

HOUSE JOURNAL

EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-SEVENTH DAY (CONTINUED) — WEDNESDAY, MAY 22, 2013

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 1055).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

The speaker recognized Representative Sanford who offered the invocation.

The speaker recognized Representative Raymond 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 Workman and by unanimous consent, the reading and referral of bills was postponed until just prior to final adjournment.

CAPITOL PHYSICIAN

The speaker recognized Representative R. Miller who presented Dr. Elise Sadoun of Sugar Land as the "Doctor for the Day."

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

(Stickland in the chair)

HR 2532 - ADOPTED
(by Guerra)

Representative Guerra moved to suspend all necessary rules to take up and consider at this time **HR 2532**.

The motion prevailed.

The following resolution was laid before the house:

HR 2532, In memory of Lisa Garcia of McAllen.

HR 2532 was read and was unanimously adopted by a rising vote.

On motion of Representative Raymond, the names of all the members of the house were added to **HR 2532** as signers thereof.

HR 2572 - ADOPTED
(by Workman)

Representative Workman moved to suspend all necessary rules to take up and consider at this time **HR 2572**.

The motion prevailed.

The following resolution was laid before the house:

HR 2572, In memory of Betty Alice Robbins of Spicewood.

HR 2572 was read and was unanimously adopted by a rising vote.

HR 2435 - ADOPTED
(by D. Bonnen)

Representative D. Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 2435**.

The motion prevailed.

The following resolution was laid before the house:

HR 2435, Congratulating George and Donna Harrison of Bay City on their receipt of a Lifetime Achievement Award from the Matagorda County Fair and Livestock Association.

HR 2435 was adopted.

On motion of Representative E. Thompson, the names of all the members of the house were added to **HR 2435** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative D. Bonnen who introduced George and Donna Harrison and members of their family.

HR 1983 - PREVIOUSLY ADOPTED
(by Pickett)

The chair laid out the following previously adopted resolution:

HR 1983, In memory of Sherman Hemsley of El Paso.

On motion of Representative Moody, the names of all the members of the house were added to **HR 1983** as signers thereof.

HR 1983 - REMARKS

REPRESENTATIVE PICKETT: Members, if I could get your attention for just one moment. This resolution passed on a calendar. This was honoring Sherman Hemsley, and a lot of you may not recognize that name, but you may recognize George Jefferson. Well, Mr. Hemsley spent the end of his life living in El Paso, Texas. He was one of my constituents, and he was a friend. You used to catch him in the grocery store shopping. He would push his cart with one hand and he had his phone with his caregiver on the other end at home telling him what to pick up as he went down each aisle. He did not drive, so he was in the grocery store sometimes two or three times a day, and he'd walk back home. And you'd see him walking on the streets of El Paso. People would stop all the time and say, "Aren't you—?," and he'd say, "No." "Can I give you a ride?" "No."

And the characters that he played, in "All in the Family" and eventually, George Jefferson, was very flamboyant, very much out there. It was the absolute complete reverse of who the man was. He was amazing; just a sweet, sweet, sweet gentleman, and he spent all his time working in charities there in El Paso. Unfortunately, he also pretty much died almost alone. There was some contesting of the will. His body laid in wait almost a year before all of the legal entities were satisfied with that, but he was finally buried with full military honors in the Fort Bliss Cemetery in El Paso that he called his home. And I just wanted to bring that to your attention, to a sweet, sweet man that we miss.

REMARKS ORDERED PRINTED

Representative Moody moved to print remarks by Representative Pickett.

The motion prevailed.

**HR 2546 - ADOPTED
(by Moody and Clardy)**

Representative Moody moved to suspend all necessary rules to take up and consider at this time **HR 2546**.

The motion prevailed.

The following resolution was laid before the house:

HR 2546, Commending Chelsea Rountree for her service as an intern in the office of State Representative Joe Moody.

HR 2546 was adopted.

On motion of Representative Clardy, the names of all the members of the house were added to **HR 2546** as signers thereof.

HR 2467 - ADOPTED
(by Alvarado)

Representative Alvarado moved to suspend all necessary rules to take up and consider at this time **HR 2467**.

The motion prevailed.

The following resolution was laid before the house:

HR 2467, In memory of Norma Zenteno of Houston.

HR 2467 was read and was unanimously adopted by a rising vote.

On motion of Representative Perez, the names of all the members of the house were added to **HR 2467** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Alvarado who introduced family members of Norma Zenteno.

(McClendon in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HR 1949 (by Anderson), Congratulating the Lorena High School softball team on winning the District 17-3A championship.

HR 1950 (by Anderson), Congratulating the Panther Band at Midway High School in Waco on earning the UIL Sweepstakes Award.

HR 1951 (by Anderson), Congratulating Elyse Pravel of Waco on her receipt of the Outstanding Youth Citizenship Award from the Rotary Club of Waco and the Waco Tribune-Herald.

HR 1952 (by Anderson), Congratulating Horses for Heroes on winning first place float at the McLennan County Veterans Day Parade.

HR 1953 (by Anderson), Congratulating the Bruceville-Eddy High School softball team on winning the District 21-2A championship.

HR 1954 (by Anderson), Congratulating the Meistersingers at Midway High School in Woodway on winning three Sweepstakes Awards in 2013 UIL competition.

HR 1955 (by G. Bonnen), Congratulating the Clear Creek Independent School District high school robotics team on winning three consecutive regional FIRST tournaments.

HR 1956 (by G. Bonnen), Congratulating the Friendswood Independent School District Communications Department on earning 12 awards from the Texas School Public Relations Association.

HR 1957 (by G. Bonnen), Congratulating Syamantak Payra on tying for first place in the 2013 HoustonPBS Spelling Bee.

HR 1958 (by Murphy), Honoring Robert Teas for his service as a legislative intern in the office of State Representative Jim Murphy.

HR 1959 (by Murphy), Commending Sloan Braband for his service as a legislative intern in the office of Representative Jim Murphy.

HR 1960 (by Murphy), Commending Avery Beach for her service as a legislative intern in the office of State Representative Jim Murphy.

HR 1961 (by Murphy), Honoring Ethan Caudillo for his service as a legislative assistant in the office of Representative Jim Murphy.

HR 1962 (by Murphy), Honoring Jason Briggs for his service as legislative director for Representative Jim Murphy.

HR 1963 (by Murphy), Honoring Sarah Aimad for her service as a legislative intern for Representative Jim Murphy.

HR 1964 (by Murphy), Honoring Kait Roth for her service as a legislative aide for Representative Jim Murphy.

HR 1965 (by Straus), Congratulating Melanie Trostel on her selection as a Distinguished College Scholar by The University of Texas at Austin.

HR 1966 (by Muñoz), Honoring Dylan Matthews of Mission as a participant in the 2013 Moreno/Rangel Legislative Leadership Program.

HR 1967 (by Gutierrez), Commending the City of Live Oak for its efforts to support free running.

HR 1968 (by E. Rodriguez), Honoring Deisy Jaimes of Austin as a participant in the 2013 Moreno/Rangel Legislative Leadership Program.

HR 1970 (by J. Rodriguez), Congratulating Kelly Mantle of San Antonio on being named the 2013 Texas Elementary Principals and Supervisors Association Assistant Principal of the Year for District 20.

HR 1971 (by J. Rodriguez), Congratulating Isabel Anaya of Kuentz Elementary School on her selection as a 2013 Campus Super Educator of the Year and the 2013 Trinity Prize for Excellence in Teaching Award nominee from Northside ISD.

HR 1972 (by J. Rodriguez), Congratulating Joe Garay of Valley Hi Elementary School in San Antonio on his selection as a 2013 Educator of the Year.

HR 1973 (by J. Rodriguez), Congratulating Courtney Lemley of Briscoe Middle School in San Antonio on her selection as a 2013 First Year Educator of the Year by the Northside Independent School District.

HR 1974 (by J. Rodriguez), Congratulating Debra Seaman of Thornton Elementary School in San Antonio on her selection as a 2013 Northside ISD Educator of the Year.

HR 1975 (by J. Rodriguez), Congratulating Christian DeBerry of Hobby Middle School in San Antonio on being named a 2013 Northside ISD Educator of the Year.

HR 1976 (by J. Rodriguez), Congratulating Ben Hernandez of Brandeis High School in San Antonio on his selection as a 2013 Northside ISD Educator of the Year.

HR 1978 (by Howard), Congratulating Dr. Kenneth Shine on his retirement as executive vice chancellor for health affairs for The University of Texas System.

HR 2155 (by S. Thompson), Commemorating the dedication of Ernest McGowen, Sr., Elementary School in the Houston Independent School District.

HR 2156 (by Reynolds), Honoring the Alpha Phi Alpha Fraternity on the occasion of its 107th anniversary and 92nd annual general convention.

HR 2157 (by Hughes), Congratulating Shelly Bullock on her selection as Woman of the Year by the Winnsboro Chamber of Commerce.

HR 2158 (by Hughes), Congratulating Tom Howard on his selection as Man of the Year by the Winnsboro Chamber of Commerce.

HR 2160 (by G. Bonnen), Congratulating the Friendswood High School varsity color guard on its outstanding accomplishments during the 2013 season.

HR 2161 (by G. Bonnen), Congratulating the Friendswood High School Wranglerettes on their outstanding performances at the American Dance/Drill Team National Competition.

HR 2162 (by Huberty), Congratulating Macie Rianne Walters on her graduation from Atascocita High School.

HR 2163 (by Huberty), Honoring Molly Karol Spratt for her service as a legislative intern in the office of Representative Dan Huberty.

HR 2170 (by Fallon), Congratulating Brandon Davis of Cross Roads High School on being awarded a Luminant Power Track Scholarship.

HR 2171 (by Bohac), Congratulating Xanthe Alexis Shirley on her graduation from Texas A&M University.

HR 2184 (by Fletcher), Commemorating the Watermelon Run for the Fallen in Hempstead on August 17, 2013.

HR 2186 (by Anderson), Congratulating the eight twins in the class of 2013 at Midway High School in Waco for their academic achievement.

HR 2187 (by Anderson), Congratulating the Robinson High School tennis team on its success at the 2013 UIL 3A Region III tournament.

HR 2188 (by Anderson), Congratulating Hannah Lenamon of McGregor on her induction into the Phi Kappa Phi honor society.

HR 2189 (by Anderson), Congratulating Drew Keeney and Miles Milliorn of Lorena High School on winning the District 17-3A doubles tennis championship and qualifying for the state tournament.

HR 2190 (by Anderson), Honoring the members and inductees of the Peer Assistance and Leadership program at McGregor High School.

HR 2191 (by Anderson), Congratulating the girls' track and field team from McGregor High School on winning the 2013 District 15-2A championship.

HR 2192 (by Anderson), Congratulating Joel Jimenez on his receipt of the Spirit of America Medal from the Good Soldier Foundation.

HR 2203 (by Vo), Commending Rashad O'Rae Roberson for his service in the office of State Representative Hubert Vo.

HR 2204 (by Vo), Congratulating Lindsay Kubatzky on his graduation from The University of Texas at Austin and commending him for his service to the State of Texas.

HR 2206 (by Carter), Honoring James Carter, executive director of the Dallas County Republican Party, for his contributions to his community and his state.

HR 2207 (by Carter), Congratulating Dr. Kyle Renard on being elected to the board of trustees of Dallas County Schools.

HR 2208 (by Carter), Honoring Wade Emmert of Cedar Hill for his community service.

HR 2209 (by Carter), Recognizing the Richardson Fire Station No. 4 for earning LEED NC certification.

HR 2210 (by Carter), Commending Bonnie Perry of Richardson for her service to the community.

HR 2211 (by Carter), Honoring the Dallas County Council of Republican Women for their exceptional service to Dallas County.

HR 2212 (by Carter), Honoring LeTourneau University for its educational program and faith mission.

HR 2214 (by Longoria), Honoring Ricco Garcia of Mission as a participant in the 2013 Moreno/Rangel Legislative Leadership Program.

HR 2215 (by Longoria), Commending U.S. Air Force Technical Sergeant Placido Salazar for his heroism during the Vietnam War.

HR 2216 (by Longoria), Honoring the lifetime achievements of Ernestina Esquivel Cavada of Corpus Christi.

HR 2220 (by Herrero), Honoring Conster Willow Davis of Corpus Christi for her involvement with the Foster Grandparent Program.

HR 2225 (by C. Turner), Honoring Charles C. Stidham of Arlington for his service to the nation during World War II.

HR 2236 (by White), Congratulating Gladys Gipson Arline of Hillister on her 90th birthday.

HR 2242 (by Murphy), Honoring chemical engineer Karl Lee Herzog on his retirement from ConocoPhillips.

HR 2243 (by Kolkhorst), Congratulating the Brenham High School Belles Dance Team on its showing at the 2013 MA National Dance and Auxiliary Championship.

HR 2244 (by D. Bonnen), Congratulating Conner Christian of Angleton on winning the 5th Annual YEA! Saunders Scholars National Competition.

HR 2245 (by D. Bonnen), Congratulating Corporal Brian Hoskins on his selection as the Exchange Club of Angleton 2013 Police Officer of the Year.

HR 2247 (by Branch), Congratulating the Reverend Mark Craig on his retirement as senior minister of Highland Park United Methodist Church.

HR 2248 (by Y. Davis), Commending Vivian Hill for serving as Democratic Party precinct chair of Precinct 3055 in Dallas County.

HR 2249 (by Y. Davis), Commending Eli Davis for serving as Democratic Party precinct chair of Precinct 3056 in Dallas County.

HR 2251 (by Y. Davis), Commending Lawson Turner for serving as Democratic Party precinct chair of Precinct 3057 in Dallas County.

HR 2252 (by Y. Davis), Commending Dorothy Whaley for serving as Democratic Party precinct chair of Precinct 3063 in Dallas County.

HR 2253 (by Y. Davis), Commending Todd Simpson III for serving as Democratic Party precinct chair of Precinct 3003 in Dallas County.

HR 2254 (by Y. Davis), Commending Martin Burrell for serving as Democratic Party precinct chair of Precinct 3004 in Dallas County.

HR 2255 (by Y. Davis), Congratulating Roland Martin on being named Journalist of the Year by the National Association of Black Journalists.

HR 2256 (by Y. Davis), Commending Nancy Woertendyke for serving as Democratic Party precinct chair of Precinct 3046 in Dallas County.

HR 2257 (by Y. Davis), Commending Barbara Lewis for serving as Democratic Party precinct chair of Precinct 3054 in Dallas County.

HR 2258 (by Y. Davis), Commending Nettie Runnels for serving as Democratic Party precinct chair of Precinct 3608 in Dallas County.

HR 2259 (by Y. Davis), Commending Lakisha Thomas for serving as Democratic Party precinct chair of Precinct 4050 in Dallas County.

HR 2260 (by Y. Davis), Commending Lester Rummans for serving as Democratic Party precinct chair of Precinct 4500 in Dallas County.

HR 2261 (by Y. Davis), Commending Rita Eason for serving as Democratic Party precinct chair of Precinct 4501 in Dallas County.

HR 2262 (by Y. Davis), Commending Don O'Bannon for serving as Democratic Party precinct chair of Precinct 4523 in Dallas County.

HR 2263 (by Y. Davis), Commending Tom Ball for serving as Democratic Party precinct chair of Precinct 1038 in Dallas County.

HR 2264 (by Y. Davis), Commending Sedonia Kidd for serving as Democratic Party precinct chair of Precinct 3065 in Dallas County.

HR 2265 (by Naishtat), Congratulating Ronald C. Sassen on his retirement as chief accounting officer of the Texas Workforce Commission.

HR 2267 (by Naishtat), Honoring Linda Rangel for her service as a legislative intern with the office of State Representative Elliott Naishtat.

HR 2268 (by Naishtat), Honoring Jayme Johnson for his service as a legislative intern.

HR 2269 (by Naishtat), Commending Abril Davila for her service as an intern in the office of State Representative Elliott Naishtat.

HR 2270 (by Naishtat), Honoring John Wooding for his service as a legislative intern.

HR 2271 (by Naishtat), Honoring Jessica Kolmer for her service as a legislative intern with the office of State Representative Elliott Naishtat.

HR 2272 (by Branch), Congratulating Mizzen and Main on the occasion of the company's first anniversary.

HR 2273 (by Ashby), Honoring Angelina Hardwood Sales Company on the 68th anniversary of its founding.

HR 2276 (by K. King), Recognizing May 23, 2013, as Leadership Plainview Day at the State Capitol.

HR 2277 (by Hughes), Congratulating Arlon and June Ragsdale of Alba on their 50th wedding anniversary.

HR 2278 (by Hughes), Congratulating Doana Smith on her retirement as chief deputy clerk in the Camp County Clerk's Office.

HR 2279 (by Hughes), Congratulating Kendyle and Anne Buchanan of Naples on their 50th wedding anniversary.

HR 2281 (by Hughes), Congratulating Barbara Morgan on her selection as Woman of the Year by the Mineola Chamber of Commerce.

HR 2282 (by J. Sheffield), Congratulating Shelby Lacey, the 2013 salutatorian of Glen Rose High School.

HR 2283 (by J. Sheffield), Congratulating Thomas Ray-Daniel Frier on being named salutatorian of Oglesby High School Class of 2013.

HR 2284 (by J. Sheffield), Recognizing April 14 to 20, 2013, as Osteopathic Medicine Week.

HR 2285 (by J. Sheffield), Congratulating Andrew Naglieri on graduating as the 2013 salutatorian of Priddy High School.

HR 2286 (by J. Sheffield), Congratulating Logan Randolph on being named valedictorian of the Priddy High School Class of 2013.

HR 2287 (by J. Sheffield), Congratulating Jessica Louise Gomez on being named valedictorian of Oglesby High School Class of 2013.

HR 2288 (by J. Sheffield), Congratulating Sharon Wolverton on being named the 2013 salutatorian of Evant High School.

HR 2289 (by Y. Davis), Commending Jessica Gonzales for serving as Democratic Party precinct chair of Precinct 3077 in Dallas County.

HR 2290 (by Y. Davis), Commending Susie Jones for serving as Democratic Party precinct chair of Precinct 3607 in Dallas County.

HR 2291 (by Y. Davis), Commending W. O. Montgomery for serving as Democratic Party precinct chair of Precinct 3602 in Dallas County.

HR 2292 (by Y. Davis), Commending Robert Smith for serving as Democratic Party precinct chair of Precinct 3601 in Dallas County.

HR 2293 (by Y. Davis), Commending Frances Rizo for serving as Democratic Party precinct chair of Precinct 3211 in Dallas County.

HR 2294 (by Y. Davis), Commending Linda Lydia for serving as Democratic Party precinct chair of Precinct 3210 in Dallas County.

HR 2295 (by Y. Davis), Commending Rosalind Wooten for serving as Democratic Party precinct chair of Precinct 3209 in Dallas County.

HR 2296 (by Y. Davis), Commending Ann Hubener for serving as Democratic Party precinct chair of Precinct 3207 in Dallas County.

HR 2297 (by Y. Davis), Commending LemLem Berhe for serving as Democratic Party precinct chair of Precinct 3206 in Dallas County.

HR 2298 (by Y. Davis), Commending Shirley Edwards-Brown for serving as Democratic Party precinct chair of Precinct 3205 in Dallas County.

HR 2299 (by Y. Davis), Commending Shirley A. Layton for serving as Democratic Party precinct chair of Precinct 3204 in Dallas County.

HR 2300 (by Y. Davis), Commending Betty Pittman for serving as Democratic Party precinct chair of Precinct 3200 in Dallas County.

HR 2301 (by Y. Davis), Commending Joan Young for serving as Democratic Party precinct chair of Precinct 3066 in Dallas County.

HR 2302 (by Y. Davis), Commending Millie Williams for serving as Democratic Party precinct chair of Precinct 3078 in Dallas County.

HR 2303 (by Y. Davis), Commending Eyvern Edwards for serving as Democratic Party precinct chair of Precinct 3092 in Dallas County.

HR 2304 (by Y. Davis), Commending Tia Finney for serving as Democratic Party precinct chair of Precinct 3201 in Dallas County.

HR 2305 (by Y. Davis), Commending Patrick De La Garza Und Senkel for serving as Democratic Party precinct chair of Precinct 3202 in Dallas County.

HR 2307 (by White), Honoring Nancy Neel for organizing the 2013 American Cancer Society Relay for Life Hardin/South Jasper County event in Silsbee.

HR 2317 (by Fallon), Honoring Erica Nguyen and Hejab Khan of The Colony High School on their participation in the 2013 Texas Bluebonnet Girls State.

HR 2318 (by Craddick), Congratulating Paula Jay on her retirement as an English teacher at Elkins High School in Missouri City.

HR 2320 (by Huberty), Honoring Seth Howard for his service as a legislative intern for Representative Dan Huberty.

HR 2321 (by Huberty), Congratulating Jessica Beemer on obtaining her master's degree in public administration from The University of Texas at San Antonio.

HR 2323 (by E. Rodriguez), Congratulating Dolores Howard on the occasion of her retirement from the Railroad Commission.

HR 2324 (by Anchia), Congratulating Manuel and Andrea Gonzalez of Austin on their first wedding anniversary.

HR 2325 (by Anchia), Congratulating Adan Gonzalez of Dallas on winning the Men's 165 Elite Division title at the 2013 U.S. Intercollegiate Boxing Association National Championship Tournament.

HR 2326 (by Stickland), Congratulating Patrick Norman of Bedford on attaining the rank of Eagle Scout.

HR 2327 (by Villalba), Paying tribute to the life of Andrea Lois Rodely, sister of Representative Jason Villalba, on the 45th anniversary of her birth.

HR 2328 (by J. Sheffield), Congratulating Benjamin Coppock, the 2013 valedictorian of Glen Rose High School.

HR 2329 (by Isaac), Commending Chelsey McGee for her service as an intern in the office of State Representative Jason Isaac.

HR 2330 (by Flynn), Congratulating the Reverend Jimmy Allen and Anneta Allen on their retirement from First Assembly of God Church in Canton.

HR 2331 (by Flynn), Congratulating Sarah Gipson of Grand Saline on her achievements as a high school and college softball player.

HR 2332 (by Flynn), Honoring Wills Point Boy Scout Troop No. 381 on its 100th anniversary.

HR 2333 (by Guerra), Honoring Shantal Ortega of Amarillo as a participant in the 2013 Moreno/Rangel Legislative Leadership Program.

HR 2334 (by Guerra), Honoring Juanita Valdez-Cox for her advocacy work in behalf of farm workers and migrant and low-income families in South Texas.

HR 2335 (by Guerra), Honoring Mayor Norberto Salinas for his service to Mission.

HR 2336 (by Guerra), Congratulating Javier Exiquio Gonzalez of Lamar Academy on being accepted into Subiendo: The Academy of Rising Leaders at The University of Texas at Austin.

HR 2337 (by Harless), Honoring Victor Vandergriff for his service as chair of the Texas Department of Motor Vehicles board and congratulating him on his appointment to the Texas Transportation Commission.

HR 2338 (by Harless), Commending Cheryl Whitfield for her leadership in the establishment of the National Memorial Ladies organization and the Fallen Warriors Memorial in Cy-Champ Park.

HR 2341 (by Murphy), Congratulating Joseph Slovacek of Houston on his appointment to the board of the Texas Department of Motor Vehicles.

HR 2343 (by Hughes), Congratulating Jerry Garner on his selection as the 2013 Citizen of the Year by the Lindale Area Chamber of Commerce.

HR 2354 (by White), Congratulating Rebecca Dougharty of Jasper ISD on receiving a 2013 Wayne A. Reaud Excellence in Education Award.

HR 2360 (by Carter), Honoring former state representative Tony Goolsby for his public service.

HR 2361 (by Rose), Commending Democratic Party precinct chair Virginia Hill in House District 110 in Dallas County.

HR 2362 (by Rose), Commending Democratic Party precinct chair Debra Harwell in House District 110 in Dallas County.

HR 2363 (by Rose), Commending Democratic Party precinct chair Michele Flood-Luce in House District 110 in Dallas County.

HR 2365 (by Rose), Commending Democratic Party precinct chair Jewell Standifer in House District 110 in Dallas County.

HR 2366 (by Rose), Commending Democratic Party precinct chair Hulen Strunck in House District 110 in Dallas County.

HR 2367 (by Rose), Commending Democratic Party precinct chair Camile White in House District 110 in Dallas County.

HR 2368 (by Rose), Commending Democratic Party precinct chair Linda Wilkerson-Wynn in House District 110 in Dallas County.

HR 2369 (by Rose), Commending Democratic Party precinct chair Johnetta Williams in House District 110 in Dallas County.

HR 2370 (by Rose), Commending Democratic Party precinct chair Jesse Diaz in House District 110 in Dallas County.

HR 2371 (by Rose), Commending Democratic Party precinct chair Michael King in House District 110 in Dallas County.

HR 2372 (by Rose), Commending Democratic Party precinct chair Ethel Spencer in House District 110 in Dallas County.

HR 2373 (by Rose), Commending Democratic Party precinct chair Jean Ball in House District 110 in Dallas County.

HR 2374 (by Rose), Commending Democratic Party precinct chair Mae Choice in House District 110 in Dallas County.

HR 2375 (by Rose), Commending Democratic Party precinct chair Lionel Churchill in House District 110 in Dallas County.

HR 2376 (by Rose), Commending Democratic Party precinct chair Lee Cobler in House District 110 in Dallas County.

HR 2377 (by Rose), Commending Democratic Party precinct chair Alice Cox in House District 110 in Dallas County.

HR 2378 (by Rose), Commending Democratic Party precinct chair Richard Culberson in House District 110 in Dallas County.

HR 2379 (by Rose), Commending Democratic Party precinct chair Ineice Davis in House District 110 in Dallas County.

HR 2381 (by Dale), Congratulating the teams from the Capital Region that are advancing to the Destination Imagination Global Finals.

HR 2382 (by Hughes), Congratulating Ron Wilson on his receipt of the Pilot Club 2013 Humanitarian of the Year award from the Mineola Chamber of Commerce.

HR 2383 (by Hughes), Congratulating Oleta Faye Turner of Winnsboro on her 100th birthday.

HR 2384 (by Hughes), Commemorating the history of the Select Theater in Mineola.

HR 2386 (by Huberty), Congratulating Autumn Marie Jodzio and Matthew David Niemczak of Houston on their engagement.

HR 2387 (by Huberty), Congratulating Sam and Casey Schrade on the birth of their daughter, Emma Avery Schrade.

HR 2388 (by Huberty), Recognizing Erin and Jared McAnally on their marriage.

HR 2389 (by D. Bonnen), Honoring Jarrod D. Smith of Danbury for his contributions to his community.

HR 2390 (by Huberty), Honoring Victoria Haas on her service as a legislative intern for Representative Dan Huberty.

HR 2391 (by Huberty), Commending Chase Austin Barker on his service as a legislative aide in the office of State Representative Dan Huberty.

HR 2393 (by Goldman), Congratulating Bob and Merle Holland of Fort Worth on the occasion of their 50th wedding anniversary.

HR 2394 (by Keffer), Commending Transforming Texas Waterfronts for its support of urban river development projects.

HR 2395 (by Keffer), Recognizing April 2013 as Damage Prevention Month.

HR 2396 (by Vo), Congratulating Erin Kubatzky on his graduation from The University of Texas at Austin.

HR 2397 (by C. Turner), Honoring Democratic Party precinct chair Eric Britt of Precinct 2145 in Tarrant County.

HR 2398 (by C. Turner), Honoring Democratic Party precinct chair Elin Jacks of Precinct 2169 in Tarrant County.

HR 2399 (by C. Turner), Honoring Democratic Party precinct chair Patricia Lee of Precinct 2263 in Tarrant County.

HR 2400 (by C. Turner), Honoring Democratic Party precinct chair Angela Abram of Precinct 2299 in Tarrant County.

HR 2401 (by C. Turner), Honoring Democratic Party precinct chair Robert Price of Precinct 2302 in Tarrant County.

HR 2402 (by C. Turner), Honoring Democratic Party precinct chair Windolyn D. Mosely of Precinct 2349 in Tarrant County.

HR 2403 (by C. Turner), Honoring Democratic Party precinct chair Deborah Spell of Precinct 2353 in Tarrant County.

HR 2404 (by C. Turner), Honoring Democratic Party precinct chair Bill Dickson of Precinct 2354 in Tarrant County.

HR 2405 (by C. Turner), Honoring Democratic Party precinct chair John Derewitz of Precinct 2383 in Tarrant County.

HR 2406 (by C. Turner), Honoring Democratic Party precinct chair Aftab Siddiqui of Precinct 2405 in Tarrant County.

HR 2407 (by C. Turner), Honoring Democratic Party precinct chair Marilyn K. Love of Precinct 2411 in Tarrant County.

HR 2408 (by C. Turner), Honoring Democratic Party precinct chair Richard Canada of Precinct 2438 in Tarrant County.

HR 2409 (by C. Turner), Honoring Democratic Party precinct chair Syed Hassan of Precinct 2448 in Tarrant County.

HR 2410 (by C. Turner), Honoring Democratic Party precinct chair Mark Brain of Precinct 2449 in Tarrant County.

HR 2411 (by C. Turner), Honoring Democratic Party precinct chair Ivy Jones of Precinct 2450 in Tarrant County.

HR 2412 (by C. Turner), Honoring Democratic Party precinct chair Tai A. Sawalha of Precinct 2453 in Tarrant County.

HR 2413 (by C. Turner), Honoring Democratic Party precinct chair Ida D. Anderson of Precinct 2461 in Tarrant County.

HR 2414 (by C. Turner), Honoring Democratic Party precinct chair Anthony Earl Langston, Sr., of Precinct 2466 in Tarrant County.

HR 2415 (by C. Turner), Honoring Democratic Party precinct chair Cheryl Ann Smith of Precinct 2488 in Tarrant County.

HR 2416 (by C. Turner), Honoring Democratic Party precinct chair Marvin Sutton of Precinct 2523 in Tarrant County.

HR 2417 (by C. Turner), Honoring Democratic Party precinct chair Cynthia Toodle of Precinct 2613 in Tarrant County.

HR 2418 (by C. Turner), Honoring Democratic Party precinct chair Deanna R. Johnson of Precinct 2635 in Tarrant County.

HR 2419 (by C. Turner), Honoring Democratic Party precinct chair Ruth A. Boward of Precinct 2428 in Tarrant County.

HR 2420 (by C. Turner), Honoring Democratic Party precinct chair Warren Landrum of Precinct 2644 in Tarrant County.

HR 2421 (by Craddick), Commending Chris Cohen of Midland for rescuing an elderly woman from a burning home.

HR 2423 (by Anchia), Congratulating Grady Smithey, Jr., on his receipt of the 2013 Distinguished Leadership Award from Leadership Southwest.

HR 2424 (by Alonzo), Commending John Paul Thompson for his service as an intern in the office of State Representative Roberto Alonzo.

HR 2425 (by Alonzo), Commending Glen Austin for his participation in the Texas Legislative Internship Program and for his service in the office of Representative Roberto R. Alonzo.

HR 2426 (by Alonzo), Honoring Brette Minton for her service as a legislative aide in the office of State Representative Roberto Alonzo.

HR 2427 (by Alonzo), Honoring Octivia Marcel for her service as a legislative aide in the office of State Representative Roberto Alonzo.

HR 2428 (by Alonzo), Commending Kira Retana for her service as a legislative aide in the office of State Representative Roberto Alonzo.

HR 2434 (by White), Congratulating Jim McWilliams on his retirement from the Spurger ISD.

HR 2435 was previously adopted.

HR 2436 (by Geren), Honoring house parliamentarian and special counsel Chris Griesel and the staff of the house parliamentarian's office for their significant contributions to the 83rd Regular Session.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HR 1969 (by J. Rodriguez), In memory of education advocate Demetrio Rodriguez of San Antonio.

HR 1977 (by Gooden), In memory of Hattye "Jo" Rogers of Terrell.

HR 1979 (by T. King and Hilderbran), In memory of Loraine J. Haby Neuman of Hondo.

HR 2164 (by White), In memory of Theresa Anna Davis of Kingwood.

HR 2165 (by White), In memory of George Ernest Claude of Kirbyville.

HR 2166 (by White), In memory of James Morgan "Slugger" McGraw of Jasper.

HR 2167 (by White), In memory of Vern Lee Storey of Bridge City.

HR 2168 (by White), In memory of Leo Allen Callaway of Huntsville.

HR 2169 (by White), In memory of Maggie Lee Morgan Frederick of Lumberton.

HR 2172 (by White), In memory of Billy Jim Stark of Kirbyville.

HR 2173 (by White), In memory of C. W. Williams of Shepherd.

HR 2174 (by White), In memory of Gary Wager of Silsbee.

HR 2175 (by White), In memory of Martha Jo Hayden of Livingston.

HR 2176 (by White), In memory of Leland Ray Walding of Livingston.

HR 2177 (by White), In memory of Richard Carroll Wells of Livingston.

HR 2178 (by White), In memory of Murel "Cowboy" Stapleton of Livingston.

HR 2179 (by White), In memory of Catherine Davis Carter of Jasper.

HR 2180 (by White), In memory of Doris Evelyn Brown of Buna.

HR 2181 (by White), In memory of C. T. Moore of Votaw.

HR 2182 (by White), In memory of Mary Carol Fenner of Silsbee.

HR 2183 (by White), In memory of Norma Rosser Wallace of Silsbee.

HR 2193 (by White), In memory of Rogers Herndon Marsh, Sr., of Mineola.

HR 2194 (by White), In memory of David Lee Hallmark of Vidor.

HR 2195 (by White), In memory of Mae Hutto Rhodes Gibbs of Fred.

HR 2196 (by White), In memory of Juanita Charles McAdams of Kirbyville.

HR 2197 (by White), In memory of Terry Winter of Kountze.

HR 2198 (by White), In memory of Donald Goettee of Livingston.

HR 2199 (by White), In memory of Nellie Sylestine of Livingston.

HR 2200 (by White), In memory of Jerry McRoberts of Lumberton.

HR 2202 (by Hernandez Luna), In memory of Benjamin Jimenez of Houston.

HR 2205 (by Carter), In memory of Barbara Spreuer Meyer of Dallas.

HR 2213 (by Carter), In memory of David Raymond Peters of Richardson.

HR 2218 (by Orr), In memory of Katrina "Kat" Harrington of Joshua.

HR 2219 (by Herrero), In memory of Marie-Therese Durieux.

HR 2221 (by Herrero), In memory of Gene Edmond "Sonny" Eisenhower of Corpus Christi.

HR 2222 (by Herrero), In memory of Geraldine D'Unger McGloin of Corpus Christi.

HR 2223 (by Herrero), In memory of David George Luckstead of Corpus Christi.

HR 2224 (by Herrero), In memory of Mike Moses Anzaldua, Jr., professor emeritus of English at Del Mar College.

HR 2226 (by White), In memory of Margaret Hendricks of Livingston.

HR 2227 (by White), In memory of C. A. Swilley, Sr., of New Willard.

HR 2228 (by White), In memory of Florene Baldwin of Seven Oaks.

HR 2229 (by White), In memory of Lenore Joyce Harris of Evadale.

HR 2230 (by White), In memory of Lloyd D. Beasley of Jasper.

HR 2231 (by White), In memory of Jean Marie Winland of Goodrich.

HR 2232 (by White), In memory of Daniel Raymond Jacobs of Bedias.

HR 2233 (by White), In memory of Carol Denise Ford of Livingston.

HR 2234 (by White), In memory of Gladys Ann Swinney of Midway.

HR 2235 (by White), In memory of Luis Daniel Diaz Lopez of Livingston.

HR 2237 (by White), In memory of Wanda Young Burch of Kirbyville.

HR 2238 (by White), In memory of Johann Trimble Daniels of Tyler.

HR 2239 (by White), In memory of Dustin Creekmore of Warren.

HR 2240 (by White), In memory of Linda Hill of Missouri City.

HR 2241 (by White), In memory of Ralph Leonard Davis of Tyler.

HR 2246 (by Branch), In memory of sports broadcaster Pat Summerall.

HR 2250 (by Y. Davis), In memory of Gwendolyn Swann of Dallas.

HR 2266 (by Naishtat), In memory of Marlee Baker of Austin.

HR 2280 (by Hughes), In memory of Robert Duane Oakes of Yantis.

HR 2306 (by White), In memory of Lloyd Benifield Abbey.

HR 2308 (by White), In memory of Nira Maretta Strain of Lumberton.

HR 2309 (by White), In memory of Billy Bob Pinner of Old Salem.

HR 2310 (by White), In memory of Linda Ann Rountree of Lumberton.

HR 2311 (by White), In memory of Florence Faye Stone Reeh of Carthage.

HR 2312 (by White), In memory of Samantha Jane "Dimp" Levins of Spurger.

HR 2313 (by White), In memory of Gail Dean Parker of Livingston.

HR 2314 (by White), In memory of Lindburgh Parsley of Evadale.

HR 2315 (by White), In memory of Ethel Claudine Brannan Stapleton of Livingston.

HR 2319 (by Strama), In memory of U.S. Air Force Lieutenant Colonel (Ret.) Albert Coolley Lloyd, Jr., of Austin.

HR 2342 (by Hughes), In memory of U.S. Marine Corps Gunnery Sergeant (Ret.) Thomas George Shippey of Holly Lake Ranch.

HR 2347 (by White), In memory of George Edwin Hamilton of Coldspring.

HR 2348 (by White), In memory of Joseph Henry O'Leary, Jr., of Silsbee.

HR 2349 (by White), In memory of Peggy Ann Doll of Silsbee.

HR 2350 (by White), In memory of Steve K. Kaiser of Silsbee.

HR 2351 (by White), In memory of Rosie Ellen Reed of Silsbee.

HR 2352 (by White), In memory of Karlene Snoek of Wildwood.

HR 2353 (by White), In memory of Jimmie Lee Talley of Kirbyville.

HR 2355 (by White), In memory of Belva Siebenthall of Wildwood.

HR 2356 (by White), In memory of Michael Eugene Johnson of Livingston.

HR 2357 (by White), In memory of David Herrington of Silsbee.

HR 2358 (by White), In memory of Nelson Mass of Silsbee.

HR 2359 (by White), In memory of Belle Richardson of Jasper.

HR 2385 (by Leach), In memory of sports broadcaster Pat Summerall.

HR 2422 (by Branch), In memory of Bob Perry of Houston.

HR 2429 (by White), In memory of David Jones of Livingston.

HR 2430 (by White), In memory of Harold Robert Richard of Silsbee.

HR 2431 (by White), In memory of Nancy Bailey of Lumberton.

HR 2432 (by White), In memory of Barbara Witt of Woodville.

HR 2433 (by White), In memory of E. Baker Tiner of Hemphill.

The resolutions were unanimously adopted by a rising vote.

HR 2273 - NAMES ADDED

On motion of Representative Ashby, the names of all the members of the house were added to **HR 2273** as signers thereof.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 39).

(Speaker pro tempore in the chair)

**LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
SECOND READING**

The following bills were laid before the house, read second time, and passed to third reading (members registering votes are shown following the caption), and the following resolutions were laid before the house on committee report:

SB 39 (Naishtat - House Sponsor), A bill to be entitled An Act relating to the evaluation and instruction of public school students with visual impairments.

CSSB 44 (Burkett - House Sponsor), A bill to be entitled An Act relating to maintaining and reporting certain information regarding certain child abuse or neglect cases and the provision of mental health services for children in those cases.

SB 67 (Branch - House Sponsor), A bill to be entitled An Act relating to reporting requirements for institutions of higher education conducting human stem cell research.

SB 168 (Farney - House Sponsor), A bill to be entitled An Act relating to the election of members of the board of directors of the Central Texas Groundwater Conservation District.

SB 221 (Cortez - House Sponsor), A bill to be entitled An Act relating to the composition and employees of the Texas Funeral Service Commission.

SB 251 (Carter - House Sponsor), A bill to be entitled An Act relating to an unsworn declaration made by an employee of a state agency or political subdivision in the performance of the employee's job duties. (Lavender recorded voting no.)

SB 306 (R. Sheffield - House Sponsor), A bill to be entitled An Act relating to consideration of a student receiving treatment in a residential facility for public school accountability purposes.

SB 316 (S. Davis - House Sponsor), A bill to be entitled An Act relating to continuing education for pharmacists regarding drug abuse and opioid drugs and an interim study regarding opioid abuse. (Anderson, Flynn, Frullo, Price, Schaefer, Springer, Stickland, and Zedler recorded voting no.)

SB 320 (Toth - House Sponsor), A bill to be entitled An Act relating to the powers and duties of the Montgomery County Water Control and Improvement District No. 3.

Amendment No. 1

Representative Toth offered the following amendment to **SB 320**:

Amend **SB 320** (house committee printing) in SECTION 1 of the bill, after added Section 9040.105(d), Special District Local Laws Code, by adding the following:

(e) For any fill or levee project located in the district and in the watershed of the San Jacinto River Basin, the district shall obtain approval for the plan from any state or federal agency with jurisdiction to permit a project of the same type and from any municipality with a right to divert state water from a point located between the district and Lake Houston.

Amendment No. 1 was adopted.

SB 321 (Toth - House Sponsor), A bill to be entitled An Act relating to the powers and duties of the Montgomery County Water Control and Improvement District No. 2.

Amendment No. 1

Representative Toth offered the following amendment to **SB 321**:

Amend **SB 321** (house committee printing) in SECTION 1 of the bill, after added Section 9041.105(d), Special District Local Laws Code, by adding the following:

(e) For any fill or levee project located in the district and in the watershed of the San Jacinto River Basin, the district shall obtain approval for the plan from any state or federal agency with jurisdiction to permit a project of the same type and from any municipality with a right to divert state water from a point located between the district and Lake Houston.

Amendment No. 1 was adopted.

CSSB 392 (Lewis - House Sponsor), A bill to be entitled An Act relating to notice to the attorney general of challenges to the constitutionality of Texas statutes.

SB 401 was deferred until the end of today's local, consent, and resolutions calendar.

SB 404 (S. Davis - House Sponsor), A bill to be entitled An Act relating to complaints filed with the Texas State Board of Pharmacy; authorizing fees. (Flynn, Krause, Leach, Schaefer, Simmons, Simpson, and Stickland recorded voting no.)

SB 414 (S. Davis and Branch - House Sponsors), A bill to be entitled An Act relating to a study and report regarding authorizing certain public junior colleges to offer baccalaureate degree programs to address regional workforce needs. (Anderson, Flynn, Schaefer, Stickland, and Zedler recorded voting no.)

Amendment No. 1

Representative S. Davis offered the following amendment to **SB 414**:

Amend **SB 414** (house committee printing) on page 1, line 13, between "programs" and "at public junior colleges" by inserting "in the field of nursing and in the field of applied sciences".

Amendment No. 1 was adopted.

CSSB 429 (Raymond - House Sponsor), A bill to be entitled An Act relating to the dismissal or nonsuit of a suit to terminate the parent-child relationship filed by the Department of Family and Protective Services.

SB 443 was deferred until the end of today's local, consent, and resolutions calendar.

SB 453 (Flynn - House Sponsor), A bill to be entitled An Act relating to payment of tuition to attend public schools for students holding certain United States student visas.

CSSB 454 (Stephenson - House Sponsor), A bill to be entitled An Act relating to the authority of the Jackson County Navigation District to file an annual compilation or review report with the executive director of the Texas Commission on Environmental Quality in lieu of filing an annual audit report. (Lavender recorded voting no.)

SB 475 (J. Rodriguez - House Sponsor), A bill to be entitled An Act relating to the expiration of the municipal sales and use tax for street maintenance in certain municipalities. (Krause, Schaefer, Simpson, and Stickland recorded voting no.) (Creighton requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

SB 482 (Bell - House Sponsor), A bill to be entitled An Act relating to the creation of the Montgomery County Municipal Utility District No. 136; granting a limited power of eminent domain; providing authority to issue bonds and impose a tax. (Capriglione recorded voting no.)

SB 490 (Patrick and Branch - House Sponsors), A bill to be entitled An Act relating to the expiration of tuition equalization grant requirements for grants awarded before the 2005-2006 academic year.

SB 497 (Branch - House Sponsor), A bill to be entitled An Act relating to the number of semester credit hours required to earn an associate degree at public institutions of higher education. (Schaefer, Simpson, and Stickland recorded voting no.)

SB 498 (Guillen, Branch, Alonzo, and Muñoz - House Sponsors), A bill to be entitled An Act relating to applying credit earned by a student at a general academic teaching institution to an associate's degree at a lower-division institution of higher education previously attended by the student.

SB 512 (Frullo - House Sponsor), A bill to be entitled An Act relating to the specialized telecommunications assistance program.

SB 519 (S. King - House Sponsor), A bill to be entitled An Act relating to the definition of autism and other pervasive developmental disorders.

SB 555 (Laubenberg - House Sponsor), A bill to be entitled An Act relating to provisions in protective orders regarding pets and other companion animals; providing a penalty. (Leach, Phillips, and Simmons recorded voting no.)

SB 585 (Morrison - House Sponsor), A bill to be entitled An Act relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade sports facilities in certain municipalities. (Krause, Schaefer, Stickland, and Taylor recorded voting no.)

SB 597 was deferred until the end of today's local, consent, and resolutions calendar.

SB 615 was deferred until the end of today's local, consent, and resolutions calendar.

SB 624 (Toth - House Sponsor), A bill to be entitled An Act relating to the creation of the Montgomery County Municipal Utility District No. 137; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes. (Capriglione recorded voting no.)

SB 637 (Flynn - House Sponsor), A bill to be entitled An Act relating to notice and election order requirements for bond approval elections held by political subdivisions.

SB 659 (Dutton - House Sponsor), A bill to be entitled An Act relating to compliance with certain requirements of programs administered by the Texas Department of Housing and Community Affairs. (Anderson, Flynn, and Zedler recorded voting no.)

SB 662 (Villalba - House Sponsor), A bill to be entitled An Act relating to the composition of the drought preparedness council. (Bell, Laubenberg, and E. S. Turner recorded voting no.)

SB 680 was deferred until the end of today's local, consent, and resolutions calendar.

SB 683 was deferred until the end of today's local, consent, and resolutions calendar.

CSSB 692 (D. Miller - House Sponsor), A bill to be entitled An Act relating to the filing by electronic mail of financial disclosures by certain county officers, county employees, or candidates for county office.

CSSB 709 (Allen - House Sponsor), A bill to be entitled An Act relating to representation of a person in a special education impartial due process hearing. (Lavender, Schaefer, and Simpson recorded voting no.)

Amendment No. 1

Representative Allen offered the following amendment to **CSSB 709**:

Amend **CSSB 709** (house committee printing) on page 1, lines 19 and 20, by striking "if the individual has prior employment experience with the district; and", and substituting the following:

if:

(A) the individual has prior employment experience with the district; and

(B) the district raises an objection to the individual serving as a representative; and

Amendment No. 1 was adopted.

SB 722 (Johnson - House Sponsor), A bill to be entitled An Act relating to eligibility to serve as an interpreter in an election. (Anderson, Crownover, Flynn, Harless, E. Thompson, and Zedler recorded voting no.)

SB 724 was deferred until the end of today's local, consent, and resolutions calendar.

SB 725 was deferred until the end of today's local, consent, and resolutions calendar.

SB 751 (Fletcher - House Sponsor), A bill to be entitled An Act relating to the creation of the Harris County Municipal Utility District No. 531; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain. (Capriglione recorded voting no.)

SB 752 was deferred until the end of today's local, consent, and resolutions calendar.

SB 757 (Elkins - House Sponsor), A bill to be entitled An Act relating to the powers and duties of the Harris County Municipal Utility District No. 257; providing authority to issue bonds. (Capriglione recorded voting no.)

SB 768 was deferred until the end of today's local, consent, and resolutions calendar.

SB 809 (Frullo - House Sponsor), A bill to be entitled An Act relating to Public Utility Commission of Texas consideration of the rates for certain equalization surcharges and emergency service fees.

SB 832 (Dukes - House Sponsor), A bill to be entitled An Act relating to training for school district and open-enrollment charter school liaisons who assist students in the conservatorship of the state with school enrollments and transfers. (Anderson, Flynn, Krause, Phillips, Schaefer, Springer, Stickland, E. Thompson, and Zedler recorded voting no.)

SB 837 (Bohac - House Sponsor), A bill to be entitled An Act relating to the authority of a municipality to require owners of real property to keep the property free of certain conditions. (Craddick, Goldman, Kleinschmidt, Murphy, Parker, Perry, Phillips, Sanford, Schaefer, R. Sheffield, Springer, Stickland, and E. Thompson recorded voting no.)

SB 854 (Harper-Brown - House Sponsor), A bill to be entitled An Act relating to the regulation of motor vehicle dealers, manufacturers, distributors, and representatives. (Crownover, Harless, Krause, Schaefer, Simpson, and Stickland recorded voting no.)

CSSB 872 (Coleman - House Sponsor), A bill to be entitled An Act relating to county expenditures for certain health care services.

SB 906 (Huberty - House Sponsor), A bill to be entitled An Act relating to developmentally appropriate assessment of special education students.

SB 949 (J. Sheffield - House Sponsor), A bill to be entitled An Act relating to the definition of license holder in the Medical Practice Act. (Krause, Simpson, and Stickland recorded voting no.)

Amendment No. 1

On behalf of Representative Larson, Representative J. Sheffield offered the following amendment to **SB 949**:

Amend **SB 949** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 155.0045, Occupations Code, is repealed.

Amendment No. 1 was adopted.

SB 949 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE STICKLAND: Will changing it to a license holder—will this subject these individuals to additional state regulations?

REPRESENTATIVE J. SHEFFIELD: Let me explain the essence of the bill again and see if that answers your question. We have two things here. The Medical Practice Act—we are adding a definition of "license holder" to the Medical Practice Act to clarify that the term includes a person already holding a license, permit, or certificate issued under the Act. This will align the definition of "license holder" in the Medical Practice Act with the definition already used by the Texas Medical Board. Does that answer your question, Representative Stickland?

STICKLAND: I just want to make sure that putting "license holder" in there is not going to subject them to additional state regulations.

J. SHEFFIELD: Not that I'm aware of, Representative Stickland.

STICKLAND: Will this possibly affect students in the medical field who may work in entry-level positions with a permit or a certificate, creating more regulations?

J. SHEFFIELD: Absolutely not.

REMARKS ORDERED PRINTED

Representative Stickland moved to print remarks between Representative J. Sheffield and Representative Stickland.

The motion prevailed.

SB 950 (S. Thompson and Smith - House Sponsors), A bill to be entitled An Act relating to requiring certain alcoholic beverage permittees to be the primary American source of supply for certain alcoholic beverages. (Krause, Schaefer, Stickland, Taylor, and E. Thompson recorded voting no.)

Amendment No. 1

Representative S. Thompson offered the following amendment to **SB 950**:

Amend **SB 950** (house committee report), on page 2, line 23, between "supply" and "for", by inserting "of the product or brand".

Amendment No. 1 was adopted.

SB 1009 (Farney - House Sponsor), A bill to be entitled An Act relating to the creation of Burnet County Improvement District No. 1; providing authority to levy an assessment, impose a tax, and issue bonds. (Capriglione recorded voting no.) (Creighton requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

SB 1029 (Phillips - House Sponsor), A bill to be entitled An Act relating to the conversion of a nontolled state highway or segment of the state highway system to a toll project. (Crownover, Harless, Sanford, Simpson, and Stickland recorded voting no.)

SB 1029 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE STICKLAND: There's been some concern about this bill adding some new fees.

REPRESENTATIVE PHILLIPS: By who?

STICKLAND: I have heard it from a couple of constituents and members on this floor.

PHILLIPS: Members on this floor? That this has something to do with fees?

STICKLAND: Well, why don't you explain this bill to me? Let's start there.

PHILLIPS: I will explain it to you if you're not being flippant. If you're concerned about legislation, I will do that.

STICKLAND: This has everything to do with the legislation. This is not politics, or personal, or anything.

PHILLIPS: So, I don't understand what fees have to do with this.

STICKLAND: Well, that's what I'm asking you. It's your bill. What does this bill do?

PHILLIPS: It has nothing to do with fees. This is Senator Campbell's bill—brought this over to us, and it excludes the only way—it takes the only exclusion for how you can convert a free road to a toll road. That's what this bill's about. There's no amendment to it.

STICKLAND: My little caption here says, "relating to the conversion of a nontolled state highway or segment of the state highway system to a toll project." So, are we taking roads that the taxpayers paid for, and then putting a toll on them with this bill?

PHILLIPS: If you would read the bill, you'd see it's the exact opposite, Mr. Stickland.

STICKLAND: Then you would say that this caption is not a fair assessment?

PHILLIPS: No, if you would understand how you have to write captions, this is the way you write the caption.

STICKLAND: Okay. Well—

PHILLIPS: I mean, if you have a problem, the lawyers that work their tails off for us over here are the ones that wrote it. I didn't write it.

STICKLAND: So you're not—

PHILLIPS: It's a fine caption, Mr. Stickland.

STICKLAND: Is this reducing the number of toll roads in the State of Texas?

PHILLIPS: It's preventing—yes, it's preventing a local community from converting a free road to a toll road. It takes away the only exception.

STICKLAND: Okay.

PHILLIPS: So, if you don't like this bill, it is your—

STICKLAND: I'm not saying that. I'm asking questions. Representative Phillips, I have every right to do that.

PHILLIPS: You're exactly right, and I'm answering—responding to you. If you want to make it easier—if you want to make it harder for people to convert a free road to a toll road, you would love this bill, and you should be all for it and go forward.

STICKLAND: Okay, so you are telling me this bill, you believe, is going to make it harder to turn a road into a toll road?

PHILLIPS: Yes, sir.

REMARKS ORDERED PRINTED

Representative S. Thompson moved to print remarks between Representative Phillips and Representative Stickland.

The motion prevailed.

SB 1040 was deferred until the end of today's local, consent, and resolutions calendar.

CSSB 1058 (S. King - House Sponsor), A bill to be entitled An Act relating to the regulation of the practice of nursing. (Schaefer, Simpson, and Stickland recorded voting no.)

Amendment No. 1

Representative Zerwas offered the following amendment to **CSSB 1058**:

Amend **CSSB 1058** (house committee printing) by striking SECTION 2 of the bill (page 2, lines 11-15) and renumbering subsequent SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

SB 1080 (S. Thompson - House Sponsor), A bill to be entitled An Act relating to a study on the adequacy and appropriateness of additional compensation paid to certain county judges. (Anderson, Flynn, Schaefer, Springer, Stickland, E. Thompson, and Zedler recorded voting no.)

SB 1083 (Lewis - House Sponsor), A bill to be entitled An Act relating to an appeal from an interlocutory order of certain courts. (E. Thompson recorded voting no.)

SB 1090 (Geren and Smith - House Sponsors), A bill to be entitled An Act relating to the manufacture, distribution, sale, and provision of alcoholic beverages and the regulation of those activities. (E. Thompson recorded voting no.)

Amendment No. 1

Representative S. Thompson offered the following amendment to **SB 1090**:

Amend **SB 1090** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 108, Alcoholic Beverage Code, is amended by adding Section 108.035 to read as follows:

Sec. 108.035. PACKAGING OF CERTAIN PROMOTIONAL ITEMS AUTHORIZED. Notwithstanding any other provision of this code, a person who holds a brewer's permit, nonresident brewer's permit, manufacturer's license, or nonresident manufacturer's license, or the person's agent or employee, may package alcoholic beverages in combination with other items if the package is designed to be delivered intact to the wholesaler or distributor and the additional items are branded and have no value or benefit to the retailer other than that of having the potential of attracting purchases and promoting sales.

SECTION _____. Subchapter A, Chapter 108, Alcoholic Beverage Code, is amended by adding Section 108.10 to read as follows:

Sec. 108.10. BRANDED PROMOTIONAL VEHICLES. Notwithstanding any other provision of this code, the holder of a manufacturer's or nonresident manufacturer's license or a nonresident seller's permit may display a branded promotional vehicle on the licensed or permitted premises of a retailer, whether outside or inside a structure on the premises, for not more than five hours per day.

Amendment No. 1 was adopted.

SB 1098 (Hunter - House Sponsor), A bill to be entitled An Act relating to the creation of the Padre Isles Management District; providing authority to issue bonds.

SB 1100 (S. King - House Sponsor), A bill to be entitled An Act relating to the licensing and inspection of certain out-of-state pharmacies by the Texas State Board of Pharmacy; authorizing fees. (Krause, Lavender, Schaefer, Springer, and Stickland recorded voting no.) (Creighton requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

SB 1116 (Kuempel - House Sponsor), A bill to be entitled An Act relating to the creation, administration, powers, duties, functions, operations, and financing of the Crystal Clear Special Utility District; providing authority to issue bonds; granting a limited power of eminent domain. (Capriglione recorded voting no.)

Amendment No. 1

Representative Kuempel offered the following amendment to **SB 1116**:

Amend **SB 1116** (house committee printing) as follows:

(1) On page 1, strike lines 11 through 17 and substitute the following:

Sec. 7206.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental

Quality.

(3) "Corporation" means the Crystal Clear Water Supply Corporation.

(4) "Director" means a board member.

(5) "District" means the Crystal Clear Special Utility District.

(2) On page 3, lines 17 through 18, strike "Texas Commission on Environmental Quality" and substitute "commission".

(3) Strike page 4, line 17, through page 5, line 12, and substitute the following:

Sec. 7206.023. AMENDMENT OF CERTIFICATE OF CONVENIENCE AND NECESSITY; TRANSFER OF ASSETS; DISSOLUTION. (a) On the effective date of the Act enacting this chapter, all the territory described by Section 3 of the Act creating this chapter is removed from the territory covered by Certificate of Convenience and Necessity No. 10297. The commission shall revise its records to reflect the removal of the described territory from that certificate's coverage, effective on that date, without further application, notice, or hearing. A person does not have any right of protest, objection, or administrative review of the revision prescribed by this subsection. The revision to Certificate of Convenience and Necessity No. 10297 is not contingent on the confirmation of the district under Section 7206.022.

(b) If the creation of the district is confirmed under Section 7206.022, the corporation shall transfer the assets, debts, and contractual rights and obligations of the corporation to the district. Following the transfer of assets:

(1) Certificate of Convenience and Necessity No. 10297, as revised in accordance with Subsection (a), is considered to be held by the district;

(2) the board of directors of the corporation shall begin dissolution proceedings of the corporation; and

(3) the board of directors of the corporation shall notify the commission of the transfer of Certificate of Convenience and Necessity No. 10297 to the district.

(c) On receipt of notice under Subsection (b)(3), the commission shall note in its records that Certificate of Convenience and Necessity No. 10297, as revised in accordance with Subsection (a), is held by the district and shall reissue the

certificate in the name of the district without further application, notice, or hearing. A person does not have any right of protest, objection, or administrative review of the transfer prescribed by this section.

(4) On page 5, line 26, between "POWERS." and "Except", insert "(a)".

(5) On page 5, line 27, between "by" and "this chapter", insert "Subsection (b) and".

(6) On page 6, between lines 4 and 5, insert the following:

(b) Land included in the territory described by Section 4 of the Act creating this chapter may not be added to the district unless the landowner provides written consent.

(7) On page 6, lines 13 and 14, strike "Texas Commission on Environmental Quality" and substitute "commission".

(8) Strike page 17, line 22, through page 19, line 3, and substitute the following:

SECTION 3. The territory to be removed from Certificate of Convenience and Necessity No. 10297, as provided by Section 7206.023(a), Special District Local Laws Code, as added by this Act, includes all of the territory contained in the following area:

151.846 acres of land located in the Antonio Maria Esnaurizar Eleven League Grant, Survey No. 1, Abstract No. 1, Subdivisions 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 31, Comal County, Texas, and being comprised of the following parcels: a 28.477 acres of land being out of and a part of a 28.632 acre tract as conveyed by SPECIAL WARRANTY DEED from the RESOLUTION TRUST CORPORATION (RTC) to M.W. KRAFT, JR., executed on January 14, 1983, and recorded in Volume 874, Pages 72-76 of the Official Public Records of Comal County, Texas, and being the same 28.477 acres of land conveyed to the State of Texas for use and benefit of the Permanent School fund from RS New Braunfels, Ltd., a Texas limited partnership dated October 14, 2005 and recorded in Document No. 200506039324 of the Official Records of Comal County, Texas, and 27.474 acres of land being out of and a part of a 27.611 acre tract as conveyed by GENERAL WARRANTY DEED from MICHAEL PAYNTER and wife THETA SCHUG PAYNTER, to MARY EVELYN FREEMAN, filed for record on June 10, 1985, and recorded in Volume 451, Pages 695-697 of the Official Public Records of Comal County, Texas, and being the same 27.474 acre tract conveyed to the State of Texas for the use and benefit of the Permanent School Fund from Mary Evelyn Freeman, dealing in her separate property, dated October 14, 2005 and recorded in Document No. 200506045048 of the Official Public Records of Comal County, Texas, and 20.035 acres of land being out of and a part of a 26.6 acre tract as conveyed by WARRANTY DEED WITH VENDOR'S LIEN from EGON KOHLENBERG ET UX to LAWRENCE KOHLENBERG, and filed for record on October 18, 1949, and recorded in Volume 92, Pages 43-44 of the Deed Records of Comal County, Texas, and also being out of and a part of a 103.75 acre tract as conveyed by WARRANTY DEED WITH VENDOR'S LIEN from J.M. SMITH to EGON KOHLENBERG ET UX, filed for record June 21, 1943, and recorded in Volume 77, Pages 442-443 of the Deed Records of Comal County, Texas, and also being the same

20.035 acres conveyed to the State of Texas for use and benefit of the Permanent School Fund from Doracille Kohlenberg, an unmarried woman, dated October 14, 2005 and recorded in Document No. 200506039319 of the Official Public Records of Comal County, Texas, and 74.803 acres of land being out of and a part of a 74.44 acre tract as conveyed by DEED OF GIFT from DORACILLE KOHLENBERG, a widow, to KAREN WESCH and FAYE COOLEY, and filed for record on March 4, 1993, and recorded in Volume 873, Pages 228-229 of the Official Public Records of Comal County, Texas, and being out of and a part of a 103.75 acre tract as described in a WARRANTY DEED with VENDOR'S LIEN, filed for record June 21, 1943, and recorded in Volume 77, Pages 442-443 of the Deed Records of Comal County, Texas, and being the same 74.803 acre tract conveyed to the State of Texas for the use and benefit of the Permanent School fund from (i) Karen Wesch Hestand, formerly known as Karen Wesch, and (ii) Foye Cooley, each dealing in her separate property, dated October 14, 2005 and recorded in Document No. 200506039321 of the Official Public Records of Comal County, Texas, and 1.002 acres of land being out of and a part of a 74.44 acre tract as conveyed by DEED OF GIFT from DORACHILLE KOHLENBERG, a widow, to KAREN WESCH and FAYE COOLEY and filed for record on March 4, 1993, and recorded in Volume 873, Pages 228-229 of the Official Public Records of Comal County, Texas, and being out of and a part of a 103.75 acre tract as described in a WARRANTY DEED with VENDOR'S LIEN, filed for record June 21, 1943, and recorded in Volume 77, Pages 442-443 of the Deed Records of Comal County, Texas, and being the same parcel designated as TRACT NO. 2 (1.003 acres) by DEED OF GIFT from FAYE COOLEY to KAREN HESTAND, executed on March 14, 1996, and recorded in Document No. 9606005988 of the Official Public Records of Comal County, Texas, and being a portion of said 1.002 acre tract as conveyed to the State of Texas for the use and benefit of the Permanent School Fund from Karen Wesch Hestand and husband, Herbert Hoyt Hestand, dated October 14, 2005 and recorded in Document No. 200506039320 of the Official Public Records of Comal County, Texas, said 151.846 acres of land being more particularly described as follows:

BEGINNING: at a found concrete highway monument (Type I) at the intersection of the Southeast Right of Way Line of I.H. 35 with the Northeast cutback line of Kohlenberg Road and being the Westernmost corner of this parcel and said 20.035 acre; (Grid N = 13,820,305.66, Grid E = 2,267,616.06, Scale factor of 1.00014 for surface adjustment);

THENCE: (1) NORTH 31 deg. 26' 12" East, a distance of 1091.64 feet along the Northwest line of this parcel and the Southeast Right of Way Line of said I.H.35 to a set 1/2" iron pin with plastic cap being the Northernmost corner of this parcel and the Westernmost corner of a 3.560 acre tract as recorded in Document No. 200406003961 of the Official Public Records of Comal County, Texas;

THENCE: (2) SOUTH 45 deg. 19' 36" East, a distance of 610.43 feet along the Northeast line of this parcel and said 103.75 acre tract and the Southwest line of said 3.560 acre tract to a found 1/2" iron pin being the Southernmost corner of said 3.560 acre tract;

THENCE: (3) NORTH 38 deg. 14' 02" East, a distance of 296.28 feet along the Northwest line of this parcel and said 27.611 acre tract and the Southeast line of said 3.560 acre tract to a found 1/2" iron pin being the Easternmost corner of said 3.560 acre tract;

THENCE: (4) NORTH 53 deg. 45' 08" West, a distance of 631.50 feet along the Northeast line of this parcel and the Southwest line of said 27.611 acre tract and the Northeast line of said 3.560 acre tract to a found 1/2" iron pin in the Southeast Right of Way Line of said I.H. 35, and being the Northernmost corner of said 3.560 acre tract;

THENCE: (5) NORTH 31 deg. 26' 12" East, a distance of 245.64 feet along the Northwest line of this parcel and said 27.611 acre tract and the Southeast Right of Way Line of said I.H. 35 to a found 1/2" iron pin being the Westernmost corner of the remainder of a 2.35 acre tract as recorded in Volume 293, Pages 371-373 of the Deed Records of Comal County, Texas;

THENCE: (6) SOUTH 41 deg. 20' 52" East, a distance of 507.94 feet along the Northeast line of this parcel and said 27.611 acre tract and the Southwest line of said 2.35 acre tract to a found 1/2" iron pin being the Southernmost corner of said 2.35 acre tract;

THENCE: (7) NORTH 53 deg. 30' 10" East, a distance of 151.22 feet along the Northwest line of this parcel and said 27.611 acre tract and the Southeast line of said 2.35 acre tract to a found 1/2" iron pin being the Easternmost corner of said 2.35 acre tract and the Southwest line of said 28.632 acre tract;

THENCE: (8) NORTH 41 deg. 10' 27" West, a distance of 567.95 feet along the Southwest line of this parcel and said 28.632 acre tract and the Northeast line of said 2.35 acre tract to a found 1/2" iron pin in the Southeast Right of Way Line of I.H.35;

THENCE: (9) NORTH 31 deg. 26' 12" East, a distance of 249.72 feet along the Northwest line of this parcel and said 28.632 acre tract and the Southeast Right of Way Line of I.H.35 to a set 1/2" iron pin with plastic cap being a point of curvature;

THENCE: (10) 83.60 feet along the arc of a curve to the right, having a radius of 22784.31 feet, and a central angle of 00 deg. 12' 37", and whose chord bears North 31 deg. 32' 30" East, a distance of 83.60 feet to a found 1/2" iron pin being the Northernmost corner of this parcel and said 28.632 acre tract and the Westernmost corner of a 28.500 acre tract as recorded in Document No. 9806027705 of the Official Public Records of Comal County, Texas;

THENCE: (11) SOUTH 42 deg. 31' 00" East, a distance of 3408.67 feet along the Northeast line of this parcel and said 28.632 acre tract and the Southwest line of said 28.500 acre tract to a found 1/2" iron pin in the Northeast line of a 119.882 acre tract as recorded in Volume 1015, Page 444 of the Official Public Records of Comal County, Texas, and being the Easternmost corner of this parcel and said 28.632 acre tract and the Southernmost corner of said 28.500 acre tract;

THENCE: (12) SOUTH 56 deg. 54' 03" West, a distance of 439.45 feet along the Southeast line of this parcel and said 28.632 acre tract and the Northwest line of said 119.882 acre tract to a found 1/2" iron pin being the

Southernmost corner, said 28.632 acre tract and the Easternmost corner of a 27.611 acre tract as recorded in Volume 451, Pages 695-697 of the Deed Records of Comal County, Texas;

THENCE: (13) SOUTH 56 deg. 53' 33" West, a distance of 320.67 feet along the Southeast line of this parcel and said 27.611 acre tract and the Northwest line of said 119.882 acre tract to a found 3/8" iron pin in the Northeast line of a 74.44 acre tract as recorded in Volume 873, Pages 228-229 of the Official Public Records of Comal County, Texas, and being the Southernmost corner of this parcel and said 27.611 acre tract;

THENCE: (14) SOUTH 44 deg. 49' 00" East, a distance of 291.65 feet along the Northeast line of this parcel and said 74.44 acre tract and the Southwest line of said 119.882 acre tract to a wood corner post being the Easternmost corner of said 74.44 acre tract;

THENCE: (15) SOUTH 45 deg. 08' 03" West, a distance of 1414.62 feet along the Southeast line of this parcel and said 74.44 acre tract and the Northwest line of a 49.18 acre tract as recorded in Document No. 200006018425 of the Official Public Records of Comal County, Texas, and a 3.00 acre tract as recorded in Volume 512, Page 254 of the Deed Records of Comal County, Texas, to a set 1/2" iron pin with plastic cap in the Northeast Right of Way Line of Kohlenberg Road, and being the Southernmost corner of this parcel and said 74.44 acre tract and the Westernmost corner of said 3.000 acre tract;

THENCE: (16) NORTH 44 deg. 37' 29" West, a distance of 1423.84 feet along the Southwest line of this parcel and said 74.44 acre tract and said 103.75 acre tract and the Northeast Right of Way Line of Kohlenberg Road to a set 1/2" iron pin with plastic cap being the Southernmost corner of a 1.736 acre tract and designated as TRACT NO. 1, and recorded in Document No. 9606005988 of the Official Public Records of Comal County, Texas;

THENCE: (17) NORTH 33 deg. 57' 40" East, a distance of 411.84 feet along the Northwest line of this parcel and the Southeast line of said 1.736 acre tract to a found 3/8" iron pin being the Easternmost corner of this parcel;

THENCE: (18) NORTH 68 deg. 19' 31" West, a distance of 242.07 feet along the Southwest line of this parcel and the Northeast line of said 1.736 acre tract to a found 1/2" iron pin being the Northernmost corner of said 1.736 acre tract; and

THENCE: (19) SOUTH 22 deg. 37' 45" West, a distance of 332.23 feet along the Southeast line of this parcel and the Northwest line of said 1.736 acre tract to a found 1/2" iron pin in the Northeast Right of Way Line of Kohlenberg Road, and being the Westernmost corner of said 1.736 acre tract;

THENCE: the following courses along the Southwest line of this parcel and said 74.44 acre tract and the Northeast Right of Way Line of said Kohlenberg Road, and the cutback Right of Way Line to I.H.35:

(20) NORTH 44 deg. 37' 29" West, a distance of 399.53 feet to a found concrete highway monument (Type I) and being an angle point;

(21) NORTH 34 deg. 38' 01" West, a distance of 102.61 feet to a found concrete highway monument (Type I) being an angle point;

(22) NORTH 44 deg. 39' 10" West, a distance of 149.81 feet to a found concrete highway monument (Type I) being an angle point;

(23) NORTH 32 deg. 12' 31" West, a distance of 223.04 feet to a found concrete highway monument (Type I) being an angle point;

(24) NORTH 17 deg. 45' 14" West, a distance of 210.69 feet to a found concrete highway monument (Type I) being an angle point;

(25) NORTH 06 deg. 34' 20" West, a distance of 302.39 feet to a found concrete highway monument (Type I) being an angle point; and

(26) NORTH 58 deg. 18' 56" West, a distance of 173.56 feet to a found concrete highway monument (Type I) at the intersection of the Southeast Right of Way Line of I.H. 35 with the Northeast cutback line of Kohlenberg Road and being the Westernmost corner of this parcel and said 19.31 acre tract being the POINT OF BEGINNING, containing 151.846 acres of land.

SECTION 4. The territory that may not be added to the district without written consent of the landowner, as provided by Section 7206.101, Special District Local Laws Code, as added by this Act, includes all of the territory contained in the following area:

1252.958 acres of land located in the Antonio Maria Esnaurizar Eleven League Grant, Survey No. 1, Abstract No. 1, Subdivisions 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 31, Comal County, Texas, and being comprised of the following parcels: 1015.410 acre tract as described as a 1015.701 acre tract by a SPECIAL WARRANTY DEED from NORMANDY TERRACE, INC., a Texas Corporation, JAMES C. NORMAN, NANCY NORMAN and SUSAN N. SMITH to LAMROCK 3-2001 LIMITED, a Texas limited partnership, executed on April 30, 2001, and recorded in Document No. 200106014380 of the Official Public Records of Comal County, Texas, and an 85.763 acre tract comprised of a 57.133 acre tract as described in a PARTITION DEED between LEE E. JOHNSON and wife JEN MEI JOHNSON, executed on September 7, 1983, and recorded in Volume 351, Pages 931-939 of the Deed Records of Comal County, Texas, and a 28.500 acre tract as conveyed by SPECIAL WARRANTY DEED dated November 3, 1998, and recorded in Document No. 9806027705 of the Official Public Records of Comal County, Texas, and 28.477 acres of land being out of and a part of a 28.632 acre tract as conveyed by SPECIAL WARRANTY DEED from the RESOLUTION TRUST CORPORATION (RTC) to M.W. KRAFT, JR., executed on January 14, 1983, and recorded in Volume 874, Pages 72-76 of the Official Public Records of Comal County, Texas, and 27.474 acres of land being out of and a part of a 27.611 acre tract as conveyed by GENERAL WARRANTY DEED from MICHAEL PAYNTER and wife THETA SCHUG PAYNTER, to MARY EVELYN FREEMAN, filed for record on June 10, 1985, and recorded in Volume 451, Pages 695-697 of the Official Public Records of Comal County, Texas, and 20.035 acres of land being out of and a part of a 26.6 acre tract as conveyed by WARRANTY DEED WITH VENDOR'S LIEN from EGON KOHLENBERG ET UX to LAWRENCE KOHLENBERG, and filed for record on October 18, 1949, and recorded in Volume 92, Pages 43-44 of the Deed Records of Comal County, Texas, and also being out of and a part of a 103.75 acre tract as conveyed by WARRANTY DEED WITH VENDOR'S LIEN from

J.M. SMITH to EGON KOHLENBERG ET UX, filed for record June 21, 1943, and Recorded in Volume 77, Pages 442-443 of the Deed Records of Comal County, Texas, and 74.803 acres of land being out of and a part of a 74.44 acre tract as conveyed by DEED OF GIFT from DORACILLE KOHLENBERG, a widow, to KAREN WESCH and FAYE COOLEY, and filed for record on March 4, 1993, and recorded in Volume 873, Pages 228-229 of the Official Public Records of Comal County, Texas, and being out of and a part of a 103.75 acre tract as described in a WARRANTY DEED with VENDOR'S LIEN, filed for record June 21, 1943, and recorded in Volume 77, Pages 442-443 of the Deed Records of Comal County, Texas, and 1.002 acres of land being out of and a part of a 74.44 acre tract as conveyed by DEED OF GIFT from DORACHILLE KOHLENBERG, a widow, to KAREN WESCH and FAYE COOLEY and filed for record on March 4, 1993, and recorded in Volume 873, Pages 228-229 of the Official Public Records of Comal County, Texas, and being out of and a part of a 103.75 acre tract as described in a WARRANTY DEED with VENDOR'S LIEN, filed for record June 21, 1943, and recorded in Volume 77, Pages 442-443 of the Deed Records of Comal County, Texas, and being the same parcel designated as TRACT NO. 2 (1.003 acres) by DEED OF GIFT from FAYE COOLEY to KAREN HESTAND, executed on March 14, 1996, and recorded in Document No. 9606005988 of the Official Public Records of Comal County, Texas, said 1252.958 acres of land being more particularly described as follows:

BEGINNING: at a set 1/2" iron pin with plastic cap in the Southeast Right of Way Line of I.H.35 and being the Northernmost corner of this parcel and said 1015.701 acre tract and the Westernmost corner of a 69.569 acre tract as recorded in Document No. 9506481804 of the Official Public Records of Comal County, Texas; and

THENCE: (1) SOUTH 45 deg. 00' 03" East, (all bearings in this description are based on Grid North of the Texas Coordinate System, NAD 83 (93) Zone 4204), a distance of 2148.79 feet along the Northwest line of this parcel and said 1015.701 acre tract and the Southwest line of said 69.569 acre tract to a found 2" iron pipe being the Southernmost corner of said 69.569 acre tract;

THENCE: the following courses along the Northeast line of this parcel and said 1015.701 acre tract and the Southwest line of an 18.092 acre tract as recorded in Volume 972, Page 676 of the Official Public Records of Comal County, Texas, and the CUATRO AMIGOS SUBDIVISION as recorded in Volume 11, Page 100 of the Map and Plat Records of Comal County, Texas, and an 18.062 acre tract as recorded in Document No. 9906009211 of the Official Public Records of Comal County, Texas, and a 35.370 acre tract as recorded in Volume 85, Pages 564-565 of the Deed Records of Comal County, Texas, and a 27.00 acre tract as recorded in Volume 433, Page 473 of the Deed Records of Comal County, Texas, and a 27.00 acre tract as recorded in Volume 433, Page 475 of the Deed Records of Comal County Texas, and a 27.00 acre tract as recorded in Volume 433, Page 471 of the Deed Records of Comal County, Texas, and a 15.00 acre tract as recorded in Volume 862, Page 417 of the Official Public Records of Comal County, Texas;

(2) SOUTH 44 deg. 45' 25" East, a distance of 1675.16 feet to a found 60d nail being an angle point;

(3) SOUTH 44 deg. 16' 57" East, a distance of 243.82 feet to a found 60d nail being an angle point;

(4) SOUTH 46 deg. 04' 58" East, a distance of 1040.03 feet to a found 60d nail being an angle point; and

(5) SOUTH 45 deg. 39' 04" East, a distance of 2159.39 feet to a found 1/2" iron pin being the Northernmost corner of a 125.571 acre tract as recorded in Volume 744, Page 126 of the Official Public Records of Comal County, Texas;

THENCE: the following courses along the Southeast line of this parcel and said 1015.701 acre tract and the Northwest line of said 125.571 acre tract:

(6) SOUTH 47 deg. 05' 12" West, a distance of 1402.22 feet to a found 1/2" iron pin being an angle point;

(7) SOUTH 41 deg. 11' 48" East, a distance of 52.89 feet to a set 1/2" iron pin with plastic cap being an angle point; and

(8) SOUTH 29 deg. 55' 10" West, a distance of 3.91 feet to a set 1/2" iron pin with plastic cap, being an interior corner of this parcel and said 1015.701 acre tract and the Westernmost corner of said 125.571 acre tract;

THENCE:(9) SOUTH 44 deg. 18' 16" East, a distance of 759.93 feet along the Northeast line of this parcel and said 1015.701 acre tract and the Southwest line of said 125.571 acre tract to a set 1/2" iron pin with plastic cap being an angle point; and

(10) SOUTH 44 deg. 50' 59" East, a distance of 2402.27 feet along the Northeast line of this parcel and said 1015.701 acre tract and the Southwest line of said 125.571 acre tract to a found 1/2" iron pin being the Northernmost corner of a 2.301 acre tract as recorded in Volume 341, Page 63 of the Deed Records of Comal County, Texas;

THENCE: the following courses along the Southeast line of this parcel and said 1015.701 acre tract and the Northwest line of said 2.301 acre tract and a 2.00 acre tract as recorded in Volume 62, Page 862 of the Deed Records of Comal County, Texas:

(11) SOUTH 44 deg. 34' 13" West, a distance of 633.91 feet to a found 1/2" iron pin being an angle point; and

(12) SOUTH 02 deg. 51' 44" East, a distance of 89.86 feet to a set 1/2" iron pin with plastic cap being the Southeast corner of this parcel and said 1015.701 acre tract and the Southwest corner of said 2.00 acre tract and being in the North Right of Way Line of F.M. 1101, and being a point of curvature;

THENCE: the following courses along the South line of this parcel and said 1015.701 acre tract and the North Right of Way Line of F.M. 1101:

(13) 493.60 feet along the arc of a curve to the right, having a radius of 3769.80 feet, and a central angle of 07 deg. 30' 07", and whose chord bears South 84 deg. 31' 13" West, a distance of 493.25 feet to a found concrete highway monument (Type I);

(14) SOUTH 88 deg. 19' 44" West, a distance of 800.02 feet to a found concrete highway monument (Type I) being an angle point;

(15) SOUTH 88 deg. 19' 51" West, a distance of 1598.80 feet to a found concrete highway monument (Type I) being an angle point;

(16) NORTH 86 deg. 11' 44" West, a distance of 295.61 feet to a found concrete monument (Type I) being an angle point;

(17) SOUTH 88 deg. 44' 07" West, a distance of 169.63 feet to a found concrete highway monument (Type I) being an angle point; and

(18) SOUTH 79 deg. 04' 08" West, a distance of 298.47 feet to a found steel fence post being the Southwest corner of said 1015.701 acre tract and the Easternmost corner of an 119.882 acre tract as recorded in Volume 1015, Page 444 of the Official Public Records of Comal County, Texas;

THENCE: the following courses along the Southwest line of this parcel and said 1015.701 acre tract and the Northeast line of said 119.882 acre tract:

(19) NORTH 45 deg. 28' 52" West, a distance of 1565.19 feet to a found 1/4" iron pin being an interior corner of this parcel and said 1015.701 acre tract;

(20) SOUTH 57 deg. 43' 21" West, a distance of 155.81 feet to a found fence post being an angle point;

(21) SOUTH 57 deg. 21' 38" West, a distance of 836.82 feet to a found 3/8" iron pin being an exterior corner of this parcel and said 1015.701 acre tract;

(22) NORTH 44 deg. 02' 14" West, a distance of 507.09 feet to a found fence post being an angle point; and

(23) NORTH 45 deg. 03' 47" West, a distance of 469.71 feet to a found 3/8" iron pin being the Easternmost corner of a 57.133 acre tract as recorded in Volume 351, Pages 931-939 of the Deed Records of Comal County, Texas; and

THENCE: (24) SOUTH 56 deg. 54' 03" West, a distance of 1110.45 feet along the Southeast line of this parcel and said 57.133 acre tract and said 28.500 acre tract and the Northeast line of said 119.882 acre tract to a found 1/2" iron pin being the Southernmost corner of said 28.500 acre tract and the Easternmost corner of a 28.632 acre tract as recorded in Volume 874, Pages 72-76 of the Deed Records of Comal County, Texas;

THENCE: (25) SOUTH 56 deg. 54' 03" West, a distance of 439.45 feet along the Southeast line of this parcel and said 28.632 acre tract and the Northwest line of said 119.882 acre tract to a found 1/2" iron pin being the Southernmost corner of said 28.632 acre tract and the Easternmost corner of a 27.611 acre tract as recorded in Volume 451, Pages 695-697 of the Deed Records of Comal County, Texas;

THENCE: (26) SOUTH 56 deg. 53' 33" West, a distance of 320.67 feet along the Southeast line of this parcel and said 27.611 acre tract and the Northwest line of said 119.882 acre tract to a found 3/8" iron pin in the Northeast line of a 74.44 acre tract as recorded in Volume 873, Pages 228-229 of the Official Public Records of Comal County, Texas, and being the Southernmost corner of this parcel and said 27.611 acre tract;

THENCE: (27) SOUTH 44 deg. 49' 00" East, a distance of 291.65 feet along the Northeast line of this parcel and said 74.44 acre tract and the Southwest line of said 119.882 acre tract to a wood corner post being the Easternmost corner of said 74.44 acre tract;

THENCE: (28) SOUTH 45 deg. 08' 03" West, a distance of 1414.62 feet along the Southeast line of this parcel and said 74.44 acre tract and the Northwest line of a 49.18 acre tract as recorded in Document No. 200006018425 of the Official Public Records of Comal County, Texas, and a 3.00 acre tract as recorded in Volume 512, Page 254 of the Deed Records of Comal County, Texas, to a set 1/2" iron pin with plastic cap in the Northeast Right of Way Line of Kohlenberg Road, and being the Southernmost corner of said 74.44 acre tract and the Westernmost corner of said 3.000 acre tract;

THENCE: (29) NORTH 44 deg. 37' 29" West, a distance of 1423.84 feet along the Southwest line of this parcel and said 74.44 acre tract and said 103.75 acre tract and the Northeast Right of Way Line of Kohlenberg Road to a set 1/2" iron pin with plastic cap being the Southernmost corner of a 1.736 acre tract and designated as TRACT NO. 1, and recorded in Document No. 9606005988 of the Official Public Records of Comal County, Texas;

THENCE: (30) NORTH 33 deg. 57' 40" East, a distance of 411.84 feet along the Northwest line of this parcel and the Southeast line of said 1.736 acre tract to a found 3/8" iron pin being the Easternmost corner of this parcel;

THENCE: (31) NORTH 68 deg. 19' 31" West, a distance of 242.07 feet along the Southwest line of this parcel and the Northeast line of said 1.736 acre tract to a found 1/2" iron pin being the Northernmost corner of said 1.736 acre tract; and

THENCE: (32) SOUTH 22 deg. 37' 45" West, a distance of 332.23 feet along the Southeast line of this parcel and the Northwest line of said 1.736 acre tract to a found 1/2" iron pin in the Northeast Right of Way Line of Kohlenberg Road, and being the Westernmost corner of said 1.736 acre tract;

THENCE: the following courses along the Southwest line of this parcel and said 74.44 acre tract and the Northeast Right of Way Line of said Kohlenberg Road, and the cutback Right of Way Line to I.H.35:

(33) NORTH 44 deg. 37' 29" West, a distance of 399.53 feet to a found concrete highway monument (Type I) and being an angle point;

(34) NORTH 34 deg. 38' 01" West, a distance of 102.61 feet to a found concrete highway monument (Type I) being an angle point;

(35) NORTH 44 deg. 39' 10" West, a distance of 149.81 feet to a found concrete highway monument (Type I) being an angle point;

(36) NORTH 32 deg. 12' 31" West, a distance of 174.23 feet to said 74.44 acre tract and the Southernmost corner of a 19.31 acre tract as recorded in Volume 92, Pages 43-44 of the Deed Records of Comal County, Texas;

(37) NORTH 32 deg. 12' 31" West, a distance of 48.81 feet to a found concrete highway monument (Type I) being an angle point;

(38) NORTH 17 deg. 45' 14" West, a distance of 210.69 feet to a found concrete highway monument (Type I) being an angle point;

(39) NORTH 06 deg. 34' 20" West, a distance of 302.39 feet to a found concrete highway monument (Type I) being an angle point; and

(40) NORTH 58 deg. 18' 56" West, a distance of 173.56 feet to a found concrete highway monument (Type I) at the intersection of the Southeast Right of Way Line of I.H. 35 with the Northeast cutback line of Kohlenberg Road and being the Westernmost corner of this parcel and said 19.31 acre tract;

THENCE: (41) NORTH 31 deg. 26' 12" East, a distance of 1091.64 feet along the Northwest line of this parcel and the Southeast Right of Way Line of said I.H.35 to a set 1/2" iron pin with plastic cap being the Northernmost corner of this parcel and the Westernmost corner of a 3.560 acre tract as recorded in Document No. 200406003961 of the Official Public Records of Comal County, Texas;

THENCE: (42) SOUTH 45 deg. 19' 36" East, a distance of 610.43 feet along the Northeast line of this parcel and said 19.31 acre tract and said 103.75 acre tract and the Southwest line of said 3.560 acre tract to a found 1/2" iron pin being the Southernmost corner of said 3.560 acre tract;

THENCE: (43) NORTH 38 deg. 14' 02" East, a distance of 296.28 feet along the Northwest line of this parcel and said 27.611 acre tract and the Southeast line of said 3.560 acre tract to a found 1/2" iron pin being the Easternmost corner of said 3.560 acre tract;

THENCE: (44) NORTH 53 deg. 45' 08" West, a distance of 631.50 feet along the Southwest line of this parcel and said 27.611 acre tract and the Northeast line of said 3.560 acre tract to a found 1/2" iron pin in the Southeast Right of Way Line of said I.H. 35, and being the Northernmost corner of said 3.560 acre tract;

THENCE: (45) NORTH 31 deg. 26' 12" East, a distance of 245.64 feet along the Northwest line of this parcel and said 27.611 acre tract and the Southeast Right of Way Line of said I.H. 35 to a found 1/2" iron pin being the Westernmost corner of the remainder of a 2.35 acre tract as recorded in Volume 293, Pages 371-373 of the Deed Records of Comal County, Texas;

THENCE: (46) SOUTH 41 deg. 20' 52" East, a distance of 507.94 feet along the Northeast line of this parcel and said 27.611 acre tract and the Southwest line of said 2.35 acre tract to a found 1/2" iron pin being the Southernmost corner of said 2.35 acre tract;

THENCE: (47) NORTH 53 deg. 30' 10" East, a distance of 151.22 feet along the Northwest line of this parcel and said 27.611 acre tract and the Southeast line of said 2.35 acre tract to a found 1/2" iron pin being the Easternmost corner of said 2.35 acre tract and the Southwest line of said 28.632 acre tract;

THENCE: (48) NORTH 41 deg. 10' 27" West, a distance of 567.95 feet along the Southwest line of this parcel and said 28.632 acre tract and the Northeast line of said 2.35 acre tract to a found 1/2" iron pin in the Southeast Right of Way Line of I.H.35;

THENCE: (49) NORTH 31 deg. 26' 12" East, a distance of 249.72 feet along the Northwest line of this parcel and said 28.632 acre tract and the Southeast Right of Way Line of I.H.35 to a set 1/2" iron pin with plastic cap being a point of curvature;

THENCE: (50) 152.44 feet along the arc of a curve to the right, having a radius of 22784.31 feet, and a central angle of 00 deg. 23' 00", and whose chord bears North 31 deg. 37' 42" East, a distance of 152.44 feet to a found concrete highway monument being a point of tangency;

THENCE: (51) NORTH 31 deg. 50' 19" East, a distance of 263.09 feet along the Northwest line of this parcel and said 28.500 acre tract and the Southeast Right of Way Line of I.H.35 to a found 1/2" iron pin being the Northernmost corner of said 28.500 acre tract and the Westernmost corner of said 57.133 acre tract;

THENCE: (52) NORTH 31 deg. 50' 19" East, a distance of 663.99 feet along the Northwest line of this parcel and said 57.133 acre tract and the Southeast Right of Way Line of I.H.35 to a found 1/2" iron pin being the Northernmost corner of said 57.133 acre tract and the Westernmost corner of said 1015.707 acre tract;

THENCE: the following courses along the Northwest line of this parcel and said 1015.707 acre tract and the Southeast Right of Way Line of I.H.35:

(53) NORTH 31 deg. 50' 19" East, a distance of 1855.01 feet to a found concrete highway monument (Type I) being an angle point;

(54) NORTH 35 deg. 26' 30" East, a distance of 301.34 feet to a found concrete highway monument (Type I) being an angle point;

THENCE: (55) NORTH 32 deg. 05' 44" East, a distance of 72.07 feet to a found concrete highway monument (Type I) being a point of curvature;

THENCE: (56) 543.39 feet along the arc of a curve to the left, having a radius of 23072.30 feet, and a central angle of 01 deg. 20' 58", and whose chord bears North 31 deg. 12' 58" East, a distance of 543.37 feet to a found concrete highway monument (Type I) being a point of tangency;

THENCE: (57) NORTH 30 deg. 26' 03" East, a distance of 789.05 feet to a found concrete highway monument (Type I) being an angle point;

THENCE: (58) NORTH 26 deg. 48' 12" East, a distance of 299.65 feet to a found concrete highway monument (Type I) being an angle point; and

THENCE: (59) NORTH 30 deg. 29' 02" East, a distance of 2033.01 feet to a set 1/2" iron pin with plastic cap being the POINT OF BEGINNING, containing 1252.958 acres of land.

PART 1:

635.060 acres (27,663,214 sq. ft.) of land out of the NANCY KENNER LEAGUE survey No. 3, Abstract No. 306, Comal County, Texas and being designated as a 236.949 acre tract (McDONOUGH) tract as conveyed by SPECIAL WARRANTY DEED from NATIONSBANK OF TEXAS, N.A. TRUSTEE to JAMES P. McDONOUGH, JR., dated December 31, 1996 and recorded in Document No. 9706001893 of the Official Public Records of Comal County, Texas and also being comprised of TRACT I (63.024 acre tract) and TRACT III (164.150 acre tract) as conveyed by a SPECIAL WARRANTY DEED from Bank of America, N.A., as Successor Trustee to Nations / Bank of Texas, N.A., Trustee of the Bill and Darolyn Worth Living Trust under Agreement dated January 9, 1987 and as Trustee under Agreement of the Irvin Management Trust and Larry Irvin to James P. McDonough, Jr., dated April 14,

2006 and recorded in Document No. 200606016820 of the Official Public Records of Comal County, Texas, and also being all of a 170.902 acre tract described in a SUBSTITUTE TRUSTEE'S DEED from CECIL W. TALLEY, Trustee to CECIL EARL HILLBURN, dated August 6, 1991 and recorded in Volume 777, Pages 581-586 of the Official Public Records of Comal County, Texas said 635.060 acres (27,663,214 sq. ft.) of land being more particularly described as follows:

BEGINNING: at a set 1/2" iron pin with plastic cap "stamped 4233" in the Northwest Right of Way Line of I.H. 35 and being Easternmost corner of a 9.785 acre tract conveyed by Archie Ladshaw, et al to John Ladshaw by Deed dated March 28, 1984 and recorded in Volume 378, Pages 799-801 of the Official Public Records of Comal County, Texas, and the Southernmost corner of this parcel and said 236.949 acre tract (Grid N = 13,826,036.7772, Grid E = 2,270,776.7688, Scale factor of 1.00014 for surface adjustment);

THENCE: (1) NORTH 46 deg 00'07" West, (all bearings in this descriptions are referenced to Grid North of the Texas Coordinate System, Zone 4204, NAD 83 (93)), a distance of 3310.77 feet along the Southwest line of this parcel and the Northeast line of said 9.785 acre tract to a found 1/2" iron pin being the Northernmost corner of said 9.785 acre tract and an interior corner of this parcel;

THENCE: the following courses along the Southeast line of this parcel and said 236.949 acre tract and the Northwest line of said 9.785 acre tract and a 240.485 acre tract conveyed by Elizabeth Wagner, a widow to Archie Ladshaw, et al by Deed dated January 14, 1967 and recorded in Volume 153, Pages 331-333 of the Deed Records of Comal County, Texas and the Northwest line of a 44.290 acre tract conveyed by HARVEY PAPE and wife, LEORA PAPE to PAPE'S FAMILY FARM, LTD, a Texas Limited Partnership, dated February 27, 2004 and recorded in Document No. 200406007834 of the Official Public Records of Comal County, Texas:

(2) SOUTH 44 deg 34'57" West, a distance of 1355.26 feet to a found 1/2" iron pin being an angle point;

(3) SOUTH 45 deg 11'30" East, a distance of 43.65 feet to a found 1/2" iron pin being an angle point; and

(4) SOUTH 44 deg 30'57" West, a distance of 1742.25 feet to a found 1/2" iron pin being the Easternmost corner of a 70.688 acre tract conveyed by ALAN ROMPLE also known as ALAN E. ROMPEL, SR. and wife LINDA ROMPEL to CONRADS ROAD, LTD, dated January 9, 2004, and recorded in Document No. 200406000885 of the Official Public Records of Comal County, Texas;

THENCE: (5) NORTH 45 deg 23'39" West, a distance of 3537.43 feet along the Southwest line of this parcel and said 236.949 acre tract and the Northeast line of said 70.688 acre tract to a set 1/2" iron pin with plastic cap "stamped 4233" in the Southeast Right of Way of the Union Pacific Railroad (formerly known as the INTERNATIONAL & GT NORTHERN RY. CO.) and being the Westernmost corner of this parcel and said 236.949 acre tract and the Northernmost corner of said 70.688 acre tract; and being a point of curvature;

THENCE: the following courses along the Northwest line of this parcel and the Southeast Right of Way line of the Union Pacific Railroad:

(6) 1319.73 feet along the arc of a curve to the right, having a radius of 5679.65 feet, and a central angle of 13 deg 18'48", and whose chord bears North 56 deg 11'48" East, a distance of 1316.76 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being a point of tangency;

(7) NORTH 62 deg 51'12" East, a distance of 1677.18 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being a point of curvature; and

(8) 1022.68 feet along the arc of a curve to the left, having a radius of 2914.93 feet and a central angle of 20 deg 06'06", and whose chord bears North 52 deg 48'09" East, a distance of 1017.43 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being a point of tangency; and

(9) NORTH 42 deg. 45' 06" East, a distance of 385.90 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being the Northernmost corner of this parcel and said 63.024 acre tract and the Westernmost corner of a 200.240 acre tract as conveyed by SPECIAL WARRANTY DEED WITH VENDOR'S LIEN from MARTIN MARIETTA MATERIALS SOUTHWEST, LTD. to BLUEGREEN SOUTHWEST ONE, L.P., A Delaware Limited Partnership, executed July 19, 2005 and recorded in Document No. 200506026533 of the Official Public Records of Comal County, Texas;

THENCE: (10) SOUTH 45 deg. 58' 46" East, a distance of 2471.01 feet along the Northeast line of this parcel and said 63.024 acre tract and the Southwest line of said 200.240 acre tract to a found 1/2" iron pin being an interior corner of this parcel and the Westernmost corner of said 170.902 acre tract and the Southernmost of said 200.240 acre tract;

THENCE: the following courses along the Northwest line of this parcel and said 170.902 acre tract and the Southeast line of said 200.240 acre tract and a 7.46 acre tract conveyed by MCDONOUGH BROTHER'S, INCORPORATED to CITY OF NEW BRAUNFELS (UTILITIES) executed June 8, 1979 and recorded in Volume 283, Pages 775-776 of the Deed Records of Comal County, Texas;

(11) NORTH 43 deg 09'01" East, a distance of 2596.32 feet to a wood fence post being an angle point; and

(12) NORTH 42 deg 57'44" East, a distance of 1556.85 feet to a found 1/2" iron pin with plastic cap stamped "OVERBY-DESCAMPS" being the Northernmost corner said 170.902 acre tract and an interior corner of said 200.240 acre tract;

THENCE: the following courses along the Northeast line of this parcel and said 170.902 acre tract and the Southwest line of said 200.240 acre tract:

(13) SOUTH 46 deg 50'12" East, a distance of 702.27 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being an angle point;

(14) SOUTH 46 deg 29'50" East, a distance of 817.93 feet to a wood fence post being an angle point; and

(15) SOUTH 47 deg 00'31" East, a distance of 722.97 feet to a set 1/2" iron pin with plastic cap "stamped 4233" in the Northwest Right of Way Line of I.H. 35 and being the Easternmost corner of this parcel and said 170.902 acre tract and a re-entrant corner of said 200.240 acre tract;

THENCE: (16) SOUTH 32 deg 08'27" West, a distance of 1684.15 feet along the Southeast line of this parcel and said 170.902 acre tract and the Northwest Right of Way Line of I.H. 35 to a set 1/2" iron pin with plastic cap "stamped 4233" being a re-entrant corner to said 170.902 acre tract and the Easternmost corner of a 164.150 acre tract (designated TRACT III) conveyed by SPECIAL WARRANTY DEED to James P. McDonough, Jr., dated April 14, 2006 and recorded in Document No. 200606016820 of the Official Public Records of Comal County, Texas;

THENCE: the following courses along the Southeast line of this parcel and said 164.150 acre tract and the Northwest Right of Way Line of I.H. 35:

(17) SOUTH 32 deg. 08' 27" West, a distance of 704.69 feet to a found Type I TxDOT concrete monument being a point of curvature;

(18) 338.16 feet along the arc of a curve to the left, having a radius of 11,625.15 feet, and a central angle of 01 deg. 40' 00", and whose chord bears South 31 deg. 15' 06" West, a distance of 338.15 feet to a found Type I TxDOT concrete monument being a point of tangency;

(19) SOUTH 30 deg. 29' 02" West, a distance of 1147.92 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being an angle point;

(20) SOUTH 34 deg. 18' 02" West, a distance of 300.46 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being an angle point;

(21) SOUTH 30 deg. 29' 02" West, a distance of 1000.00 feet to a found Type I TxDOT concrete monument being an angle point; and

(22) SOUTH 26 deg. 39' 57" West, a distance of 266.94 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being the Southernmost corner of said 164.150 acre tract and the Easternmost corner of a 236.949 acre tract as conveyed by SPECIAL WARRANTY DEED from NATIONSBANK OF TEXAS, N.A., TRUSTEE to JAMES P. McDONOUGH JR., dated December 31, 1996, and recorded in Document No. 9706001893 of the Official Public Records of Comal County, Texas;

THENCE: the following courses along the Southeast line of this parcel and said 236.949 acre tract and the Northwest Right of Way Line of said I.H. 35:

(23) SOUTH 26 deg 39'57" East, a distance of 33.42 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being an angle point; and

(24) SOUTH 30 deg 29'02" East, a distance of 49.00 feet to a set 1/2" iron pin with plastic cap "STAMPED 4233" being the POINT OF BEGINNING, containing 635.060 acres (27,663,214 sq. ft.) of land.

PART 2:

96.074 acres (4,184,983 sq. ft.) of land out of the NANCY KENNER LEAGUE SURVEY NO. 3, Abstract No. 306, Comal County, Texas, and comprising of TRACT II (0.529 of an acre tract), TRACT IV (53.350 acre tract) and TRACT V (14.423 acre tract) as conveyed by said SPECIAL WARRANTY DEED dated April 14, 2006, and recorded in Document No. 200606016820 of the Official Public Records of Comal County, Texas, and also being all of a 27.593 acre tract as conveyed NATIONSBANK OF TEXAS, N.A., TRUSTEE to JAMES P. McDONOUGH, JR., dated December 31, 1996 and recorded in

Document No. 9706001893 of the Official Public Records of Comal County, Texas, said 96.074 acres (4,184,983 sq. ft.) of land being more particularly described as follows:

BEGINNING: at a found 1" diameter iron pipe in the Southeast Right of Way Line of F.M. Road 1102 and being the Northernmost corner of this parcel and said 14.423 acre tract and being the Westernmost corner of an 88.193 acre tract (designated as TRACT 3) conveyed by SPECIAL WARRANTY DEED WITH VENDOR'S LIEN, to BLUEGREEN SOUTHWEST ONE, L.P., a Delaware Partnership, executed on July, 19, 2005 and recorded in Document No. 200506026533 of the Official Public Records of Comal County, Texas (Grid N = 13,832,027.6173, Grid E = 2,266,296.3350, Scale factor of 1.00014 for surface adjustment);

THENCE: (1) SOUTH 46 deg. 01' 39" East, a distance of 1319.31 feet along the Northeast line of this parcel and said 14.423 acre tract and the Southwest line of said 88.193 acre tract to a found 1/2" iron pin in the Northwest Right of Way Line of the Union Pacific Railroad (formerly known as the Missouri Kansas and Texas Railroad) and being the Easternmost corner of this parcel and said 14.423 acre tract and the Southernmost corner of said 88.193 acre tract;

THENCE: the following courses along the Southeast line of this parcel and said TRACT V, TRACT II and TRACT IV and the Northwest Right of Way Line of said Union Pacific Railroad:

(2) SOUTH 42 deg. 45' 06" West, a distance of 365.33 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being a point of curvature;

(3) 986.76 feet along the arc of a curve to the right, having a radius of 2814.90 feet, and a central angle of 20 deg. 05' 06", and whose chord bears South 52 deg. 47' 39" West, a distance of 981.71 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being a point of tangency;

(4) SOUTH 62 deg. 50' 12" West, a distance of 832.41 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being an angle point;

(5) NORTH 45 deg. 03' 04" West, a distance of 52.54 feet to a found 1/2" iron pin being an angle point, and

(6) SOUTH 62 deg. 50' 12" West, a distance of 799.35 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being the Southernmost corner said 53.350 acre tract and the Easternmost corner of a 27.593 acre tract as conveyed by SPECIAL WARRANTY DEED from NATIONSBANK OF TEXAS, N.A., TRUSTEE to JAMES P. McDONOUGH, JR., dated December 31, 1996 and recorded in Document No. 9706001893 of the Official Public Records of Comal County, Texas;

THENCE: the following courses along the Southeast line of this parcel and said 27.593 acre tract and the Northwest Right of Way of said Union Pacific Railroad:

(7) SOUTH 62 deg 50'12" West, a distance of 113.44 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being a point of curvature

(8) 293.35 feet along the arc of a curve to the left having a radius of 5829.65 feet and a central angle of 02 deg 52'59", and whose chord bears South 61 deg 23'42" West, a distance of 293.32 feet to a found 1/2" iron pin being an angle point;

(9) SOUTH 30 deg 16'22" East, a distance of 50.00 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being a point of curvature;

(10) 417.76 feet along the arc of a curve to the left, having a radius of 5779.65 feet, and a central angle of 04 deg 08'29", and whose chord bears South 57 deg 53'05" West, a distance of 417.67 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being an angle point

(11) NORTH 44 deg 21'29" West, a distance of 30.48 feet to a found 1/2" iron pin being a point of curvature

(12) 736.56 feet along the arc of a curve to the left, having a radius of 5809.65 feet, and a central angle of 07 deg 15'51", and whose chord bears South 52 deg 07'44" West, a distance of 736.07 feet to found 1/2" iron pin being an angle point;

(13) SOUTH 43 deg 16'40" East, a distance of 30.01 feet to set 1/2" iron pin with plastic cap "stamped 4233" being a point of curvature;

(14) 66.71 feet along the arc of a curve to the left, having a radius of 5779.65 feet, and a central angle of 00 deg 39'41", and whose chord bears South 48 deg 10'31" West, a distance of 66.71 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being a point of tangency; and

(15) SOUTH 47 deg 50'41" West, a distance of 437.51 feet to a found 1/2" iron pin being the Southernmost corner of the parcel and said 27.593 acre tract and the Easternmost corner of a 3 acre tract conveyed by SHERMAN W. WEST ET UX TO CLAUDIO MENDEZ ET UX executed on May 17, 1962, and recorded in Volume 128, Pages 374-376 of the Deed Records of Comal County, Texas.

THENCE: (16) NORTH 45 deg 40'16" West, a distance of 654.40 feet along the Southwest line of this parcel and said 27.593 acre tract and the Northeast line of said 3 acre tract to a found 1/2" iron pin in the Southeast Right of Way Line of F.M. Road 1102 and being the Westernmost corner of this parcel and said 27.593 acre tract and the Northernmost corner of said 3 acre tract.

THENCE: the following courses along the Northwest line of this parcel and said 27.593 acre tract and the Southeast Right of Way Line of said F.M. Road 1102:

(17) NORTH 44 deg 22'56" East, a distance of 133.92 feet to a found 1/2" iron pin being a point of curvature;

(18) 645.06 feet along the arc of a curve to the right, having a radius of 2824.90 feet, and a central angle of 13 deg 05'00", and whose chord bears North 50 deg 57'36" East, a distance of 643.66 feet to a found 1/2" iron pin being a point of tangency;

(19) NORTH 57 deg 26'58" East, a distance of 149.84 feet to a found 1/2" iron pin being an angle point;

(20) NORTH 61 deg 11'34" East, a distance of 365.34 feet to a found 1/2" iron pin being an angle point;

(21) NORTH 64 deg 42'33" East, a distance of 388.56 feet to a found 1/2" iron pin being a point of curvature; and

(22) 470.90 feet along the arc of a curve to the left, having a radius of 1472.70 feet, and a central angle of 18 deg 19'14", and whose chord bears North 55 deg 55'39" East, a distance of 468.90 feet to a found 1/2" iron pin being the Northernmost corner of said 27.593 acre tract and the Westernmost corner of said 53.350 acre tract (designated as TRACT IV) of said SPECIAL WARRANTY DEED;

THENCE: the following courses along the Northwest line of this parcel and said 53.350 acre tract, said 0.529 of an acre tract, and said 14.423 acre tract and the Southeast Right of Way Line of said F.M. 1102:

(23) NORTH 46 deg. 34' 14" East, a distance of 419.44 feet to a found 1/2" iron pin being a point of curvature;

(24) 296.68 feet along the arc of a curve to the left, having a radius of 1950.10 feet, and a central angle of 08 deg. 43' 00", and whose chords bears North 42 deg. 13' 24" East, a distance of 296.39 feet to a found 1/2" iron pin being a point of tangency;

(25) NORTH 37 deg. 52' 39" East, a distance of 625.38 feet to a found 1/2" iron pin being a point of curvature;

(26) 392.79 feet along the arc of a curve to the right, having a radius of 5689.70 feet, and a central angle of 03 deg. 57' 19", and whose chord bears North 39 deg. 59' 23" East, a distance of 392.71 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being a point of tangency;

(27) NORTH 40 deg. 31' 03" East, a distance of 46.82 feet to a found 3/8" iron pin being an angle point;

(28) NORTH 41 deg. 54' 40" East, a distance of 651.39 feet to a found 1/2" iron pin being an angle point;

(29) NORTH 47 deg. 13' 29" East, a distance of 350.23 feet to a found 1/2" iron pin being an angle point; and

(30) NORTH 52 deg. 37' 59" East, a distance of 47.66 feet to a found 1" diameter iron pipe being the POINT OF BEGINNING, and containing 96.074 acres (4,184,983 sq. ft.) of land.

SECTION 5. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 6. (a) Section 7206.103, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7206, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7206.103 to read as follows:

Sec. 7206.103. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(c) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

(d) If another state agency, including the Public Utility Commission of Texas, succeeds to the power, authority, duties, or jurisdiction of the Texas Commission on Environmental Quality for any matter addressed by this Act, then any reference in this Act to the Texas Commission on Environmental Quality as to those matters means the successor agency. All compensation owed to the Crystal Clear Water Supply Corporation under Section 13.254, Water Code, whether liquidated or not, for the area decertified by order of the Texas Commission on Environmental Quality under Application No. 37192-C, and all claims, causes of action, choses in action, rights, benefits, and interest are considered an asset of the corporation, and on transfer of the assets of the corporation to the district, such claims, causes of action, choses in action, rights, benefits, interest, and compensation is owed to, and accrues to, the district.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Amendment No. 1 was adopted.

SB 1145 (Bell - House Sponsor), A bill to be entitled An Act relating to the intercollegiate athletics fee at Prairie View A&M University; authorizing an increase in the fee. (Schaefer and Stickland recorded voting no.) (Creighton requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

CSSB 1158 (Menéndez - House Sponsor), A bill to be entitled An Act relating to higher education for veterans and their families. (Sheets and Stickland recorded voting no.)

Amendment No. 1

Representative Menéndez offered the following amendment to **CSSB 1158**:

Amend **CSSB 1158** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 54.341, Education Code, is amended by amending Subsections (a-2), (b), (d), (k), (k-1), (l), (m), and (n) and adding Subsection (a-4) to read as follows:

(a-2) The exemptions provided for in Subsection (a) also apply to the spouse of:

(1) a member of the armed forces of the United States:

(A) who was killed in action;

(B) who died while in service;

(C) who is missing in action;

(D) whose death is documented to be directly caused by illness or injury connected with service in the armed forces of the United States; or

(E) who became totally and permanently disabled or meets the eligibility requirements for individual unemployability [~~for purposes of employability~~] according to the disability ratings of the Department of Veterans Affairs as a result of a service-related injury; or

(2) a member of the Texas National Guard or the Texas Air National Guard who:

(A) was killed since January 1, 1946, while on active duty either in the service of this state or the United States; or

(B) is totally and permanently disabled or meets the eligibility requirements for individual unemployability [~~for purposes of employability~~] according to the disability ratings of the Department of Veterans Affairs, regardless of whether the member is eligible to receive disability benefits from the department, as a result of a service-related injury suffered since January 1, 1946, while on active duty either in the service of this state or the United States.

(a-4) A person who before the 2014-2015 academic year received an exemption under this section continues to be eligible for the exemption provided by this section as this section existed on January 1, 2013.

(b) The exemptions provided for in Subsection (a) also apply to:

(1) the children of members of the armed forces of the United States:

(A) who are or were killed in action;

(B) who die or died while in service;

(C) who are missing in action;

(D) whose death is documented to be directly caused by illness or injury connected with service in the armed forces of the United States; or

(E) who became totally and permanently disabled or meet the eligibility requirements for individual unemployability [~~for purposes of employability~~] according to the disability ratings of the Department of Veterans Affairs as a result of a service-related injury; and

(2) the children of members of the Texas National Guard and the Texas Air National Guard who:

(A) were killed since January 1, 1946, while on active duty either in the service of their state or the United States; or

(B) are totally and permanently disabled or meet the eligibility requirements for individual unemployability [~~for purposes of employability~~] according to the disability ratings of the Department of Veterans Affairs, regardless of whether the members are eligible to receive disability benefits from the department, as a result of a service-related injury suffered since January 1, 1946, while on active duty either in the service of this state or the United States.

(d) The governing board of each institution of higher education granting an exemption under this section shall require each applicant claiming the exemption to submit to the institution an application for the exemption and necessary ~~[satisfactory]~~ evidence that the applicant qualifies for the exemption not later than the end of the semester or term to which the exemption applies ~~[one year after the earlier of the date the institution:~~

~~(1) provides written notice to the applicant of the applicant's eligibility for the exemption; or~~

~~(2) receives a written acknowledgement from the applicant evidencing the applicant's awareness of the applicant's eligibility for the exemption].~~

(k) The Texas Higher Education Coordinating Board by rule shall prescribe procedures to allow:

(1) a person who becomes eligible for an exemption provided by Subsection (a) to waive the person's right to any unused portion of the ~~[maximum]~~ number of cumulative credit hours for which the person could receive the exemption and assign the exemption for the unused portion of those credit hours to a child of the person; and

(2) following the death of a person who becomes eligible for an exemption provided by Subsection (a), the assignment of the exemption for the unused portion of the credit hours to a child of the person, to be made by the person's spouse or by the conservator, guardian, custodian, or other legally designated caretaker of the child, if the child does not otherwise qualify for an exemption under Subsection (b).

(k-1) The procedures under Subsection (k) must provide:

(1) the manner in which a person may waive the exemption;

(2) the manner in which a child may be designated to receive the exemption;

(3) a procedure permitting the designation of a different child to receive the exemption if the child previously designated to receive the exemption did not use the exemption under this section for all of the assigned portion of credit hours; ~~[and]~~

(4) a method of documentation to enable institutions of higher education to determine the eligibility of the designated child to receive the exemption; and

(5) a procedure permitting a person who waived the exemption and designated a child to receive the exemption to revoke that designation as to any unused portion of the assigned credit hours.

(l) To be eligible to receive an exemption under Subsection (k), the child must:

(1) be a student who is classified as a resident under Subchapter B when the child enrolls in an institution of higher education; ~~[and]~~

(2) make satisfactory academic progress in a degree, certificate, or continuing education program as determined by the institution at which the child is enrolled in accordance with the policy of the institution's financial aid department, except that the institution may not require the child to enroll in a minimum course load; and

(3) be 25 years of age or younger on the first day of the semester or other academic term for which the exemption is claimed.

(m) For purposes of this section, a person is the child of another person if ~~[the person is 25 years of age or younger on the first day of the semester or other academic term for which the exemption is claimed and]:~~

(1) the person is the stepchild or the biological or adopted child of the other person; or

(2) the other person claimed the person as a dependent on a federal income tax return filed for the preceding year or will claim the person as a dependent on a federal income tax return for the current year.

(n) The Texas Higher Education Coordinating Board by rule shall prescribe procedures by which a child assigned an exemption under Subsection (k) who suffered from a severe illness or other debilitating condition that affected the child's ability to use the exemption before reaching the age described by Subsection (1)(3) ~~[(m)]~~ may be granted additional time to use the exemption corresponding to the time the child was unable to use the exemption because of the illness or condition.

SECTION 2. Subchapter D, Chapter 54, Education Code, is amended by adding Section 54.3411 to read as follows:

Sec. 54.3411. PERMANENT FUND SUPPORTING MILITARY AND VETERANS EXEMPTIONS. (a) In this section, "trust company" means the Texas Treasury Safekeeping Trust Company.

(b) The permanent fund supporting military and veterans exemptions is a special fund in the treasury outside the general revenue fund. The fund is composed of:

(1) money transferred or appropriated to the fund by the legislature;

(2) gifts and grants contributed to the fund; and

(3) the returns received from investment of money in the fund.

(c) The trust company shall administer the fund. The trust company shall determine the amount available for distribution from the fund, determined in accordance with a distribution policy that is adopted by the comptroller and designed to preserve the purchasing power of the fund's assets and to provide a stable and predictable stream of annual distributions. Expenses of managing the fund's assets shall be paid from the fund. Except as provided by this section, money in the fund may not be used for any purpose. Sections 403.095 and 404.071, Government Code, do not apply to the fund.

(d) In managing the assets of the fund, through procedures and subject to restrictions the trust company considers appropriate, the trust company may acquire, exchange, sell, supervise, manage, or retain any kind of investment that a prudent investor, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms, distribution requirements, and other circumstances of the fund then prevailing, taking into consideration the investment of all the assets of the fund rather than a single investment.

(e) The amount available for distribution from the fund may be appropriated only to offset the cost to institutions of higher education of the exemptions required by Section 54.341. The amount appropriated shall be distributed to

eligible institutions in proportion to each institution's respective share of the aggregate cost to all institutions of the exemptions required by Section 54.341, as determined by the Legislative Budget Board. The amount appropriated shall be distributed annually to each eligible institution of higher education.

(f) The governing board of an institution of higher education entitled to receive money under this section may solicit and accept gifts and grants to the fund. A gift or grant to the fund must be distributed and appropriated for the purposes of the fund, subject to any limitation or requirement placed on the gift or grant by the donor or granting entity.

SECTION 3. Subdivision (4), Subsection (b), Section 9.01, Chapter 1049 (SB 5), Acts of the 82nd Legislature, Regular Session, 2011, which would repeal Subsection (h), Section 54.203, Education Code, effective September 1, 2013, is repealed and does not take effect, and Subsection (h), Section 54.341, Education Code, which was redesignated from Subsection (h), Section 54.203, Education Code, by Chapter 359 (SB 32), Acts of the 82nd Legislature, Regular Session, 2011, remains in effect as amended by this Act.

SECTION 4. The changes in law made by this Act to Sections 54.341(d), (k), and (n), Education Code, apply beginning with tuition and fees for the 2014 fall semester. Tuition and fees for a term or semester before the 2014 fall semester are covered by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 5. In adopting rules under this Act, the Texas Higher Education Coordinating Board shall engage institutions of higher education in a negotiated rulemaking process as described by Chapter 2008, Government Code.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.

Amendment No. 1 was adopted.

CSSB 1159 (Patrick - House Sponsor), A bill to be entitled An Act relating to higher education for certain military personnel and their dependents.

Amendment No. 1

Representative Patrick offered the following amendment to **CSSB 1159**:

Amend **CSSB 1159** (house committee report) as follows:

(1) On page 2, line 6 through page 8, line 26, strike SECTION 2 of the bill.

(2) On page 9, lines 5 and 6, strike ", as the Legislative Budget Board considers necessary,".

(3) On page 9, line 7, between "evaluate" and "the tuition" insert "federal educational benefits and".

(4) On page 11, lines 14-24, strike SECTION 4 of the bill.

(5) Renumber the remaining SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

SB 1175 (Guillen - House Sponsor), A bill to be entitled An Act relating to the establishment of a reuse program for durable medical equipment provided to recipients under the Medicaid program.

SB 1195 (S. Davis - House Sponsor), A bill to be entitled An Act relating to a contract for the acquisition of goods or services to which The University of Texas M. D. Anderson Cancer Center is a party.

CSSB 1210 (Branch - House Sponsor), A bill to be entitled An Act relating to conditions on the receipt of tuition and fee exemptions and waivers at public institutions of higher education.

SB 1255 (Murphy - House Sponsor), A bill to be entitled An Act relating to binding arbitration of an appraisal review board order determining a protest of an unequal appraisal of the owner's property.

SB 1256 (Bohac - House Sponsor), A bill to be entitled An Act relating to the requirements for a sale to be considered a comparable sale for ad valorem tax purposes.

SB 1266 (Creighton - House Sponsor), A bill to be entitled An Act relating to the creation of the Montgomery County Municipal Utility District No. 135; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain. (Capriglione recorded voting no.)

SB 1268 (Guillen - House Sponsor), A bill to be entitled An Act relating to recreational vehicles and recreational vehicle parks.

SB 1285 (Otto - House Sponsor), A bill to be entitled An Act relating to the operation of the special prosecution unit.

CSSB 1289 (Bohac - House Sponsor), A bill to be entitled An Act relating to certain business entities engaged in the publication of mug shots and other information regarding the involvement of an individual in the criminal justice system; providing a civil penalty.

Amendment No. 1

Representative Bohac offered the following amendment to **CSSB 1289**:

Amend **CSSB 1289** (house committee printing) as follows:

(1) On page 3, line 5, strike "arrest or the filing or disposition of criminal charges" and substitute "arrest and the filing and disposition of criminal charges".

(2) On page 3, lines 23-25, strike "and the person provides a noncertified copy of a court order or other document that supports the dispute".

(3) On page 4, lines, 4-5, strike "the later of".

(4) On page 4, lines 5-6, strike "or the documentation supporting the dispute".

Amendment No. 1 was adopted.

SB 1297 (Branch - House Sponsor), A bill to be entitled An Act relating to written electronic communications between members of a governmental body.

SB 1313 (Otto - House Sponsor), A bill to be entitled An Act relating to the Correctional Management Institute of Texas at Sam Houston State University.

SB 1317 (S. Thompson - House Sponsor), A bill to be entitled An Act relating to persons authorized to perform a marriage ceremony. (Creighton requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

Amendment No. 1

Representative Simmons offered the following amendment to **SB 1317**:

Amend **SB 1317** as follows:

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

SECTION _____. Section 2.201, Family Code, is amended to read as follows:

Sec. 2.201. EXPIRATION OF LICENSE. If a marriage ceremony has not been conducted before the 90th [~~31st~~] day after the date the license is issued, the marriage license expires.

SECTION _____. Section 2.201, Family Code, as amended by this Act, applies only to a marriage license that is issued on or after the effective date of this Act. A marriage license issued before the effective date of this Act is governed by the law in effect on the date the license was issued, and the former law is continued in effect for that purpose.

(2) On page 2, line 11, strike "The change in law made by this Act" and substitute "Section 2.202, Family Code, as amended by this Act,".

Amendment No. 1 was adopted.

SB 1322 (Oliveira - House Sponsor), A bill to be entitled An Act relating to the provision of durable medical equipment and home health care services through informal and voluntary networks in the workers' compensation system; providing penalties. (Krause, Schaefer, and Stickland recorded voting no.)

CSSB 1373 (R. Miller - House Sponsor), A bill to be entitled An Act relating to display of the Honor and Remember flag. (Lavender, Simpson, and Stickland recorded voting no.)

SB 1393 was deferred until the end of today's local, consent, and resolutions calendar.

SB 1394 was deferred until the end of today's local, consent, and resolutions calendar.

SB 1398 was deferred until the end of today's local, consent, and resolutions calendar.

SB 1400 was deferred until the end of today's local, consent, and resolutions calendar.

SB 1404 (Parker - House Sponsor), A bill to be entitled An Act relating to attendance at and completion of high school by students who are in the conservatorship of the Department of Family and Protective Services.

SB 1413 (S. King - House Sponsor), A bill to be entitled An Act relating to the administration of retirement systems for paid, partly paid, or volunteer firefighters.

SB 1419 (Lewis - House Sponsor), A bill to be entitled An Act relating to funding for juvenile case managers through certain court costs and to the establishment of the truancy prevention and diversion fund. (Anderson, Crownover, Flynn, Harless, Lavender, Simpson, Stickland, E. Thompson, and Zedler recorded voting no.) (Creighton requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

Amendment No. 1

Representative Lewis offered the following amendment to **SB 1419**:

Amend **SB 1419** (house committee printing) as follows:

(1) On page 1, line 19, strike "or" and substitute "[~~or~~"]".

(2) On page 1, line 20, between "(2)" and "agree", insert the following:
employ one or more juvenile case managers who:

(A) shall assist the court in administering the court's juvenile docket and in supervising the court's orders in juvenile cases; and

(B) may provide:

(i) prevention services to a child considered at risk of entering the juvenile justice system; and

(ii) intervention services to juveniles engaged in misconduct before cases are filed, excluding traffic offenses; or

(3)

(3) On page 1, line 21, between "manager" and the period, insert "to provide services described by Subdivisions (1) and (2)"

(4) Strike page 1, line 22, through page 2, line 10, and substitute the following:

(c) An entity that jointly employs a case manager under Subsection (a)(3) employs a juvenile case manager for purposes of Chapter 102 of this code and Chapter 102, Government Code [A county or justice court on approval of the commissioners court or a municipality or municipal court on approval of the city council may employ one or more juvenile case managers to assist the court in administering the court's juvenile docket and in supervising its court orders in juvenile cases].

Amendment No. 1 was adopted.

SB 1457 (Frullo - House Sponsor), A bill to be entitled An Act relating to management services for the physical facilities of the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf.

SB 1508 was deferred until the end of today's local, consent, and resolutions calendar.

SB 1512 (Vo - House Sponsor), A bill to be entitled An Act relating to the confidentiality of certain crime scene photographs and video recordings. (Anderson, Flynn, and Zedler recorded voting no.)

SB 1525 (Patrick - House Sponsor), A bill to be entitled An Act relating to including disability awareness training in risk management programs required for members and advisors of student organizations at postsecondary educational institutions. (Krause, Schaefer, Simpson, Stickland, and E. Thompson recorded voting no.)

SB 1533 (Ratliff - House Sponsor), A bill to be entitled An Act relating to municipal sales and use tax remittances by certain retailers.

SB 1553 (Farias and Guillen - House Sponsors), A bill to be entitled An Act relating to the Homes for Texas Heroes home loan program. (Schaefer, R. Sheffield, and Stickland recorded voting no.)

SB 1557 (Villarreal - House Sponsor), A bill to be entitled An Act relating to business and nonprofit organization participation in supporting early college high schools.

SB 1585 (Nevárez - House Sponsor), A bill to be entitled An Act relating to the authority of certain counties to impose a county hotel occupancy tax. (Sheets, R. Sheffield, and Taylor recorded voting no.) (Creighton requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

SB 1590 (Branch - House Sponsor), A bill to be entitled An Act relating to requirements for personal financial literacy training offered by public school districts and public universities. (Crownover and Harless recorded voting no.)

SB 1597 (Smithee - House Sponsor), A bill to be entitled An Act relating to the development of state agency information security plans.

CSSB 1599 (Lozano - House Sponsor), A bill to be entitled An Act relating to county and municipal land development regulation. (Bell, Craddick, Goldman, Kleinschmidt, Kolkhorst, Krause, Laubenberg, Lavender, Murphy, Parker, Perry, Sanford, Schaefer, Sheets, R. Sheffield, Springer, Stickland, and E. S. Turner recorded voting no.)

CSSB 1601 (Raymond - House Sponsor), A bill to be entitled An Act relating to the creation of the Central Laredo Municipal Management District; providing authority to impose a tax, levy an assessment, impose a fee, and issue bonds. (Capriglione recorded voting no.)

SB 1604 (Howard - House Sponsor), A bill to be entitled An Act relating to asset management and acquisition by institutions of higher education.

SB 1606 was deferred until the end of today's local, consent, and resolutions calendar.

SB 1609 (Kolkhorst and Naishtat - House Sponsors), A bill to be entitled An Act relating to the training of employees of certain covered entities. (Krause, Schaefer, Stickland, and E. Thompson recorded voting no.)

CSSB 1610 (Kolkhorst and Naishtat - House Sponsors), A bill to be entitled An Act relating to the notification of individuals following a breach of security of computerized data.

CSSB 1620 (Lewis - House Sponsor), A bill to be entitled An Act relating to certified communication access realtime translation providers.

CSSB 1630 (Lewis - House Sponsor), A bill to be entitled An Act relating to the protection of defendants against vexatious litigants.

SB 1635 (Burkett and Rose - House Sponsors), A bill to be entitled An Act relating to the transfer of the assets of and the dissolution of the Dallas County Water Control and Improvement District No. 6.

SB 1658 (Huberty - House Sponsor), A bill to be entitled An Act relating to the effect of certain state aid on school districts required to take action to equalize wealth under the school finance system.

CSSB 1681 (Harper-Brown - House Sponsor), A bill to be entitled An Act relating to oversight and management of state contracts.

SB 1720 (Clardy - House Sponsor), A bill to be entitled An Act relating to the Math and Science Scholars Loan Repayment Program for teachers who agree to teach mathematics or science in certain school districts in this state. (Krause, Leach, Schaefer, Simmons, Stickland, and E. Thompson recorded voting no.)

Amendment No. 1

Representative Clardy offered the following amendment to **SB 1720**:

Amend **SB 1720** (house committee report) by striking page 1, line 17, through page 2, line 23, and substituting the following:

(a) To be eligible to receive loan repayment assistance under this subchapter, a person must:

(1) apply annually for the loan repayment assistance in the manner prescribed by the board;

(2) be a United States citizen;

(3) have completed an undergraduate or graduate program in mathematics or science;

(4) have a cumulative grade point average of at least 3.5 on a four-point scale or the equivalent;

(5) be certified under Subchapter B, Chapter 21, to teach mathematics or science in a public school in this state or be enrolled in an educator preparation program to obtain that certification that is accredited by the State Board for Educator Certification and is provided by an institution of higher education or by a private or independent institution of higher education in this state;

(6) have been employed for at least one year as a teacher teaching mathematics or science at a public school located in a school district that receives funding under Title I, Elementary and Secondary Education Act of 1965 (20 U.S.C. Section 6301 et seq.);

(7) not be in default on any other education loan;

(8) not receive any other state or federal loan repayment assistance, including a Teacher Education Assistance for College and Higher Education (TEACH) Grant or teacher loan forgiveness;

(9) enter into an agreement with the board under Subsection (c); and

(10) comply with any other requirement adopted by the board under this subchapter.

Amendment No. 1 was adopted.

SB 1806 (Paddie - House Sponsor), A bill to be entitled An Act relating to the Harrison County Court at Law.

SB 1810 (Coleman - House Sponsor), A bill to be entitled An Act relating to the intercollegiate athletics fee at Texas Southern University. (Creighton requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

SB 1827 (Gooden - House Sponsor), A bill to be entitled An Act relating to an additional fee for filing civil cases in certain Rockwall County courts. (Goldman, Frullo, Perry, Sanford, Schaefer, R. Sheffield, Springer, and Stickland recorded voting no.) (Creighton requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

SB 1833 (Nevárez - House Sponsor), A bill to be entitled An Act relating to the rate of the hotel occupancy tax in certain counties. (Anderson, Flynn, Goldman, Sanford, Schaefer, Sheets, R. Sheffield, Simpson, Stickland, Taylor, and Zedler recorded voting no.) (Creighton requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

SB 1842 (Naishtat - House Sponsor), A bill to be entitled An Act relating to restraint and seclusion procedures and reporting at certain facilities.

CSSB 1853 (Hilderbran - House Sponsor), A bill to be entitled An Act relating to the amendment of restrictions affecting real property in certain subdivisions and the authority of the Llano County Municipal Utility District No. 1 to issue bonds. (Goldman, Lavender, Sanford, R. Sheffield, Springer, and Stickland recorded voting no.)

SB 1858 was deferred until the end of today's local, consent, and resolutions calendar.

SB 1863 (Herrero - House Sponsor), A bill to be entitled An Act relating to use of district funds by the Nueces County Hospital District. (R. Sheffield recorded voting no.)

SB 1867 (Workman - House Sponsor), A bill to be entitled An Act relating to the creation of the Cascades Municipal Utility District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes. (Simpson recorded voting no.)

SB 1873 was deferred until the end of today's local, consent, and resolutions calendar.

SB 1877 was deferred until the end of today's local, consent, and resolutions calendar.

SB 1879 (Lavender - House Sponsor), A bill to be entitled An Act relating to the powers of the TexAmericas Center. (Springer and Stickland recorded voting no.)

SB 1891 (Howard - House Sponsor), A bill to be entitled An Act relating to the imposition of an additional fee for filing civil cases in certain Travis County courts. (Bell, Goldman, Krause, Laubenberg, Lavender, Perry, Schaefer, Sheets, R. Sheffield, Springer, Stickland, and E. S. Turner recorded voting no.) (Creighton requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

SB 1899 (Isaac - House Sponsor), A bill to be entitled An Act relating to the creation of the LaSalle Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes. (Capriglione recorded voting no.)

SB 1906 (Zerwas - House Sponsor), A bill to be entitled An Act relating to the creation of Fort Bend County Municipal Management District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes. (Capriglione recorded voting no.)

CSSB 1908 (Lewis - House Sponsor), A bill to be entitled An Act relating to a study conducted by the Office of Court Administration of the Texas Judicial System and the repeal of certain court fees and costs.

SB 1910 (Zerwas - House Sponsor), A bill to be entitled An Act relating to the creation of the Fulshear Municipal Utility District No. 3; providing authority to impose taxes and issue bonds; granting a limited power of eminent domain. (Capriglione recorded voting no.)

Amendment No. 1

Representative Zerwas offered the following amendment to **SB 1910**:

Amend **SB 1910** (house committee printing) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8446 to read as follows:

CHAPTER 8446. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT
NO. 184

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8446.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Fort Bend County Municipal Utility District No. 184.

Sec. 8446.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8446.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8446.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8446.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 8446.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

(a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8446.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section ___ of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section ___ of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8446.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8446.052, directors serve staggered four-year terms.

Sec. 8446.052. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8446.003; or

(2) the fourth anniversary of the effective date of the Act enacting this

chapter.

(c) If permanent directors have not been elected under Section 8446.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8446.003; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8446.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8446.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8446.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8446.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 8446.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8446.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 8446.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 8446.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8446.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 8446.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8446.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8446.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8446.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION ____. The Fort Bend County Municipal Utility District No. 184 initially includes all the territory contained in the following area:

506.74 acres of land situated in the Wiley Martin Survey, Abstract 56, and the E.P. Everett Survey, Abstract 387, Fort Bend County, Texas, being that certain called 376.1612 acre tract of land as described in deed and recorded in Volume 1934, Page 712 of the Deed Records of Fort Bend County, Texas and being that certain called 130.5756 acre tract of land as described in deed and recorded in the Official Public Records of Real Property of Fort Bend County, Texas under County Clerk's File Number 1999107785, said 506.74 acres of land being more particularly described by metes and bounds as follows, bearing orientation is based on the Texas Coordinate System of 1983, South Central Zone:

BEGINNING at a 1/2 inch iron rod found at the intersection of the centerline of Myers Road (based on a width of 60.00 feet) with the northwesterly right-of-way line of Berdette Road (based on a width of 60.00 feet);

Thence, S 21°34'18" W, with the northwesterly right-of-way line of Berdette Road, a distance of 3266.25 feet to a 3/4 inch iron rod with cap set in the northeasterly line of that certain called 607.75 acre tract of land as described in

deed and recorded in Volume 64, Page 109 of the Deed Records of Fort Bend County, Texas, being in the northeasterly line of the Henry Wilcox Survey, Abstract 342;

Thence, N 67°27'46" W, with the northeasterly line of said called 607.75 acre tract and the common line of the Wiley Martin and Henry Wilcox Surveys, a distance of 5698.02 feet to an angle point, from which a found T Rail bears N 08°28' W, a distance of 0.35 feet;

Thence, N 67°36'40" W, a distance of 547.46 feet to a 3/4 inch iron rod with cap set for corner;

Thence, S 42°08'14" W, a distance of 2046.63 feet to a 3/4 inch iron rod with cap set in the northeasterly line of Rice Field Road;

Thence, N 47°59'25" W, with the northeasterly line of Rice Field Road, a distance of 344.35 feet to a T Rail found for corner;

Thence, N 42°05'03" E, a distance of 1924.14 feet to an angle point, from which a found 2 inch iron pipe (bent) bears N 79°02' W, a distance of 2.69 feet;

Thence, N 22°20'28" E, at a distance of 3195.31 feet pass a 1/2 inch iron pipe found in the southwesterly right-of-way line of Myers Road, continuing a total distance of 3225.31 feet to a point for corner;

Thence, S 67°49'42" E, with the centerline of Myers Road, a distance of 6569.03 feet to the POINT OF BEGINNING and containing 506.74 acres of land.

SECTION _____. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8446, Special District Local Laws Code, as added by this Act, is amended by adding Section 8446.106 to read as follows:

Sec. 8446.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Subsection (c), Section 17, Article I, Texas Constitution.

(2) Renumber the SECTIONS of the bill appropriately.

(3) Correct cross-references in the bill accordingly.

Amendment No. 1 was adopted.

SB 1913 (Creighton - House Sponsor), A bill to be entitled An Act relating to authorizing certain special districts in Montgomery County to enter into strategic partnership agreements.

SB 1915 (D. Miller - House Sponsor), A bill to be entitled An Act relating to the creation of the Comal County Water Improvement District No. 3; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes. (Capriglione recorded voting no.)

Amendment No. 1

Representatives Parker and D. Miller offered the following amendment to **SB 1915**:

Amend **SB 1915** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3926 to read as follows:

CHAPTER 3926. RIVERWALK MUNICIPAL MANAGEMENT DISTRICT

NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3926.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "City" means the Town of Flower Mound.

(3) "County" means Denton County.

(4) "Director" means a board member.

(5) "District" means the Riverwalk Municipal Management District No.

1.

Sec. 3926.002. NATURE OF DISTRICT. The Riverwalk Municipal Management District No. 1 is a special district created under Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 3926.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The initial directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 3926.004. CITY CONSENT AND DEVELOPMENT AGREEMENT EXECUTION REQUIRED. (a) The initial directors may not hold an election under Section 3926.003 until the city has:

(1) consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district; and

(2) entered into a development agreement with the owners of the real property in the district.

(b) The district is dissolved and this chapter expires September 1, 2017, if:

(1) the city has not consented to the creation of the district and to the inclusion of land in the district under Subsection (a)(1) before that date; or

(2) the development agreement described by Subsection (a)(2) is not entered into before that date.

Sec. 3926.005. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district, and in authorizing the city and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(b) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.

(c) This chapter and the creation of the district may not be interpreted to relieve the city or county from providing the level of services provided as of the effective date of the Act enacting this chapter to the area in the district. The district is created to supplement and not to supplant city and county services provided in the district.

Sec. 3926.006. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(c) The district is created to accomplish the purposes of a municipal management district as provided by general law and Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

(d) The creation of the district is in the public interest and is essential to further the public purposes of:

- (1) developing and diversifying the economy of the state;
- (2) eliminating unemployment and underemployment; and
- (3) developing or expanding transportation and commerce.

(e) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center; and

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas, which are necessary for the restoration, preservation, and enhancement of scenic beauty.

(f) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

(g) The district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public.

Sec. 3926.007. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Subsection (b) of the section of the Act enacting this chapter.

(b) The boundaries and field notes of the district contained in Subsection (b) of the section of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

- (1) organization, existence, or validity;

(2) right to borrow money or issue any type of bonds or other obligations described by Section 3926.203 for a purpose for which the district is created or to pay the principal of and interest on the bonds or other obligations;

(3) right to impose or collect an assessment or collect other revenue;

(4) legality or operation; or

(5) right to contract.

Sec. 3926.008. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

(a) All or any part of the area of the district that is not in the city's corporate limits is eligible to be included in:

(1) a tax increment reinvestment zone created under Chapter 311, Tax Code;

(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code;

(3) an enterprise zone created under Chapter 2303, Government Code;
or

(4) an industrial district created under Chapter 42, Local Government Code.

(b) If the city creates a tax increment reinvestment zone described by Subsection (a), the city and the board of directors of the zone, by contract with the district, may grant money deposited in the tax increment fund to the district to be used by the district for:

(1) the purposes permitted for money granted to a corporation under Section 380.002(b), Local Government Code; and

(2) any other district purpose, including the right to pledge the money as security for any bonds or other obligations issued by the district under Section 3926.203.

(c) All or any part of the area of the district that is within the city's corporate limits is eligible to be included in:

(1) a tax increment reinvestment zone created under Chapter 311, Tax Code; or

(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code.

(d) If the city creates a tax increment reinvestment zone described by Subsection (c)(1), the city and the board of directors of the zone, by contract, may allocate money deposited in the tax increment fund between the city and the district to be used by the city and the district for:

(1) the purposes permitted for money granted to a corporation under Section 380.002(b), Local Government Code;

(2) any other district purpose, including the right to pledge the money as security for any bonds or other obligations issued by the district under Section 3926.203; and

(3) funding services provided by the city to the area in the district.

(e) A tax increment reinvestment zone created by the city in the district is not subject to the limitations provided by Section 311.006, Tax Code.

Sec. 3926.009. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3926.010. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3926.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 3926.052, directors serve staggered four-year terms, with two or three directors' terms expiring June 1 of each odd-numbered year.

Sec. 3926.052. INITIAL DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district according to the most recent certified tax appraisal rolls for the county may submit a petition to the city requesting that the city appoint as initial directors the five persons named in the petition. The city may appoint as initial directors the five persons named in the petition.

(b) Initial directors serve until the earlier of:

(1) the date permanent directors are elected under Section 3926.003; or

(2) the fourth anniversary of the effective date of the Act enacting this

chapter.

(c) If permanent directors have not been elected under Section 3926.003 and the terms of the initial directors have expired, successor initial directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 3926.003; or

(2) the fourth anniversary of the date of the appointment or

reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district according to the most recent certified tax appraisal rolls for the county may submit a petition to the city requesting that the city appoint as successor initial directors the five persons named in the petition. The city may appoint as successor initial directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3926.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3926.102. IMPROVEMENT PROJECTS. The district may provide, or it may enter into contracts with a governmental or private entity to provide, the improvement projects described by Subchapter C-1 or activities in support of or incidental to those projects.

Sec. 3926.103. WATER DISTRICT POWERS. The district has the powers provided by the general laws relating to conservation and reclamation districts created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 54, Water Code.

Sec. 3926.104. ROAD DISTRICT POWERS. The district has the powers provided by the general laws relating to road districts and road utility districts created under Section 52(b), Article III, Texas Constitution, including Chapter 441, Transportation Code.

Sec. 3926.105. MUNICIPAL MANAGEMENT DISTRICT POWERS. The district has the powers provided by Chapter 375, Local Government Code.

Sec. 3926.106. CONTRACT POWERS. The district may contract with a governmental or private entity, on terms determined by the board, to carry out a power or duty authorized by this chapter or to accomplish a purpose for which the district is created.

Sec. 3926.107. EMERGENCY SERVICES. (a) This section applies only to territory in the district:

- (1) that is in the extraterritorial jurisdiction of the city;
- (2) for which a plat has been filed; and
- (3) that includes 100 or more residents.

(b) To protect the public interest, the district shall provide or contract with a qualified party to provide emergency services, including law enforcement, fire, and ambulance services, in the territory described by Subsection (a).

Sec. 3926.108. NO TOLL ROADS. The district may not construct, acquire, maintain, or operate a toll road.

Sec. 3926.109. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

SUBCHAPTER C-1. IMPROVEMENT PROJECTS AND SERVICES

Sec. 3926.151. IMPROVEMENT PROJECTS AND SERVICES. The district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using any money available to the district, or contract with a governmental or private entity to provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

Sec. 3926.152. BOARD DETERMINATION REQUIRED. The district may not undertake an improvement project unless the board determines the project:

- (1) is necessary to accomplish a public purpose of the district; and
- (2) complies with the development agreement entered into under Section 3926.004(a)(2) or the parties to that development agreement agree to the project, in writing.

Sec. 3926.153. LOCATION OF IMPROVEMENT PROJECT. An improvement project may be inside or outside the district.

Sec. 3926.154. CITY REQUIREMENTS. (a) An improvement project in the corporate limits of the city must comply with any applicable requirements of the city, including codes and ordinances, that are consistent with the development agreement entered into under Section 3926.004(a)(2).

(b) The district may not provide, conduct, or authorize any improvement project on the city's streets, highways, rights-of-way, or easements without the consent of the governing body of the city by ordinance or resolution.

Sec. 3926.155. IMPROVEMENT PROJECT AND SERVICE IN DEFINABLE AREA. The district may undertake an improvement project or service that confers a special benefit on a definable area in the district and levy and collect a special assessment on benefited property in the district in accordance with Chapter 375, Local Government Code.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. 3926.201. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of the district's money.

Sec. 3926.202. MONEY USED FOR IMPROVEMENTS OR SERVICES. The district may undertake and provide an improvement project or service authorized by this chapter using any money available to the district.

Sec. 3926.203. BORROWING MONEY; OBLIGATIONS. (a) The district may borrow money for any district purpose, including refunding district obligations or paying authorized district costs, without holding an election by issuing bonds, notes, time warrants, or other obligations, or by entering into a contract, reimbursement agreement, or other agreement payable wholly or partly from an assessment, a contract payment, a grant, revenue from a zone created under Chapter 311 or 312, Tax Code, other district revenue, or a combination of these sources.

(b) An obligation or agreement described by Subsection (a):

(1) may bear interest at a rate determined by the board; and

(2) may include a term or condition as determined by the board.

Sec. 3926.204. ASSESSMENTS. (a) Except as provided by Subsection (b), the district may impose an assessment on property in the district to pay for an obligation described by Section 3926.203 or to pay the costs of acquiring, maintaining, operating, improving, or constructing district improvements in the manner provided for a district under Subchapters A, E, and F, Chapter 375, Local Government Code.

(b) The district may not impose an assessment on a municipality, county, or other political subdivision.

Sec. 3926.205. NOTICE OF ASSESSMENTS. (a) The board shall annually file written notice with the secretary of the city that specifies the assessments the district will impose in the district's next fiscal year in sufficient clarity to describe the assessments for the operation and maintenance of the district and the assessments for the payment of debt service of obligations issued or incurred by the district.

(b) The board shall annually record in the deed records of the county a current assessment roll approved by the governing body of the city.

(c) The assessment roll must clearly state that the assessments in the assessment roll are in addition to the ad valorem taxes imposed by other taxing units that tax real property in the district.

(d) The district shall generate and implement a program to provide notification to a prospective purchaser of property in the district of the assessments that have been approved and are imposed by the district.

Sec. 3926.206. RESIDENTIAL PROPERTY NOT EXEMPT. Section 375.161, Local Government Code, does not apply to the district.

Sec. 3926.207. NO IMPACT FEES. The district may not impose an impact fee.

Sec. 3926.208. NO AD VALOREM TAX. The district may not impose an ad valorem tax.

SUBCHAPTER E. DISSOLUTION

Sec. 3926.251. DISSOLUTION BY CITY. (a) The city may dissolve the district by ordinance.

(b) Notwithstanding Subsection (a), the city may not dissolve the district until:

(1) the district's outstanding debt or contractual obligations have been repaid or discharged; and

(2) the city agrees to succeed to the rights and obligations of the district.

Sec. 3926.252. COLLECTION OF ASSESSMENTS AND OTHER REVENUE. (a) If the dissolved district has obligations outstanding secured by and payable from assessments or other revenue, the city succeeds to the rights and obligations of the district regarding enforcement and collection of the assessments or other revenue.

(b) The city shall have and exercise all district powers to enforce and collect the assessments or other revenue to pay:

(1) any obligations when due and payable according to their terms; or

(2) other obligations issued by the city to refund obligations of the district.

Sec. 3926.253. ASSUMPTION OF ASSETS AND LIABILITIES. (a) After the city dissolves the district, the city assumes the obligations of the district, including any debt payable from assessments or other district revenue.

(b) If the city dissolves the district, the board shall transfer ownership of all district property to the city.

(b) The Riverwalk Municipal Management District No. 1 initially includes all the territory contained in the following area:

Lot 2R1, Block A, The River Walk at Central Park

87.678 Acres

Being all that certain lot, tract or parcel of land situated in the Carlos Chacon Survey, Abstract Number 299 and the J. T. Stewart Survey, Abstract Number 1161, Town of Flower Mound, Denton County, Texas, being part of that certain called 80 acre tract of land described in deed to Manco Investments, Incorporated recorded in Volume 439, Page 352 of the Deed Records of Denton County, Texas, and being part of that certain called 252.86 acre tract described as Part Two in

deed to Edward S. Marcus recorded in Volume 470, Page 131 of the Deed Records of Denton County, Texas, and being part of that certain called 28.061 acre tract of land described in deed to Edward S. Marcus recorded in Volume 614, Page 150 of the Deed Records of Denton County, Texas, and being part of that certain called 229.56 acre tract of land described in deed to Flower Mound Development Venture recorded in Volume 1361, Pages 874 and 879 of the Real Property Records of Denton County, Texas, being part of that certain tract of land described as Tract 1 in deed to Flower Mound CBD, LTD., recorded in Document Number 07-145337 of the Real Property Records of Denton County, Texas, being all of Lot 2R1, Block A, The River Walk at Central Park 11/2010, an addition to the Town of Flower Mound according to the plat thereof recorded in Document Number 2011-23 of the Plat Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" capped rebar (G & A) found at the most easterly northeast corner of said Lot 2R1, Block A, The River Walk at Central Park 11/2010, being on the south line of that certain called 13.948 acre tract of land described in deed to the Town of Flower Mound recorded in Volume 723, Page 858 of the Deed Records of Denton County, Texas, and being on the west line of Morriss Road, a public roadway having a 122 foot right-of-way at this point;

THENCE along the east line of said Lot 2R1 and the west line of Morriss Road the following:

S 00°14'40" E, 146.45 feet, to a 1/2" capped rebar (G&A) found;

N 89°41'20" E, 12.00 feet, to a 1/2" capped rebar (G&A) found;

S 06°35'55" W, 113.59 feet, to a 1/2" capped rebar (G&A) found;

S 00°14'40" E, 194.59 feet, to a 1/2" capped rebar (G&A) found;

N 89°41'20" E, 13.52 feet, to a 1/2" capped rebar (G&A) found;

S 00°14'40" E, 79.16 feet, to a 1/2" capped rebar (G&A) found;

S 06°35'55" W, 110.01 feet, to a 1/2" capped rebar (G&A) found;

S 00°14'40" E, 197.13 feet, to a 1/2" capped rebar (G&A) found;

N 89°41'20" E, 13.11 feet, to a 1/2" capped rebar (G&A) found;

S 00°14'40" E, 149.77 feet, to a 1/2" capped rebar (G&A) found;

S 06°35'55" W, 100.71 feet, to a 1/2" capped rebar (G&A) found;

S 00°14'40" E, 156.50 feet, to a 1/2" capped rebar (G&A) found on the north line of 5TH Avenue (called 37 foot right-of-way);

THENCE S 89°41'20" W, 501.61 feet, along the north line of 5TH Avenue to a 1/2" capped rebar (G&A) found on the west line of Broadway Avenue;

THENCE S 00°18'40" E, 944.75 feet, along the west line of Broadway Avenue to a 1/2" capped rebar (G&A) found on the south line of 3RD Avenue;

THENCE N 89°41'20" E, 512.51 feet, along the south line of 3RD Avenue, to a 1/2" capped rebar (G&A) found on the west right-of-way line of Morriss Road and the east line of said Lot 2R1;

THENCE along the east line of said Lot 2R1 and the west line of Morriss Road the following:

S 00°14'40" E, 20.82 feet, to a 1/2" capped rebar (G&A) found;

S 06°35'55" W, 94.74 feet, to a 1/2" capped rebar (G&A) found;

S 00°14'40" E, 195.13 feet, to a 1/2" capped rebar (G&A) found;

N 89°41'20" E, 11.29 feet, to a 1/2" capped rebar (G&A) found;

S 00°14'40" E, 23.65 feet, to a 1/2" capped rebar (G&A) found;

S 06°35'55" W, 75.54 feet, to a 1/2" capped rebar (G&A) found;

S 00°14'40" E, 165.62 feet, to a 1/2" capped rebar (G&A) found on the north right-of-way line of Buckeye Drive, a public roadway having a variable width right-of-way, as shown on the Record Plat of The Forums Phase III, an addition to the Town of Flower Mound, Denton County, Texas, according to the plat thereof recorded in Cabinet O, Page 19 of the Plat Records of Denton County, Texas;

THENCE along the north right-of-way line of Buckeye Drive the following:

S 44°58'45" W, 8.57 feet, to a 1/2" G&A capped rebar found;

S 89°30'10" W, 65.00 feet, to a 1/2" G&A capped rebar found;

S 82°17'25" W, 112.84 feet, to a 1/2" G&A capped rebar found at the beginning of a curve to the left;

THENCE along the arc of said curve having a radius of 530.00 feet, a central angle of 19°23'37", whose chord bears S 72°35'37" W, 178.54 feet, an arc length of 179.40 feet to a 1/2" G&A capped rebar found on the west line of Olympia Drive, a public roadway having a right-of-way of 60 feet;

THENCE S 00°17'15" E, 490.97 feet, along the west line of Olympia Drive to a 1/2" rebar found at the northeast corner of Lot 1, Block A of The Forums Phase III;

THENCE S 89°42'45" W, 233.98 feet, along the north line of said Lot 1 to a 1/2" rebar found at an angle point;

THENCE N 83°05'40" W, along the north line of said Lot 1, passing at 10 feet the northwest corner thereof and the northeast corner of Forums Drive, a public roadway having a right-of-way of 60 feet at this point, continuing along the north line of Forums Drive a total distance of 70.00 feet to a 1/2" rebar found at the northwest corner of Forums Drive;

THENCE in a southwesterly direction along the west line of Forums Drive with the arc of a curve to the right having a radius of 520.00 feet, a central angle of 11°39'42", whose chord bears S 12°44'11" W, 105.66 feet, an arc length of 105.84 feet to a 1/2" rebar found at a point of compound curvature;

THENCE in a southwesterly direction along the west line of Forums Drive with the arc of a curve to the right having a radius of 400.00 feet, a central angle of 23°33'43", whose chord bears S 30°28'28" W, 163.34 feet, an arc length of 164.49 feet to a 1/2" rebar found at a point of tangency;

THENCE S 42°15'20" W, 182.38 feet, along the west line of Forums Drive to a 1/2" rebar found at a point of curvature of a curve to the left, being the southwesterly corner of Forums Drive as shown on the aforementioned plat of The Forums Phase III and being the northwesterly corner of Forums Drive, having a right-of-way of 80 feet at this point, as shown on the revised final plat of The Forums Residential, an addition to the Town of Flower Mound, Denton County, Texas, according to the plat thereof recorded in Cabinet F, Page 136 of the Plat Records of Denton County, Texas;

THENCE along the west line of Forums Drive with the arc of said curve to the left having a radius of 690.00 feet, a central angle of $05^{\circ}00'26''$, whose chord bears S $39^{\circ}45'08''$ W, 60.28 feet, an arc length of 60.30 feet to a 1/2" rebar found on the north line of Euclid Avenue, a public roadway having a right-of-way of 60 feet, at its intersection with the west line of Forums Drive;

THENCE N $57^{\circ}47'20''$ W, 29.46 feet, along the north line of Euclid Avenue to a 1/2" rebar found at point of curvature of a curve to the left;

THENCE along the north line of Euclid Avenue with the arc of said curve to the left having a radius of 1030.00 feet, a central angle of $12^{\circ}36'55''$, whose chord bears N $64^{\circ}06'30''$ W, 226.33 feet, an arc length of 226.78 feet to a 1/2" rebar found at the southeast corner of Lot 40, Block 1 of The Forums Residential;

THENCE N $05^{\circ}10'05''$ E, 279.16 feet, along the east line of Lots 40, 39, 38 and 37, Block 1 of The Forums Residential to a point on a non-tangent curve to the left (this point falls in a pond);

THENCE continuing along the east line of Lots 37, 36, 35, 34, 33, 32, 31 and 30, Block 1 with the arc of said non-tangent curve having a radius of 1180.00 feet, a central angle of $23^{\circ}11'00''$, whose chord bears N $11^{\circ}44'54''$ W, 474.21 feet, an arc length of 477.46 to the end of said non-tangent curve (this point falls in a pond);

THENCE N $23^{\circ}32'15''$ W, 162.40 feet, continuing along the east line of Lots 30, 29 and 28, Block 1 to a 1/2" rebar found at the northeast corner Lot 28, Block 1, and being on the south line of Lot 27, Block 1;

THENCE N $62^{\circ}37'50''$ E, 132.45 feet, along the south line of said Lot 27, Block 1 to a 1/2" rebar found at the southeast corner thereof;

N

THENCE N $61^{\circ}46'50''$ W, 191.93 feet along the east line of Lot 27, Block 1 to a 1/2" rebar found at a point of curvature of a curve to the right;

THENCE continuing along the east line of said Lots 27, 26, 25, 24, 23 and 22, Block 1 with the arc of said curve to the right having a radius of 600.00 feet, a central angle of $42^{\circ}30'10''$, whose chord bears N $40^{\circ}31'45''$ W, 434.95 feet, an arc length of 445.09 feet to a 1/2" rebar found at a point of tangency;

THENCE N $19^{\circ}16'40''$ W, 94.67 feet, continuing along the east line of said Lot 22, Block 1 to a 1/2" rebar found at the northeast corner thereof;

THENCE S $89^{\circ}29'00''$ W, 516.32 feet, along the north line of Lots 22, 21, 20, 19 and 18, Block 1, passing the northwest corner of said Lot 18 and the northeast corner of a 150 foot right-of-way dedication shown on the plat of The Forums Residential, same being the northeast corner of that certain right-of-way abandonment to Formosa Plastics Development recorded in Document Number 01-3781 of the Real Property Records of Denton County, Texas, continuing along the north line thereof to a 1/2" capped rebar (G&A) found on the east line of a variable width right-of-way dedication according to said plat recorded in Cabinet Y, Pages 700-703, Denton County Plat Records, from which point, a Texas Department of Transportation aluminum disc found (TXDOT monument found) on the east line of F.M. 2499 (Long Prairie Road), a public roadway having a variable width right-of-way, being the northwest corner of said right-of-way abandonment, and being the southeast corner of that certain called 4.0797 acre

tract of land described in deed to the Town of Flower Mound, Texas, recorded in Document Number 96-53454 of the Real Property Records of Denton County, Texas, being in a curve to the right;

THENCE Northeasterly, along the west line of said Lot 2R1, the east right-of-way line of F. M. Highway 2499-Long Prairie Road, with the arc of said curve having a radius of 225.00 feet, a central angle of $11^{\circ}56'28''$, whose chord bears $N 07^{\circ}22'01'' E$, 46.81 feet, an arc length of 46.89 feet, to a 1/2" capped rebar (G&A) found at a point of reverse curvature;

THENCE Northeasterly, continuing along said line and with the arc of said curve having a radius of 225.00 feet, a central angle of $13^{\circ}48'15''$, whose chord bears $N 06^{\circ}26'07'' E$, 54.08 feet, an arc length of 54.21 feet, to a 1/2" capped rebar (G&A) found;

THENCE $N 00^{\circ}28'00'' W$, 218.30 feet, continuing along said line, to a 1/2" capped rebar (G&A) found;

THENCE $N 44^{\circ}32'00'' E$, 14.14 feet, continuing along said line, to a 1/2" capped rebar (G&A) found;

THENCE $N 00^{\circ}28'00'' W$, 30.00 feet, continuing along said line, to a 1/2" capped rebar (G&A) found;

THENCE $N 45^{\circ}28'00'' W$, 21.84 feet, continuing along said line, to a 1/2" capped rebar (G&A) found;

THENCE $N 00^{\circ}29'00'' W$, 252.59 feet, continuing along said line, to a 1/2" capped rebar (G&A) found on the south line of Central Park Avenue;

THENCE $N 89^{\circ}41'20'' E$, 470.19 feet, along the south line of Central Park Drive to a 1/2" capped rebar (G&A) found;

THENCE $N 00^{\circ}18'40'' W$, 46.00 feet, to a 1/2" capped rebar (G&A);

THENCE $N 89^{\circ}41'20'' E$, 578.91 feet, to a 1/2" capped rebar (G&A) found at the southerly southeast corner of Lot 11X;

THENCE Northeasterly, continuing along the east line of Lot 11X with the arc of a curve to the right having a radius of 293.50 feet, a central angle of $36^{\circ}52'02''$, whose chord bears $N 18^{\circ}07'31'' E$, 185.61 feet, an arc length of 188.85 feet, to a 1/2" capped rebar (G&A) found at a point of compound curvature;

THENCE Northeasterly, continuing along the east line of Lot 11X with the arc of a curve to the right having a radius of 143.50 feet, a central angle of $53^{\circ}07'48''$, whose chord bears $N 63^{\circ}07'26'' E$, 128.35 feet, an arc length of 133.07 feet, to a 1/2" capped rebar (G&A) set at a point of tangency;

THENCE $N 89^{\circ}41'20'' E$, 82.10 feet, along the south line of Lot 11X to a 1/2" capped rebar (G&A) found at the easterly southeast corner thereof;

THENCE $N 00^{\circ}18'40'' E$, passing the northeast corner of said Lot 11X and the southeast corner of Lot 10, continuing along the common line between Lot 2R1 and Lot 10 a distance of 916.39 feet, to a 1/2" capped rebar (G&A) set at the most easterly northeast corner of Lot 10 and being on the south line of said 13.948 acre tract;

THENCE along the common line between said Lot 2R1, said 229.56 acre tract and said 13.948 acre tract the following:

$N 89^{\circ}30'00'' E$, 366.96 feet, to a 1/2" G&A capped rebar found;

$N 00^{\circ}30'00'' W$, 230.00 feet, to a 1/2" G&A capped rebar found;

N 89°30'00" E, 483.26 feet to the POINT OF BEGINNING and containing approximately 87.678 acres of land.

5.581 ACRES

Being all that certain lot, tract or parcel of land situated in the J. T. Stewart Survey, Abstract Number 1161, Town of Flower Mound, Denton County, Texas, being part of that certain called 252.86 acre tract of land described as Part Two in deed to Edward S. Marcus recorded in Volume 470, Page 131 of the Deed Records of Denton County, Texas, and being part of that certain called 229.56 acre tract of land described in deed to Flower Mound Development Venture recorded in Volume 1361, Pages 874 and 879 of the Real Property Records of Denton County, Texas, and being all of Lot 2, Block A, Riverwalk Market Addition, an addition to the Town of Flower Mound, Denton County, Texas, according to the plat thereof recorded in Document Number 2013-38 of the Plat Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING the northwest corner of said Lot 2, and being the northeast corner of Lot 1, Block A of said addition, and being on the south line of the Revised Final Plat of The Forums Residential, an addition to the Town of Flower Mound, Denton County, Texas, according to the plat thereof recorded in Cabinet F, Page 136 of the Plat Records of Denton County, Texas, and being on the south line of Euclid Avenue (called 60 foot right-of-way);

THENCE along the south line of said Forums Residential and the south line of said Euclid Avenue with the arc of a curve to the right having a central angle of 28°27'07", a radius of 970.00 feet and an arc length of 481.68 feet whose chord bears S 72°36'43" E, 476.75 feet to the northwest corner of a called 0.054 acre right-of-way dedication for Forums Drive shown on said plat;

THENCE S 12°11'30" W, 154.04 feet along the west line of said 0.054 acre right-of-way dedication and the west line of said Forums Drive to a point on the arc of a curve to the left on the west line of Forums Drive, (called 80 foot right-of way at this point);

THENCE along the west line of said Forums Drive with the arc of a curve to the left having a central angle of 12°53'05" a radius of 690.00 feet and an arc length of 155.17 feet whose chord bears S 13°42'23" W, 154.84 feet to a 1/2" rebar found at the most southerly southwest corner of said Forums Residential, same being the northwest corner of Phase I of The Forums, an addition to the Town of Flower Mound, Denton County, Texas, according to the plat thereof recorded in Cabinet F, Page 146 of the Plat Records of Denton County, Texas;

THENCE along the west line of said Forums Drive and the west line of said Phase I of The Forums with the arc of a curve to the left having a central angle of 07°31'31", a radius of 1240.00 feet and an arc length of 162.86 feet whose chord bears S 03°20'43" W, 162.74 feet to a 1/2" G&A capped rebar found;

THENCE S 00°17'00" E, 53.69 feet along the west line of said Forums Drive and the west line of said Phase I of The Forums to a 1/2" G&A capped rebar found;

THENCE along the west line of said Forums Drive and the west line of said Phase I of The Forums with the arc of a curve to the right having a central angle of 02°36'53", a radius of 1000.00 feet and an arc length of 45.63 feet whose

chord bears S 01°01'26" W, 45.63 feet to a 1/2" G&A capped rebar found at the northeast corner of Lot 1, Block 5, The Forums, an addition to the Town of Flower Mound, Denton County, Texas, according to the plat thereof recorded in Cabinet H, Page 38 of the Plat Records of Denton County, Texas;

THENCE N 77°22'40" W, along the north line of said Lot 1, Block 5, passing at 174.66 feet a 1/2" rebar found at the northwest corner thereof, continuing along the common line between said Lots 1 and 2 a total distance of 180.60 feet;

THENCE along the common line between said Lots 1 and 2 the following:

N 12°37'20" E, 49.83 feet;

N 77°22'40" W, 79.08 feet;

N 32°22'40" W, 5.90 feet;

N 77°22'40" W, 77.49 feet;

S 00°29'12" W, 4.06 feet;

N 77°22'40" W, 15.23 feet;

N 00°29'12" E, 4.06 feet;

N 77°22'40" W, 74.53 feet;

N 12°37'20" E, 151.63 feet;

N 00°00'25" E, 410.38 feet to the POINT OF BEGINNING and containing approximately 5.581 acres of land.

Part of Lot 2R, Block A, The River Walk at Central Park 03/2010

6.894 Acres

Being all that certain lot, tract or parcel of land situated in the Carlos Chacon Survey, Abstract Number 299, Town of Flower Mound, Denton County, Texas, being part of Lot 2R, Block A, The River Walk at Central Park 03/2010, an addition to the Town of Flower Mound according to the plat thereof recorded in Document Number 2010-70 of the Plat Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" capped rebar (G & A) found at the most northerly northwest corner of said Lot 2R, Block A, The River Walk at Central Park 03/2010, being the most westerly southwest corner of that certain called 13.948 acre tract of land described in deed to the Town of Flower Mound recorded in Volume 723, Page 858 of the Deed Records of Denton County, Texas, and being on the east line of that certain called 2.631 acre tract of land described as Tract III in deed to Hawks Ramsey, LLC recorded in Document Number 2006-35586 of the Real Property Records of Denton County, Texas;

THENCE along the common line between said Lot 2R and said 13.948 acre tract, the following:

N 89°30'00" E, 280.00 feet, to a 1/2" capped rebar (G & A) found;

S 00°30'00" E, 400.00 feet, to a 1/2" capped rebar (G & A) found;

N 89°30'00" E, 170.00 feet, to a 1/2" capped rebar (G & A) found;

S 00°30'00" E, 230.00 feet, to a 1/2" capped rebar (G & A) found;

and N 89°30'00" E, 93.04 feet, to a 1/2" capped rebar (G & A) set;

THENCE S 00°18'40" E, 101.45 feet, to a 1/2" capped rebar (G & A) set;

THENCE S 89°41'20" W, 230.48 feet, to a 1/2" capped rebar (G & A) set;

THENCE S 00°18'40" E, 98.79 feet, to a 1/2" capped rebar (G & A) set;

THENCE S 88°04'50" W, passing at 43.03 feet, a 1/2" capped rebar (G & A) found at an inner ell corner of said Lot 2R, being the northeast corner of Lot 1R, Block A, The River Walk at Central Park 03/2010, and continuing a total distance of 307.41 feet, to a 5/8" rebar found at an outer ell corner of said Lot 2R, being the southeast corner of that certain called 6.314 acre tract of land described in deed to Prairie Road Partners, Ltd. recorded in Document Number 2005-123316 of the Real Property Records of Denton County, Texas;

THENCE N 00°47'30" W, 350.03 feet, along the most northerly west line of said Lot 2R and the east line of said 6.314 acre tract, to a 1/2" rebar found at the northeast corner thereof, being the southeast corner of said Hawks Ramsey called 2.631 acre tract;

THENCE N 00°49'50" W, 487.07 feet, continuing along said line, to the POINT OF BEGINNING and containing approximately 6.894 acres of land.

Tract II

4.860 Acres

Being all that certain lot, tract or parcel of land situated in the J. T. Stewart Survey, Abstract Number 1161, Town of Flower Mound, Denton County, Texas, being part of that certain called 252.86 acre tract of land described as Part Two in deed to Edward S. Marcus recorded in Volume 470, Page 131 of the Deed Records of Denton County, Texas, and being part of that certain called 229.56 acre tract of land described in deed to Flower Mound Development Venture recorded in Volume 1361, Pages 874 and 879 of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" capped rebar found stamped DC&A at the southeast corner of Lot 1, Block A, Primrose School at The Forums, an addition to the Town of Flower Mound according to the plat thereof recorded in Cabinet P, Page 258 of the Plat Records of Denton County, Texas, and being on the west right-of-way line of Morriss Road, having a called 110 foot right-of-way at this point, according to deed to the Town of Flower Mound recorded in Volume 2091, Page 418 of the Real Property Records of Denton County, Texas;

THENCE S 00°06'30" E, 703.50 feet, along the west right-of-way line of Morriss Road, to an "X" in concrete found at the northeast corner of Lot 1, Block A, Kids R Kids Addition, an addition to the Town of Flower Mound according to the plat thereof recorded in Cabinet M, Page 47 of the Plat Records of Denton County, Texas;

THENCE S 89°45'15" W, 299.93 feet, along the north line of said Kids R Kids Addition, to a 1/2" capped rebar found stamped Arthur Surveying at the northwest corner thereof, being on the east right-of-way line of Olympia Drive;

THENCE N 00°17'15" W, 703.12 feet, along the east line of Olympia Drive, to a 1/2" capped rebar found stamped DC&A at the southwest corner of said Lot 1, Block A, Primrose School at The Forums;

THENCE N 89°41'00" E, 302.13 feet, along the south line of said Lot 1, Block A, Primrose School at The Forums, to the POINT OF BEGINNING and containing approximately 4.860 acres of land.

Tract III
2.095 Acres

Being all that certain lot, tract or parcel of land situated in the J. T. Stewart Survey, Abstract Number 1161, Town of Flower Mound, Denton County, Texas, being part of that certain called 252.86 acre tract of land described as Part Two in deed to Edward S. Marcus recorded in Volume 470, Page 131 of the Deed Records of Denton County, Texas, and being part of that certain called 229.56 acre tract of land described in deed to Flower Mound Development Venture recorded in Volume 1361, Pages 874 and 879 of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" rebar found at the southwest corner of Lot 1, Block A, Flower Mound Post Office Addition, an addition to the Town of Flower Mound according to the plat thereof recorded in Cabinet L, Page 285 of the Plat Records of Denton County, Texas, and being on the north right-of-way line of Olympia Drive;

THENCE S 89°44'40" W, 291.16 feet, along the north right-of-way line of Olympia Drive, to a 1/2" rebar found on the east right-of-way line of Forums Drive, being in a curve to the right;

THENCE Northeasterly, along the east right-of-way line of Forums Drive and with the arc of said curve having a radius of 1160.00 feet, a central angle of 00°47'01", whose chord bears N 06°52'20" E, 15.86 feet, an arc length of 15.86 feet, to 1/2" rebar found at a point of compound curvature;

THENCE Northeasterly, continuing along the east right-of-way line of Forums Drive and with the arc of said curve having a radius of 610.00 feet, a central angle of 34°59'30", whose chord bears N 24°45'36" E, 366.78 feet, an arc length of 372.54 feet, to a 1/2" rebar found;

THENCE N 42°15'20" E, 86.55 feet, continuing along the east right-of-way line of Forums Drive, to a 1/2" rebar found at the point of curvature of a curve to the left;

THENCE Northeasterly, continuing along said right-of-way line and with the arc of said curve having a radius of 698.38 feet, a central angle of 06°17'17", whose chord bears N 39°06'42" E, 76.61 feet, an arc length of 76.65 feet, to 1/2" rebar found at the westerly southwest corner of Lot 1, Block A, The Forums, Phase III, an addition to the Town of Flower Mound according to the plat thereof recorded in Cabinet O, Page 19 of the Plat Records of Denton County, Texas;

THENCE S 53°58'50" E, 33.52 feet, along the southwesterly line of said Lot 1, to a 1/2" rebar found at the most south southwest corner thereof and the northwest corner of Lot 1, Block A, Flower Mound Post Office Addition;

THENCE S 00°15'20" E, 451.31 feet, along the west line of same, to the POINT OF BEGINNING and containing approximately 2.095 acres of land.

SECTION _____. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

Amendment No. 1 was adopted.

CS SB 1916 (Johnson - House Sponsor), A bill to be entitled An Act relating to the authority of the Dallas County Hospital District or a nonprofit corporation formed by the district regarding certain technology or intellectual property owned by or licensed to the district or corporation. (Krause recorded voting no.)

SB 1917 was deferred until the end of today's local, consent, and resolutions calendar.

SB 1921 (Stephenson - House Sponsor), A bill to be entitled An Act relating to the creation of Kendleton Improvement District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes. (Capriglione recorded voting no.) (Creighton requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

SCR 27 (Márquez - House Sponsor), Urging Congress to reauthorize Section 5056 of the Water Resources Development Act of 2007 and to appropriate sufficient funds for the Rio Grande Environmental Management Program. (Anderson, Flynn, Krause, Schaefer, Simpson, Stickland, and Zedler recorded voting no.)

SB 401 (Allen - House Sponsor), A bill to be entitled An Act relating to a notification requirement if a school counselor is not assigned to a public school campus. (Anderson, Bell, Capriglione, Craddick, Crownover, Flynn, Frullo, Goldman, Harless, Kleinschmidt, Kolkhorst, Laubenberg, Lavender, Parker, Perry, Sanford, Schaefer, Sheets, R. Sheffield, Simpson, Springer, Stickland, E. S. Turner, and Zedler recorded voting no.)

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Ratliff, Representative Allen offered the following committee amendment to **SB 401**:

Amend **SB 401** (engrossed version) as follows:

- (1) On page 1, line 9, strike "full-time".
- (2) On page 1, line 10, strike "assigned" and substitute "available".
- (3) On page 1, line 19, strike "full-time".
- (4) On page 1, line 20, strike "assigned" and substitute "available".

Amendment No. 1 was adopted.

SB 443 (Orr - House Sponsor), A bill to be entitled An Act relating to leave for reserve law enforcement officers for required training.

SB 597 (Taylor, Guillen, and Moody - House Sponsors), A bill to be entitled An Act relating to the issuance of specialty license plates for certain Operation Enduring Freedom veterans.

SB 680 (Patrick - House Sponsor), A bill to be entitled An Act relating to a pilot program to improve student loan default rates and financial aid literacy among postsecondary students. (Bell, Crownover, Krause, Laubenberg, Phillips, Schaefer, Simpson, Springer, Stickland, E. Thompson, and E. S. Turner recorded voting no.)

SB 683 (Goldman - House Sponsor), A bill to be entitled An Act relating to the election of members of the board of directors of the Benbrook Water Authority.

SB 724 (Creighton - House Sponsor), A bill to be entitled An Act relating to the creation of the Montgomery County Municipal Utility District No. 133; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes. (Capriglione recorded voting no.)

SB 725 (Creighton - House Sponsor), A bill to be entitled An Act relating to the creation of the Montgomery County Municipal Utility District No. 134; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes. (Capriglione recorded voting no.)

SB 752 (Riddle - House Sponsor), A bill to be entitled An Act relating to the creation of the Harris County Municipal Utility District No. 530; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain. (Capriglione recorded voting no.)

SB 1040 (Bohac - House Sponsor), A bill to be entitled An Act relating to automated dial announcing devices. (Capriglione and Stickland recorded voting no.)

SB 1040 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HERRERO: Representative Bohac, let me begin by saying thank you for your willingness to work and discuss this bill, and I just want to go over a couple of things just for clarification and intent purposes that I would move later to be made part of the journal. But, just to make sure that I understand, **SB 1040** would clarify that cause originating from the state or terminating in the state are subject to Subchapter F, Chapter 55 of the Utilities Code regulating automated dial announcing devices, is that correct?

REPRESENTATIVE BOHAC: That is correct.

HERRERO: And it essentially defines cell phone solicitation as an unsolicited call, is that correct?

BOHAC: That's correct.

HERRERO: All right, and just to help address some of the questions that were raised earlier, this bill only would apply to unsolicited calls, is that correct?

BOHAC: That's correct.

HERRERO: Okay, and that would be consistent with state and federal law as well—is that your understanding?

BOHAC: That's my understanding.

HERRERO: Okay, so this would not apply to solicited calls or calls generated with the prior express consent of the recipient, am I correct?

BOHAC: That's correct.

HERRERO: Okay. For example, if an individual had previously given express consent—granted, for example, as a member of an organization—and they provide their name and number as a membership, as part of the membership paperwork—is that correct as well?

BOHAC: That's correct, as well.

HERRERO: Okay. Perhaps another example could be when you have consumers who provide their name or number in an application for credit?

BOHAC: That's correct.

HERRERO: Okay. And to help address the issue that I brought up with respect to school districts and the fact that we as parents have given our consent, if you will, by providing our names, phone numbers, to the extent that one of these or some of these school districts would want to provide parents information, that that would not be an unsolicited call, because we as parents are already giving our name and number so that we can receive these phone calls in the event of an early dismissal or some other helpful information to us as parents, is that correct?

BOHAC: That's absolutely correct.

REMARKS ORDERED PRINTED

Representative Herrero moved to print remarks between Representative Bohac and Representative Herrero.

The motion prevailed.

SB 1508 (Workman - House Sponsor), A bill to be entitled An Act relating to the rendition of certain property for ad valorem tax purposes.

SB 1606 (Strama - House Sponsor), A bill to be entitled An Act relating to ad valorem tax liens on personal property. (Bell, Craddick, Frullo, Goldman, Kolkhorst, Laubenberg, Lavender, Murphy, Parker, Perry, Sanford, Schaefer, Sheets, R. Sheffield, Springer, Stickland, Taylor, and E. S. Turner recorded voting no.)

SB 1917 (Cook - House Sponsor), A bill to be entitled An Act relating to the definition of an authorized emergency vehicle.

SB 1917 - REMARKS

REPRESENTATIVE RIDDLE: Chairman Cook, I appreciate you bringing this bill. My concern with the bills that Senator Birdwell had was not with the content of the bills but with what Senator Birdwell is attempting to do regarding stopping

our voice on the house side from being heard in situations regarding affordable housing. When he silences us, he silences the people in our districts, and that is wrong. The senate can make their choices, but it is wrong for the senate to try to dictate to us and our constituents. I believe the bill I am referencing is going to go to conference, and so I am stepping aside, Chairman Cook, and not talking down Senator Birdwell's bills to show good faith that we will come together in conference and work together as we should. So, with that, Chairman Cook, I thank you for bringing this.

REPRESENTATIVE COOK: I look forward to you having a very successful conference committee.

RIDDLE: Thank you, Chairman Cook, and I appreciate your help in this communication with Senator Birdwell and with the senate. And I think it will be successful, especially since you and I both are stepping forward, that we are showing good faith so that we can go into this with our arms open and ready to negotiate.

COOK: Once again, I look forward to you being successful, and I believe you will be.

REMARKS ORDERED PRINTED

Representative Riddle moved to print remarks between Representative Cook and Representative Riddle.

The motion prevailed.

RECESS

At 1:42 p.m., the chair announced that the house would stand recessed until 3 p.m. today.

AFTERNOON SESSION

The house met at 3 p.m. and was called to order by the speaker pro tempore.
(Kuempel in the chair)

HR 2596 - ADOPTED (by Smithee)

Representative Smithee moved to suspend all necessary rules to take up and consider at this time **HR 2596**.

The motion prevailed.

The following resolution was laid before the house:

HR 2596, In memory of Andrew Jared Swope of Amarillo.

HR 2596 was read and was unanimously adopted by a rising vote.

On motion of Representative Price, the names of all the members of the house were added to **HR 2596** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Smithee who introduced family members of Andrew Jared Swope.

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).

HR 2560 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 2560**, suspending the limitations on the conferees for **HB 1160**.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR (consideration continued)

SB 615 (P. King - House Sponsor), A bill to be entitled An Act relating to the contracting authority of the Texas Historical Commission.

SB 1393 (Pickett and Flynn - House Sponsors), A bill to be entitled An Act relating to homeland security strategy. (Simpson recorded voting no.)

SB 1394 (Pickett and Flynn - House Sponsors), A bill to be entitled An Act relating to the statewide critical infrastructure protection strategy.

CSSB 1398 (Morrison - House Sponsor), A bill to be entitled An Act relating to rules governing the allocation of delegates to a political party's national presidential nominating convention. (Simpson recorded voting no.)

SB 1400 (Geren - House Sponsor), A bill to be entitled An Act relating to the municipal and county regulation of air guns.

SB 1873 (Fallon - House Sponsor), A bill to be entitled An Act relating to the authority to issue bonds of the Mustang Special Utility District. (Capriglione recorded voting no.)

CSSB 1877 (Fallon - House Sponsor), A bill to be entitled An Act relating to the creation of the Venable Ranch Municipal Utility District No. 1 of Denton County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes. (Capriglione recorded voting no.)

SB 768 was withdrawn and, pursuant to Rule 6, Section 24 of the House Rules, was returned to the Committee on Local and Consent Calendars.

SB 1858 was withdrawn and, pursuant to Rule 6, Section 24 of the House Rules, was returned to the Committee on Calendars.

ADJOURNMENT

Representative Strama moved that the house adjourn until 3:49 p.m. today.

The motion prevailed.

The house accordingly, at 3:47 p.m., adjourned until 3:49 p.m. today.

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. 39

HB 4, HB 124, HB 217, HB 343, HB 705, HB 719, HB 724, HB 978, HB 1133, HB 1228, HB 1294, HB 1297, HB 1318, HB 1494, HB 1712, HB 1752, HB 1775, HB 1843, HB 2020, HB 2473, HB 2636, HB 2766, HB 2792, HB 2840, HB 3086, HB 3105, HB 3116, HB 3233, HB 3256, HB 3805, HB 3941, HCR 112, HCR 120, HCR 125, HCR 126, HJR 87

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, May 22, 2013 - 1

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 97 Perry SPONSOR: Van de Putte
 Relating to the exemption from ad valorem taxation of part of the appraised value of the residence homestead of a partially disabled veteran or the surviving spouse of a partially disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization and to the eligibility of the surviving spouse of a person who is disabled to receive a limitation on school district ad valorem taxes on the person's residence homestead.

(Amended)

HB 213 Hilderbran SPONSOR: Hegar
 Relating to the \$1 million total revenue exemption for the franchise tax.

(Committee Substitute)

HB 315 Otto SPONSOR: Estes
 Relating to the applicability of the law governing the ad valorem taxation of a dealer's motor vehicle inventory.

(Amended)

HB 489 Menéndez SPONSOR: Uresti
Relating to rights and responsibilities of persons with disabilities, including with respect to the use of service animals that provide assistance to those persons; providing penalties.

(Committee Substitute/Amended)

HB 586 Workman SPONSOR: Deuell
Relating to the waiver of sovereign immunity for certain design and construction claims arising under written contracts with state agencies.

(Committee Substitute/Amended)

HB 709 Isaac SPONSOR: Deuell
Relating to ad valorem tax payments and refunds.

HB 826 Harless SPONSOR: Eltife
Relating to the definitions of certain terms for purposes of the ad valorem taxation of certain dealer's heavy equipment inventory.

(Committee Substitute)

HB 984 Elkins SPONSOR: Huffman
Relating to certain information required to be provided to an applicant for a marriage license.

(Committee Substitute)

HB 1009 Villalba SPONSOR: Hancock
Relating to the creation of a new category of law enforcement officer who shall be designated a school marshal, the training and appointment of certain employees of a school district or open-enrollment charter school as school marshals, and the rights, restrictions, limitations, and responsibilities of school marshals; authorizing the imposition of a fee.

HB 1245 Turner, Sylvester SPONSOR: Duncan
Relating to the allocation of money in the judicial and court personnel training fund.

HB 1382 Simpson SPONSOR: Deuell
Relating to the regulation of food prepared, stored, distributed, or sold at farms and farmers' markets; limiting the applicability of a fee.

(Amended)

HB 1511 Larson SPONSOR: Eltife
Relating to the rates of sales and use taxes imposed by municipalities; authorizing an increase or decrease in the rate of those taxes.

HB 1755 Patrick, Diane SPONSOR: Hancock
Relating to authorizing the appointment of a public probate administrator; authorizing fees.

HB 1847 Carter SPONSOR: Huffman
Relating to continuing legal education in ethics or professional responsibility for prosecutors.

(Committee Substitute)

HB 2012 Villarreal SPONSOR: Patrick

Relating to collection, distribution, and use of information relating to salaries of and job openings for certain professional employees of school districts and to teaching and learning conditions in public schools.

(Committee Substitute/Amended)

HB 2021 Rodriguez, Eddie SPONSOR: Hinojosa
Relating to the authority of a municipality or county to contract for the collection of certain amounts; authorizing a fee.

HB 2036 Branch SPONSOR: Watson
Relating to the creation of a commission to identify future higher education and workforce needs of this state and make related recommendations to address those needs by the state's bicentennial.

(Committee Substitute)

HB 2080 Thompson, Senfronia SPONSOR: Rodríguez
Relating to guardianships, including the assessment and payment of attorney's fees and other court costs in guardianships, and to court-created management trusts for persons who have physical disabilities or who are incapacitated; changing the amount of a fee and requiring the collection of a fee.

(Amended)

HB 2233 Simmons SPONSOR: Estes
Relating to signature verification on an early voting ballot voted by mail.

HB 2422 Gonzales, Larry SPONSOR: Schwertner
Relating to consideration of cloud computing services when a state agency purchases services for a major information resources project.

(Amended)

HB 2621 Creighton SPONSOR: Williams
Relating to disclaimers of estate property by certain beneficiaries.

HB 2781 Fletcher SPONSOR: Campbell
Relating to rainwater harvesting and other water conservation initiatives.

HB 2859 Harless SPONSOR: Patrick
Relating to the amount of money authorized to be used for Clean Air Act local initiative projects related to vehicles.

(Committee Substitute)

HB 2978 Parker SPONSOR: Paxton
Relating to service of citation in connection with an expedited judicial foreclosure proceeding.

(Committee Substitute/Amended)

HB 3259 Wu SPONSOR: Huffman
Relating to the ownership of and access to certain investigation records in child abuse and neglect cases.

(Committee Substitute/Amended)

HB 3314 Kuempel SPONSOR: Taylor
Relating to instruction and continuing education requirements for certain court clerks.

HB 3509 Bonnen, Dennis SPONSOR: Seliger

Relating to endangered species habitat conservation and to the creation of a board to oversee and guide the state's coordinated response to federal actions regarding endangered species.

(Committee Substitute/Amended)

HB 3566 Kleinschmidt SPONSOR: Hegar
Relating to the regulation of advertising by structural pest control businesses.

HB 3761 Guerra SPONSOR: Hinojosa
Relating to a feasibility report on the creation of a border agricultural inspection training program.

HB 3952 Nevárez SPONSOR: Uresti
Relating to the composition of the juvenile board of Val Verde County.

HCR 57 Hunter SPONSOR: Van de Putte
Requesting the lieutenant governor and the speaker of the house of representatives to create a joint interim committee to study human trafficking in Texas.

HCR 121 Gutierrez SPONSOR: Hinojosa
Declaring May 15, 2013, as Ramon Ayala Day at the State Capitol.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 357 (31 Yeas, 0 Nays)

SB 1451 (31 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

