALTH SERVICES, TEXAS DEPARTMENT OF STATE

HB 7, Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state..... A2
HB 35, Relating to an increase in the cigarette tax, to the use of revenue from the tax, and to the enforcement of the tax..... A3
HB 46, Relating to reducing state Medicaid and other health care costs by prohibiting smoking in certain public places; providing penalties..... A5
HB 53, Relating to the offense of coercing a person to have or seek an abortion and informed and voluntary consent for an abortion; providing penalties..... A5
HB 56, Relating to the regulation of certain animals..... A5
HB 68, Relating to drug testing of certain persons seeking financial assistance benefits.
 A6
HCR 25, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 7.
 A10

HEALTH SERVICES, TEXAS DEPARTMENT OF STATE — (continued)

SB 7, Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state; creating an offense; providing penalties..... A38

HERNANDEZ, DAN

HR 221, Congratulating Dan Hernandez on his reelection to the Cedar Hill Independent School District Board of Trustees..... A27

HERNANDEZ LUNA, ANA E., REP.

Amendments and substitutes offered by..... 443
 Vote, reason for, by..... 120
 Vote, statement of, by..... 393, 402, 404, 473, 570, 590

HIGHER EDUCATION

See EDUCATION—HIGHER—GENERAL

HIGHER EDUCATION COORDINATING BOARD, TEXAS

HB 72, Relating to certain responsibilities of education research centers and to a joint advisory board for education research centers..... A6

HCR 25, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 7. A10

HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28

SB 1, Relating to certain state fiscal matters; providing penalties..... A33

SB 7, Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state; creating an offense; providing penalties..... A38

SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1. A41

HILDERBRAN, HARVEY, REP.

Amendments and substitutes offered by..... 131, 145, 258, 316, 371, 380, 404, 533, 534
 Vote, statement of, by..... 394, 421, 460, 461, 478, 659

HINOJOSA, SR., GILBERTO AMADO

HR 83, Honoring Gilberto Amado Hinojosa, Sr., of Benavides, for his service to Duval County..... A17

HINOJOSA, RAMIRO & HORTENCIA "NENA"

HR 98, Paying tribute to the lives of Ramiro and Hortencia "Nena" Hinojosa of Starr County..... A18

HINTON-ROSENBERG, KATHERINE

HR 67, Commending Katherine Hinton-Rosenberg for her service as a legislative intern in the office of State Representative Helen Giddings..... A16

HISTORICAL COMMISSION, TEXAS

HCR 14, Directing the Texas Historical Commission to work with the City of Austin to honor the memory of President John F. Kennedy with an official Texas Historical Marker at or near the site of the Austin Municipal Auditorium..... A9

HR 104, Directing the Texas Historical Commission to work with the City of Austin to honor the memory of President John F. Kennedy with an official Texas Historical Marker at or near the site of the Austin Municipal Auditorium..... A18

HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28

SB 1, Relating to certain state fiscal matters; providing penalties..... A33

HISTORICAL COMMISSION, TEXAS — (continued)

SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1.
 A41

HIV

See HEALTH-AIDS

HMO

See HEALTH MAINTENANCE ORGANIZATIONS

HOCHBERG, SCOTT, REP.

Amendments and substitutes offered by..... 193, 492, 493, 497
 Appointed to
 Conference Committee on SB 6..... 528
 Remarks by
 SB 29..... 752, 753
 Table, motion to, by..... 474

HODGES-KENT, WENDY

HR 222, Congratulating Wendy Hodges-Kent on her election to the Cedar Hill
 Independent School District Board of Trustees..... A27

HOENIG, WILL

HR 69, Congratulating Will Hoenig of Lake Travis High School on earning first place in
 extemporaneous persuasive speaking at the 2011 UIL Conference 4A State
 Academics Spring Meet..... A16

HOLCOMBE, COY

HR 216, Congratulating Dr. Coy Holcombe, Eustace ISD superintendent, on his
 designation as 2011 Region 7 Superintendent of the Year..... A27

HOLLEMAN, VERNON D., MR. & MRS.

HR 23, Congratulating Dr. Vernon D. Holleman and Shirley Holleman of Temple on
 their 50th wedding anniversary..... A13

HOLLOWAY, GRAHAM CHARLES

HR 49, In memory of Graham Charles Holloway of Cedar Park..... A14

HOME SCHOOLING

See EDUCATION-PRIMARY & SECONDARY-HOME SCHOOLING

HOMESTEAD

See PROPERTY INTERESTS-HOMESTEAD

HOPSON, CHUCK, REP.

Amendments and substitutes offered by..... 170, 258
 Vote, statement of, by..... 393

HOSPITALS

HCR 25, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 7.
 A10

SB 7, Relating to the administration, quality, and efficiency of health care, health and
 human services, and health benefits programs in this state; creating an offense;
 providing penalties..... A38

HOUSE OF REPRESENTATIVES

Quorum not present..... 520

HOUSE OF REPRESENTATIVES, UNITED STATES

HB 4, Relating to the composition of the congressional districts for the State of Texas. A1
SB 4, Relating to the composition of the congressional districts for the State of Texas. A37

HOUSING & COMMUNITY AFFAIRS, TEXAS DEPARTMENT OF

HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1. A41

HOUSTON MINORITY SUPPLIER DEVELOPMENT COUNCIL

HR 44, Commemorating EXPO 2011, hosted by the Houston Minority Supplier Development Council..... A14

HOWARD, CHARLIE, REP.

Amendments and substitutes offered by..... 170, 258, 286
Vote, statement of, by..... 32, 130, 575

HOWARD, DONNA, REP.

Amendments and substitutes offered by..... 33, 115, 135, 199
Chair, in the..... 3
Invocation offered by..... 1
Point of order raised by
 SB 1
 (Amendment No. 100)..... 258
 (Amendment No. 167)..... 355
 SB 7
 (Amendment No. 9)..... 45
 (Amendment No. 27)..... 84
Vote, statement of, by..... 465, 570
Votes, record of, by..... 63, 109, 151

HOWELL, RONALD GENE

HR 29, In memory of Ronald Gene Howell of Arlington..... A13

HUBERTY, DAN, REP.

Adjourn sine die, motion to, by..... 760
Amendments and substitutes offered by..... 179, 199, 258, 462, 464, 476
Appointed to
 Conference Committee on SB 8..... 528
Chair, in the..... 217, 518
Legislative intent, statement of, by
 SB 6..... 498
Postpone, motion to, by..... 406, 517, 544, 576
Print, motion to, by..... 498
Table, motion to, by..... 463, 482
Vote, statement of, by..... 111, 130, 234

HUGHES, BRYAN, REP.

Amendments and substitutes offered by..... 35, 170, 199, 258, 342, 343, 350, 395
Invocation offered by..... 5
Votes, record of, by..... 116

HUMAN SERVICES—CHILD SERVICES

HB 7, Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state..... A2

HUMAN SERVICES—DIRECT ASSISTANCE

HB 68, Relating to drug testing of certain persons seeking financial assistance benefits. A6

HUMAN SERVICES—GENERAL

HB 7, Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state..... A2

HCR 25, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 7. A10

SB 7, Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state; creating an offense; providing penalties..... A38

HUMAN SERVICES—MEDICAL ASSISTANCE

HB 7, Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state..... A2

HB 13, Relating to the Medicaid program and alternate methods of providing health services to low-income persons in this state..... A2

HB 36, Relating to reimbursement for health care services provided at certain times to persons enrolled in the Medicaid managed care program..... A3

HB 37, Relating to a pilot project to establish a comprehensive access point for long-term services and supports provided to older persons and persons with physical disabilities..... A4

HB 64, Relating to a county mental health services Medicaid waiver program..... A6

HB 78, Relating to a county HIV and AIDS services Medicaid waiver program..... A7

HCR 25, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 7. A10

SB 7, Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state; creating an offense; providing penalties..... A38

HUNT, ED, HON.

HR 92, In memory of the Honorable Ed Hunt of Mineola..... A18

HUNTER, CHARLES A.

HR 139, In memory of Dr. Charles A. Hunter of Dallas..... A21

HUNTER, TODD, REP.

Adjourn, motion to, by..... 3

Amendments and substitutes offered by..... 170

Chair, in the..... 626, 675

Committee on Calendars rule, motion to adopt, by..... 20, 21, 368

Permission for committees to meet requested by..... 209, 405, 415, 526, 540

Vote, statement of, by..... 478

IDENTIFICATION CARDS

SB 9, Relating to the enforcement of state and federal laws governing immigration by certain governmental entities and the administration of certain documentation of citizenship status and other lawful admittance by the Department of Public Safety of the State of Texas..... A40

IMMACULATE CONCEPTION CHURCH

HR 48, Honoring Immaculate Conception Church in Rio Grande City for its service to the community..... A14

IMMIGRANTS, UNDOCUMENTED

HB 9, Relating to the enforcement of state and federal laws governing immigration by certain governmental entities..... A2
HB 10, Relating to the duty of a law enforcement agency to request information regarding the immigration status of an arrested person..... A2
HB 11, Relating to the duty of a local law enforcement agency to verify the immigration status of certain arrested persons by use of the federal Secure Communities program..... A2
HB 57, Relating to the creation of the offense of criminal trespass by an illegal alien and to certain procedures for arresting illegal aliens for committing that criminal offense..... A5
HB 58, Relating to the creation of the offense of employing or contracting with an unauthorized alien..... A5
HB 59, Relating to reporting by state agencies on the financial effect of providing services to illegal immigrants..... A5
HCR 11, Urging the federal government to grant a conditional green card to certain noncitizens to allow them to enlist in the United States armed forces and urging the federal government to award citizenship to these immigrants upon the completion of four years of honorable military service..... A9
HCR 13, Urging Congress to enact an overhaul of the immigration system..... A9
SB 9, Relating to the enforcement of state and federal laws governing immigration by certain governmental entities and the administration of certain documentation of citizenship status and other lawful admittance by the Department of Public Safety of the State of Texas..... A40

IMMIGRATION LAW

HB 9, Relating to the enforcement of state and federal laws governing immigration by certain governmental entities..... A2
HB 10, Relating to the duty of a law enforcement agency to request information regarding the immigration status of an arrested person..... A2
HB 11, Relating to the duty of a local law enforcement agency to verify the immigration status of certain arrested persons by use of the federal Secure Communities program..... A2
SB 9, Relating to the enforcement of state and federal laws governing immigration by certain governmental entities and the administration of certain documentation of citizenship status and other lawful admittance by the Department of Public Safety of the State of Texas..... A40

IMMIGRATION REFORM

HCR 13, Urging Congress to enact an overhaul of the immigration system..... A9

INDIGENT LEGAL SERVICES

See LEGAL SERVICES FOR THE INDIGENT

INFORMATION RESOURCES, TEXAS DEPARTMENT OF

HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1. A41

INFORMED CONSENT

HB 53, Relating to the offense of coercing a person to have or seek an abortion and informed and voluntary consent for an abortion; providing penalties..... A5

INSTRUCTIONAL MATERIAL

See EDUCATION-PRIMARY & SECONDARY-TEXTBOOKS
 See ELECTRONIC TEXTBOOKS

INSURANCE, TEXAS COMMISSIONER OF

HB 3, Relating to the operation of the Texas Windstorm Insurance Association, to the resolution of certain disputes concerning claims made to that association, and to the issuance of windstorm and hail insurance policies in the private insurance market by certain insurers; providing penalties..... A1
HR 218, Suspending limitations on conference committee jurisdiction, H.B. No. 3..... A27

INSURANCE, TEXAS DEPARTMENT OF

HB 3, Relating to the operation of the Texas Windstorm Insurance Association, to the resolution of certain disputes concerning claims made to that association, and to the issuance of windstorm and hail insurance policies in the private insurance market by certain insurers; providing penalties..... A1
HR 197, Suspending limitations on conference committee jurisdiction, S.B. No. 2..... A25
HR 218, Suspending limitations on conference committee jurisdiction, H.B. No. 3..... A27
SB 2, Appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds..... A36

INSURANCE-GENERAL

HB 1, Relating to certain state fiscal matters; providing penalties..... A1
HB 3, Relating to the operation of the Texas Windstorm Insurance Association, to the resolution of certain disputes concerning claims made to that association, and to the issuance of windstorm and hail insurance policies in the private insurance market by certain insurers; providing penalties..... A1
HR 218, Suspending limitations on conference committee jurisdiction, H.B. No. 3..... A27
HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1..... A41

INSURANCE-HEALTH & ACCIDENT

HB 1, Relating to certain state fiscal matters; providing penalties..... A1
HB 81, Relating to required individual health insurance coverage..... A7
HCR 25, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 7..... A10
HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SB 7, Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state; creating an offense; providing penalties..... A38

INSURANCE—HEALTH & ACCIDENT — (continued)

SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1.
 A41

INSURANCE—INSURERS & AGENTS

HB 3, Relating to the operation of the Texas Windstorm Insurance Association, to the resolution of certain disputes concerning claims made to that association, and to the issuance of windstorm and hail insurance policies in the private insurance market by certain insurers; providing penalties..... A1

HR 218, Suspending limitations on conference committee jurisdiction, H.B. No. 3.....
 A27

INSURANCE—PROPERTY & CASUALTY

HB 3, Relating to the operation of the Texas Windstorm Insurance Association, to the resolution of certain disputes concerning claims made to that association, and to the issuance of windstorm and hail insurance policies in the private insurance market by certain insurers; providing penalties..... A1

HJR 11, Proposing a constitutional amendment relating to the use of the assets of certain associations established by the legislature of this state for the purpose of providing certain insurance coverage..... A11

HR 218, Suspending limitations on conference committee jurisdiction, H.B. No. 3.....
 A27

INSURANCE—REFORM

HB 3, Relating to the operation of the Texas Windstorm Insurance Association, to the resolution of certain disputes concerning claims made to that association, and to the issuance of windstorm and hail insurance policies in the private insurance market by certain insurers; providing penalties..... A1

HR 218, Suspending limitations on conference committee jurisdiction, H.B. No. 3.....
 A27

INTERGOVERNMENTAL RELATIONS

HB 40, Relating to an interlocal contract between a governmental entity and a purchasing cooperative to purchase roofing materials or services..... A4

INTERNET

HB 66, Relating to the availability of certain school district financial information on districts' Internet websites..... A6

INTERSTATE ADVISORY HEALTH CARE COMMISSION

HB 5, Relating to the Interstate Health Care Compact..... A1

INTERSTATE HEALTH CARE COMPACT

HB 5, Relating to the Interstate Health Care Compact..... A1

HB 32, Relating to creation of a study committee for the Interstate Health Care Compact.
 A3

INVOCATIONS & BENEDICTIONS OFFERED BY

Berman, Leo, Rep..... 15
 Chisum, Warren, Rep..... 389
 Dutton, Jr., Harold V., Rep..... 413
 Garner, Don, Capitol Commission, Austin..... 455
 Hancock, Kelly, Rep..... 525
 Howard, Donna, Rep..... 1
 Hughes, Bryan, Rep..... 5
 King, Phil, Rep..... 515
 Landtroop, Jim, Rep..... 93, 583

INVOCATIONS & BENEDICTIONS OFFERED BY — (continued)

Perry, Charles, Rep.....	27, 553
Phillips, Larry, Rep.....	9
Sheets, Kenneth, Rep.....	679
Simpson, David, Rep.....	545
Weber, Randy, Rep.....	19
Welsh, Rod, Sergeant-at-Arms.....	539
White, James, Rep.....	367

IRVING ART ASSOCIATION

HR 281 , Honoring the Irving Art Association on the 55th anniversary of its founding.....	A31
--	-----

ISAAC, JASON A., REP.

Amendments and substitutes offered by.....	124, 170, 199, 258, 286, 343, 344, 348, 369, 370
Legislative intent, statement of, by	
HB 79.....	535
SB 29.....	747
Print, motion to, by.....	536, 748
Vote, statement of, by.....	164
Votes, record of, by.....	116, 248

JACKSON, JIM, REP.

Amendments and substitutes offered by.....	82, 170, 199, 258, 286, 350, 370
--	----------------------------------

JAILS & PRISONS

See CORRECTIONS—JAILS & PRISONS

JAIME, SALLY

HR 257 , Congratulating Sally Jaime on being named the 2011 Firefighter of the Year by the Edinburg Volunteer Fire Department.....	A30
---	-----

JENKINS, DOROTHY GRACE TURNER

HR 208 , Congratulating Dorothy Grace Turner Jenkins of Kerrville on the occasion of her 90th birthday.....	A26
--	-----

JERNBERG, JAN

HR 28 , Congratulating Lake Travis High School basketball coach Jan Jernberg on his retirement.....	A13
--	-----

JOHNSON, EMMA JEWEL

HR 248 , Congratulating Emma Jewel Johnson on her retirement from the San Antonio Independent School District.....	A29
---	-----

JOHNSON, ERIC, REP.

Amendments and substitutes offered by.....	286, 397, 401
Reconsider vote, motion to, by.....	401
Vote, reason for, by.....	120
Vote, statement of, by.....	394, 537
Votes, record of, by.....	151, 152

JORDAN, LULA BEATRICE MCGOUGH

HR 152 , Congratulating Lula Beatrice McGough Jordan of Dallas on the occasion of her 100th birthday.....	A22
--	-----

JUDGES

See COURTS—JUDGES

JUNIOR STATE OF AMERICA, TEXAS

HR 264, Congratulating Texas Junior State of America on its 20th anniversary..... A30

JURIES

See COURTS—JURIES

JUST KAUZ IT'S RIGHT

HR 283, Recognizing the Just Kauz It's Right nonprofit initiative and its founder, Maricela De Leon, for assisting schoolchildren in the Rio Grande Valley..... A31

JUSTICE COURTS

See COURTS—JUSTICE

JUVENILE BOARDS & OFFICERS

HB 55, Relating to increasing fiscal flexibility through the provision of state aid for certain juvenile justice alternative education programs that enter into certain revenue sharing agreements..... A5

KATY TRAIL ICE HOUSE

HR 249, Commemorating the grand opening of the Katy Trail Ice House in Dallas..... A29

KAZEE, LOVIE MAE WALKER

HR 160, Congratulating Lovie Mae Walker Kazee of Dallas on the occasion of her 95th birthday..... A23

KEFFER, JAMES L. "JIM", REP.

Adjourn, motion to, by..... 363
Amendments and substitutes offered by..... 170, 350
Chair, in the..... 157, 575
Remarks by
 HB 41..... 743
Votes, record of, by..... 116

KELLEHER, HERB

Introduction of and address by..... 527

KELLEY, HILTON

HR 200, Congratulating Hilton Kelley of Port Arthur on his receipt of a 2011 Goldman Environmental Prize..... A25
Introduction of and introduction of wife of..... 554

KELLEY, JERRY R., RADM.

HR 105, Honoring Rear Admiral Jerry R. Kelley on the occasion of his retirement from the United States Navy..... A19

KENNEDY, JOHN F., PRESIDENT

HCR 14, Directing the Texas Historical Commission to work with the City of Austin to honor the memory of President John F. Kennedy with an official Texas Historical Marker at or near the site of the Austin Municipal Auditorium..... A9
HR 104, Directing the Texas Historical Commission to work with the City of Austin to honor the memory of President John F. Kennedy with an official Texas Historical Marker at or near the site of the Austin Municipal Auditorium..... A18

KING, PHIL, REP.

Amendments and substitutes offered by.....	170, 199, 258, 320, 343, 370
Instruct committee, motion to, by.....	457
Invocation offered by.....	515
Legislative intent, statement of, by	
HB 79.....	529
Print, motion to, by.....	530
Reconsider vote, motion to, by.....	658
Remarks by	
SB 4	
(Amendment No. 2).....	416
Vote, statement of, by.....	100, 461, 478
Votes, record of, by.....	109, 116

KING, SUSAN L., REP.

Amendments and substitutes offered by.....	45, 144, 170
Vote, statement of, by.....	32, 101, 362, 387, 458, 521, 543

KING, TRACY O., REP.

Amendments and substitutes offered by.....	170, 199, 286
Vote, statement of, by.....	303, 373

KLEINSCHMIDT, TIM, REP.

Amendments and substitutes offered by.....	107, 109, 170, 206, 258, 282, 289
Votes, record of, by.....	116

KOLKHORST, LOIS W., REP.

Adjourn, motion to, by.....	538
Amendments and substitutes offered by.....	59, 63, 170, 184, 371
Appointed to	
Conference Committee on SB 7.....	425
Parliamentary inquiry by.....	759
Vote, statement of, by.....	362, 387, 466, 485, 486, 521

KOREAN AMERICAN COALITION

HR 170 , Commemorating the Eighth Annual Awareness Banquet hosted by the Dallas/Fort Worth chapter of the Korean American Coalition and extending best wishes to newly elected chapter president Soo Yeon Nam.....	A23
---	-----

KRIPPNER, ANDREW MARK, PVT.

HR 279 , In memory of U.S. Army Private Andrew Mark Krippner of Garland.....	A31
---	-----

KUEMPEL, JOHN, REP.

Adjourn, motion to, by.....	544
Amendments and substitutes offered by.....	371, 394
Pledges of allegiance led by.....	19
Vote, statement of, by.....	130, 401, 403

LABOR-EMPLOYMENT DISCRIMINATION

See DISCRIMINATION

LABOR-GENERAL

HB 43 , Relating to election through secret ballot of a labor union as the exclusive bargaining representative.....	A4
HB 58 , Relating to the creation of the offense of employing or contracting with an unauthorized alien.....	A5

LABOR—MANAGEMENT RELATIONS

HB 43, Relating to election through secret ballot of a labor union as the exclusive bargaining representative..... A4

LABOR—TERMINATION OF EMPLOYMENT

HB 8, Relating to flexibility for public schools to administer primary and secondary education efficiently..... A2

HB 20, Relating to notice required for termination of a teacher's probationary contract or nonrenewal of a teacher's term contract..... A2

HB 21, Relating to the reduction in force of teachers employed by a school district.... A3

HB 31, Relating to school district personnel..... A3

HB 51, Relating to the authority of school districts to suspend teachers without pay pending discharge..... A5

HB 70, Relating to a financial exigency of a school district..... A6

SB 8, Relating to the flexibility of the board of trustees of a school district in the management and operation of public schools in the district..... A39

LABOR—WORKERS' COMPENSATION

HB 83, Relating to remedies for discrimination by a public employer against a public employee in connection with a claim for workers' compensation..... A8

LABOR UNIONS

HB 43, Relating to election through secret ballot of a labor union as the exclusive bargaining representative..... A4

LACHANCE, STANLEY JOSEPH

Adjourned in memory of..... 450

LAKE TRAVIS HIGH SCHOOL

HR 70, Congratulating Lake Travis High School on its receipt of the sweepstakes award in speech at the 2011 UIL Conference 4A State Academics Spring Meet..... A16

LANDTROOP, JIM, REP.

Amendments and substitutes offered by..... 102, 170, 199, 258, 370

Invocation offered by..... 93, 583

Pledges of allegiance led by..... 15

Vote, reason for, by..... 374, 384

Vote, statement of, by..... 218, 659

Votes, record of, by..... 116, 149, 163, 183, 459, 476

LANGFORD, KAY

HR 151, Congratulating Captain Kay Langford on her retirement from the Henderson County Sheriff's Office..... A22

LAROSILIERE, HARRY

HR 108, Commending Harry LaRosiliere for his service as a member of the Plano City Council..... A19

LARSON, LYLE, REP.

Amendments and substitutes offered by..... 105, 199, 258, 342, 350, 371, 372

Remarks by

SB 29..... 749

LARUM, GLEN

HR 128, Congratulating Glen Larum on his retirement from the Texas Department of Transportation..... A20

LAS PALMAS HEALTHCARE CENTER

HR 60, Congratulating Las Palmas Healthcare Center in McAllen on earning the Public Information and Education Award from the Texas Health Care Association..... A15

LAUBENBERG, JODIE, REP.

Amendments and substitutes offered by..... 102, 258, 370, 533
Vote, statement of, by..... 306, 660
Votes, record of, by..... 109, 116

LAVENDER, GEORGE, REP.

Amendments and substitutes offered by..... 170, 199, 258, 306
Pledges of allegiance led by..... 515
Vote, statement of, by..... 371, 466

LAW ENFORCEMENT

HB 9, Relating to the enforcement of state and federal laws governing immigration by certain governmental entities..... A2

HB 10, Relating to the duty of a law enforcement agency to request information regarding the immigration status of an arrested person..... A2

HB 11, Relating to the duty of a local law enforcement agency to verify the immigration status of certain arrested persons by use of the federal Secure Communities program..... A2

HB 73, Relating to the use of forfeited property proceeds by the district attorney for the 198th Judicial District..... A6

HB 74, Relating to the use of forfeited property proceeds by the district attorney for the 198th Judicial District..... A7

HB 80, Relating to restrictions on certain private security companies' use of vehicles that mimic law enforcement vehicles..... A7

HB 84, Relating to authorizing the Department of Public Safety of the State of Texas to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses..... A8

SB 9, Relating to the enforcement of state and federal laws governing immigration by certain governmental entities and the administration of certain documentation of citizenship status and other lawful admittance by the Department of Public Safety of the State of Texas..... A40

SB 43, Relating to authorizing the Department of Public Safety of the State of Texas to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses..... A40

LAWYERS

SB 1, Relating to certain state fiscal matters; providing penalties..... A33

LAYOFFS & WORKFORCE REDUCTIONS

HB 30, Relating to unpaid furloughs for state employees..... A3

HB 70, Relating to a financial exigency of a school district..... A6

LAZARINE, RALPH M.

HR 201, In memory of Ralph M. Lazarine of San Antonio..... A26

LEAL, NIDIA ANN

HR 47, In memory of Nidia Ann Leal..... A14

LEE COLLEGE

HCR 27, Congratulating the nine Texas community colleges named among the nation's top 120 by the Aspen Institute..... A10

HR 295, Congratulating the Texas community colleges that were named among the top 120 community colleges in the nation by the Aspen Institute..... A32

LEEDOM, JOHN NESBETT, HON.

SCR 1, In memory of former Texas Senator John Nesbett Leedom..... A41

LEGAL SERVICES FOR THE INDIGENT

HB 34, Relating to funding for basic civil legal services, indigent defense, and judicial technical support through certain fees and court costs and to the establishment of the judicial access and improvement account..... A3
HCR 22, Commending the members of the Texas Supreme Court for their actions in support of legal aid services and honoring them for their work in promoting access to justice for the state's most vulnerable citizens..... A10

LEGER, A. J.

HR 176, In memory of A. J. Leger of Beaumont..... A24

LEGISLATIVE BUDGET BOARD

HB 1, Relating to certain state fiscal matters; providing penalties..... A1
HB 8, Relating to flexibility for public schools to administer primary and secondary education efficiently..... A2
HB 17, Relating to the minimum salary for and minimum service required of certain public school employees..... A2
HB 59, Relating to reporting by state agencies on the financial effect of providing services to illegal immigrants..... A5
HR 197, Suspending limitations on conference committee jurisdiction, S.B. No. 2..... A25
HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SB 2, Appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds..... A36
SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1..... A41

LEGISLATIVE COUNCIL, TEXAS

HB 65, Relating to requirements for reapportionment of congressional districts..... A6

LEGISLATIVE INTENT STATEMENTS BY

Branch, Dan, Rep.
 HB 41
 (Amendment No. 2)..... 578
 Eissler, Rob, Rep.
 SB 1..... 656
 SB 6..... 498
 SB 8..... 571
 Fletcher, Allen, Rep.
 HB 41
 (Amendment No. 2)..... 578
 Garza, John V., Rep.
 SB 8..... 572
 Hancock, Kelly, Rep.
 SB 8..... 571
 Huberty, Dan, Rep.
 SB 6..... 498
 Isaac, Jason A., Rep.
 HB 79..... 535
 SB 29..... 747

LEGISLATIVE INTENT STATEMENTS BY — (continued)

King, Phil, Rep.
 HB 79..... 529

Lewis, Tryon D., Rep.
 HB 41
 (Amendment No. 1)..... 579
 HB 79..... 529, 535, 541

Martinez Fischer, Trey, Rep.
 SB 6..... 498

Patrick, Diane, Rep.
 SB 1..... 656
 SB 8..... 571

Perry, Charles, Rep.
 SB 1
 (Amendment No. 140)..... 319

Pickett, Joseph "Joe" C., Rep.
 HR 232..... 654

Pitts, Jim, Rep.
 HR 232..... 654

Riddle, Debbie, Rep.
 HB 79..... 541

Simpson, David, Rep.
 HB 41
 (Amendment No. 1)..... 579
 SB 29..... 747

Thompson, Senfronia, Rep.
 SB 7..... 558

Turner, Sylvester, Rep.
 SB 8..... 573

Woolley, Beverly, Rep.
 SB 7..... 557

Zerwas, John, Rep.
 SB 7..... 557

LEGISLATIVE INTENT STATEMENTS REGARDING

HB 41..... 578
 Amendment No. 1..... 579

HB 79..... 529, 535, 541

HR 232..... 654

SB 1..... 656
 Amendment No. 140..... 319

SB 6..... 498

SB 7..... 557

SB 8..... 571, 572

SB 29..... 747

LEGISLATURE

HB 32, Relating to creation of a study committee for the Interstate Health Care Compact..... A3

HB 65, Relating to requirements for reapportionment of congressional districts..... A6

HJR 11, Proposing a constitutional amendment relating to the use of the assets of certain associations established by the legislature of this state for the purpose of providing certain insurance coverage..... A11

HJR 12, Proposing a constitutional amendment to establish certain principles and procedures for the drawing of congressional districts..... A11

LEGISLATURE — (continued)

HJR 14, Proposing a constitutional amendment limiting the uses of revenue from motor vehicle registration fees, taxes on motor fuels and lubricants, and certain revenue received from the federal government..... A11

HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28

SB 1, Relating to certain state fiscal matters; providing penalties..... A33

SB 22, Relating to the reapportionment of congressional districts and the creation, function, and duties of the Texas Congressional Redistricting Commission..... A40

SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1. A41

LEGLER, KEN, REP.

Amendments and substitutes offered by..... 258, 370

Vote, statement of, by..... 373

Votes, record of, by..... 116

LEWIS, GERTRUDE JACK

HR 39, Congratulating Gertrude Jack Lewis of Houston on the occasion of her 100th birthday..... A14

LEWIS, TRYON D., REP.

Amendments and substitutes offered by..... 199, 258, 518, 529

Concur, motion to, by..... 681

Legislative intent, statement of, by

HB 41

 (Amendment No. 1)..... 579

HB 79..... 529, 535, 541

Rules, motion to suspend, by..... 680

Table, motion to, by..... 519, 520

Vote, statement of, by..... 260, 509

LIBERTY CAFE

HR 119, Commemorating the 30th anniversary of the Liberty Cafe in Freer..... A20

LICENSES

See **VEHICLES & TRAFFIC—DRIVER'S LICENSES**

LIGGETT, ELIZABETH ANN

HR 52, In memory of Elizabeth Ann Liggett of Kerrville..... A15

LINDSEY, JOYCE

HR 207, Congratulating Joyce Lindsey on the occasion of her retirement as associate director of the Texas Access to Justice Foundation..... A26

LIPSCOMB, ALBERT LOUIS

HR 177, In memory of civil rights activist and former Dallas City Council member Al Lipscomb..... A24

Adjourned in memory of..... 580

LIVESTOCK

See **ANIMALS**

LOHMAN, JUNE

HR 209, Congratulating June Lohman on the occasion of her retirement from Comcast. A26

LOIKA, MARY RUTH DUKE

HR 41, In memory of Mary Ruth Duke Loika of Austin..... A14
 Adjourned in memory of..... 17

LONG-TERM CARE

HB 37, Relating to a pilot project to establish a comprehensive access point for long-term services and supports provided to older persons and persons with physical disabilities..... A4

LOPEZ, LAURO L.

HR 62, Honoring Lauro L. Lopez of Rio Grande City for his contributions as a business and civic leader and as a member of the armed forces..... A15

LOZANO, J. M., REP.

Amendments and substitutes offered by..... 239, 258, 286
 Vote, reason for, by..... 120, 560
 Vote, statement of, by..... 537
 Votes, record of, by..... 63, 66, 109, 151, 152

LUCIO, III, EDDIE, REP.

Adjourn, motion to, by..... 522
 Amendments and substitutes offered by..... 85, 95, 102, 239, 519
 Point of order raised by
 HB 79..... 520
 Vote, reason for, by..... 120
 Vote, statement of, by..... 446, 465
 Votes, record of, by..... 151, 152

LUNA, KIKI

HR 203, Congratulating Kiki Luna on her receipt of the J. C. Montgomery, Jr., Child Safety Award from the Texas Office for Prevention of Developmental Disabilities..... A26

LYNE, LANHAM, REP.

Amendments and substitutes offered by..... 170, 199
 Vote, statement of, by..... 449, 461, 532, 660

MADDEN, JERRY, REP.

Amendments and substitutes offered by..... 107, 116, 117, 118, 153, 168, 170, 218, 224, 258, 324, 345, 346, 380, 496, 516
 Pledges of allegiance led by..... 9, 455
 Votes, record of, by..... 116

MADSEN, ERNIE

HR 55, Honoring Ernie Madsen for his nearly eight decades of service to Rotary International..... A15

MALLORY CARAWAY, BARBARA, REP.

Amendments and substitutes offered by..... 199, 371
 Vote, statement of, by..... 341

MANAGED CARE

HB 36, Relating to reimbursement for health care services provided at certain times to persons enrolled in the Medicaid managed care program..... A3

MARGO, DEE, REP.

Amendments and substitutes offered by..... 101, 102, 187, 371

A120 HOUSE JOURNAL—82nd LEGISLATURE—FIRST CALLED SESSION

MARGO, DEE, REP. — (continued)

Vote, statement of, by..... 105, 564

MARGO, ROBERTO S.

HR 114, Recognizing Dr. Roberto S. Margo of Rio Grande City for his service as a veterinarian..... A19

MARQUEZ, MARISA, REP.

Amendments and substitutes offered by..... 170, 174, 371, 469

Point of order raised by

SB 1

(Amendment No. 5)..... 380

Vote, reason for, by..... 120

Vote, statement of, by..... 324, 396, 465, 478, 747

Votes, record of, by..... 63, 66, 109, 151, 152

MARTIN, JR., JAMES MATTHEW "BUBBA"

HR 159, Congratulating James "Bubba" Martin, Jr., on his retirement as chief juvenile probation officer for Jefferson County..... A22

MARTINEZ, ARMANDO "MANDO", REP.

Amendments and substitutes offered by..... 129, 152, 172, 210, 239, 466

Vote, statement of, by..... 465

Votes, record of, by..... 63, 151, 152

MARTINEZ FISCHER, TREY, REP.

Amendments and substitutes offered by..... 400, 401, 402

Legislative intent, statement of, by

SB 6.....

498

Point of order raised by

SB 1.....

342

Print, motion to, by..... 498

Remarks by

SB 4

(Amendment No. 2)..... 417

Vote, reason for, by..... 120

Votes, record of, by..... 63, 66, 151, 152, 314

MAURO, BENJAMIN

HR 164, Congratulating Benjamin Mauro of Austin on attaining the rank of Eagle Scout. A23

MAURO, TANNER

HR 165, Congratulating Tanner Mauro of Austin on attaining the rank of Eagle Scout. A23

MCCALPIN, DOROTHY EDNA SCHULTE "DOT"

HR 149, In memory of Dorothy Edna Schulte "Dot" McCalpin of Richardson..... A22

MCCLENDON, RUTH JONES, REP.

Amendments and substitutes offered by..... 321, 322

Appointed to

Conference Committee on SB 2..... 458

Pledges of allegiance led by..... 413

Vote, statement of, by..... 449

Votes, record of, by..... 63, 66

MEDICAID

HB 1 , Relating to certain state fiscal matters; providing penalties.....	A1
HB 7 , Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state.....	A2
HB 13 , Relating to the Medicaid program and alternate methods of providing health services to low-income persons in this state.....	A2
HB 36 , Relating to reimbursement for health care services provided at certain times to persons enrolled in the Medicaid managed care program.....	A3
HB 37 , Relating to a pilot project to establish a comprehensive access point for long-term services and supports provided to older persons and persons with physical disabilities.....	A4
HB 46 , Relating to reducing state Medicaid and other health care costs by prohibiting smoking in certain public places; providing penalties.....	A5
HB 64 , Relating to a county mental health services Medicaid waiver program.....	A6
HB 78 , Relating to a county HIV and AIDS services Medicaid waiver program.....	A7
HCR 25 , Instructing the enrolling clerk of the senate to make corrections in S.B. No. 7.....	A10
HR 232 , Suspending limitations on conference committee jurisdiction, S.B. No. 1.....	A28
SB 1 , Relating to certain state fiscal matters; providing penalties.....	A33
SB 7 , Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state; creating an offense; providing penalties.....	A38
SCR 5 , Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1.....	A41

MEDICAL BOARD, TEXAS

HB 69 , Relating to the dispensing of certain drugs by physicians.....	A6
---	----

MEDICINE & PRESCRIPTION DRUGS

HB 26 , Relating to the containment of costs incurred in the correctional health care system and to studies regarding delivery of health care services by certain nurses.....	A3
HB 69 , Relating to the dispensing of certain drugs by physicians.....	A6

MENDELSON, JOHN

HR 127 , Honoring Dr. John Mendelsohn for his 15-year tenure as president of The University of Texas M. D. Anderson Cancer Center.....	A20
---	-----

MENÉNDEZ, JOSÉ, REP.

Amendments and substitutes offered by.....	46, 112, 281, 286, 355
Print, motion to, by.....	405
Vote, reason for, by.....	120
Vote, statement of, by.....	126
Votes, record of, by.....	63, 151, 152, 314

MENTAL HEALTH & MENTAL RETARDATION

HB 64 , Relating to a county mental health services Medicaid waiver program.....	A6
---	----

MERCADO MAYAPAN FARMERS' MARKET

HR 194 , Commemorating the opening of the new indoor farmers' market at Mercado Mayapan in El Paso.....	A25
--	-----

METHODIST RICHARDSON FOUNDATION

HR 110 , Congratulating the Methodist Richardson Foundation on the success of its 2011 WildRide! WildRun! Against Cancer.....	A19
--	-----

MEXICO

- HB 84**, Relating to authorizing the Department of Public Safety of the State of Texas to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses..... A8
- SB 43**, Relating to authorizing the Department of Public Safety of the State of Texas to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses..... A40

MILES, BORRIS L., REP.

- Adjourn, motion to, by..... 676
- Vote, statement of, by..... 506

MILITARY & VETERANS

- HCR 11**, Urging the federal government to grant a conditional green card to certain noncitizens to allow them to enlist in the United States armed forces and urging the federal government to award citizenship to these immigrants upon the completion of four years of honorable military service..... A9

MILLAR, TARYN B.

- HR 56**, Congratulating Taryn B. Millar on earning her doctorate in psychology from George Washington University..... A15

MILLER, DOUG, REP.

- Amendments and substitutes offered by..... 350, 460
- Chair, in the..... 120
- Vote, statement of, by..... 660
- Votes, record of, by..... 116

MILLER, SID, REP.

- Amendments and substitutes offered by..... 170, 199, 258, 343, 371, 577
- Instruct committee, motion to, by..... 424
- Vote, statement of, by..... 658
- Votes, record of, by..... 116

MINES & MINERAL RESOURCES

- HB 77**, Relating to claims for and distribution of unclaimed land grant mineral proceeds..... A7
- HR 232**, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
- SB 1**, Relating to certain state fiscal matters; providing penalties..... A33
- SCR 5**, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1..... A41

MINORS—JUVENILE JUSTICE

- HB 55**, Relating to increasing fiscal flexibility through the provision of state aid for certain juvenile justice alternative education programs that enter into certain revenue sharing agreements..... A5

MOON, ROBERT OCHOA

- HR 186**, In memory of Robert Ochoa Moon of Irving..... A24

MOORE, WENDELL DEE

- HR 179**, Congratulating Wendell Dee Moore of Lubbock on being recognized by the Texas State Board of Public Accountancy for maintaining his CPA license for 50 years..... A24

MORRISON, GEANIE W., REP.

Amendments and substitutes offered by.....	199, 321, 350, 370, 371
Print, motion to, by.....	760
Vote, statement of, by.....	478
Votes, record of, by.....	116

MT. SHILOH BAPTIST CHURCH

HR 290 , Commemorating the 150th anniversary of the founding of Mt. Shiloh Baptist Church in Quitman.....	A32
--	-----

MULTILAYER TECHNOLOGY

HR 241 , Recognizing Multilayer Technology for receiving its third consecutive Best of Irving Award in the Printed Circuit Board category from the United States Commerce Association.....	A28
---	-----

MUÑOZ, JR., SERGIO, REP.

Amendments and substitutes offered by.....	67, 239
Vote, reason for, by.....	120, 374, 560
Vote, statement of, by.....	22, 33, 394, 465, 537
Votes, record of, by.....	63, 66, 109, 151, 152, 314, 459

MURPHY, JIM, REP.

Amendments and substitutes offered by.....	170, 199, 258, 286
Instruct committee, motion to, by.....	456
Vote, statement of, by.....	660
Votes, record of, by.....	109, 116

NAISHTAT, ELLIOTT, REP.

Amendments and substitutes offered by.....	33, 133, 194, 199, 270, 275
Point of order raised by	
SB 1	
(Amendment No. 100).....	259
SB 7	
(Amendment No. 27).....	85
Vote, reason for, by.....	120
Vote, statement of, by.....	164, 392, 465
Votes, record of, by.....	63, 151, 152, 314, 459

NAM, SOO YEON

HR 170 , Commemorating the Eighth Annual Awareness Banquet hosted by the Dallas/Fort Worth chapter of the Korean American Coalition and extending best wishes to newly elected chapter president Soo Yeon Nam.....	A23
---	-----

NARRO, RAMIRO

HR 118 , Paying tribute to the life and legacy of Dr. Ramiro Narro of Weslaco.....	A20
---	-----

NASH, BARBARA, REP.

Amendments and substitutes offered by.....	258
Vote, statement of, by.....	120, 478, 535
Votes, record of, by.....	181

NAVARRO COLLEGE

HR 234 , Congratulating the Navarro College baseball team on winning the 2011 NJCAA Division I national championship.....	A28
--	-----

NEWBILL, MARGARET PAULINE SEWARD

HR 268 , In memory of Margaret Pauline Seward Newbill.....	A30
---	-----

NICHOLS, JUAN D., MR. & MRS.

HR 145, Congratulating Juan D. and Jerry Nichols of Quitman on their 60th wedding anniversary..... A21

NONPROFIT ORGANIZATIONS

See CHARITABLE & NONPROFIT ORGANIZATIONS

NORMAN, ANGNET MARIE RICE

HR 247, In memory of Angnet Marie Rice Norman of San Antonio..... A29

OCCUPATIONAL REGULATION—HEALTH OCCUPATIONS

HB 69, Relating to the dispensing of certain drugs by physicians..... A6

HCR 25, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 7.
..... A10

SB 7, Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state; creating an offense; providing penalties..... A38

OCCUPATIONAL REGULATION—OTHER TRADES & PROFESSIONS

HB 80, Relating to restrictions on certain private security companies' use of vehicles that mimic law enforcement vehicles..... A7

OCHOA, JUAN FRANCISCO "PANCHO"

HR 144, Congratulating Juan Francisco "Pancho" Ochoa on being named the 2011 BusinessPerson of the Year by the Laredo Chamber of Commerce..... A21

OIL & GAS

HB 1, Relating to certain state fiscal matters; providing penalties..... A1

HB 82, Relating to unit operations for oil, gas, or oil and gas production or carbon dioxide storage..... A7

HR 197, Suspending limitations on conference committee jurisdiction, S.B. No. 2..... A25

HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28

SB 1, Relating to certain state fiscal matters; providing penalties..... A33

SB 2, Appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds..... A36

SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1.
..... A41

OKLE, JO ANN

HR 228, In memory of Jo Ann Okle of Irving..... A28

OLIVEIRA, RENÉ O., REP.

Amendments and substitutes offered by..... 239, 324

Vote, statement of, by..... 373

Votes, record of, by..... 151, 152

ORR, ROB, REP.

Amendments and substitutes offered by..... 170, 199, 258, 315, 350, 370

Vote, statement of, by..... 101, 128, 304, 339

Votes, record of, by..... 109

ORTEGA, HERBERT H.

HR 255, Congratulating Dr. Herbert H. Ortega on his receipt of the 2011 Distinguished Service Award from the Rotary Club of El Paso..... A29

OTTO, JOHN, REP.

Adjourn, motion to, by..... 87, 547
 Amendments and substitutes offered by..... 170, 258, 371
 Appointed to
 Conference Committee on SB 1..... 457
 Grant request of senate, motion to, by..... 456
 Pledges of allegiance led by..... 553
 Point of order raised by
 SB 1
 (Amendment No. 104)..... 267
 (Amendment No. 106)..... 273
 Table, motion to, by..... 110, 129, 134, 301, 302
 Votes, record of, by..... 116, 151

PALAGANAS, ANTONIO

HR 163, In memory of Antonio Palaganas..... A23

PALLICK, JACK, MR. & MRS.

HR 85, Congratulating Jack and Barbara Pallick of Midland on their 50th wedding anniversary..... A17

PALOMA, JIMMY

Adjourned in memory of..... 512

PARKER, R. E. "BOB"

HR 33, Congratulating R. E. "Bob" Parker on his induction into the Corpus Christi Business Hall of Fame..... A13

PARKER, TAN, REP.

Amendments and substitutes offered by..... 170, 258, 286
 Vote, statement of, by..... 127, 134, 135, 300
 Votes, record of, by..... 116

PARKING

HB 1, Relating to certain state fiscal matters; providing penalties..... A1
HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1. A41

PARKS & WILDLIFE, TEXAS DEPARTMENT OF

HB 1, Relating to certain state fiscal matters; providing penalties..... A1
HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1. A41

PARLIAMENTARY INQUIRY BY

Kolkhorst, Lois W., Rep..... 759

PASADENA BAY-AREA JUNIOR FORUM

HR 286, Honoring the Pasadena Bay-Area Junior Forum on the 50th anniversary of its founding..... A32

PATRICK, DIANE, REP.

Amendments and substitutes offered by..... 101, 136, 170, 258, 371, 465, 470
 Legislative intent, statement of, by
 SB 1..... 656
 SB 8..... 571
 Print, motion to, by..... 571, 657
 Vote, statement of, by..... 560
 Votes, record of, by..... 109

PAXTON, KEN, REP.

Amendments and substitutes offered by..... 170, 258, 286, 304
 Vote, statement of, by..... 306, 585
 Votes, record of, by..... 109, 116

PEACE OFFICERS

SB 1, Relating to certain state fiscal matters; providing penalties..... A33

PEDEN, WILBERN, MR. & MRS.

HR 94, Congratulating Floretta and Wilbern Peden of Midland on their 60th wedding anniversary..... A18

PEDREGON, EDUARDO, CPL.

HR 76, In memory of U.S. Army Corporal Eduardo Pedregon of El Paso, who gave his life while fighting in the Korean War..... A16

PEÑA, AARON, REP.

Amendments and substitutes offered by..... 258, 286
 Vote, statement of, by..... 126, 304, 392, 462, 486, 564
 Votes, record of, by..... 151, 152

PEREZ, JR., LINO

HR 84, In memory of Lino Perez, Jr., of Rio Grande City..... A17

PERMANENT SCHOOL FUND

HR 197, Suspending limitations on conference committee jurisdiction, S.B. No. 2..... A25
SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SB 2, Appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds..... A36
SB 31, Relating to the guarantee of open-enrollment charter school bonds by the permanent school fund..... A40

PERMISSION TO MEET REQUESTED BY

Committee on Appropriations..... 7, 10
 Committee on Calendars..... 209, 405, 415, 526, 540
 Committee on Criminal Jurisprudence..... 628, 675
 Committee on Culture, Recreation, and Tourism..... 246, 473
 Committee on Government Efficiency and Reform..... 17, 235
 Committee on Public Education..... 10, 395
 Committee on Redistricting..... 10, 22
 Select Committee on State Sovereignty..... 17

PERRY, CHARLES, REP.

Amendments and substitutes offered by.....	102, 198, 199, 200, 258, 318
Invocation offered by.....	27, 553
Legislative intent, statement of, by SB 1 (Amendment No. 140).....	319
Print, motion to, by.....	320
Table, motion to, by.....	103
Vote, statement of, by.....	135
Votes, record of, by.....	109, 116, 149, 183, 248

PERRY, RICK, GOVERNOR

Proclamations by.....	2, 6, 16, 28, 526
See also GOVERNOR	

PERSONAL PRIVILEGE ADDRESSES BY

Brown, Fred, Rep.....	758
Christian, Wayne, Rep.....	345
Simpson, David, Rep.....	754

PHARMACIES & PHARMACISTS

HB 7 , Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state.....	A2
--	----

PHARMACY, TEXAS STATE BOARD OF

HB 69 , Relating to the dispensing of certain drugs by physicians.....	A6
---	----

PHILLIPS, LARRY, REP.

Amendments and substitutes offered by.....	199, 258, 306, 314, 540
Chair, in the.....	11
Invocation offered by.....	9
Permission for committees to meet requested by.....	10
Remarks by HB 41.....	742
Votes, record of, by.....	116, 129, 133, 152, 178, 181, 187, 188, 193, 197, 211, 218, 248, 278, 459, 464, 476, 483

PHYSICIAN OF THE DAY PROGRAM

Kravitz, Larry, Austin.....	19
-----------------------------	----

PHYSICIANS

HB 7 , Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state.....	A2
HB 36 , Relating to reimbursement for health care services provided at certain times to persons enrolled in the Medicaid managed care program.....	A3
HB 53 , Relating to the offense of coercing a person to have or seek an abortion and informed and voluntary consent for an abortion; providing penalties.....	A5
HB 69 , Relating to the dispensing of certain drugs by physicians.....	A6
HCR 25 , Instructing the enrolling clerk of the senate to make corrections in S.B. No. 7.	A10
SB 7 , Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state; creating an offense; providing penalties.....	A38

PICKETT, JOSEPH "JOE" C., REP.

Amendments and substitutes offered by.....	108
Legislative intent, statement of, by	

A128 HOUSE JOURNAL—82nd LEGISLATURE—FIRST CALLED SESSION

PICKETT, JOSEPH "JOE" C., REP. — (continued)

HR 232.....	654
Print, motion to, by.....	656
Vote, statement of, by.....	393

PINNACLE TECHNICAL RESOURCES

HR 292 , Commemorating the 15th anniversary of Pinnacle Technical Resources of Dallas.....	A32
---	-----

PIPELINE SAFETY

HR 197 , Suspending limitations on conference committee jurisdiction, S.B. No. 2.....	A25
SB 2 , Appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds.....	A36

PISARSKI, JENNA

HR 274 , Congratulating Jenna Pisarski of Brazoswood High School in Clute on becoming the 2010-2011 wrestling state champion in the 110-pound weight class.....	A31
--	-----

PITTS, JIM, REP.

Amendments and substitutes offered by.....	96, 120, 307
Appointed to	
Conference Committee on SB 1	
(chair).....	457
Conference Committee on SB 2	
(chair).....	458
Conference Committee on SB 7.....	425
Chair, in the.....	11, 547
Committee rule, motion to suspend, by.....	7
Conference committee report, motion to adopt, by.....	563, 657, 659
Grant request of senate, motion to, by.....	458
Legislative intent, statement of, by	
HR 232.....	654
Permission for committees to meet requested by.....	7
Point of order raised by	
SB 1	
(Amendment No. 154).....	343
Postpone, motion to, by.....	96
Table, motion to, by.....	99, 125, 127, 133, 299
Vote, reason for, by.....	465

PLUNK, BRITTON E., HON.

HR 175 , In memory of State District Judge Britton E. Plunk of Silsbee.....	A24
--	-----

PLYLER, THOMAS "JACK"

HR 267 , In memory of Thomas "Jack" Plyler of Del Rio.....	A30
---	-----

POINTS OF ORDER

HB 5	
(Rule 4, Section 32(c)(1)).....	447
HB 79.....	520
Amendment No. 10	
(Rule 11, Section 2).....	533
Amendment No. 12	

POINTS OF ORDER — (continued)

(Rule 11, Section 2)..... 534

SB 1

(Rule 6, Section 16)..... 342

Amendment No. 5

(Rule 11, Section 2)..... 380

Amendment No. 7..... 383

Amendment No. 34..... 167

Amendment No. 58

(Rule 11, Section 2)..... 189

Amendment No. 70..... 205

Amendment No. 75

(Rule 11, Section 2 and Rule 11, Section 3)..... 211

Amendment No. 100

(Rule 11, Section 2)..... 258

(Rule 8, Section 3)..... 259

Amendment No. 103..... 267

Amendment No. 104..... 267

Amendment No. 106

(Rule 11, Section 2)..... 273

Amendment No. 114..... 285

Amendment No. 120..... 294

Amendment No. 132..... 313

Amendment No. 134

(Rule 11, Section 2)..... 315

Amendment No. 153..... 343

Amendment No. 154..... 343

Amendment No. 161

(Rule 11, Section 2)..... 348

Amendment No. 167..... 355

Amendment No. 171..... 361

SB 2

Amendment No. 18..... 110

SB 7

Amendment No. 9

(Rule 11, Section 2)..... 45

Amendment No. 23

(Rule 11, Section 2)..... 81

Amendment No. 25

(Rule 11, Section 2)..... 83

Amendment No. 27

(Rule 11, Section 2)..... 84

(Rule 8, Section 3)..... 85

SB 8

(Rule 13, Section 3(b), Rule 13, Section 9(a), and Rule 13, Section 11(a))..... 572

POLICE

See FIRE FIGHTERS & POLICE–GENERAL
 See PEACE OFFICERS

POLITICAL CONTRIBUTIONS

SB 1, Relating to certain state fiscal matters; providing penalties..... A33

POLITICAL SUBDIVISIONS

HB 40, Relating to an interlocal contract between a governmental entity and a purchasing cooperative to purchase roofing materials or services..... A4

POLITICAL SUBDIVISIONS — (continued)

HB 46, Relating to reducing state Medicaid and other health care costs by prohibiting smoking in certain public places; providing penalties..... A5

POPE, III, JOHN A., HON.

HR 45, Commending the Honorable John A. Pope III of McAllen for his distinguished work in the legal profession..... A14

POWELL, JOSHUA DAVID, SGT.

HCR 18, In memory of Sergeant Joshua David Powell of Quitman..... A9

PRADO, KEVIN

HR 13, Congratulating Kevin Prado on being named the 2011 valedictorian of Molina High School in Dallas..... A12

PRESCRIPTION DRUGS

See MEDICINE & PRESCRIPTION DRUGS

PRICE, FOUR, REP.

Amendments and substitutes offered by..... 199, 371
 Votes, record of, by..... 116

PRIETO, MOISES L.

HR 173, In memory of Moises L. Prieto of Del Rio..... A24

PRISONS

See CORRECTIONS—JAILS & PRISONS

PRITCHETT, HUNTER

HR 90, Congratulating Hunter Pritchett of Quinlan on attaining the rank of Eagle Scout.
 A17

PRIVATE INVESTIGATORS & PRIVATE SECURITY AGENCIES

HB 80, Relating to restrictions on certain private security companies' use of vehicles that mimic law enforcement vehicles..... A7

PROBATE—GUARDIANS & RELATED TRUSTS

SB 1, Relating to certain state fiscal matters; providing penalties..... A33

PROCESS SERVERS

SB 1, Relating to certain state fiscal matters; providing penalties..... A33

PROPERTY INTERESTS—EMINENT DOMAIN

HB 42, Relating to the operation, powers, and duties of certain water districts..... A4

PROPERTY INTERESTS—HOMESTEAD

HB 1, Relating to certain state fiscal matters; providing penalties..... A1

HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28

SB 1, Relating to certain state fiscal matters; providing penalties..... A33

SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1.
 A41

PROPERTY INTERESTS—REAL PROPERTY

HB 77, Relating to claims for and distribution of unclaimed land grant mineral proceeds.
 A7

PROSECUTING ATTORNEYS

See COURTS—PROSECUTING ATTORNEYS

PUBLIC EDUCATION, COMMITTEE ON

Committee rule suspended by..... 11
 Permission to meet granted to..... 10, 395

PUBLIC FINANCE AUTHORITY, TEXAS

HB 3, Relating to the operation of the Texas Windstorm Insurance Association, to the resolution of certain disputes concerning claims made to that association, and to the issuance of windstorm and hail insurance policies in the private insurance market by certain insurers; providing penalties..... A1
HR 218, Suspending limitations on conference committee jurisdiction, H.B. No. 3..... A27

PUBLIC HEALTH

See HEALTH—GENERAL

PUBLIC NOTICE

HB 48, Relating to the governance of home-rule school districts..... A5

PUBLIC POLICY PRIORITIES, CENTER FOR

HR 125, Honoring the Center for Public Policy Priorities on its 25th anniversary..... A20

PUBLIC SAFETY, TEXAS DEPARTMENT OF

HB 84, Relating to authorizing the Department of Public Safety of the State of Texas to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses..... A8
HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SB 9, Relating to the enforcement of state and federal laws governing immigration by certain governmental entities and the administration of certain documentation of citizenship status and other lawful admittance by the Department of Public Safety of the State of Texas..... A40
SB 43, Relating to authorizing the Department of Public Safety of the State of Texas to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses..... A40
SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1..... A41

PUBLIC UTILITY COMMISSION

HB 71, Relating to the establishment of certain water and sewer utility rates and the transfer of certain functions from the Texas Commission on Environmental Quality to the Public Utility Commission of Texas..... A6

PUBLIC UTILITY COUNSEL, OFFICE OF

HB 71, Relating to the establishment of certain water and sewer utility rates and the transfer of certain functions from the Texas Commission on Environmental Quality to the Public Utility Commission of Texas..... A6

PURCELL, JR., GRAHAM BOYNTON, HON.

HR 129, In memory of the Honorable Graham Boynton Purcell, Jr., of Wichita Falls..... A20

A132 HOUSE JOURNAL—82nd LEGISLATURE—FIRST CALLED SESSION

PURCHASING—LOCAL

- HB 6**, Relating to the foundation curriculum, the establishment of the instructional materials allotment, the adoption, review, and purchase of instructional materials and technological equipment for public schools, and the administration of state assessment instruments to public school students..... A1
- HB 40**, Relating to an interlocal contract between a governmental entity and a purchasing cooperative to purchase roofing materials or services..... A4

PURCHASING—STATE

- HB 45**, Relating to allocation of state and federal funds for adult basic education..... A4

QUILDON, MICHAEL

- HR 220**, Congratulating Michael Quildon on his reelection to the Cedar Hill Independent School District Board of Trustees..... A27

QUINTANILLA, CHENTE, REP.

- Amendments and substitutes offered by..... 258, 286, 371
- Vote, statement of, by..... 537
- Votes, record of, by..... 63, 151, 152, 314

RAILROAD COMMISSION

- HB 1**, Relating to certain state fiscal matters; providing penalties..... A1
- HB 82**, Relating to unit operations for oil, gas, or oil and gas production or carbon dioxide storage..... A7
- HR 197**, Suspending limitations on conference committee jurisdiction, S.B. No. 2..... A25
- HR 232**, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
- SB 1**, Relating to certain state fiscal matters; providing penalties..... A33
- SB 2**, Appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds..... A36
- SCR 5**, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1. A41

RAMIREZ, MARIO E.

- HR 73**, Honoring Dr. Mario E. Ramirez on his contributions to health care in South Texas..... A16

RAMIREZ, ROBERT A.

- HR 135**, In memory of Rio Grande City police officer Robert A. Ramirez..... A21

RAMSEY, CHARLOTTE

- HR 136**, Congratulating Charlotte Ramsey of Cedar Park on her retirement from Pleasant Hill Elementary School in Leander..... A21

RATCLIFFE, THOMAS G.

- HR 51**, In memory of Thomas G. Ratcliffe of Kerrville..... A15

RAWLINGS, MIKE

- HR 214**, Congratulating Mike Rawlings on his election as mayor of the City of Dallas. A26

RAYMOND, RICHARD PEÑA, REP.

- Amendments and substitutes offered by..... 199, 286, 304
- Vote, reason for, by..... 120

RAYMOND, RICHARD PEÑA, REP. — (continued)

Votes, record of, by..... 63, 109, 152

RECREATIONAL & CULTURAL FACILITIES

HB 42, Relating to the operation, powers, and duties of certain water districts..... A4

REDISTRICTING

HB 4, Relating to the composition of the congressional districts for the State of Texas.
..... A1

HB 65, Relating to requirements for reapportionment of congressional districts..... A6

HJR 12, Proposing a constitutional amendment to establish certain principles and procedures for the drawing of congressional districts..... A11

SB 4, Relating to the composition of the congressional districts for the State of Texas.
..... A37

SB 22, Relating to the reapportionment of congressional districts and the creation, function, and duties of the Texas Congressional Redistricting Commission..... A40

REDISTRICTING, COMMITTEE ON

Permission to meet granted to..... 10, 22

REILLY, PATRICK M.

HR 235, Commending Patrick M. Reilly and the other members of Chapter 1919 of the Military Order of the Purple Heart for their efforts to bring the Texas Capitol Vietnam War Monument to fruition..... A28

RELIGION

HB 62, Relating to the posting of the Ten Commandments in public school classrooms.
..... A6

REMARKS BY

See PERSONAL PRIVILEGE ADDRESSES BY

REMARKS REGARDING

HB 3

Coleman, Garnet F., Rep..... 502
Martinez Fischer, Trey, Rep..... 504
Smithee, John, Rep..... 499
Taylor, Larry, Rep..... 501
Thompson, Senfronia, Rep..... 499

HB 41

Coleman, Garnet F., Rep..... 746
Gallego, Pete P., Rep..... 744
Keffer, James L. "Jim", Rep..... 743
Phillips, Larry, Rep..... 742
Simpson, David, Rep..... 742

SB 4

Alonzo, Roberto R., Rep.
(Amendment No. 2)..... 418
Burnam, Lon, Rep.
(Amendment No. 2)..... 415
King, Phil, Rep.
(Amendment No. 2)..... 416
Martinez Fischer, Trey, Rep.
(Amendment No. 2)..... 417
Solomons, Burt, Rep.
(Amendment No. 1)..... 415
Veasey, Marc, Rep.

REMARKS REGARDING — (continued)

(Amendment No. 2).....	420
Walle, Armando Lucio, Rep. (Amendment No. 1).....	414
Zedler, Bill, Rep. (Amendment No. 2).....	415
SB 29	
Berman, Leo, Rep.....	751
Bonnen, Dennis, Rep.....	748
Coleman, Garnet F., Rep.....	751
Farrar, Jessica, Rep.....	750
Hartnett, Will, Rep.....	753
Hochberg, Scott, Rep.....	752, 753
Larson, Lyle, Rep.....	749
Simpson, David, Rep.....	748
Workman, Paul D., Rep.....	750

RESOLUTIONS—CONFERENCE COMMITTEE REPORTS

HR 197, Suspending limitations on conference committee jurisdiction, S.B. No. 2.....	A25
HR 198, Suspending limitations on conference committee jurisdiction, S.B. No. 6.....	A25
HR 199, Suspending limitations on conference committee jurisdiction, S.B. No. 8.....	A25
HR 218, Suspending limitations on conference committee jurisdiction, H.B. No. 3.....	A27
HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1.....	A28

RESOLUTIONS—CONSTITUTIONAL AMENDMENTS

HJR 11, Proposing a constitutional amendment relating to the use of the assets of certain associations established by the legislature of this state for the purpose of providing certain insurance coverage.....	A11
HJR 12, Proposing a constitutional amendment to establish certain principles and procedures for the drawing of congressional districts.....	A11
HJR 13, Proposing a constitutional amendment providing for the election and staggering of terms of county commissioners following a change in boundaries of a commissioners precinct.....	A11
HJR 14, Proposing a constitutional amendment limiting the uses of revenue from motor vehicle registration fees, taxes on motor fuels and lubricants, and certain revenue received from the federal government.....	A11

RESOLUTIONS—CORRECTIVE

HCR 25, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 7.	A10
SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1.	A41

RESOLUTIONS—LEGISLATIVE POLICY

HCR 5, Urging Congress to take appropriate action to ensure acceptable treatment of the public by personnel of the Transportation Security Administration.....	A9
HCR 11, Urging the federal government to grant a conditional green card to certain noncitizens to allow them to enlist in the United States armed forces and urging the federal government to award citizenship to these immigrants upon the completion of four years of honorable military service.....	A9

RESOLUTIONS—LEGISLATIVE POLICY — (continued)

- HCR 14**, Directing the Texas Historical Commission to work with the City of Austin to honor the memory of President John F. Kennedy with an official Texas Historical Marker at or near the site of the Austin Municipal Auditorium..... A9
- HR 104**, Directing the Texas Historical Commission to work with the City of Austin to honor the memory of President John F. Kennedy with an official Texas Historical Marker at or near the site of the Austin Municipal Auditorium..... A18

RESOLUTIONS—MEMORIALIZING CONGRESS

- HCR 5**, Urging Congress to take appropriate action to ensure acceptable treatment of the public by personnel of the Transportation Security Administration..... A9
- HCR 11**, Urging the federal government to grant a conditional green card to certain noncitizens to allow them to enlist in the United States armed forces and urging the federal government to award citizenship to these immigrants upon the completion of four years of honorable military service..... A9
- HCR 13**, Urging Congress to enact an overhaul of the immigration system..... A9

RESOLUTIONS—OFFICIAL DESIGNATIONS—SPECIAL DATES

- HR 258**, Recognizing the month of April 2011 as Genocide Awareness and Prevention Month..... A30

RESOLUTIONS—SUITS AGAINST THE STATE

- HCR 16**, Granting William James Stroman, Jr., permission to sue the State of Texas and the board of regents of The University of Texas..... A9

RETIREMENT SYSTEMS—TEACHERS

- HR 232**, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
- SB 1**, Relating to certain state fiscal matters; providing penalties..... A33
- SCR 5**, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1..... A41

REYNOLDS, JOHNNA PUCKETT

- HR 256**, In memory of Johnna Puckett Reynolds of Driftwood..... A30

REYNOLDS, RON, REP.

- Amendments and substitutes offered by..... 286
- Vote, statement of, by..... 393, 483

RHODES, DON, MR. & MRS.

- HR 140**, Congratulating Don and Linda Rhodes of Mineola on their 50th wedding anniversary..... A21

RICHLAND COLLEGE

- HR 111**, Honoring Richland College on its designation as a two-year National Center of Academic Excellence in Information Assurance Education..... A19

RICHTER, DAVID

- HR 36**, Congratulating David Richter on his induction into the Corpus Christi Business Hall of Fame..... A13

RICHTER, ELIZABETH CHU

- HR 38**, Congratulating Elizabeth Chu Richter on her induction into the Corpus Christi Business Hall of Fame..... A14

RIDDLE, DEBBIE, REP.

- Amendments and substitutes offered by..... 45, 66, 170, 286, 350, 371, 395

RIDDLE, DEBBIE, REP. — (continued)

Legislative intent, statement of, by HB 79.....	541
Print, motion to, by.....	542
Votes, record of, by.....	109

RIDER HIGH SCHOOL

HR 102, Congratulating the baseball team of Rider High School in Wichita Falls on winning the UIL 4A state championship.....	A18
--	-----

RITTER, ALLAN B., REP.

Amendments and substitutes offered by.....	170, 258, 371
Chair, in the.....	103, 403

ROBINSON, CARLTON, MR. & MRS.

HR 168, Congratulating Carlton and Margaret Robinson of San Antonio on their 65th wedding anniversary.....	A23
--	-----

ROBNETT, DANIEL, CAPT.

HR 106, Congratulating Daniel Robnett of Plano on his promotion to the rank of captain in the U.S. Marine Corps and on his receipt of the Navy Marine Corps Commendation Medal.....	A19
---	-----

RODRIGUEZ, EDDIE, REP.

Point of order raised by SB 1 (Amendment No. 100).....	259
Vote, statement of, by.....	521, 567
Votes, record of, by.....	109, 151, 152, 314

RODRIGUEZ, JULIAN

HR 11, Congratulating Julian Rodriguez on being named the 2011 valedictorian of Adamson High School in Dallas.....	A12
--	-----

RODRIGUEZ, MAMILIANO JUAN

HR 81, Honoring the life and work of Dr. Mamiliano Juan Rodriguez.....	A17
--	-----

ROGERS, KENNY

HCR 12, Congratulating country-pop superstar Kenny Rogers on his achievements.....	A9
--	----

ROLLBACK TAX RATE

See TAXATION—PROPERTY—TAX RATE

ROOFING CONTRACTORS

HB 40, Relating to an interlocal contract between a governmental entity and a purchasing cooperative to purchase roofing materials or services.....	A4
---	----

RURAL AFFAIRS, TEXAS DEPARTMENT OF

SB 1, Relating to certain state fiscal matters; providing penalties.....	A33
--	-----

RURAL HEALTH & ECONOMIC DEVELOPMENT ADVISORY COUNCIL, TEXAS

SB 1, Relating to certain state fiscal matters; providing penalties.....	A33
--	-----

RURAL HEALTH CARE

See HEALTH—RURAL

RUSKOWSKI, TERRY

HR 265, Honoring Terry Ruskowski for his achievements as coach, general manager, and president of the Laredo Bucks hockey team..... A30

SAENZ, CELIA REILLY

HR 244, Commending Celia Reilly Saenz for her service to her community..... A29

SAENZ, RUBEN LONGORIA, MR. & MRS.

HR 148, Congratulating Ruben Longoria Saenz and Matilda Delgado Saenz of Robstown on their 40th wedding anniversary..... A22

SALARIES & EXPENSES

HB 1, Relating to certain state fiscal matters; providing penalties..... A1

HB 8, Relating to flexibility for public schools to administer primary and secondary education efficiently..... A2

HB 17, Relating to the minimum salary for and minimum service required of certain public school employees..... A2

HB 30, Relating to unpaid furloughs for state employees..... A3

HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28

SB 1, Relating to certain state fiscal matters; providing penalties..... A33

SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1..... A41

SALES TAX

See TAXATION–SALES

SALINAS, JR., RODOLFO CARLOS

HR 142, Honoring Rodolfo Carlos Salinas, Jr., of Rio Grande City for his contributions to his community..... A21

SALMON, HOMERO JUAN

HR 43, Congratulating Homero Juan Salmon on his retirement as constable of Starr County Precinct 4..... A14

SALVAGE YARDS & SALVAGE DEALERS

HB 1, Relating to certain state fiscal matters; providing penalties..... A1

HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28

SB 1, Relating to certain state fiscal matters; providing penalties..... A33

SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1..... A41

SAN JACINTO COLLEGE

HR 219, Commemorating the 50th anniversary of San Jacinto College and recognizing September 19, 2011, as San Jacinto College Day..... A27

SANTANA, ALDA

HR 88, Commending Alda Santana for her service as senior legislative assistant in the office of State Representative Eddie Rodriguez..... A17

SCHOOL BUILDINGS

See EDUCATION–PRIMARY & SECONDARY–FACILITIES

SCHOOL COUNSELORS

See EDUCATION–PRIMARY & SECONDARY–OTHER SCHOOL PERSONNEL

SCHOOL DISCIPLINE

See EDUCATION—PRIMARY & SECONDARY—DISCIPLINE

SCHOOL DISTRICT TAXES

See TAXATION—SCHOOL DISTRICT

SCHOOL DISTRICTS

See EDUCATION—SCHOOL DISTRICTS

SCHOOL FINANCE

See EDUCATION—PRIMARY & SECONDARY—FINANCE

SCHOOL NURSES

See EDUCATION—PRIMARY & SECONDARY—OTHER SCHOOL PERSONNEL

SCHOOL PRINCIPALS & SUPERINTENDENTS

See EDUCATION—PRIMARY & SECONDARY—OTHER SCHOOL PERSONNEL

SCHWERTNER, CHARLES, REP.

Amendments and substitutes offered by.....	67, 80, 199, 286, 370, 371
Pledges of allegiance led by.....	27
Point of order raised by	
SB 7	
(Amendment No. 25).....	83
Vote, statement of, by.....	130, 466, 628
Votes, record of, by.....	116

SCHWINDT, ERVIN, MR. & MRS.

HR 22 , Congratulating Ervin and Janice Schwindt of Belton on their 50th wedding anniversary.....	A12
--	-----

SCOTT, CONNIE, REP.

Amendments and substitutes offered by.....	170, 258, 371
Appointed to	
Conference Committee on HB 3.....	557
Vote, statement of, by.....	478
Votes, record of, by.....	109

SEALE, JAN

HR 59 , Congratulating Jan Seale on being named Texas Poet Laureate for 2012.....	A15
--	-----

SEARGEANT, OSCAR THOMAS "TOMMY", HON.

HR 291 , In memory of former Kinney County judge Oscar Thomas "Tommy" Seargeant.....	A32
---	-----

SECRETARY OF STATE

HB 1 , Relating to certain state fiscal matters; providing penalties.....	A1
HR 197 , Suspending limitations on conference committee jurisdiction, S.B. No. 2.....	A25
HR 232 , Suspending limitations on conference committee jurisdiction, S.B. No. 1.....	A28
SB 1 , Relating to certain state fiscal matters; providing penalties.....	A33
SB 2 , Appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds.....	A36

SECRETARY OF STATE — (continued)

SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1.
 A41

SENIOR CITIZENS

See AGING

SENTENCING & PUNISHMENT

See CRIMINAL PROCEDURE-SENTENCING & PUNISHMENT

SHEETS, KENNETH, REP.

Amendments and substitutes offered by..... 102, 170, 199, 258, 286, 370, 444
 Invocation offered by..... 679
 Vote, statement of, by..... 135, 176, 306
 Votes, record of, by..... 109, 116

SHEFFIELD, RALPH, REP.

Amendments and substitutes offered by..... 129, 170, 199, 258, 350, 370
 Vote, statement of, by..... 130, 458
 Votes, record of, by..... 116

SHELHAMER, E. E. "SHELLY"

HR 245, In memory of E. E. "Shelly" Shelhamer of Pampa..... A29

SHELTON, MARK M., REP.

Amendments and substitutes offered by..... 99, 156, 165, 199, 258, 371, 461, 474
 Postpone, motion to, by..... 406, 518, 576
 Votes, record of, by..... 116

SIMPSON, DAVID, REP.

Amendments and substitutes offered by..... 44, 45, 102,
 124, 127, 134, 170, 199, 286, 343, 350, 577
 Constitutional three day rule, motion to suspend, by..... 752
 Invocation offered by..... 545
 Legislative intent, statement of, by
 HB 41
 (Amendment No. 1)..... 579
 SB 29..... 747
 Personal privilege address by..... 754
 Print, motion to, by..... 758
 Reconsider vote, motion to, by..... 747
 Remarks by
 HB 41..... 742
 SB 29..... 748
 Rules, motion to suspend, by
 All necessary rules..... 746

SIMPSON, MATTHEW

HR 26, Congratulating Matthew Simpson of Huffman on being named valedictorian of
 the Class of 2011 at Hargrave High School..... A13

SMITH, OBEDIENCE FORT

HR 180, Commemorating the dedication of a historical marker in memory of Texas
 pioneer Obedience Fort Smith of Houston..... A24

SMITH, JR., RENE G.

HR 169, Honoring Rene G. Smith, Jr., of Starr County for his contributions to his community..... A23

SMITH, TODD, REP.

Amendments and substitutes offered by..... 170, 258, 286
Chair, in the..... 472
Vote, statement of, by..... 105, 393

SMITH, WAYNE, REP.

Adjourn, motion to, by..... 7
Amendments and substitutes offered by..... 170, 258, 286, 370, 440
Vote, statement of, by..... 33, 304, 445

SMITHEE, JOHN, REP.

Amendments and substitutes offered by..... 170, 258, 371, 426, 435, 437, 499
Appointed to
 Conference Committee on HB 3
 (chair)..... 557
Conference committee report, motion to adopt, by..... 626
Table, motion to, by..... 439, 442, 443, 446
Vote, statement of, by..... 537

SMITHEY, JUDY

HR 280, Congratulating Judy Smithey on her retirement as a senior public policy consultant with Dean International, Inc..... A31

SMOKING

HB 35, Relating to an increase in the cigarette tax, to the use of revenue from the tax, and to the enforcement of the tax..... A3
HB 46, Relating to reducing state Medicaid and other health care costs by prohibiting smoking in certain public places; providing penalties..... A5

SOLIS, JESUS ALBERTO

HR 174, In memory of Jesus Alberto Solis of Starr County..... A24

SOLIS, LAURO

HR 53, Honoring Lauro Solis on his installation as governor of Rotary International District 5930..... A15

SOLOMONS, BURT, REP.

Amendments and substitutes offered by..... 371, 393, 414
Permission for committees to meet requested by..... 22
Remarks by
 SB 4
 (Amendment No. 1)..... 415
Table, motion to, by..... 395, 396, 398, 399, 400, 401, 402, 403, 420
Vote, statement of, by..... 127, 128

SOSA, JR., ISMAEL

HR 278, Honoring Dr. Ismael Sosa, Jr., for his service as president of Southwest Texas Junior College and his contributions to the Uvalde community..... A31

SOTELO, EDELMIRA "MIRI"

HR 172, Honoring Edelmira Sotelo for her 21 years of service as district director for the Del Rio office of State Representative Pete Gallego..... A23

SOUTHWEST AIRLINES

- HCR 20**, Commemorating the 40th anniversary of Southwest Airlines..... A10
HR 285, Commemorating the 40th anniversary of Southwest Airlines..... A32
 Introduction of representatives of..... 527

SOUTHWEST TEXAS JUNIOR COLLEGE

- HCR 27**, Congratulating the nine Texas community colleges named among the nation's top 120 by the Aspen Institute..... A10
HR 295, Congratulating the Texas community colleges that were named among the top 120 community colleges in the nation by the Aspen Institute..... A32

SPECIAL DISTRICTS & AUTHORITIES—MUNICIPAL UTILITY DISTRICTS

- HB 42**, Relating to the operation, powers, and duties of certain water districts..... A4

SPECIAL DISTRICTS & AUTHORITIES—SOIL & WATER CONSERVATION

- HB 42**, Relating to the operation, powers, and duties of certain water districts..... A4

SPECIAL DISTRICTS & AUTHORITIES—WATER & UTILITY

- HB 42**, Relating to the operation, powers, and duties of certain water districts..... A4

SPECIAL DISTRICTS & AUTHORITIES—WATER CONTROL & IMPROVEMENT DISTRICTS

- HB 42**, Relating to the operation, powers, and duties of certain water districts..... A4

SPRING FIRE DEPARTMENT

- HR 289**, Commemorating the dedication of the Spring Fire Department's new fire station and administration building..... A32

SPRINGS, ELIZABETH F.

- HR 167**, Congratulating Elizabeth F. Springs of Kingsville on her participation in the NASA High School Aerospace Scholars program..... A23

STATE AGENCIES, BOARDS, & COMMISSIONS

- HB 1**, Relating to certain state fiscal matters; providing penalties..... A1
HB 30, Relating to unpaid furloughs for state employees..... A3
HB 59, Relating to reporting by state agencies on the financial effect of providing services to illegal immigrants..... A5
HB 72, Relating to certain responsibilities of education research centers and to a joint advisory board for education research centers..... A6
HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1..... A41

STATE BAR OF TEXAS

- HR 232**, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1..... A41

STATE EMPLOYEES

- HB 30**, Relating to unpaid furloughs for state employees..... A3

STATE FINANCES—APPROPRIATIONS

- HB 2**, Appropriating money for the support of state government for the period beginning September 1, 2011 and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds; and declaring an emergency..... A1
- HB 34**, Relating to funding for basic civil legal services, indigent defense, and judicial technical support through certain fees and court costs and to the establishment of the judicial access and improvement account..... A3
- HB 67**, Relating to the entitlement of school districts and open-enrollment charter schools to a certain funding level and to the appropriation of money from the economic stabilization fund to be used for public education..... A6
- HJR 14**, Proposing a constitutional amendment limiting the uses of revenue from motor vehicle registration fees, taxes on motor fuels and lubricants, and certain revenue received from the federal government..... A11
- HR 197**, Suspending limitations on conference committee jurisdiction, S.B. No. 2..... A25
- HR 232**, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
- SB 2**, Appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds..... A36

STATE FINANCES—BUDGET

- HB 1**, Relating to certain state fiscal matters; providing penalties..... A1
- HB 34**, Relating to funding for basic civil legal services, indigent defense, and judicial technical support through certain fees and court costs and to the establishment of the judicial access and improvement account..... A3
- HB 59**, Relating to reporting by state agencies on the financial effect of providing services to illegal immigrants..... A5
- HB 79**, Relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by H.B. No. 1, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government..... A7
- HJR 14**, Proposing a constitutional amendment limiting the uses of revenue from motor vehicle registration fees, taxes on motor fuels and lubricants, and certain revenue received from the federal government..... A11
- HR 232**, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
- SB 1**, Relating to certain state fiscal matters; providing penalties..... A33
- SCR 5**, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1..... A41

STATE FINANCES—MANAGEMENT & CONTROL

- HB 21**, Relating to the reduction in force of teachers employed by a school district.... A3
- HB 34**, Relating to funding for basic civil legal services, indigent defense, and judicial technical support through certain fees and court costs and to the establishment of the judicial access and improvement account..... A3
- HB 59**, Relating to reporting by state agencies on the financial effect of providing services to illegal immigrants..... A5
- HB 63**, Relating to a moratorium on administering assessment instruments to public school students under the public school accountability system..... A6
- HB 81**, Relating to required individual health insurance coverage..... A7
- HJR 11**, Proposing a constitutional amendment relating to the use of the assets of certain associations established by the legislature of this state for the purpose of providing certain insurance coverage..... A11

STATE FINANCES—MANAGEMENT & CONTROL — (continued)

- HJR 14**, Proposing a constitutional amendment limiting the uses of revenue from motor vehicle registration fees, taxes on motor fuels and lubricants, and certain revenue received from the federal government..... A11
- HR 232**, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
- SB 31**, Relating to the guarantee of open-enrollment charter school bonds by the permanent school fund..... A40

STATE SOVEREIGNTY, SELECT COMMITTEE ON

- Permission to meet granted to..... 17

STATEMENTS BY

See PERSONAL PRIVILEGE ADDRESSES BY

STATES' RIGHTS

- HB 5**, Relating to the Interstate Health Care Compact..... A1
- HB 32**, Relating to creation of a study committee for the Interstate Health Care Compact..... A3

STOCKWELL, JULIAN F.

- HR 132**, Honoring Julian F. Stockwell for his years of service to Duval County..... A21

STRAMA, MARK, REP.

- Amendments and substitutes offered by..... 103, 199, 286
- Appointed to
 - Conference Committee on SB 6..... 528
- Pledges of allegiance led by..... 583
- Vote, statement of, by..... 120, 172, 402, 449
- Votes, record of, by..... 44, 63, 109

STROMAN, JR., WILLIAM JAMES

- HCR 16**, Granting William James Stroman, Jr., permission to sue the State of Texas and the board of regents of The University of Texas..... A9

SULLIVAN, KELLY ANNE

- HR 188**, Congratulating Kelly Anne Sullivan on her graduation from Kingwood Park High School in 2010..... A25

SULLIVAN, PAIGE ALAN

- HR 27**, Congratulating Paige Alan Sullivan on her graduation from Kingwood High School..... A13

SUN METRO

- HR 122**, Honoring Sun Metro on its receipt of a 2011 Outstanding Public Transportation System award by the American Public Transportation Association..... A20

SUNNYVALE HIGH SCHOOL

- HR 75**, Congratulating the first graduating class of Sunnyvale High School..... A16

SUPREME COURT

- HB 34**, Relating to funding for basic civil legal services, indigent defense, and judicial technical support through certain fees and court costs and to the establishment of the judicial access and improvement account..... A3
- HB 65**, Relating to requirements for reapportionment of congressional districts..... A6

SUPREME COURT — (continued)

- HB 79**, Relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by H.B. No. 1, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government..... A7
- HCR 22**, Commending the members of the Texas Supreme Court for their actions in support of legal aid services and honoring them for their work in promoting access to justice for the state's most vulnerable citizens..... A10
- Introduction of justices of..... 557

SUTTON, PERCY ELLIS

- HR 223**, In memory of civil rights pioneer and political leader Percy Ellis Sutton..... A27

SWEET, SHIRLEY JANE BEARDEN

- HR 240**, In memory of Shirley Jane Bearden Sweet of Irving..... A28

TAPLEY, DOROTHY "DOT"

- HR 282**, In memory of Dorothy "Dot" Tapley of Emory..... A31

TAXATION—ALCOHOLIC BEVERAGES

- SB 1**, Relating to certain state fiscal matters; providing penalties..... A33

TAXATION—FRANCHISE

- HR 232**, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28

TAXATION—GENERAL

- HB 1**, Relating to certain state fiscal matters; providing penalties..... A1
- HR 232**, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
- SB 1**, Relating to certain state fiscal matters; providing penalties..... A33
- SCR 5**, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1..... A41

TAXATION—MOTOR FUELS

- HJR 14**, Proposing a constitutional amendment limiting the uses of revenue from motor vehicle registration fees, taxes on motor fuels and lubricants, and certain revenue received from the federal government..... A11
- HR 232**, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
- SB 1**, Relating to certain state fiscal matters; providing penalties..... A33

TAXATION—PROPERTY—TAX RATE

- HR 199**, Suspending limitations on conference committee jurisdiction, S.B. No. 8..... A25
- SB 8**, Relating to the flexibility of the board of trustees of a school district in the management and operation of public schools in the district..... A39

TAXATION—SALES

- HR 232**, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
- SB 1**, Relating to certain state fiscal matters; providing penalties..... A33

TAXATION—SCHOOL DISTRICT

- HB 8**, Relating to flexibility for public schools to administer primary and secondary education efficiently..... A2

TAXATION-SCHOOL DISTRICT — (continued)

- HR 199**, Suspending limitations on conference committee jurisdiction, S.B. No. 8..... A25
SB 8, Relating to the flexibility of the board of trustees of a school district in the management and operation of public schools in the district..... A39

TAXATION-STATE

- HR 232**, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
SB 1, Relating to certain state fiscal matters; providing penalties..... A33

TAXATION-TOBACCO PRODUCTS

- HB 35**, Relating to an increase in the cigarette tax, to the use of revenue from the tax, and to the enforcement of the tax..... A3
HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
SB 1, Relating to certain state fiscal matters; providing penalties..... A33

TAYLOR, JAMES E.

- HR 146**, In memory of James E. Taylor of Marshall..... A22

TAYLOR, LARRY, REP.

- Amendments and substitutes offered by..... 170, 258, 286, 304, 343, 435, 446
 Appointed to
 Conference Committee on HB 3..... 557
 Chair, in the..... 85, 254
 Committee rule, motion to suspend, by..... 424
 Constitutional three day rule, motion to suspend, by..... 506
 Not concur and request conference committee, motion to, by..... 557
 Vote, statement of, by..... 33, 46, 131, 341, 342
 Votes, record of, by..... 116, 248, 370

TAYLOR, VAN, REP.

- Amendments and substitutes offered by..... 149, 170, 188, 199, 298, 350, 378
 Votes, record of, by..... 113, 116, 129, 133, 152, 178, 181, 187, 188, 193, 197, 211, 218, 248, 278

TEACHERS

See EDUCATION-PRIMARY & SECONDARY-TEACHERS

TEAGUE, THOMAS W.

- Adjourned in memory of..... 580

TEMPLETON, DAVID COULTER

- HR 287**, In memory of David Coulter Templeton of Mineola..... A32

TEXARKANA COLLEGE

- HCR 27**, Congratulating the nine Texas community colleges named among the nation's top 120 by the Aspen Institute..... A10
HR 295, Congratulating the Texas community colleges that were named among the top 120 community colleges in the nation by the Aspen Institute..... A32

TEXAS A&M UNIVERSITY

- HR 141**, Congratulating the Texas A&M University men's and women's track and field teams on winning national titles at the NCAA Division I Outdoor Track and Field Championships for the third consecutive year..... A21
 Introduction of coaches and track teams from..... 519

TEXAS EMERGING TECHNOLOGY FUND

HB 1, Relating to certain state fiscal matters; providing penalties..... A1
HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1. A41

TEXAS ENHANCED RECOVERY UNITIZATION ACT

HB 82, Relating to unit operations for oil, gas, or oil and gas production or carbon dioxide storage..... A7

TEXAS ENTERPRISE FUND

HB 1, Relating to certain state fiscal matters; providing penalties..... A1
HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1. A41

TEXAS STATE TECHNICAL COLLEGE—WEST TEXAS

HCR 27, Congratulating the nine Texas community colleges named among the nation's top 120 by the Aspen Institute..... A10
HR 295, Congratulating the Texas community colleges that were named among the top 120 community colleges in the nation by the Aspen Institute..... A32

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

HB 26, Relating to the containment of costs incurred in the correctional health care system and to studies regarding delivery of health care services by certain nurses. A3

TEXTBOOKS

See EDUCATION—PRIMARY & SECONDARY—TEXTBOOKS
 See ELECTRONIC TEXTBOOKS

THOMAS, MICHELLE

HR 66, Congratulating Michelle Thomas on her promotion to the position of executive director of financial analysis with AT&T in Dallas and honoring her for her many contributions to the San Antonio community..... A16

THOMPSON, SENFRONIA, REP.

Amendments and substitutes offered by..... 82, 170, 285, 294
 Appointed to
 Conference Committee on HB 3..... 557
 Legislative intent, statement of, by
 SB 7..... 558
 Point of order raised by
 SB 1
 (Amendment No. 7)..... 383
 (Amendment No. 34)..... 167
 (Amendment No. 48)..... 179
 (Amendment No. 161)..... 348
 SB 7
 (Amendment No. 23)..... 81
 Print, motion to, by..... 559
 Vote, statement of, by..... 119, 135
 Votes, record of, by..... 63, 66, 151, 152

TOBACCO PRODUCTS

- HB 1**, Relating to certain state fiscal matters; providing penalties..... A1
HB 35, Relating to an increase in the cigarette tax, to the use of revenue from the tax, and to the enforcement of the tax..... A3
HB 46, Relating to reducing state Medicaid and other health care costs by prohibiting smoking in certain public places; providing penalties..... A5
HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1..... A41

TORRES, RAUL, REP.

- Amendments and substitutes offered by..... 286, 300, 350
Vote, statement of, by..... 363, 449, 567

TORRES FAMILY

- HR 101**, Paying tribute to Rodolfo, Marcos, Alejandro, Vicente, Jose, and Arturo Torres for their service in the armed forces of the United States of America..... A18

TRANSFER STUDENTS

- HB 28**, Relating to the eligibility of a student to participate in extracurricular activities or competitions after transferring or moving from one public school to another..... A3

TRANSPORTATION–MISCELLANEOUS

- HJR 14**, Proposing a constitutional amendment limiting the uses of revenue from motor vehicle registration fees, taxes on motor fuels and lubricants, and certain revenue received from the federal government..... A11

TRANSPORTATION SECURITY ADMINISTRATION

- HCR 5**, Urging Congress to take appropriate action to ensure acceptable treatment of the public by personnel of the Transportation Security Administration..... A9

TRESPASS

- HB 57**, Relating to the creation of the offense of criminal trespass by an illegal alien and to certain procedures for arresting illegal aliens for committing that criminal offense..... A5

TRINITY VALLEY COMMUNITY COLLEGE

- HCR 27**, Congratulating the nine Texas community colleges named among the nation's top 120 by the Aspen Institute..... A10
HR 295, Congratulating the Texas community colleges that were named among the top 120 community colleges in the nation by the Aspen Institute..... A32

TRUANCY

See EDUCATION–PRIMARY & SECONDARY–ADMISSION & ATTENDANCE

TRUITT, VICKI, REP.

- Amendments and substitutes offered by..... 151, 170, 371
Vote, statement of, by..... 131, 218, 230, 234, 251, 371
Votes, record of, by..... 109

TUCKER, CLAYTON

- HR 68**, Commending Clayton Tucker for his service as a legislative intern in the office of State Representative Helen Giddings..... A16

TUMLINSON, VALERIE EVELYN

HR 150, In memory of Valerie Evelyn Tumlinson of Athens..... A22

TURNER, SYLVESTER, REP.

Amendments and substitutes offered by..... 129, 135, 139, 399, 448, 511
Legislative intent, statement of, by
 SB 8..... 573
Point of order raised by
 SB 2
 (Amendment No. 18)..... 110
Vote, statement of, by..... 506
Votes, record of, by..... 63, 66

UNCLAIMED PROPERTY

HB 1, Relating to certain state fiscal matters; providing penalties..... A1
HB 77, Relating to claims for and distribution of unclaimed land grant mineral proceeds.
..... A7
HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1.....
..... A28
SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1.
..... A41

UNIVERSITY INTERSCHOLASTIC LEAGUE

HB 27, Relating to reducing costs in public school extracurricular activities..... A3
HB 28, Relating to the eligibility of a student to participate in extracurricular activities or
 competitions after transferring or moving from one public school to another..... A3
HB 54, Relating to equal opportunity for access by private and parochial school students
 to University Interscholastic League sponsored activities..... A5

UNIVERSITY OF TEXAS AT AUSTIN

HR 196, Honoring the Intellectual Entrepreneurship Consortium at The University of
 Texas at Austin for its innovative leadership in the realm of higher education.....
..... A25

UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON

HB 26, Relating to the containment of costs incurred in the correctional health care
 system and to studies regarding delivery of health care services by certain nurses.
..... A3

UNIVERSITY OF TEXAS SYSTEM

HCR 16, Granting William James Stroman, Jr., permission to sue the State of Texas and
 the board of regents of The University of Texas..... A9

UTILITIES-WATER & SEWER

HB 71, Relating to the establishment of certain water and sewer utility rates and the
 transfer of certain functions from the Texas Commission on Environmental Quality
 to the Public Utility Commission of Texas..... A6

VANMETER, ALLAN

Adjourned in memory of..... 580

VEASEY, MARC, REP.

Amendments and substitutes offered by..... 339, 340, 398
Remarks by
 SB 4
 (Amendment No. 2)..... 420

VEASEY, MARC, REP. — (continued)

Vote, reason for, by..... 120
 Vote, statement of, by..... 126, 131, 218, 251, 281, 478
 Votes, record of, by..... 63

VEHICLE CHECKPOINTS

HB 84, Relating to authorizing the Department of Public Safety of the State of Texas to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses..... A8
SB 43, Relating to authorizing the Department of Public Safety of the State of Texas to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses..... A40

VEHICLES & TRAFFIC—DRIVER'S LICENSES

HB 79, Relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by H.B. No. 1, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government..... A7
SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SB 9, Relating to the enforcement of state and federal laws governing immigration by certain governmental entities and the administration of certain documentation of citizenship status and other lawful admittance by the Department of Public Safety of the State of Texas..... A40

VEHICLES & TRAFFIC—GENERAL

HB 80, Relating to restrictions on certain private security companies' use of vehicles that mimic law enforcement vehicles..... A7
HB 84, Relating to authorizing the Department of Public Safety of the State of Texas to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses..... A8
SB 43, Relating to authorizing the Department of Public Safety of the State of Texas to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses..... A40

VEHICLES & TRAFFIC—VEHICLE REGISTRATION

HB 1, Relating to certain state fiscal matters; providing penalties..... A1
HJR 14, Proposing a constitutional amendment limiting the uses of revenue from motor vehicle registration fees, taxes on motor fuels and lubricants, and certain revenue received from the federal government..... A11
HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
SB 1, Relating to certain state fiscal matters; providing penalties..... A33
SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1..... A41

VELASQUEZ, JOCELYN

HR 16, Congratulating Jocelyn Velasquez on being named the 2011 salutatorian of Trini Garza Early College High School in Dallas..... A12

VETERANS

See MILITARY & VETERANS

VETERANS COMMISSION, TEXAS

HR 232, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
SB 1, Relating to certain state fiscal matters; providing penalties..... A33

VETERANS COMMISSION, TEXAS — (continued)

SCR 5, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1.
 A41

VICTORIA COLLEGE

HCR 27, Congratulating the nine Texas community colleges named among the nation's top 120 by the Aspen Institute..... A10
 HR 295, Congratulating the Texas community colleges that were named among the top 120 community colleges in the nation by the Aspen Institute..... A32

VIETNAM WAR MONUMENT

HR 235, Commending Patrick M. Reilly and the other members of Chapter 1919 of the Military Order of the Purple Heart for their efforts to bring the Texas Capitol Vietnam War Monument to fruition..... A28

VILLANUEVA, JAVIER "J. V."

HR 116, In memory of Javier "J. V." Villanueva of Duval County..... A19

VILLAREAL, PEDRO, MR. & MRS.

HR 143, Congratulating Pedro and Estefana Villareal on their 67th wedding anniversary.
 A21

VILLARREAL, MIKE, REP.

Amendments and substitutes offered by..... 300, 301, 478
 Appointed to
 Conference Committee on SB 1..... 457
 Point of order raised by
 SB 1
 (Amendment No. 114)..... 285
 Vote, reason for, by..... 120

VO, HUBERT, REP.

Vote, reason for, by..... 120
 Vote, statement of, by..... 465
 Votes, record of, by..... 63, 66, 109, 151, 152

VOLAR CENTER FOR INDEPENDENT LIVING

HR 195, Congratulating the Volar Center for Independent Living on being named the 2011 Center for Independent Living of the Year by the State of Texas..... A25

VRAZEL, ALFRED, MR. & MRS.

HR 229, Congratulating Alfred and Bernice Vrazel of Buckholts on their 50th wedding anniversary..... A28

WALKER, ROSA

HR 21, Congratulating Rosa Walker on her induction into the Texas AFL-CIO Hall of Fame..... A12

WALLE, ARMANDO LUCIO, REP.

Amendments and substitutes offered by..... 439, 443, 459
 Remarks by
 SB 4
 (Amendment No. 1)..... 414

WALTERS, EVELYN

HR 294, In memory of Evelyn Walters of Kingwood..... A32

WATSON, EUGENE RUSSELL

HR 158, In memory of Eugene Russell Watson of Marathon..... A22

WEAPONS

HB 84, Relating to authorizing the Department of Public Safety of the State of Texas to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses..... A8

SB 43, Relating to authorizing the Department of Public Safety of the State of Texas to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses..... A40

WEBB COUNTY

HB 79, Relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by H.B. No. 1, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government..... A7

WEBER, RANDY, REP.

Amendments and substitutes offered by..... 102, 132, 170, 199, 258, 343, 482, 483, 484
 Invocation offered by..... 19
 Pledges of allegiance led by..... 93
 Vote, statement of, by..... 46, 449
 Votes, record of, by..... 116, 530

WELSH, ROD

Invocation offered by..... 539

WHARTON COUNTY JUNIOR COLLEGE

HCR 27, Congratulating the nine Texas community colleges named among the nation's top 120 by the Aspen Institute..... A10

HR 295, Congratulating the Texas community colleges that were named among the top 120 community colleges in the nation by the Aspen Institute..... A32

WHITE, JAMES, REP.

Amendments and substitutes offered by..... 199, 370
 Invocation offered by..... 367
 Vote, statement of, by..... 111
 Votes, record of, by..... 178, 181, 187, 188, 211, 248, 300, 315, 318, 351, 394

WHITE, NEAL

HR 78, Congratulating Neal White on earning first place in extemporaneous informative speaking at the 2011 UIL Conference 4A State Academics Spring Meet..... A17

WIGGS, PATTI JURENA

HR 32, Congratulating Patti Jurena Wiggs of Round Rock on her retirement as a teacher at Park Crest Middle School in Pflugerville..... A13

WILBERT M. CURTIS TEXAS PRINCE HALL LIBRARY MUSEUM

HR 272, Commemorating the opening of the Wilbert M. Curtis Texas Prince Hall Library Museum in Fort Worth, which is dedicated to the history of African American Freemasonry in Texas..... A31

WILLIAMS, CHARLES RAY

HR 237, In memory of Charles Ray Williams of Irving..... A28

WILLIAMS, YOLANDA EVETTE

HR 233, In memory of Yolanda Evette Williams..... A28

WILLIAMS, YOLANDA EVETTE — (continued)

Adjourned in memory of..... 676

WINDSTORM DEVICES & INSURANCE

- HB 3**, Relating to the operation of the Texas Windstorm Insurance Association, to the resolution of certain disputes concerning claims made to that association, and to the issuance of windstorm and hail insurance policies in the private insurance market by certain insurers; providing penalties..... A1
- HJR 11**, Proposing a constitutional amendment relating to the use of the assets of certain associations established by the legislature of this state for the purpose of providing certain insurance coverage..... A11
- HR 218**, Suspending limitations on conference committee jurisdiction, H.B. No. 3..... A27

WINDSTORM INSURANCE ASSOCIATION, TEXAS

- HB 3**, Relating to the operation of the Texas Windstorm Insurance Association, to the resolution of certain disputes concerning claims made to that association, and to the issuance of windstorm and hail insurance policies in the private insurance market by certain insurers; providing penalties..... A1
- HJR 11**, Proposing a constitutional amendment relating to the use of the assets of certain associations established by the legislature of this state for the purpose of providing certain insurance coverage..... A11
- HR 218**, Suspending limitations on conference committee jurisdiction, H.B. No. 3..... A27

WOOD COUNTY AIRPORT

- HR 288**, Honoring the Wood County Airport for being named the 2010 General Aviation Airport of the Year by the Texas Department of Transportation..... A32

WOODLANDS HIGH SCHOOL

- HR 171**, Congratulating The Woodlands High School softball team on winning the UIL 5A state championship..... A23

WOODY, JESSE ROBERT

- HR 202**, In memory of Jesse Robert Woody of Carrollton..... A26

WOOLLEY, BEVERLY, REP.

- Legislative intent, statement of, by
 - SB 7..... 557
- Vote, statement of, by..... 628

WORKFORCE COMMISSION, TEXAS

- HB 1**, Relating to certain state fiscal matters; providing penalties..... A1
- HR 232**, Suspending limitations on conference committee jurisdiction, S.B. No. 1..... A28
- SB 1**, Relating to certain state fiscal matters; providing penalties..... A33
- SCR 5**, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1..... A41

WORKMAN, PAUL D., REP.

- Amendments and substitutes offered by..... 108, 147, 258, 286, 355, 371
- Instruct committee, motion to, by..... 457
- Remarks by
 - SB 29..... 750
- Vote, statement of, by..... 475
- Votes, record of, by..... 116

WRIGHT, JR., GEORGE VERNON

HR 97, In memory of George Vernon Wright, Jr., of San Antonio..... A18

WRIGHT, JERMAINE DEWAYNE, 2LT.

HR 40, Congratulating Second Lieutenant Jermaine Dewayne Wright of Sulphur Springs on his graduation from the United States Military Academy at West Point..... A14

WRIGHT, SHARON ELAINE

HR 178, In memory of Sharon Elaine Wright of Plano..... A24

YOE, C. H., HIGH SCHOOL

HR 137, Congratulating the baseball team of Yoe High School in Cameron on winning the UIL 2A state championship..... A21

ZAMORA, GRETCHEN GUELMAN

HR 115, Congratulating Gretchen Zamora on her retirement from Austin State Hospital Support Services..... A19

ZEDLER, BILL, REP.

Amendments and substitutes offered by..... 35, 129, 178, 258, 286, 343, 350, 351, 370, 371, 415

Point of order raised by

SB 1

(Amendment No. 75)..... 211

Remarks by

SB 4

(Amendment No. 2)..... 415

Vote, statement of, by..... 478, 483, 486

Votes, record of, by..... 116

ZERWAS, JOHN, REP.

Amendments and substitutes offered by..... 29, 33, 86, 106, 110, 236, 237, 239, 256

Appointed to

Conference Committee on SB 7

(chair)..... 425

Conference committee report, motion to adopt, by..... 559

Grant request of senate, motion to, by..... 424

Legislative intent, statement of, by

SB 7.....

557

Table, motion to, by..... 32, 34, 45, 104

Vote, statement of, by..... 218

