

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTY-FIRST DAY — FRIDAY, MAY 20, 2011

The house met at 11:30 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 1184).

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

RULES SUSPENDED

Representative Thompson moved to suspend all necessary rules to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered on the previous legislative day.

The motion prevailed.

MOTION FOR ONE RECORD VOTE

On motion of Representative Thompson and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

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

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following bill number).

(Record 1185): 149 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

SB 41 (Aycock, S. Davis, Geren, S. King, Kolkhorst, and Kuempel - no) (143 - 6 - 1)

SB 36 (Berman, Flynn, and Simpson - no) (146 - 3 - 1)

SB 58

SB 71

SB 74

SB 78

SB 80

SB 122 (Aycock, Geren, Kolkhorst, and Kuempel - no) (145 - 4 - 1)

SB 131

SB 155

SB 176

SB 209 (Phillips - no) (148 - 1 - 1)

SB 219

SB 221 (Aycock, Geren, Kolkhorst, and Kuempel - no) (145 - 4 - 1)

SB 222 (Aycock, S. Davis, Geren, Kolkhorst, Kuempel, Landtroop, and Perry - no) (142 - 7 - 1)

SB 246

SB 247

SB 256

SB 258

SB 263

SB 264 (White and Zedler - no) (147 - 2 - 1)

SB 304 was withdrawn.

SB 310

SB 311 (Shelton - no) (148 - 1 - 1)

SB 315

SB 335 was withdrawn.

SB 349 (Aycock, Berman, Cain, S. Davis, Flynn, Geren, Kolkhorst, Kuempel, Laubenberg, Sheets, Simpson, White, and Zedler - no; Sheffield - present, not voting) (135 - 13 - 2)

SB 387

SB 400

SB 402 (Landtroop, Perry, and Simpson - no) (146 - 3 - 1)

SB 408 (White - no) (148 - 1 - 1)

SB 419

SB 431

SB 432

SB 436 (White - no) (148 - 1 - 1)

SB 489 was withdrawn.

SB 494 was withdrawn.

SB 502

SB 512

SB 514

SB 520

SB 540

SB 545

SB 558

SB 601

SB 629

SB 736 (S. King - no) (148 - 1 - 1)

SB 747

SB 768 (Berman, Flynn, Landtroop, Perry, and Phillips - no) (144 - 5 - 1)

SB 794

SB 795 (S. King - no) (148 - 1 - 1)

SB 803 (White - no) (148 - 1 - 1)

SB 813

SB 822

SB 860 (S. King and Shelton - no) (147 - 2 - 1)

SB 882

SB 896

SB 910

SB 942

SB 943

SB 953 (Berman and Flynn - no) (147 - 2 - 1)

SB 988 (Berman, Flynn, and White - no) (146 - 3 - 1)

SB 992 (Aycock, Geren, Kolkhorst, and Kuempel - no) (145 - 4 - 1)

SB 1047 (Berman, Flynn, S. King, and White - no) (145 - 4 - 1)

SB 1057 (Laubenberg, Sheets, and Simpson - no) (146 - 3 - 1)

SB 1154 (Aycock, S. Davis, Geren, S. King, Kolkhorst, Kuempel, Landtroop, Laubenberg, Perry, Phillips, Sheets, and Simpson - no) (137 - 12 - 1)

SB 1178 (Berman, Flynn, and Phillips - no) (146 - 3 - 1)

SB 1187

SB 1208

SB 1248

SB 1250 (Aycock, Berman, Flynn, Geren, Kolkhorst, Landtroop, Laubenberg, Perry, and Sheets - no) (140 - 9 - 1)

SB 1251 (Aycock, Geren, Kolkhorst, Kuempel, Landtroop, and Perry - no) (143 - 6 - 1)

SB 1295

SB 1311

SB 1320 (Landtroop and Perry - no) (147 - 2 - 1)

SB 1331**SB 1352** (Berman and Flynn - no) (147 - 2 - 1)**SB 1386** (Aycock, Cain, S. Davis, Geren, Kolkhorst, Kuempel, Landtroop, Laubenberg, and Zedler - no) (140 - 9 - 1)**SB 1410****SB 1414** (Aycock, Geren, Kolkhorst, and Kuempel - no) (145 - 4 - 1)**SB 1422****SB 1477****SB 1578** (White - no) (148 - 1 - 1)**SB 1598****SB 1660****SB 1667****SB 1668****SB 1669****SB 1687** (Aycock, S. Davis, Geren, Kolkhorst, Kuempel, and Phillips - no) (143 - 6 - 1)**SB 1692****SB 1719** (White - no) (148 - 1 - 1)**SB 1736****SB 1755****SB 1831****SB 1910** (White - no) (148 - 1 - 1)

The following resolutions which were laid out on the previous legislative day on the local, consent, and resolutions calendar were adopted by the above referenced vote (Record 1185): 149 Yeas, 0 Nays, 1 Present, not voting (members registering votes and the results of the vote are shown following bill number).

HCR 158**SCR 11****SCR 16****BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES**

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

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Economic and Small Business Development, during lunch recess today, Desk 14, for a formal meeting, to consider **SB 824**.

Homeland Security and Public Safety, during lunch recess today, Desk 119, for a formal meeting, to consider pending business.

Transportation, during lunch recess today, Desk 97, for a formal meeting, to consider **SB 1925** and pending business.

Licensing and Administrative Procedures, during lunch recess today, Desk 122, for a formal meeting, to consider pending business.

Natural Resources, during lunch recess today, 1W.14, for a formal meeting, to consider **SB 1913**, **SB 1914**, **SB 1915**, **SB 1916**, **SB 1920**, and pending business.

Defense and Veterans' Affairs, during lunch recess today, Desk 15, for a formal meeting, to consider **SB 34**.

RECESS

At 11:54 a.m., the chair announced that the house would stand recessed until 1:20 p.m. today.

AFTERNOON SESSION

The house met at 1:20 p.m. and was called to order by Representative Harper-Brown.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Geren requested permission for the Committee on House Administration to meet while the house is in session, at 3 p.m. today, in 3W.9, to consider **SB 1928** and **SCR 51**.

Permission to meet was granted.

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).

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

House Administration, 3 p.m. today, 3W.9, for a formal meeting, to consider **SB 1928** and **SCR 51**.

LEAVE OF ABSENCE GRANTED

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

Patrick on motion of Aycock.

HR 1846 - PREVIOUSLY ADOPTED (by Woolley)

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

HR 1846, Congratulating Benjamin McPhaul on his graduation from The University of Texas at Austin.

**SCR 55 - ADOPTED
(Smithee - House Sponsor)**

Representative Smithee moved to suspend all necessary rules to take up and consider at this time **SCR 55**.

The motion prevailed.

The following resolution was laid before the house:

SCR 55, Commemorating the lives of John Clinton Formby and Margaret Clark Formby.

SCR 55 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 **SCR 55** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Smithee who introduced Lisa Formby.

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 23 ON THIRD READING
(Zerwas - House Sponsor)**

SB 23, A bill to be entitled An Act relating to the administration of and efficiency, cost-saving, fraud prevention, and funding measures for certain health and human services and health benefits programs, including the medical assistance and child health plan programs.

SB 23 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BERMAN: Chuck, it's the same question—since we're getting all this together for intent—same question I asked of Dr. Zerwas yesterday. Is there anything in the amendment or the bill that would allow a physician to start acting like a pharmacist from his office?

REPRESENTATIVE HOPSON: Not to my knowledge, Leo, there's not in this bill.

REMARKS ORDERED PRINTED

Representative Berman moved to print remarks between Representative Hopson and Representative Berman.

The motion prevailed.

SB 23 was passed by (Record 1186): 102 Yeas, 45 Nays, 2 Present, not voting.

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

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

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Patrick.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1186. I intended to vote no.

Deshotel

I was shown voting yes on Record No. 1186. I intended to vote no.

Hilderbran

I was shown voting yes on Record No. 1186. I intended to vote no.

T. King

I was shown voting no on Record No. 1186. I intended to vote yes.

Paxton

SB 663 ON THIRD READING (Anchia - House Sponsor)

SB 663, A bill to be entitled An Act relating to the continuation and functions of the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments; providing an administrative penalty.

SB 663 was passed by (Record 1187): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman;

Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Paxton; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Patrick.

Absent — Deshotel; King, S.; Lucio; Peña.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1187. I intended to vote no.

Garza

When Record No. 1187 was taken, my vote failed to register. I would have voted yes.

S. King

HR 1975 - ADOPTED (by Branch)

Representative Castro moved to suspend all necessary rules to take up and consider at this time **HR 1975**.

The motion prevailed.

The following resolution was laid before the house:

HR 1975, Recognizing May 20, 2011, as GenTX Day.

HR 1975 was adopted.

SB 660 ON THIRD READING (Ritter - House Sponsor)

SB 660, A bill to be entitled An Act relating to the review and functions of the Texas Water Development Board, including the functions of the board and related entities in connection with the process for establishing and appealing desired future conditions in a groundwater management area.

Representative Ritter moved to postpone consideration of **SB 660** until the end of third reading bills on today's General State Calendar.

The motion prevailed.

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 543 ON THIRD READING
(L. Taylor - House Sponsor)**

SB 543, A bill to be entitled An Act relating to a probate fee exemption for estates of certain law enforcement officers, firefighters, and others killed in the line of duty.

SB 543 was passed by (Record 1188): 145 Yeas, 0 Nays, 2 Present, not voting.

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

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Patrick.

Absent — Branch; Murphy.

**SB 710 ON THIRD READING
(Menendez - House Sponsor)**

SB 710, A bill to be entitled An Act relating to the disclosure of a hazardous drain in a swimming pool or spa by a seller of residential real property.

SB 710 failed to pass by (Record 1189): 68 Yeas, 77 Nays, 2 Present, not voting. (The vote was reconsidered later today, and **SB 710** was passed by Record No. 1203.)

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Cain; Castro; Coleman; Crownover; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Hopson; Howard, D.; Isaac; Johnson; King, P.; Kolkhorst; Kuempel; Larson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Morrison; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Shelton; Smith, T.; Strama; Taylor, L.; Thompson; Torres; Veasey; Villarreal; Vo; Walle; Woolley.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Darby; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Geren; Gooden; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Jackson; Keffer; King, S.; King, T.; Kleinschmidt; Landtroop; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Murphy; Nash; Orr; Otto; Parker; Paxton; Perry; Phillips; Pitts; Price; Riddle; Sheets; Sheffield; Simpson; Smith, W.; Smithee; Solomons; Taylor, V.; Truitt; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Patrick.

Absent — Giddings; Turner.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1189. I intended to vote yes.

Huberty

I was shown voting yes on Record No. 1189. I intended to vote no.

T. Smith

SB 864 ON THIRD READING (Marquez - House Sponsor)

SB 864, A bill to be entitled An Act relating to the services included in a retail price list provided by a funeral establishment.

SB 864 was passed by (Record 1190): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg;

Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Patrick.

Absent — Naishtat.

SB 761 ON THIRD READING
(Truitt - House Sponsor)

SB 761, A bill to be entitled An Act relating to the employment of physicians by certain hospitals associated with nonprofit fraternal organizations.

SB 761 was passed by (Record 1191): 146 Yeas, 0 Nays, 3 Present, not voting.

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

Present, not voting — Mr. Speaker; Harper-Brown(C); Shelton.

Absent, Excused — Patrick.

SB 587 ON THIRD READING
(Darby - House Sponsor)

SB 587, A bill to be entitled An Act relating to jurisdiction in certain proceedings brought by the attorney general with respect to charitable trusts.

Representative Aycock moved to postpone consideration of **SB 587** until 2:30 p.m. today.

The motion prevailed.

SB 1416 ON THIRD READING
(Gallego, Peña, and Fletcher - House Sponsors)

SB 1416, A bill to be entitled An Act relating to the creation of the offense of possession, manufacture, transportation, repair, or sale of a tire deflation device; providing criminal penalties.

SB 1416 was passed by (Record 1192): 147 Yeas, 0 Nays, 2 Present, not voting.

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

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Patrick.

POSTPONED BUSINESS

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

SB 660 ON THIRD READING
(Ritter - House Sponsor)

SB 660, A bill to be entitled An Act relating to the review and functions of the Texas Water Development Board, including the functions of the board and related entities in connection with the process for establishing and appealing desired future conditions in a groundwater management area.

SB 660 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representative Keffer offered the following amendment to **SB 660**:

Amend, on third reading, the amendment by Martinez Fischer to **CSSB 660** that was adopted on second reading by striking the amendment and substituting the following:

Amend **CSSB 660** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 91, Natural Resources Code, is amended by adding Subchapter S to read as follows:

SUBCHAPTER S. DISCLOSURE OF WATER USAGE AND COMPOSITION
OF HYDRAULIC FRACTURING FLUIDS

Sec. 91.851. DISCLOSURE OF WATER USAGE AND COMPOSITION
OF HYDRAULIC FRACTURING FLUIDS. (a) Texas Water Development
Board shall use the data provided by an annual report submitted by the
commission indicating total water usage reported by operators under this
subchapter for statewide water planning purposes.

(b) The commission by rule shall:

(1) require an operator of a well on which a hydraulic fracturing
treatment is performed to:

(A) complete the form posted on the hydraulic fracturing chemical
registry Internet website of the Ground Water Protection Council and the
Interstate Oil and Gas Compact Commission with regard to the well;

(B) include in the form completed under Paragraph (A):

(i) the total volume of water used in the hydraulic fracturing
treatment; and

(ii) each chemical ingredient that is subject to the requirements
of 29 C.F.R. Section 1910.1200(g)(2);

(C) post the completed form described by Paragraph (A) on the
website described by that paragraph or, if the website is discontinued or
permanently inoperable, post the completed form on another publicly accessible
Internet website specified by the commission;

(D) submit the completed form described by Paragraph (A) to the
commission with the well completion report for the well; and

(E) in addition to the completed form specified in Paragraph (D),
provide to the commission a list, to be made available on a publicly accessible
website, of all other chemical ingredients not listed on the completed form that
were intentionally included and used for the purpose of creating a hydraulic
fracturing treatment for the well. The commission rule shall ensure that an
operator, service company, or supplier is not responsible for disclosing
ingredients that:

(i) were not purposely added to the hydraulic fracturing
treatment;

(ii) occur incidentally or are otherwise unintentionally present
in the treatment; or

(iii) in the case of the operator, are not disclosed to the operator by a service company or supplier. The commission rule shall not require that the ingredients be identified based on the additive in which they are found or that the concentration of such ingredients be provided;

(2) require a service company that performs a hydraulic fracturing treatment on a well or a supplier of an additive used in a hydraulic fracturing treatment on a well to provide the operator of the well with the information necessary for the operator to comply with Subdivision (1);

(3) prescribe a process by which an entity required to comply with Subdivision (1) or (2) may withhold and declare certain information as a trade secret for purposes of Section 552.110, Government Code, including the identity and amount of the chemical ingredient used in a hydraulic fracturing treatment;

(4) require a person who desires to challenge a claim of entitlement to trade secret protection under Subdivision (3) to file the challenge not later than the second anniversary of the date the relevant well completion report is filed with the commission;

(5) limit the persons who may challenge a claim of entitlement to trade secret protection under Subdivision (3) to:

(A) the landowner on whose property the relevant well is located;

(B) a landowner who owns property adjacent to property described by Paragraph (A); or

(C) a department or agency of this state; and

(6) prescribe an efficient process for an entity described by Subdivision (1) or (2) to provide information, including information that is a trade secret as defined by Appendix D to 29 C.F.R. Section 1910.1200, to a health professional or emergency responder who needs the information in accordance with Subsection (i) of that section.

(c) The commission shall provide an annual report of the total water usage reported under this subchapter to the Texas Water Development Board.

SECTION _____. Subchapter S, Chapter 91, Natural Resources Code, as added by this Act, applies only to a hydraulic fracturing treatment performed on a well for which an initial drilling permit is issued on or after the date the initial rules adopted by the Railroad Commission of Texas under that subchapter take effect. A hydraulic fracturing treatment performed on a well for which an initial drilling permit is issued before the date the initial rules take effect is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION _____. The Railroad Commission of Texas shall adopt rules under Subchapter S, Chapter 91, Natural Resources Code, as added by this Act, not later than January 1, 2012.

Amendment No. 1 was adopted.

SB 660, as amended, was passed by (Record 1193): 143 Yeas, 4 Nays, 2 Present, not voting.

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

Nays — Craddick; Kleinschmidt; Lewis; Taylor, V.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Patrick.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1193. I intended to vote no.

S. Davis

I was shown voting yes on Record No. 1193. I intended to vote no.

Lavender

SB 1662 ON SECOND READING (Turner - House Sponsor)

SB 1662, A bill to be entitled An Act relating to the payment of costs associated with certain educational programs of Prairie View A&M University.

SB 1662 was read second time on May 19 and was postponed until 8 a.m. today.

SB 1662 was passed to third reading by (Record 1194): 144 Yeas, 2 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.;

Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White; Woolley; Workman; Zedler; Zerwas.

Nays — Paxton; Weber.

Present, not voting — Mr. Speaker; Harper-Brown(C); Hartnett.

Absent, Excused — Patrick.

SB 710 - NOTICE GIVEN

Pursuant to the provisions of Rule 7, Section 37(c) of the House Rules, at 2:12 p.m., Representative Workman announced his intention to make the motion to reconsider the vote by which **SB 710** failed to pass.

HCR 66

(by Hancock, et al.)

HCR 66, Urging the United States Congress to prevent the Environmental Protection Agency from regulating greenhouse gases for stationary sources.

HCR 66 was laid before the house on May 18 and was postponed until 9 a.m. today.

HCR 66 was adopted by (Record 1195): 107 Yeas, 34 Nays, 1 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Howard, D.; Johnson; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Naishtat; Oliveira; Raymond; Reynolds; Strama; Veasey; Vo; Walle.

Present, not voting — Mr. Speaker.

Absent, Excused — Patrick.

Absent — Anderson, R.; Lozano; Menendez; Muñoz; Pickett; Rodriguez; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1195. I intended to vote no.

Giddings

I was shown voting yes on Record No. 1195. I intended to vote no.

Hochberg

When Record No. 1195 was taken, I was in the house but away from my desk. I would have voted no.

Muñoz

When Record No. 1195 was taken, I was in the house but away from my desk. I would have voted no.

Rodriguez

I was shown voting yes on Record No. 1195. I intended to vote no.

Thompson

I was shown voting yes on Record No. 1195. I intended to vote no.

Turner

CSSB 1811 ON SECOND READING (Pitts - House Sponsor)

CSSB 1811, A bill to be entitled An Act relating to certain state fiscal matters; providing penalties.

CSSB 1811 was read second time on May 18, postponed until May 19, and was again postponed until 2 p.m. today.

Representative Geren moved to postpone consideration of **CSSB 1811** until 4 p.m. today.

The motion prevailed.

MAJOR STATE CALENDAR SENATE BILLS SECOND READING

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

SB 31 ON SECOND READING
(Solomons - House Sponsor)

SB 31, A bill to be entitled An Act relating to the composition of the districts for the election of members of the Texas Senate.

SB 31 - REMARKS

REPRESENTATIVE SOLOMONS: **SB 31** is the senate bill creating the revised senate districts in light of the 2010 census. Members, this is the senate's version of our redistricting map. They had their map; we have ours. The senate created this map after receiving some public input through seven interim hearings around the state. And after releasing the proposed map, the Senate Committee on Redistricting had two public hearings on the map. The plan creates 31 senate districts with an average population of 811,147.

The map was approved. The senate attorneys have reviewed the map and believe it complies with the Texas Constitution and the Voting Rights Act and other applicable laws. The map was approved by the senate by a vote of 29-2. And according to legislative tradition, if we both get this far, the senate does not amend the house map, and the house does not amend the senate map. The Senate Committee on Redistricting approved our map, **HB 150**, without any senator offering even a single amendment, and the full senate approved **HB 150** on second reading, again, without any senator offering any amendment to our map. So, they respected our map and are hopefully expecting us to respect their map.

The senate is waiting for us to proceed so they can move forward on our **HB 150** redistricting map to final passage. They moved it out on second reading. We are trying to do that today, to move ours to third reading, so we can be in the same playing field. And I do want to personally appreciate the courtesy of Senator Seliger, who has had a tough job over there, both for the senate maps and our map, and demonstrated that, moving our map without an amendment, and I believe that we should show the same courtesy to them as they showed to us on our map. I would ask none of you to offer any amendments, however, I do think there are a couple filed, but I want to talk to those members. And I would—I'd be happy to yield, all I was going to do was—unless there was somebody willing to withdraw their amendment, then I just want to move passage, and hopefully we can pass it on to third reading, so we can take that up maybe tomorrow. But, yes, I'll be happy to yield.

REPRESENTATIVE CASTRO: Burt, can you tell us how many majority-minority districts are there in this proposed version of the senate map?

SOLOMONS: How many majority-minority districts? I don't know, it's the senate map.

CASTRO: Or, minority-majority districts, I should say.

SOLOMONS: Well, we talked about this. I have a whole list that Senator Seliger sent over here of all the various—for a final number, I don't know how many there are.

CASTRO: Do you know whether it has changed much from the current senate, the lines existing now, versus—

SOLOMONS: I don't want to say there's a specific number in the change or not. I don't know, it's a senate map, and I didn't really look at that aspect. They did send over some information about each of the districts, if anybody had a question about a specific district.

CASTRO: Okay, thank you.

SOLOMONS: It's on—all the same information, just like we did ours, is on RedAppl if you want to look at it and see how it is. I'm sure most of you will have hopefully already looked at it. I know there was some questions about one of the districts about whether or not it was protected or not, but other than that, it's just a senate map.

REPRESENTATIVE RAYMOND: I'm sorry, Mr. Chairman, I was not here when you laid out **SB 31**, I was actually in the senate. So, I apologize I missed your opening remarks. I do want to ask you, however, could you remind me how far it is from your home to here? Two hundred and something miles?

SOLOMONS: From my home?

RAYMOND: Two hundred and something?

SOLOMONS: I guess when we do the mileage, I think it's—from Carrollton, 200 miles or so. Actually, from my apartment—I measured it once from my apartment—from my house to my current apartment was 220 something miles.

RAYMOND: Right, so 220 miles, so if there was a state senate district in **SB 31** that ran from Carrollton to here, just in terms of common sense, do you think that would make sense?

SOLOMONS: It might. I mean some of these districts are huge. I mean they really are, the senate—unless you're in the—

RAYMOND: Well, then we aren't going to agree on this, Mr. Chairman.

SOLOMONS: Unless you're from Dallas County, or perhaps Harris County, if you start including counties, some of them are smaller than others. Some of them—there's a lot of counties in it.

RAYMOND: I don't think there are any, in the map that you are putting before us, I don't think there are any districts that run from Carrollton to Austin.

SOLOMONS: No, I don't think there are any from Carrollton to Austin. There apparently is one running up from your area to Travis County.

RAYMOND: There's one that runs from where I live, 230 miles from here, and from where Representative Guillen, my deskmate, lives, which is 303 miles from here, to here. From 300 miles away to Austin; from the Rio Grande Valley, from Laredo to Austin. And so, there are a lot of reasons why this is not a good map, but I assure you, if you stop and look at it, and if you had worked on this map—I know you, by my understanding, you pretty much just accepted the map and

didn't work on it, and I understand that. But, I have to point out part of my concern with this map. It's clearly—with reference to my district in Laredo, the city of Laredo that I represent is very different from the city of Austin.

SOLOMONS: I understand that. I know Senate District 21 seems to be rather lengthy, but we didn't draw that. We didn't draw this. They went through their process over there.

RAYMOND: I understand, Mr. Chairman. It's just that—

SOLOMONS: I understand.

RAYMOND: I don't think this map will survive the courts, either.

SOLOMONS: There are members, probably on both sides, that think that our respective maps look funny in some districts, but it's their map and that's what we are kind of doing.

REPRESENTATIVE RODRIGUEZ: Burt, Mr. Chairman, this is along the same lines of what Mr. Peña Raymond was talking about. Travis County, now this map is divided four ways. We have four senators now representing, according to this map, representing Travis County. And the one that I take particular interest—all of that I take particular interest with, or objection to, mainly because the county itself, as you know, has over 1 million people in it, and it easily could be drawn to have two senators. One representing the bulk of the city, do you agree with that? That the population is such that you could create basically one senator representing the entire city?

SOLOMONS: Let me just tell you what I've learned this redistricting process. You have to move where the populations are, and I'm not going to try to second guess what the senate did in how they divided Travis County. The arguments from some of the Travis County folks is that it should be primarily one person. However, in all the urban counties, they're all divided. They've all got divisions. Every one of the major urban counties, in drawing a redistricting map, has been divided in at least three, four ways, and maybe some five ways.

RODRIGUEZ: Yeah, well, and I agree with that. You have a lot of the bigger counties that do have more than one senator. I think that makes sense, but to have four for Travis County is hard to—

SOLOMONS: I'm sorry.

RODRIGUEZ: I said, I agree with you. I think you're right. Obviously, the larger populated counties tend to have more than one senator, I agree, but whether it's four or five, I'm not sure if that's very common.

SOLOMONS: That is pretty darn common.

RODRIGUEZ: You know, let's say Dallas and Houston, but they're much bigger than Austin.

SOLOMONS: Bexar County, Travis County, Harris County, Dallas County, Tarrant County—all are major metropolitan areas—are divided. And there are people who are okay with that, and there are some who think that is not necessary, but when you start looking where the numbers have to come from, that's why you seem to see that on these maps.

RODRIGUEZ: Well, this is going to be the last thing that I mention on this, I know this isn't your map. I know you didn't draw this, but this is my opportunity to at least let the members know how I feel about this, and ask you a couple of questions. The objection that I have to this is also—my district, which is predominately Hispanic, is now entirely in Senator Zaffirini's district, who I have a lot of respect for, but as Richard Raymond mentioned to you before, I think the problem with this map is the assumption that someone with a Spanish surname is the same, no matter where they are in the State of Texas. And I will tell you that, being from South Texas, I know that the needs of South Texans are very different than the needs in Austin. Someone with a Spanish surname in Austin has different interests than those in South Texas, in the Valley, and in Laredo. And I think that's the problem with this map. And again, I know this isn't what you drew up, but I think that's going to be very problematic in the courts, potentially.

SOLOMONS: All I can say is that they drew it, the numbers seem to work, and you needed the populations. There were population center issues about where the population is coming from.

RODRIGUEZ: My concern is that it is done at the expense of minorities in urban areas, and that's really what concerns me—

SOLOMONS: And I understand that, but I would say based on what I saw on the map, all the counties are going to be very well represented even though some may think, "Well, it shouldn't have been that many, maybe it could have been more." But they're all going to be represented by some wonderful senators. They're just asking us to approve their map.

RODRIGUEZ: Well, Chairman, I respectfully disagree with that. Thank you.

REPRESENTATIVE BURNAM: Chairman Solomons, what is the most difficult job someone might be assigned in the legislative process during the redistricting session?

SOLOMONS: In my opinion, redistricting or the budget, one or the other.

BURNAM: And so, it's not my intent to suggest that the messenger should be killed today. However, I really think it's a terrible plan, and I want to ask you some questions to see if you know what you are attempting to do, with the bill that you are carrying, to my home district and my home county. Are you aware that both I and Representative Veasey testified before the senate committee concerning what they are proposing to do to the senatorial district that most of our constituents live in today?

SOLOMONS: I did not know that you and Mr. Veasey testified over on the senate side. No, I didn't.

BURNAM: Well, we both testified against the bill. Are you aware why we testified against the bill, because of what it does to Senate District 10?

SOLOMONS: I didn't know you testified over there, so how would I know why you didn't want the map?

BURNAM: Well then, maybe this line of questioning was designed so you know a little bit about how bad this bill is for Tarrant County, and particularly the people that I represent. Are you aware that under the proposed lines, the concentrations of African Americans in Tarrant County are busted up, are cracked into four different senatorial districts?

SOLOMONS: I believe Tarrant County has got four senatorial districts, right.

BURNAM: Well, and are you aware, more specifically and importantly, the concentrations of African American populations are cracked up into those four different senatorial districts? Are you aware that is also true of the Hispanic population?

SOLOMONS: As I understand it, the senate drew their map, their attorneys approved it, they don't think it's a violation. I understand that you and Mr. Veasey feel like there are some issues with that, yes.

BURNAM: Well, in fact, more specifically, if you looked at my—District 90, that I currently represent, which I'm sure you are aware, is over 70 percent Hispanic. The District 90 that I currently represent is cracked into three different senatorial districts. It is impossible to crack the district into three different senatorial districts, when the district is over 70 percent Hispanic, without cracking those populations into three different senatorial districts. Are you aware of that?

SOLOMONS: I'm aware that some of the districts go into, I would guess, your district, as well as Mr. Veasey's, towards the city of Fort Worth.

BURNAM: Well, correct. In fact, I've mentioned on this floor before, I'm the only representative that only represents Fort Worth.

(Speaker in the chair)

Amendment No. 1

Representative Alonzo offered the following amendment to **SB 31**:

Plan No. S139

[Please refer to the supplement to today's journal for the proposed map and reports associated with this amendment.]

REPRESENTATIVE ALONZO: Mr. Speaker, members, in the committee, I had mentioned that I had considered presenting a plan that allowed for a Hispanic opportunity district, and in the end, Mr. Veasey presented it. So, what I'm going to do is bring it before you. And, I know, I'm being very respectful of Chairman Solomons' comments about the process of respecting the senate and they are

listening to the house plan. But, let me tell you, with all due respect to Mr. Solomons, you know, we have to have a discussion. Let me tell you why we have to have a discussion.

As you'll recall, I have consistently mentioned, consistently mentioned the increase of the population in the census from 2000 to 2010. And I have consistently mentioned that in the last 10 years, the increase of the population of the State of Texas was 65 percent Hispanic. Members, 3 million more people are in the state. Three million more people in the state, which has led us to have an additional four congress people. But, what's more important than consistently mentioning that there's an increase in population in the state, one of those big increases is in North Texas. In Dallas, about 1 million Hispanics; in Fort Worth, 500,000. It takes approximately 800,000 to create a senate district. So, even though I'm not very good at math, I think what that means is that we would get two Hispanic opportunity districts. Two opportunity Hispanic districts for the senate. Two. But in this amendment, I'm being fair; I'm not asking for two, I'm asking for one.

Members, this amendment, what it does is connect Dallas and Fort Worth. In considering the increase in population of Hispanics, there is no Hispanic member in North Texas in the senate to argue for senate district—there is no opportunity at this time. So what I'm trying to do is rectify, rectify, rectify, rectify that misnomer that has occurred in North Texas. No more, no more, no more, no more will you not consider the Hispanics in North Texas. We've got 1.5 million in two counties. We're there, this is an opportunity, even though we couldn't say it in the senate, we are saying it here in the house.

REPRESENTATIVE BRANCH: Mr. Alonzo, do you think it's possible, or impossible, to rectify your statements between the growth of the Hispanic population, which I think we all acknowledge, and also the dispersion of that growth? Because I know, even in your district, you were short. What was your house district short in population?

ALONZO: About 30,000.

BRANCH: Thirty-thousand. And I think your good friend and colleague, Representative Anchia, what was his district short?

ALONZO: About the same number.

BRANCH: Was it closer to 50,000?

ALONZO: It was close to that.

BRANCH: Yes, would that be a possible number?

ALONZO: That is possible, and you're 100 percent correct at the moment. And let me tell you why I say, "at the moment." The reason I say, "at the moment" is this—in my opinion, if I may comment real quick, in my opinion there—

BRANCH: Thank you, sir.

ALONZO: —is more to the story, because, in my opinion the count was not correct. But, at the moment, even with that necessity for our districts, there's tons of folks in North Texas.

BRANCH: Yes, and I just wanted to make sure that the point was made; in case you disagreed, I wanted to hear your point. There seems to be a large dispersion of growth in Texas of all ethnicities, and particularly Hispanic, and therefore it's not been concentrated. So, in our county of Dallas, where sometimes people are under the illusion that there's a higher concentration in certain areas, even in west Dallas County, we were short population, isn't that correct?

ALONZO: That's correct.

BRANCH: Thank you.

ALONZO: But, you know, just to add—addition to the comments that Mr. Branch—it goes back to the discussion we've been having of redistricting that's at two levels. One level is fair, and the other level is legal. Depending on who draws the line, that determines the fairness at the time. But yet, there's another little asterisk Mr. Dan Branch likes to point out. We have to consider the legal part, as well.

BURNAM: Mr. Alonzo, your proposed amendment would create a Hispanic district that is a majority Hispanic?

ALONZO: A Hispanic opportunity district.

BURNAM: A Hispanic opportunity district. In what area does it cover? Tarrant and Dallas County?

ALONZO: That is correct. It covers Dallas and Tarrant County, yes.

BURNAM: And are you aware that Senator Wendy Davis offered in the senate an amendment that would create a Hispanic opportunity district and the senators voted that down?

ALONZO: Well, I appreciate it. At least my prayer was answered in the senate side, at least for consideration.

BURNAM: At least it was up for consideration. Do you think it's possible that it may be impossible to convince some of our members on the house floor that what they're doing is not only illegal, but not right, and unfair?

ALONZO: I think it's possible that they're listening, because they are. I can tell, because I can see their eyes looking this way, and I appreciate the listening, members, because this affects us all, and we have to take into consideration the two issues—what's fair, and what's legal. And I'm here to be helpful members, I'm trying to be a helpful kind of guy. The helpful part is for you to put those two issues into consideration; one is the fairness issue, and the other one is the legal issue. So, in all fairness, and being legal, we want to take this map into consideration, and that's why I bring it before you.

BURNAM: Representative Alonzo, while I might prefer a map that is a majority-minority opportunity district that's entirely within Tarrant County, and I believe that is possible to do, and that would be the fairest thing to my county. Can you appreciate why I've supported your amendment? To make sure that we have this discussion about what is happening with the high population growth of Hispanics in the state, and what appears to be an intentional—an

intentional—attempt to create retrogression by reducing the number of senatorial districts that minorities can actually have an impact in deciding who their representative in the senate is.

ALONZO: And let me comment, Mr. Burnam. You'll hear, members, what I said in this discussion, besides the legal part and the fair part, is the word Hispanic opportunity districts. I'm not saying that it's me or somebody else that should be elected—whoever the district decides. In your case, Mr. Burnam, we have that situation, it is a Hispanic opportunity district, the Hispanic population in that district decided on yourself. In Houston, we have what's called a "Gene Green" congressional district that is a Hispanic opportunity district. The Hispanics in that district decided to elect Mr. Green. What I'm saying is, let's create an opportunity—the numbers, members, are so big; they are big. Can you imagine 1 million and half a million? That's 1.5 million. I think it's time. We're in the 21st century. How long must we wait? We have to wait a long time, members, for us to create an opportunity, for state reps to get elected, for city council folks to get elected, JPs to get elected, judges to get elected. This is now time. We've come to that point on those elections. Now is the time, we can say that today in this house that this house recognizes the change, it's positive, it's good. This is an opportunity for us to have a Hispanic opportunity district in North Texas.

BURNAM: So, Representative Alonzo, in conclusion my question would be, do you believe that it is possible to create a fair and legal district in North Texas? But that has not been done, we've not been given that opportunity with the senate bill that has been sent over here, but we can with your amendment?

ALONZO: No, but under this plan it's legally possible and fairly possible.

BRANCH: Mr. Alonzo, you've been talking about legal and fair.

ALONZO: Yes.

BRANCH: And, would you agree that fair is often subjective and in the eye of the beholder?

ALONZO: That is correct. In the eye of the beholder of the majority of the decision-makers. That's why, Mr. Branch, let me tell you what I commented the other day—

BRANCH: And is that why we have laws and try to get through, because fairness can be different for all?

ALONZO: That is correct.

BRANCH: In fact, wasn't it your 35th president, John Kennedy, that said, "Life is not fair"?

ALONZO: Not only that. One of the examples I used in our redistricting hearings, Mr. Branch, was this. We make decisions as legislators, and somebody else interprets it. We might like it, we might not like it, but we live with it. And one of the examples I used, members, as Mr. Branch pointed out about

interpreting, and making sure it's legally right. In 2000, there was an election for president. In my opinion, the process said that Al Gore won, but the Supreme Court said George Bush won. I didn't like it, but I lived with it.

What's going to happen here, we're going to present this map. If you help me today, if you help me today, that will be done with, I think. But, if you don't, we'll have an interpretation—but again, as I walk away from the podium I want to thank Chairman Solomons for allowing us to be a part of a big effort that took a long, long time going around the state and hearing different opinions. In closing members, I ask that you—just to let you know, I'm going to give you some information, but it's coming, it's coming, it's coming. The chairman has advised me that he is going to move to table. I'm not surprised. So, you will not be surprised that I ask that you vote no on the motion to table. It's possible to vote no on the motion to table.

SOLOMONS: This is the senate map, and I appreciate the lively discussion, and the passion that Mr. Alonzo shares in trying to have what he believes is fair, more minority districts. But, this is a senate map and we're trying to move it to third reading so we can get our map done, as well for what we did on this house floor for some odd 16 hours, or whatever it was. So anyway, I'm going to move to table. I do think the map is legal—according to the senate attorneys. And they put a lot of work into it over in the senate, and I ask you to table Mr. Alonzo's amendment.

Representative Solomons moved to table Amendment No. 1.

The motion to table prevailed by (Record 1196): 98 Yeas, 46 Nays, 4 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C); Howard, D.; Johnson; Strama.

Absent, Excused — Patrick.

Absent — Torres.

STATEMENT OF VOTE

When Record No. 1196 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

Amendment No. 2

Representative Martinez Fischer offered the following amendment to **SB 31**:
Plan No. S154

[Please refer to the supplement to today's journal for the proposed map and reports associated with this amendment.]

REPRESENTATIVE MARTINEZ FISCHER: Members, this is a map that I think is something you can support, because it's actually **SB 31** with two tweaks in two areas, Senate District 17, and Senate District 10. We know the obvious. We argued this during house redistricting, but I'll restate it for the purposes of potential Section 5 challenges down the road. Last decade, 89 percent of all growth in this state was minority population, and over 65 percent of that growth in Texas has been Latino population growth. Today, Latinos make up over 37 percent of the Texas population, and over 33 percent of the Texas voting age population. Simply put, minorities, African Americans, Hispanics, and Asian Americans combined, now constitute more than 50 percent of the voting age population in Texas.

I think the senate has done a good job in drawing their map. However, in doing so, they made some mistakes, in my view, in two districts. And I said District 17, which is currently represented by Senator Joan Huffman, today, as we speak, has a 42.4 percent African American, Hispanic voting age population. The map, as passed by the senate, reduces that to 35 percent. The amendment that I'm offering increases the African American, Hispanic voting age population to 59.7 percent, making it a minority opportunity district. And looking at it more specifically, if you just want to look at Hispanic voting age population, and African American voting age population by itself, **SB 31** for District 17 has a 20.2 percent Hispanic voting age population and a 12.8 percent African American voting age population. This amendment increases these percentages to 37.4 HVAP and 23.1 BVAP. This plan, S154, will increase African American VAP by 10.3 percent in District 17. It impacts Senator Jackson's district by taking the current district and running it all the way up to Port Arthur to connect African American communities in Port Arthur, Texas.

With regard to Senate District 10, we create a minority-majority district in the metroplex that's actually a CVAP district, which is one of the highest thresholds in minority districts, to indicate you can draw a CVAP district in the metroplex if you wanted to. Those are very difficult to draw on the state. Courts have been very willing to scrutinize a map that does not look at population in a CVAP capacity. This is what District 10 does. **SB 31** had a combined African

American, Hispanic voting age population of 35.2 percent. Currently, it's 42.40, so we regress back a bit. This amendment will increase the BHVAP to 75.2 percent. In order to create this minority-majority seat, District 10 goes into Dallas County, it takes minority population from District 9, belonging to Senator Harris, District 16, Senator Carona, and District 23, Senator West.

With respect to Senator West, the net effect of what it does, because you have to be very sensitive with Senator West's district, his African American voting age population actually goes up 3.7 percent, and his Hispanic population actually reduces. So, it becomes even a stronger African American district for Senate District 23. It still performs the same way with its election data, but it does make that district even stronger in terms of African American voting age population. That's what this does.

I think that when you look at this in the big picture you will probably see some Section 5 challenges with respect to these districts and whether or not you could have created this minority opportunity districts. This amendment only does that, it does not impact anybody else. Although, there is probably potential in other parts of the state, and I'll let those who wish to do that, independently, take that up on their own, but these are the most egregious violations, in my view, of Section 5, and that's why I wanted to bring a map with minimal changes, and that's why we only make these changes in 17 and 10. And I certainly would ask the author of this—or the sponsor of **SB 31** to find this acceptable to him for the purposes of Section 5.

REPRESENTATIVE VEASEY: I wanted to ask my deskmate, Trey Martinez Fischer—one of the things that happened during the congressional re-redistricting that took place back in 2003 was the fact that republicans had a certain percentage that was elected statewide, like, let's say that they got, you know, 50-plus percent of the votes, so they deserve a certain percentage of the congressional seats. Now, are you familiar—I'm sure you're aware of this, and I think you probably just laid it out, that the Hispanic population and the African American population of this state now constitutes the fact that there should be 11 or 12 Hispanic centers and even three or four African American centers. Does your map sort of fall into the same sort of line of thought that the republicans preached a few years ago, saying that certain percentages should line up according to a certain population?

MARTINEZ FISCHER: Well, to be very clear about it, I think this map is clearly about population. I mean, we've always taken the view that we let the politics fall where the politics fall, but we draw the map based on the demographic growth, and if districts can support that growth, and I think—that's why I don't want to come to this floor and say that we can redraw every senate district in the state. But there are two areas where you've got explosive minority population, but in fact, in reality, when those senate districts came back, the minority population, instead of growing, diminished. I think that's problematic. I think, at a minimum, they should have maintained some semblance of a status quo and perhaps maybe moved up incrementally, but it actually went backwards. And that's what we were alerted to, and that's why I thought, in these two areas, we

can adjust this by just purely looking at the demographic shifts and not care about the politics, and draw a map that will comport with those changes. And so that's what we attempted to do with Senate Districts 10 and 17.

VEASEY: One of the things that's also disturbing about the map that passed out of the senate and that passed out of the House Redistricting Committee is the fact that so many African American and Latino communities were either stranded and put into far-flung reaching rural districts, or either they were unnecessarily packed. How does your map address the issue of packing in areas that have been stranded?

MARTINEZ FISCHER: And, I will say this—respectfully, I've had a lot of time to work with Chairman Solomons on redistricting, and we've had some very good conversations. But I think as far as analyzing this map with regard to District 10, it's very difficult to accomplish what has been accomplished here by dispersing minority communities when in fact, in the metroplex area, that's where some of the strongest growth has occurred. And so, when you look at Senate District 10—what's been drawn in the senate—this is not anything anybody did over here. It doesn't comport with the demographic growth, it doesn't comport with the minority opportunities, and you can't take a district that's a coalition minority district that is growing and growing and then disperse it, and not make up for it somewhere else. And so, because the complexity of District 10 has changed so much, that's frankly the easiest district to draw in the entire state because there's so much opportunity in the minority community. And now, we've drawn here a minority CVAP district that's over 50 percent—that is actually the hardest district to draw, demographically speaking. So, if we could draw it on a couple days' notice by looking at the senate map and making adjustments to it, then certainly, the senate could have drawn it, if it wanted to. I think, argument on argument, you know, the argument's going to be—the potential is there.

We have demonstrated that there is a demographic potential to draw a CVAP district in the metroplex, and the question is going to become, why wasn't it done? What was the compelling reason to not do it, and where did you offset that? And arguably, if you diminish in 10 and you diminish in 17, and you're not making up for it anywhere, I think it's going to be very difficult to respond to on a Section 5 argument. But, I don't have the last word, and I know as much as Burt Solomons has done the work on this, he knows he doesn't have the last word. We'll let those at the justice department or the D.C. Court, the District of Columbia, wherever the Section 5 review will take place, we'll let them decide. But, we need stuff like this. We need demonstrations like this to show, as an exhibit, that it could have been done.

And I know we're running out of time in the session, and there's been very little time afforded to look at the senate map. I know the argument about taking it as a courtesy and passing the map because they will pass our map, and I understand that. I respect that tradition. But when it comes to voting rights, when it comes to representing communities of color, when it comes to what MALC is trying to accomplish in representing the Voting Rights Act, we could not let this go by. And so, that's why we've taken the time to draw a very limited

map in making changes in the two biggest areas that needed to be changed, recognizing there are still other places on the board that probably could have been changed and should have been changed. And had there been more time to vet that, I think we could have brought that argument to the floor, but I think this is the best that we could find on a very short notice as to, you know, the lack of minority opportunity existing in the Texas Senate at a time when the demographic population is growing at rates that's unimaginable to other places in the country.

VEASEY: What type of message do you think we are sending if the African American population continues to grow, and the Latino population continues to grow at the level at which it's growing, but we continue to create opportunities, and draw opportunities in redistricting for the Anglo population that's not increasing as fast—and particularly in the rural areas, where it's not increasing nearly as fast. What type of message are we sending about who these opportunities are for when those populations are growing faster? I just think that we could be sending the wrong message here, especially to the black and Hispanic community, by saying that you're decreasing but we are going to use your numbers so we can create additional opportunities for our community and not your community.

MARTINEZ FISCHER: I think that looking at demography and looking at the potential in the minority growth, you could redraw the senate map in a much different way, and I concede that. But, in just being consistent, and looking at the growth, and looking at the target areas where that growth occurs, you could draw a reasonable map that comports with the overwhelming view of the state senate and maybe grant them that deference and that courtesy that Chairman Solomons alluded to. But in these two areas it's just too obvious to ignore, and so in being consistent about respecting those demographics, that's why we do the census.

We do the census to know what our state looks like, and we want to know what our total population is so that we can get money, and then we have the obligation, once every decade, to draw these maps, and you know, the maps ought to represent the shifting demographics. And what I said earlier—I don't know if you caught this—today, as a result of the census, more than 50 percent of the voting age population in the State of Texas is either African American, Hispanic, or Asian. But yet, you won't find that reflection in our maps, and I think we can do a much better job. That is the obligation that MALC has undertaken with respect to any district that has a single-member district. We did this with the State Board of Education. We did this with the Texas House. We put an amendment on the Railroad Commission Sunset to make the argument. You know, since 1891, there's only been three Hispanics elected to serve on the Railroad Commission, since 1891. And we're still doing these districts statewide. We made the argument that you can do three districts, and you can run them for the same amount of terms, and rotate the chair to comport with the house desire in the Railroad Commission map, but we did it there, as well.

And so, when it comes to the senate, you know, I'm mindful of the courtesy, I'm mindful of the deference, but I'm also more cognizant of the Voting Rights Act. I'm more cognizant of our duty, as minority lawmakers, to represent the

voiceless. And if you look at that senate map, the voiceless people on those maps are communities of color, and that's what I try to correct in Senate District 10 and Senate District 17.

VEASEY: Representative Martinez Fischer, since the Voting Rights Act was passed in the mid-1960s, in Tarrant County they have always started with the fact that southeast Fort Worth, which is the largest African American community in Fort Worth, and the north side, that both of those areas would be in one senate district. Why do you think under this plan, that was passed out of the senate and passed out of the house committee, that they seek to remove both of those districts out of the Fort Worth core district, or in this case, Senate District 10?

MARTINEZ FISCHER: I'm not going to pretend to know. I'm not going to speculate, but I can tell you it has nothing to do with demographics. If demographics was the paramount concern protecting the growing minority population, protecting minority opportunity districts, if that was the primary driver of the senate map, Senate District 10 would look much different. If protecting a growing minority coalition district in 17, you would want to expand that growth were you could, and not take it back. I mean, it goes back—it goes from 42.40 percent today to 35.2 percent. It goes back seven percentage points at a time when the growth is unspeakable for minorities, particularly for Latinos. Excuse me, I'm sorry, that's in 10. In 17 it's about the same, 42.40 to 35.20 on the African American, Hispanic VAP. Our amendment improves that substantially. It makes it a true minority opportunity district. It gives minorities the opportunity to represent the candidate of their choice, and it is truly a coalition district. It is a 37 percent HVAP district under my amendment and a 23.1 percent BVAP district.

SOLOMONS: I do appreciate the passion, as well, of Mr. Martinez Fischer. I'm not sure where 17 and 10 meet on this field, but let me just say this. This is a senate map. His map does more than just affect two districts. It really affects quite a bit of the state. It is a senate map. Their senate lawyers have assured Mr. Seliger that it meets the Voting Rights Act. Mr. Martinez Fischer's map actually is redrafting his vision of what the senate maps ought to look like—senate districts ought to look like. I would beg to differ that we shouldn't be doing that, and I would ask that we move to table Mr. Martinez Fischer's amendment.

REPRESENTATIVE C. HOWARD: Representative Solomons, do you realize that Representative Fischer's map splits Fort Bend County into four separate senatorial districts?

SOLOMONS: I believe that Mr. Martinez Fischer's amendment affects quite a bit of the state in a way that I don't think this house would like to see it, and I'm pretty sure the senators wouldn't like to see it, and it's their map.

C. HOWARD: And the other aspect of that—we talked about community of interest, and minority representation. One of the fastest growing populations is the Asian American population, and his map actually disperses that into four different sections, dispersing that minority representation. Are you aware of that?

SOLOMONS: No, but thank you for telling us.

C. HOWARD: Thank you, I think we need to table this amendment.

VEASEY: I wanted to ask you a question about this map that I, quite frankly, find a little bit disturbing. Back in 2001, is it your understanding—

SOLOMONS: The senate map is disturbing or Mr. Martinez Fischer's version of the senate districts is disturbing?

VEASEY: No, the senate map. But you're right, we're not on that particular amendment. When you are ready to close, I'll come back.

BURNAM: Chairman Solomons, I'd like to ask a clarifying question—something I thought I heard you say in an exchange earlier about putting a higher priority over the interest of the 31 people that serve the people of Texas on the other end of the capitol, versus the 150,000 people that I represent in Fort Worth. Let's be clear—

SOLOMONS: I don't believe I said that, but go ahead.

BURNAM: That's the reason I want a clarifying question.

SOLOMONS: I don't believe I said that. I said this is a senate map and, quite frankly, I appreciate the vigor, and the passion, and the idea that some of the members feel as if they should have another version for minority purposes and Voting Rights Act. And I would only add that I believe the attorneys for Senator Seliger and the senate have said that they believe this complies with the constitution, Texas Constitution, and Voting Rights Act. And you know as well as I do, should we pass this map, and they pass our map, and it goes to the governor's desk, and then there are probably going to be several lawsuits over certain aspects of these maps, and we'll figure out, you know, from a third party perspective. But, right now, the attorneys and the folks involved in the redistricting process, in their interpretation, seem to think that this does comply with the Voting Rights Act.

BURNAM: Right, but the purpose of my clarifying question is just to make sure that everybody is clear that the 31 people serving over there do not fall under the protection of the Voting Rights Act, and almost 80 percent of my constituents, and almost 80 percent of Mr. Veasey's constituents do fall under the protection of the Voting Rights Act. I just wanted to make sure that you're clear on that. And you are, aren't you?

SOLOMONS: If that's your opinion. I understand what you're trying to do.

BURNAM: I'm just trying to clarify the debate.

SOLOMONS: Well, I'm telling you that they based their map, after a number of hearings, and based on what they believe the interpretation is. I understand you have a difference of opinion—

BURNAM: Well, actually, there was only one hearing, and it was an abbreviated hearing, and it was less than 24 hours' notice. Is that not correct?

SOLOMONS: They had seven interim hearings around the state. They had two public hearings, of which, by the way, no one showed up—for the public, on the second hearing. No one.

BURNAM: Chairman Solomons, is it not true that they only had one hearing on this bill and it was conducted within less than 24 hours' notice?

SOLOMONS: That's not true.

BURNAM: It was less than 30 hours' notice?

SOLOMONS: You said they only had one hearing. They had two hearings and no one came to the second hearing. That's my understanding.

REPRESENTATIVE MADDEN: Burt, I was looking at the district that they have in this amendment that is Senator Huffman's. And it was brought up earlier by Mr. Raymond that it was, like, 200 some miles from Carrollton down to Austin. Do you have any idea how many miles would have to be driven to get from one end of Senator Huffman's district that they have to the other, and how many of those would have to be swum, instead of driven, because of the layout they have in that district?

SOLOMONS: I have no idea. It appears that some of his versions of what he thinks the district should look like, seems to be rather lengthy.

MADDEN: I measured it. I think it's about 350 miles that they'd have to go from one end to the other.

SOLOMONS: Well, as Mr. Alonzo said, and Mr. Branch mentioned, fair and legal is perhaps in the eye of the beholder.

MADDEN: And how fair would it be for the senate to have to swim that length from Galveston up to the further parts of East Texas they have in that map?

SOLOMONS: I don't think you should have to swim across your district.

MADDEN: I don't think that either.

SOLOMONS: That's just me.

Representative Solomons moved to table Amendment No. 2.

MARTINEZ FISCHER: They do have swimming lessons in the 17th, please don't confuse yourself. And, frankly, that district is actually drawn that way as it came out of the senate, we just picked it up in Brazoria and took it to Port Arthur. If you looked at Senate District 19, you'd need more than some floaties to get through that senate district from San Antonio to El Paso. You've heard the arguments. This is a demonstration to show what can be done. We don't have the last word—I don't, Chairman Solomons doesn't, but respectfully, this is the only place where we can make the argument to start the process. And so, with that, if any members are concerned about voting rights, minority voting rights, Voting Rights Act, I'd ask you to please vote no on the motion to table, and—I ask you to vote no.

LEAVE OF ABSENCE GRANTED

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

Pickett on motion of Menendez.

SB 31 - (consideration continued)

The motion to table prevailed by (Record 1197): 99 Yeas, 44 Nays, 5 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C); Howard, D.; Johnson; Mallory Caraway; Strama.

Absent, Excused — Patrick; Pickett.

Amendment No. 3

Representative Veasey offered the following amendment to **SB 31**:
Plan No. S149

[Please refer to the supplement to today's journal for the proposed map and reports associated with this amendment.]

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hilderbran requested permission for the Committee on Ways and Means to meet while the house is in session, at 4:15 p.m. today, in 3W.15, to consider **SB 1546**, **SB 1574**, and **SB 1927**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Ways and Means, 4:15 p.m. today, 3W.15, for a formal meeting, to consider **SB 1546**, **SB 1574**, and **SB 1927**.

SB 31 - (consideration continued)

VEASEY: Members, I wanted to share this plan with you, 137, but before I go into the plan let me be clear about one thing. Yesterday there was a column, I believe it was in one of the major newspapers here, that said I was—when we had our redistricting hearing, over in the Ag Museum, that I was in there, "fighting hard for the incumbent" in Senate District 10. That could be the furthest thing from the truth. Whenever I argue these points, or whenever I make the arguments that I do in redistricting, particularly as it pertains to Tarrant County, I am making arguments on behalf of the constituents that I represent in southeast Fort Worth that are largely African American and Latino. And also, the constituents in Representative Burnam's district in north Fort Worth who were split up and put in the Senate District 12 and flung into Denton County.

I am making arguments on behalf of these constituents and for these constituents only, and we need to be 100 percent clear on that, and I would appreciate it that when we're talking about redistricting that if the other elected officials in this body and the people that talk about redistricting and send this message out to the State of Texas through different medians, that it stay focused on the constituents that are being discriminated against. And the plan that was passed out of the senate and was passed out of the house, and not on a single senator, particularly the incumbent in Senate District 10, because that is not what it is about. It is about people in Stop Six, near southeast-side Fort Worth, the north side, Rolling Hills, Everman, Forest Hill in my district, that have been sent out to a rural area where the people that live in that area came and testified—the republicans that live in those counties—they came and testified and said that they did not want to be in a district that included urban Tarrant or urban Dallas Counties.

BURNAM: Representative Veasey, you serve on the redistricting committee here in the house, correct?

VEASEY: Absolutely.

BURNAM: And you took the somewhat unusual measure to go testify against the proposed senate lines in the senate redistricting hearings, correct?

VEASEY: Yes, I did.

BURNAM: And I also did the same thing, is that correct?

VEASEY: Yes.

BURNAM: And you represent a majority-minority district and I represent a majority-minority district, and an overwhelming portion of both of our districts—in my case, all of Fort Worth—all my district is within the city of Fort Worth right now and almost all of your district is within the city of Fort Worth

right now, with the notable exception of Forest Hill, which is the first majority African American city council in the State of Texas for suburban—so, we both support highly minority communities—

VEASEY: Yes.

BURNAM: And it was revealed in the testimony in the senate hearing that the four minority city council members from the city of Fort Worth have all sent letters or signed a letter objecting to cracking your legislative district and my legislative district into three different senatorial districts, is that correct?

VEASEY: That is correct.

BURNAM: Isn't it also true that, as a part of the testimony, the constable that represents an overlapping area of my legislative district, Constable Sergio De Leon, sent a letter objecting to cracking his constable district into three different senatorial districts, is that correct?

VEASEY: Yes, that is correct. Yes.

BURNAM: And, lastly, but most importantly to you and me on a personal level, isn't it true that the Lake Como Neighborhood Advisory Council has sent a letter pleading to put them in with southeast Fort Worth because they are the largest African American neighborhood in Fort Worth, not in southeast Fort Worth?

VEASEY: That was Como's first priority, was to ask that they be put back in the senate district with southeast Fort Worth, like they had been for years.

BURNAM: And you know that I have said for at least the last year and a half that my first priority is to restore the Lake Como community whom I represent—they represent over 10 percent of my constituency—to restore them to the same senatorial district, that they had been in for over 20 years combined, with southeast Fort Worth, is that correct?

VEASEY: That's correct.

BURNAM: And what came to surprise us is that while they put the Lake Como community in District 10, they took most of southeast Fort Worth out of District 10, is that correct?

VEASEY: That is—yes, they put us in Senate District 20—most of—

BURNAM: The other thing that totally surprised us, they took the historical north side, one of the oldest barrio communities in Fort Worth, they took all of the north side Diamond Hill communities and put them in a senatorial district dominated by Denton County, is that correct?

VEASEY: That is absolutely correct.

BURNAM: So, what they've done in putting the Lake Como community over in a district that is centered in Fort Worth, but taking southeast Fort Worth, they have cracked the African American communities in Fort Worth into two different senatorial districts. Is that correct?

VEASEY: To paraphrase the great author, Ellison, they wanted to make sure that we were—that the black and Latino communities and Tarrant County were put in a basement and shut off for the next 10 years to make sure that we will not be able to have any influence in the senate districts.

BURNAM: Well let's make it clear—

VEASEY: And this plan that I'm laying out corrects that and makes it fair.

BURNAM: And let's make it clear, in the case of District 90, the district that I represent, the north side, north of downtown, north of the river, is a heavily Hispanic and some African American district now, but that Hispanic community has been cracked away from the Hispanic community on the south side, the other historically large Hispanic community in Forth Worth, and they are divided—separated—into not two, but three different senatorial districts. I think you have a good amendment, there should be no objection to this amendment. All this does is correct the illegal proposal to crack African American, Hispanic communities in Fort Worth and the larger Tarrant County and puts them into one district so they can have a viable voice in electing who and deciding who their senator will be. Thank you very much for offering the amendment.

VEASEY: And, not only is this plan more fair than the plan that was passed out of the senate, which is a very unfair plan that Representative Solomons laid out today, the plan that I have, that I'm laying out also takes into consideration the testimony that we heard from various communities in and around North Texas. We had a republican from Hood County come out and testify and say that they did not want to be in a senate district that came into a large urban area. The same thing with republican officials that came in from Johnson County—I fix that on this map.

And those of you that are familiar with Tarrant County may know the story from several years ago about the city of Benbrook. They were upset about an African American football coach that was hired—because Benbrook is in Fort Worth ISD—they were upset about an African American football coach that was hired because that was the first time one had been hired there, and so they wanted to secede from the Fort Worth ISD and start their own school district. They said they could have a school district like Aledo or like Granbury were it not for the Fort Worth ISD. One of the things—and the older parts of Benbrook, along 377, definitely have a flavor to them like a Granbury or an Aledo community, and so one of the things that I did on this plan is I put southeast Fort Worth back into an urban-dominated—

SOLOMONS: Mr. Veasey, I think—didn't you bring this one forth yesterday? Mr. Veasey brought this amendment to the committee and the committee did not approve. I understand Mr. Veasey's concern about his district and which district it is in, and the communities around there, but, once again, I would ask you to table Mr. Veasey's amendment as the committee did in not approving it, because it seems as if the senate felt that that was where the population had to come from. That's where they needed to go, and it does not violate the Voting Rights Act. So, anyway, I'm going to ask you to table Mr. Veasey's amendment.

Representative Solomons moved to table Amendment No. 3.

VEASEY: I disagree with Chairman Solomons tremendously. This act clearly violates the Voting Rights Act. There are many neighborhoods in which they could have put in Senate District 22 that fit in more neatly with 22, with Hood and Johnson Counties and areas that go all the way down to Falls County, than southeast Fort Worth. The story I was telling a minute ago about Benbrook along 377, the Benbrook community fits in very nicely with the Granbury communities. Hood County, Johnson County, Cleburne, named after Confederate generals, those are more communities of interest, and the various restaurants and watering holes along 377, those are communities of interest. Those communities, they do things, they congregate together, they church together; we need to make sure that southeast Fort Worth is with a more urban community. Benbrook and other parts of Fort Worth would fit in a lot neatly—more nicer with Senate District 22. It is clear that the motive behind putting southeast Fort Worth in Senate District 22 is to make sure that votes don't have to count, and when you think about the Legislative Redistricting Board and the comments that they made, they specifically said that the minority communities in Senate District 10 were not being fragmented and that the communities of interest were being kept together. Now, those same comments that were produced by republicans on the Legislative Redistricting Board are being ignored so they can discriminate against voters in southeast Fort Worth. The plan is completely unfair.

We need to go, and move forward, and have a good plan that everyone can be proud of where everyone has a fair chance. When you look at the number of African Americans and Hispanics and the numbers that have grown in Tarrant County, it is clear that in trying to create this new seat that they would like to create that they are putting the interest of people with money and voters that aren't growing as fast as African American and Latino voters in front of those who deserve opportunity and deserve to be able to elect a state senator of their choice. I ask that you be fair, that you do the right thing, that you have a good story to go back and share with your kids and your grandchildren, that you are on the right side of a civil rights issue. The Voting Rights Act—people fought hard, people died, people sacrificed a lot to make sure that we would have fair elections in this country and to make sure that people would have the opportunity to have fair representation. We do not want to turn back the clocks today and vote against the Voting Rights Act, to vote against the civil rights legacy that we have in this country. Let's do the right thing and vote no on the motion to table.

The motion to table prevailed by (Record 1198): 96 Yeas, 42 Nays, 5 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Button; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender;

Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Paxton; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Zedler; Zerwas.

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

Present, not voting — Mr. Speaker(C); Howard, D.; Johnson; Mallory Caraway; Strama.

Absent, Excused — Patrick; Pickett.

Absent — Alvarado; Brown; Carter; King, S.; Workman.

STATEMENTS OF VOTE

When Record No. 1198 was taken, I was in the house but away from my desk. I would have voted no.

Alvarado

When Record No. 1198 was taken, my vote failed to register. I would have voted yes.

Carter

When Record No. 1198 was taken, I was temporarily out of the house chamber attending a hearing for the Committee on House Administration. I would have voted yes.

S. King

Amendment No. 4

Representative Veasey offered the following amendment to **SB 31**:
Plan No. S137

[Please refer to the supplement to today's journal for the proposed map and reports associated with this amendment.]

VEASEY: I wanted to lay out a statewide plan here. I think this plan, also, is much more fair than the plan that was passed out of the senate and passed out of the house redistricting committee a day or two ago. This amendment can produce the same, or better, Hispanic districts along the border without going into Travis County. One of the things that's also addressed, that Representative Solomons talks about—the SSVR numbers are equal or greater than the SSVR numbers in the proposed map. Travis County is already a Hispanic opportunity district and the map gives Hispanics the opportunity to also elect the person of their choice in District 14, and also keeps in line with the submissions that were

made by the Legislative Redistricting Board back in 2001, and keeps the insular minority communities of 10, 9, 14, and 16 together. Of course, under the plan that was voted out, 10, 9, 14, and 16 have been greatly fragmented and packed unnecessarily and we want to make sure that that doesn't change. Of course, in Senate District 10, in Tarrant County, the Anglo population, currently, is below 50 percent and they make that over 50 percent, which is illegal, and it's also a violation, and that is corrected in this statewide plan also.

BURNAM: Representative Veasey, while maybe we weren't ready to support your first amendment which addressed, exclusively, the problem of the likely illegality of the proposed Tarrant County plan, this proposal addresses, in addition to Tarrant County, the concerns that have been articulated concerning the cracking of Latino populations here in Travis County?

VEASEY: Yes.

BURNAM: And you say that it provides for an opportunity district in the southern portion of the state that doesn't exist in the current plan?

VEASEY: Yes, absolutely.

BURNAM: Could you explain that one a little bit better? What does that provide us?

VEASEY: I have the map right here. It's a—and I don't have the exact numbers right in front of me, but I can explain it to you—but, I can promise you that the map that I have here today, this statewide plan, that the opportunities are much more in line with the state when you look at the number of Hispanics that have increased statewide and the African American populations that have increased statewide, it's much more in line. It also falls under that same philosophy that the republicans used back during the redistricting, where they said we make up a certain percentage of the statewide elections, therefore, we should have an equal proportion of those congressional seats. Well, I do that—that is what this particular amendment follows. This amendment follows the same republican doctrine of—and just replace republican with the word African American and Hispanics—that if there are a certain number of Hispanics, a certain number of African Americans, and a certain voting percentage, which I believe President Barack Obama received about 43, 44 percent of the vote in 2008, and that is what this senate map reflects.

BURNAM: Under the existing senate district lines, there are only three senatorial districts that are anchored on the Rio Grande between Brownsville and Laredo and are majority Hispanic districts. What does your proposal do?

VEASEY: In my proposal—and I'm going to have to let you look at it—is a—because I had to put this together very quickly, I didn't have the chance to look at it like I would like to, but based on what I was given by my legal counsel, it rectifies some of the mistakes that were in the—

BURNAM: So, it doesn't represent the retrogression that the proposal—that Representative Solomons brought to us?

VEASEY: It fixed all the retrogression that has taken place in the proposed—

BURNAM: And it attempts to address the issue of the increasingly larger and larger Hispanic population in our state as opposed to when the lines were drawn a decade ago.

VEASEY: Absolutely. One of the things that disturbs me about the statewide plan that was voted out of the house committee, that's on the floor today, and one of the reasons why I wanted to submit this plan, was that if you look at the rural populations and you look at the—versus the African American and Hispanic population that's increasing in the state, it's clear that many of those opportunities for the rural senators and populations that aren't growing quite as rapidly, are being maintained and even increased on the backs of African Americans and Latinos, and that's unfair.

BURNAM: So this form of retrogression you're talking about is they're achieving these lines on the backs of urban Hispanics and African Americans?

VEASEY: That—if there's anything that is clear about this map, it is that fact that the population increases in the state are being used to preserve the old guard.

BURNAM: That's kind of like you're trying to adopt the balanced budget, isn't it? It's essentially the same thing—on the backs of the working minorities in this state. Thank you.

VEASEY: Thank you. Members, I ask that you vote for this particular plan. All of the problems in Tarrant County, in Dallas County, Harris County, are rectified under this map. This is a map that we can go to the Justice Department with and be proud. I think it is something that will reflect nicely on our state, because whenever you get into these redistricting battles and things are done blatantly, for instance, when you take southeast Fort Worth all the way down into—past Falls County, past McLennan County, it leaves a very negative perception on the state. It makes it look like Texas is not a friendly place for African Americans and Latinos to reside, and even though it is one of the fastest growing areas for African Americans and Latinos, and we want to make sure that our state keeps its friendly face. We also want to make sure that we do the right thing not only morally, but what is legal, and in keeping with the Voting Rights Act. I can tell you that this plan, Plan 137, keeps us in line with the Voting Rights Act and it's fair to all citizens.

SOLOMONS: Mr. Veasey's prior amendment affected all but three districts, this amendment affected all the districts in his look at how he believes the senate map should look, and he's basing it on a variety of arguments that he believes are relevant, so, I'm going to move to table.

(Aycock in the chair)

Representative Solomons moved to table Amendment No. 4.

VEASEY: Members, I close, and ask you to vote no on the motion to table.

The motion to table prevailed by (Record 1199): 98 Yeas, 44 Nays, 6 Present, not voting.

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

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

Present, not voting — Mr. Speaker; Aycock(C); Howard, D.; Johnson; Mallory Caraway; Strama.

Absent, Excused — Patrick; Pickett.

Amendment No. 5

Representatives Turner and Y. Davis offered the following amendment to **SB 31**:

Plan No. S153

[Please refer to the supplement to today's journal for the proposed map and reports associated with this amendment.]

REPRESENTATIVE TURNER: I want to echo and reaffirm what you have heard from Representative Trey Martinez Fischer and Representative Veasey. This map that is being filed by the Legislative Black Caucus creates the two African American districts, Districts 13 and 23, and then the Hispanic districts that are included in 19, 20, 21, 26, 27, and 29. It also creates two minority impact districts, the District 10 and District 15. There are a total number of minority districts of 11 that are included in this amendment. We just believe that with the added growth that has occurred, and where that growth has occurred, that these minority districts, both African American and Hispanic, and minority impact districts should be incorporated and adopted, and therefore we are putting forth this amendment for your consideration.

REPRESENTATIVE Y. DAVIS: Thank you, Representative Turner, I appreciate you bringing these maps to us. Are you aware that all of the districts needed population added, except for a couple of districts down in the Valley—the senate districts—they needed population added?

TURNER: Yes.

Y. DAVIS: And are you aware that in this Plan 153, we actually put intact and keep the minority district together in District 10, which is a concern that Representative Veasey and Burnam had with regard to destroying integrity of 10 and the minority population?

TURNER: And that's why from the outset I want to reaffirm and echo what Representative Veasey, Representative Burnam, and Representative Trey Martinez Fischer had to say.

Y. DAVIS: And, with this map it is our intent to increase the overall population of minority districts that will be reflective of the population of minorities in the State of Texas, is that correct?

TURNER: That is correct. And let me just say—I don't see Representative Solomons. There's Representative Solomons, I don't know if you've had an opportunity to see it, but I would say to you that this would enhance the State of Texas. Quite frankly, if it was on the local and consent calendar, it would pass.

SOLOMONS: I'm going to move to table Mr. Turner's statewide substitute plan. It's his version, I believe, of what the senate districts should look like, and based on a variety of factors, the senate, however, voted their plan out and they were told, as I understand it, that that meets the Voting Rights Act, and should we pass this map, I'm sure some of these same arguments you've heard today are going to be at the courthouse, and we'll just have to let them decide. But at the end of the day, that it is a statewide substitute based on what Mr. Turner believes needs to be done.

Y. DAVIS: Chairman Solomons, are you aware that in this plan we essentially leave the core of all the districts intact, except by adding population to them without taking the core districts away?

SOLOMONS: If you tell me that, that's fine.

Y. DAVIS: And, I appreciate you have no interest in trying to review it, but I just want to go through these questions just for the record since you have no interest in looking at it. Districts 20 and 27, Senator Hinojosa and Senator Lucio's district, they were not cut because they were already within deviation, are you aware of that?

SOLOMONS: I'm not aware of that. Your plan, I know, as the senate plan did on a variety of the senate districts, based on the information that was presented to me from Senator Seliger—from his notebook—in what they represent in each of those districts

Y. DAVIS: And, when you visited with Senator Seliger, did he indicate his plan maximized minority participation—minority districts throughout the State of Texas? Did he indicate that this plan would maximize the populations so that you would maximize the number of opportunity districts for minorities to be elected in?

SOLOMONS: My notes reflect from him is that his attorney told him that the map that they finally approved from the senate met the Voting Rights Act requirement in the Texas Constitution and other applicable laws, I guess someone else will end up having to determine that.

Y. DAVIS: And I appreciate that, but my question was, did he indicate whether or not, in doing so, that his map would create the most minority districts that create the greatest opportunities for districts for minorities to be represented in, even understanding that it meets the Voting Rights Act? My question is whether or not his plan maximized the opportunity for minorities to be—

SOLOMONS: He did not tell me that. We didn't have that conversation, he did not tell me that.

Y. DAVIS: Thank you. Did he indicate to you whether he was aware that District 10, it tore up that district in terms of minority representation in those communities? Did you all discuss what happened to District 10 in his map?

SOLOMONS: I have notes from what he sent over in connection with District 10. We didn't discuss in any detail, but I do have his notes as to what happened in District 10 and what he is—with the understanding of what District 10 did. The combination of black and Hispanic voting age population was only 42.4 percent, 17.9 percent black and 24.8 percent Hispanic. The SSVRs with only 12.1 percent, and so whether or not it was a protected minority district or not, there were issues that were discussed by the lawyers over there and how that worked, they don't believe that it's a protected minority district. In the new District 10, the black plus Hispanic VAP is 35.2 percent, 13.4 percent black and 22.1 percent Hispanic. The SSVR is 11.3 percent, 59.4 percent of the voting age population is Anglo. These are the notes that I have on that.

Y. DAVIS: Let me ask you another question, as it relates to minority impact districts, did he indicate if there were any other minority impact districts available that could have been drawn?

SOLOMONS: I'm sorry, he was talking to me to remind me that the current district is 52 percent, so if you'll repeat the question again—

Y. DAVIS: I was just—to get with what he was talking about, so we can go back and cover that, I was just trying to ask you about the integrity of those communities—minority communities being torn up in District 10. But my next question was whether or not they looked at if there were any other minority impact districts that could be drawn, that they did not draw in the senate plan?

SOLOMONS: I don't know. Ms. Davis, I only have the notes. One of the notes was of how the district was made up based on population issues—wasn't so much a community interest, and that may be an issue down the road, but if the numbers work the way they were supposed to work, what they believe for the Voting Rights Act, we'll see.

Y. DAVIS: And I was just trying to talk about communities of interest and the last question I have is, one of the interests we have is to create additional districts, obviously, so I was wondering if they considered whether or not there could be other districts that could be created that they chose not to create? Is that—

SOLOMONS: Senator Seliger and I did not have that conversation. Members, I'm going to move to table Mr. Turner's amendment and ask that you do so.

Representative Solomons moved to table Amendment No. 5.

TURNER: We have taken a lot of time to go through and draw these maps. We do believe these maps are in the best interest of the State of Texas. It takes into account where the growth has taken place in this state and, again, it maximizes African American and Hispanic minority impact districts, and I would ask for your favorable consideration. I now would ask you to vote no on the motion to table, and allow us an opportunity to further debate this amendment.

The motion to table prevailed by (Record 1200): 93 Yeas, 48 Nays, 4 Present, not voting.

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

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

Present, not voting — Mr. Speaker; Aycock(C); Howard, D.; Strama.

Absent, Excused — Patrick; Pickett.

Absent — King, P.; Larson; Mallory Caraway.

VEASEY: Members, I know that asking you to do the right thing in regard to redistricting is tough. Back when the Voting Rights Act was passed, in the 1960s, a lot of the folks—there weren't very many African American or Hispanic elected officials at that time. I think if you look at the pictures that are hanging on the ground floor, that you won't start to see Hispanic or African Americans that are serving in the legislature until around the late 1960s. A lot of those folks

that served in the legislature prevented many African Americans and Hispanics from serving, for many, many years before the passage of the Voting Rights Act. They were good people, just like you were. The people that served here back in the 1940s, 1950s, they were good folks, just like all of you are. And so, I know that asking you today to do the right thing, as it pertains to the Voting Rights Act, is tough for you, just as it was tough for those folks that served here 40, 50 years ago. I'm asking you to not do this to our state.

When you look at the growth patterns in this state, particularly in the metroplex and other large urban areas, you'll see that the Hispanic and African American population has outpaced the population of Anglos in this state. We have to have fair representation. You can't have a system of design and map that continues to promote Anglo candidates and the old guard over the fast growing Latino and black populations. It's just not fair. There's no way to argue that it's fair. And if you look at the way—how these districts work, chopped up and produced to basically dilute the African American and Latino growth, there is no way that you think it's fair. I mean, look at the Legislative Redistricting Board, which in 2001 was dominated by republicans, and this is what they said when they submitted the plan to the Department of Justice, DOJ, for preclearance, it says, "This plan generally avoids unnecessarily fragmenting significantly black and Hispanic insular communities, even when such communities are not large enough to constitute a voting majority of senate districts. As a result, Districts 14, 15, 9, and 10 contain significant minority communities that are essentially kept intact within these districts." That is—those are words that are produced by republicans. Now, those words are being trampled. Now, those words are being totally disregarded so the people that live in the state senate districts and rural areas and areas that aren't—populations that aren't growing as fast as minority populations in the state can continue to have the same level of representation, and even greater representation, at the expense of those who are choosing to move here and call Texas home.

The African American community in the Dallas-Fort Worth area is the second fastest African American growing area in the entire country, only behind Atlanta, Georgia. The Latino community in Dallas-Fort Worth is the fastest growing Latino community in the entire country. You cannot look at Senate District 10 in particular, and when you think about—and I know that everyone in the Tarrant delegation, in particular, knows the communities of—the south side, near southeast side, that make up near southeast—make up southeast Fort Worth, also the communities of Forest Hill and Everman. You cannot look at that map that stretches all the way down to Falls County and think that that's fair.

The people that served before you, that sat in these seats, they knew that the discrimination back in the '50s and '60s that was happening against African Americans, most of those people knew that wasn't fair, some of them probably were prejudiced people, but most of them knew that that was not fair. But they could not find the courage within themselves to do the right thing. Even when something was greatly happening that was discriminatory. They could not do the right thing because they thought that they were not going to get reelected, and so they let discrimination take place. I'm asking you to not do that today. Have a

good story to tell to your kids and your grandkids when you get ready to leave here that, despite the fact that your constituents may not have been sympathetic to the African Americans being flung all the way into—and isolated and sent all the way into McLennan County and Johnson County, and places that some people have absolutely nothing in common with, that you did the right thing. That you did what the people before you—what the people 50 years ago could not do. And that you stood up for civil rights, you stood up for the Voting Rights Act, and that you changed Texas history forever.

BURNAM: Representative Burnam joins his colleague from Tarrant County. Marc and I represent the two majority-minority districts in Tarrant County, and what is done to the representation for our constituents is unforgivable. Unfortunately, pretty consistent with the theme of this legislation, the total indifference, lack of concern, beyond the neglect, what we're about to see, today, is another example of why Texas is under the Voting Rights Act, because in many ways we continue to behave just like the old south, the old Confederate state that we are, consistently ignoring the rights of minority communities. In the case of Tarrant County, we take the African American population and crack it into four different senatorial districts. We take the Latino population and do exactly the same thing. It's harshest in the senatorial district I represent now, because the inner city, entirely within the city of Fort Worth—the district that I represent right now—is cracked into three different senatorial districts, two of which are dominated by populations outside of Tarrant County. I'm asking you—I don't really have high expectations, but I'm asking you to hear the appeals of four minority city council members of Fort Worth, our JP, our neighborhood associations—this is wrong, and unfortunately, you'll probably not listen, and we'll just have to see you in court, and we'll have a delay in implementing the new senatorial lines. I ask you to vote no against this horrible bill.

ALONZO: I'm going to be brief, but I just wanted to come and oppose this plan, because, as I mentioned when I was making my comments, it was time to let folks know that there's a significant amount of population, Hispanics in North Texas. You remember when Chairman Solomons began his presentation, he said in the business—and I won't use his exact words—but in the business of redistricting, you go where the population goes. Guess what? The population goes to North Texas. Population is in North Texas—the numbers are there. One million Hispanics in Dallas County, 500,000 in Tarrant County. The population is there.

Now, with this amendment that I presented, that could have fixed that discussion, it showed that 63 percent of the population would have been Latino and 57 would have been Hispanic voting age population. Members, one of the things that's going to be considered, as Chairman Solomons pointed out, that the Voting Rights Act was enacted in Congress in 1965 to protect racial and ethnic minorities from discrimination in voting, and is widely considered one of the most effective civil rights laws in American history. Texas has covered jurisdiction under Section 5 of the Voting Rights Act, which requires federal review of election changes in covered jurisdictions and blocks changes denying or abridging the right to vote on accounts of race, color, or because of

discrimination based on membership of a language minority. Changes that lead to retrogression for racial language minorities, respective of effective exercise of the electoral franchise.

Members, Texas was responsible for 107 Section 5 objections interposed by the justice department under Section 5 from 1983 to June 2006. Ten of these objections were aimed at blocking statewide voting changes that would discriminate against minority voters. The reason I point that out—the discussion has been, on the one hand, there was a discussion of fairness, on the other hand on the legal—that the proposed map is legal. I propose to say that it's not. We created opportunity to fix it, and it was tonight. You have one more opportunity to fix it, and that's by voting no on this bill. I strongly urge you, members, I strongly urge you. I come here from North Texas to let you know we have a growing population, we have growing opportunities, we want to have an opportunity to participate at the state senate level.

SOLOMONS: I appreciate your courtesies and your patience with this, this entire session on redistricting. If we're able to move to third reading, hopefully, we'll, for the first time in a long time, pass both a house map and a senate map. I understand the concerns of some of my colleagues, particularly in a couple of the districts, but I would ask your indulgence to pass this on to third reading.

SB 31 was passed to third reading by (Record 1201): 92 Yeas, 48 Nays, 7 Present, not voting.

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

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

Present, not voting — Mr. Speaker; Aycock(C); Howard, D.; Keffer; King, S.; Mallory Caraway; Strama.

Absent, Excused — Patrick; Pickett.

Absent — Lyne.

STATEMENTS OF VOTE

I was shown voting present, not voting on Record No. 1201. I intended to vote yes.

Aycock

I was shown voting present, not voting on Record No. 1201. I intended to vote no.

Mallory Caraway

REMARKS ORDERED PRINTED

Representative Burnam moved to print remarks on **SB 31**.

The motion prevailed.

(Speaker in the chair)

COMMITTEE GRANTED PERMISSION TO MEET

Representative S. Miller requested permission for the Committee on Homeland Security and Public Safety to meet while the house is in session, at 5:15 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Homeland Security and Public Safety, 5:15 p.m. today, 3W.9, for a formal meeting, to consider pending business.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 5:15 p.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 5:15 p.m. today, 3W.15, for a formal meeting, to set a calendar.

(Ritter in the chair)

POSTPONED BUSINESS

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

**SB 587 ON THIRD READING
(Darby - House Sponsor)**

SB 587, A bill to be entitled An Act relating to jurisdiction in certain proceedings brought by the attorney general with respect to charitable trusts.

SB 587 was read third time earlier today and was postponed until this time.

(Patrick now present)

SB 587 was passed by (Record 1202): 130 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Pickett.

Absent — Anchia; Burnam; Castro; Coleman; Gonzales, V.; Gonzalez; Gutierrez; Howard, D.; Johnson; King, S.; King, T.; Kolkhorst; Mallory Caraway; Martinez Fischer; McClendon; Veasey; Vo.

STATEMENTS OF VOTE

When Record No. 1202 was taken, my vote failed to register. I would have voted yes.

Anchia

When Record No. 1202 was taken, I was temporarily out of the house chamber. I would have voted yes.

Castro

When Record No. 1202 was taken, I was in the house but away from my desk. I would have voted yes.

Gonzalez

When Record No. 1202 was taken, I was in the house but away from my desk. I would have voted yes.

Kolkhorst

When Record No. 1202 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 1202 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

When Record No. 1202 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

HR 2151 - ADOPTED
(by S. Miller)

Representative S. Miller moved to suspend all necessary rules to take up and consider at this time **HR 2151**.

The motion prevailed.

The following resolution was laid before the house:

HR 2151, Congratulating National Cowgirl Hall of Fame member Isora DeRacy Young on the occasion of her 106th birthday.

HR 2151 was adopted.

HR 2133 - ADOPTED
(by Hilderbran)

Representative Hilderbran moved to suspend all necessary rules to take up and consider at this time **HR 2133**.

The motion prevailed.

The following resolution was laid before the house:

HR 2133, Congratulating Richard Taylor of Mason on his receipt of a 2011 Lone Star Land Steward Award from the Texas Parks and Wildlife Department.

HR 2133 was adopted.

(S. Miller in the chair)

HR 2038 - ADOPTED
(by Workman)

Representative Workman moved to suspend all necessary rules to take up and consider at this time **HR 2038**.

The motion prevailed.

The following resolution was laid before the house:

HR 2038, Recognizing the 2011 Austin Kidney Walk.

HR 2038 was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Smithee requested permission for the Committee on Insurance to meet while the house is in session, at 6:15 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Insurance, 6:15 p.m. today, 3W.15, for a formal meeting, to consider pending business.

SB 710 - VOTE RECONSIDERED

Representative Workman moved to reconsider the vote by which **SB 710** failed to pass.

The motion to reconsider prevailed.

**SB 710 ON THIRD READING
(Menendez - House Sponsor)**

The chair laid before the house, on its third reading and final passage,

SB 710, A bill to be entitled An Act relating to the disclosure of a hazardous drain in a swimming pool or spa by a seller of residential real property.

SB 710 was read third time earlier today and failed to pass.

SB 710 was passed by (Record 1203): 142 Yeas, 4 Nays, 1 Present, not voting.

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

Nays — Gooden; King, S.; Landtroop; Riddle.

Present, not voting — Mr. Speaker.

Absent, Excused — Pickett.

Absent — Martinez Fischer; McClendon.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1203. I intended to vote no.

S. Davis

When Record No. 1203 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 1203 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

(Speaker in the chair)

POSTPONED BUSINESS

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

CSSB 1811 ON SECOND READING (Pitts - House Sponsor)

CSSB 1811, A bill to be entitled An Act relating to certain state fiscal matters; providing penalties.

CSSB 1811 was read second time on May 18, postponed until May 19, postponed until 2 p.m. today, and was again postponed until this time.

Amendment No. 1

Representative Pitts offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 1

Amend **CSSB 1811** (house committee printing) as follows:

(1) Strike page 1, lines 4-24, and page 2, lines 1-8.

(2) On page 2, strike lines 20-24 and substitute:

SECTION 2.03. The changes in law made by this article apply only to a tax credit for an examination or evaluation fee paid on or after January 1, 2012. Tax credits for examination or evaluation fees paid before January 1, 2012, are governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(3) On page 6, lines 8-9, strike "written documentation" and substitute: equivalent records, such as electronically stored images of such documents,

(4) Strike page 8, lines 25-27, page 9, lines 1-27, and page 10, lines 1-26, and substitute the following:

SECTION 5.01. Articles 103.0033(b), (c), (e), (f), (h), (i), and (j), Code of Criminal Procedure, are amended to read as follows:

(b) This article applies [~~only~~] to each[-

~~[(1) a]~~ county in this state ~~[with a population of 50,000 or greater,]~~ and to each

~~[(2) a]~~ municipality with a population of 100,000 or greater.

(c) Unless granted a waiver under Subsection (h), each ~~[county and]~~ municipality shall develop and implement a program that complies with the prioritized implementation schedule under Subsection (h). A county may develop and implement a program that complies with the prioritized implementation schedule under Subsection (h) ~~[program must include district, county, and justice courts].~~

(e) Not later than June 1 of each year, the office shall identify those counties and municipalities that:

(1) have not implemented a program; and

(2) are planning ~~[able]~~ to implement a program before April 1 of the following year.

(f) The ~~[comptroller, in cooperation with the]~~ office~~;~~ shall develop a methodology for determining the collection rate of counties and municipalities described by Subsection (e) before implementation of a program. The office ~~[comptroller]~~ shall determine the rate for each county and municipality not later than the first anniversary of the county's or municipality's adoption of a program.

(h) The office~~;~~ ~~[in consultation with the comptroller,]~~ may:

(1) use case dispositions, population, revenue data, or other appropriate measures to develop a prioritized implementation schedule for programs; and

(2) for a municipality, determine whether it is not actually cost-effective to implement a program in the ~~[a county or]~~ municipality and grant a waiver to the ~~[county or]~~ municipality.

(i) Each county that implements a program and each municipality shall at least annually submit to the office ~~[and the comptroller]~~ a written report that includes updated information regarding the program, as determined by the office ~~[in cooperation with the comptroller]~~. The report must be in a form approved by the office ~~[in cooperation with the comptroller]~~.

(j) The office ~~[comptroller]~~ shall periodically audit ~~[counties and]~~ municipalities to verify information reported under Subsection (i) and confirm that the ~~[county or]~~ municipality is conforming with requirements relating to the program. ~~[The comptroller shall consult with the office in determining how frequently to conduct audits under this section.]~~

SECTION 5.02. Section 133.058(e), Local Government Code, is amended to read as follows:

(e) A municipality ~~[or county]~~ may not retain a service fee if, during an audit under ~~[Section 133.059 of this code or]~~ Article 103.0033(j), Code of Criminal Procedure, the Office of Court Administration of the Texas Judicial System ~~[comptroller]~~ determines that the municipality ~~[or county]~~ is not in compliance with Article 103.0033, Code of Criminal Procedure. The municipality ~~[or county]~~ may continue to retain a service fee under this section on receipt of a written confirmation from the office ~~[comptroller]~~ that the municipality ~~[or county]~~ is in compliance with Article 103.0033, Code of Criminal Procedure.

SECTION 5.03. Section 133.103(c-1), Local Government Code, is amended to read as follows:

(c-1) The treasurer shall send to the comptroller 100 percent of the fees collected under this section by a municipality [~~to the comptroller~~] if, during an audit under [~~Section 133.059 of this code or~~] Article 103.0033(j), Code of Criminal Procedure, the Office of Court Administration of the Texas Judicial System [~~comptroller~~] determines that the municipality [~~or county~~] is not in compliance with Article 103.0033, Code of Criminal Procedure. The municipality [~~or county~~] shall continue to dispose of fees as otherwise provided by this section on receipt of a written confirmation from the office [~~comptroller~~] that the municipality [~~or county~~] is in compliance with Article 103.0033, Code of Criminal Procedure.

(5) On page 18, line 12, strike "June 1 [~~30~~]" and substitute "March 1 [~~June 30~~]".

(6) On page 18, line 21, strike "June 1 [~~30~~]" and substitute "March 1 [~~June 30~~]".

(7) On page 19, line 6, strike "June 1 [~~30~~]" and substitute "March 1 [~~June 30~~]".

(8) On page 19, lines 16-17, strike "June 1 [~~30~~]" and substitute "March 1 [~~June 30~~]".

(9) On page 26, line 15, strike "51.607, 403.030," and substitute "403.030".

(10) Strike page 26, lines 18-27, page 27, lines 1-27, page 28, lines 1-27, and page 29, lines 1-22.

(11) On page 31, line 18, between "person" and "that", insert "or entity".

(12) On page 31, line 21, between "are" and "affiliated", insert "all".

(13) On page 32, line 5, strike "resides" and substitute "maintains the insured's principal residence".

(14) On page 32, lines 10-11, strike "resides or maintains its" and substitute "maintains the insured's principal residence or maintains the insured's".

(15) On page 33, lines 11-13, strike "the Nonadmitted and Reinsurance Reform Act of 2010, contained in the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. No. 111-203)" and substitute "15 U.S.C. Section 8201 et seq."

(16) On page 35, line 8, between "person" and "that", insert "or entity".

(17) On page 35, line 11, between "are" and "affiliated", insert "all".

(18) On page 35, line 22, strike "resides" and substitute "maintains the insured's principal residence".

(19) On page 35, line 27, strike "resides" and substitute "maintains the insured's principal residence".

(20) On page 36, line 1, strike "its" and substitute "the insured's".

(21) On page 38, line 2, strike "Sections 226.053(b-1) and (c)," and substitute "Section 226.053(b-1)."

(22) On page 38, line 6, strike "July 11" and substitute "July 21".

(23) On page 38, line 7, strike "July 11" and substitute "July 21".

(24) Renumber the articles and sections of the bill appropriately.

Amendment No. 2

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

Amend Amendment No. 1, amending **CSSB 1811** by adding the following appropriately numbered ARTICLE and renumbering existing ARTICLES of the bill accordingly:

ARTICLE _____. SALE OF CERTAIN REAL PROPERTY HELD
BY CERTAIN STATE AGENCIES

SECTION _____.01. AUTHORIZATION FOR SALE. (a) Except as provided by Section 2 of this Act, the General Land Office shall, not later than August 31, 2013, offer for sale on behalf of each holder of real property the tracts of real property described by Section 3 of this Act.

(b) Except as otherwise provided by this Act, the sale shall be conducted as provided by Section 31.158, Natural Resources Code.

SECTION _____.02. SPECIFIC TERMS. (a) The General Land Office may not offer for sale the property described by Section 3(b) of this Act held by the Texas Department of Transportation until after the date the agency completes the relocation of the agency operations to another location.

(b) The General Land Office is required to implement this Act with respect to the property held by the Texas Department of Criminal Justice described in Section 3(a)(2) of this Act only if the legislature prohibits the use of appropriated money to operate the Central Unit, Sugar Land, Fort Bend County. If the legislature does not prohibit the use of appropriated money specifically for the operation of the Central Unit, Sugar Land, Fort Bend County, the General Land Office may not implement this Act with respect to the property described in Section 3(a)(2) of this Act.

(c) Before the sale of a parcel of real property described by SECTION 3 of this Act may be made, a survey of the parcel must be conducted by or under the direction of the General Land Office.

SECTION _____.03. PROPERTY DESCRIPTIONS. (a) Property held by the Texas Department of Criminal Justice is described as follows:

(1) Estelle Unit (part), Parcel B, 895.99 acres out of a 5,458.73 acre tract, GLO ID #702, located at FM 980 and FM 3478, Huntsville, Walker County, Texas, more particularly described as follows:

Being all that certain tract or parcel of land situated in the Stephen Manning Survey, Abstract Number 31 and being a part of a 2507.09 acre tract of land called Second Tract conveyed by the W. L. Smither Estate to the State of Texas Department of Corrections and described in deed of record in Volume 392, Pages 124 - 130 of the Walker County Deed Records (W.C.D.R.) and more particularly described as follows:

BEGINNING at a found 1 1/4" galvanized iron pipe in the Right of Way of F.M. 980 having Texas State Plane Coordinate Value of X = 3,522,562.7595 ft. (3,522,562.78'), Y = 468,762.5719 ft. (468,762.63') for the lower southwest corner of a 4928.35 acre tract described in a deed from the Trinity River Authority to the State of Texas Department of Corrections of record in Volume 223, Page 745 W.C.D.R. and the southeast corner of said 2507.09 acre tract and

of this tract, from which U.S. Coast and Geodetic Triangulation Station "PRAIRIE 1943" bears S 58° 13' 35" W 11,117.22 ft. THE SOURCE OF BEARINGS FOR THIS SURVEY IS THE GRID BEARING BETWEEN THE SAID STATION AND ITS AZIMUTH MARK;

THENCE, S 59° 56' 38" W (N 59° 57' 20" E 275.57') with a southerly line of said 2507.09 acre tract and within the said Right of Way of F.M. 980 a distance of 275.58 ft. to another found 1 1/4" galvanized iron pipe for an angle corner of said tract and this tract;

THENCE, S 64° 54' 28" W (N 64° 54' 20" E 6629.24') continuing with another southerly line of said 2507.09 acre tract and generally with fence a distance of 5431.97 ft. to a found concrete monument for an angle corner of this tract and the northerly Right of Way of F.M. 980;

THENCE, S 75° 40' 07" W (N 75° 59' 50" E 101.98') leaving the southerly line of said 2507.09 acre tract, with a northerly Right of Way line of said F.M. 980 and generally with fence a distance of 102.04 ft. to another found concrete monument for an angle corner of said right of way and of this tract;

THENCE, S 64° 52' 22" W (N 64° 41' 15" E 600.00') with another northerly Right of Way line of F.M. 980 and generally with fence a distance of 599.80 ft. to another found concrete monument at the intersection of said right of way line and the easterly Right of Way line of F.M. 3478 for a corner of this tract, from which a found 5/8" iron rod on the northerly Right of Way line of F.M. 980 and on the west line of said 2507.09 acre tract bears S 63° 46' 57" W 499.19;

THENCE, N 35° 21' 01" W (S 35° 22' 19" E 113.76') with an easterly Right of Way line of said F.M. 3478 and generally with fence a distance of 113.49 ft. to another found concrete monument for a corner of this tract;

THENCE, N 7° 24' 35" W (S 7° 28' 45" E 5335.18') with another easterly Right of Way line of said F.M. 3478 and generally with fence a distance of 5331.22 ft. to a found concrete monument at the Point of Curve to the left, for a corner of this tract;

THENCE, with said curve to the left, and generally with fence, having the following data: Delta - 5° 14' 08" Lt. (5° 14' Lt.), Radius - 2924.79 ft. (2924.79'), Length - 267.26 ft. (267.14'), Long Chord - N 10° 06' 46" W 267.17 ft. (S 10° 05' 45" E 267.05') and a Radial Bearing In - S 82° 30' 11" W, to another found concrete monument at the Point of Tangent for a corner of this tract;

THENCE, N 12° 39' 43" W (S 12° 42' 45" E 2703.16') continuing with the easterly Right of Way of said F.M. 3478 and generally with fence a distance of 2699.86 ft. to another found concrete monument for the north corner of this tract and an angle corner of said right of way line, from which another found concrete monument bears N 29° 12' 28" E 127.67 ft. (S29° 32' 39" W 129.31');

THENCE, N 84° 36' 29" E, leaving said right of way line, a distance of 4368.03 ft. to a set 5/8" iron rod with cap "TEXAS GLO" on an easterly line of said 2507.09 acre tract and a westerly line of said 4928.35 acre tract, 4.12 ft. northeast of fence, for the northeast corner of this tract, from which a set 5/8" iron rod with cap "TEXAS GLO" for an angle corner of said tracts bears N 24° 30' 10" W 681.98 ft.;

THENCE, S 24° 30' 10" E (N 24° 30' 10" W 1028.50') with said line a distance of 346.66 ft. to a found old car axle 0.90' northeast of fence for an angle corner of said tracts and of this tract;

THENCE, S 25° 21' 25" E (N 25° 21' 25" W 2803.75') with another line of said tracts a distance of 2804.12 ft. to another found old car axle 0.90' southwest of fence for an angle corner of said tracts and this tract;

THENCE, S 25° 57' 35" E (N 25° 57' 35" W 975.68') with another line of said tracts a distance of 975.81 ft. to a set 5/8" iron rod with cap "TEXAS GLO" 7.10' northeast of fence for an angle corner of said tracts and of this tract;

THENCE, S 25° 34' 15" E (N 25° 34' 15" W 2481.39') with another line of said tracts, at 2475.7 ft. pass fence, in all a distance of 2481.72 ft. to the Place of Beginning and containing 895.99 acres of land.

This description was prepared from an actual survey performed on the ground on June 3, 2003 and is accompanied by a survey plat with the same date and is made a part hereof. The Coordinates and Bearings shown are Grid based on the Texas State Plane Coordinate System - NAD 1927, South Zone. Distances shown are Horizontal Surface Measurements in feet. Record information is shown in parenthesis. Record information was obtained from the Walker County Clerk's Office, the State of Texas Department of Criminal Justice, and the State of Texas General Land Office.

; and

(2) Central Unit, Sugar Land, Fort Bend County, Texas, generally described as:

M.M. Battle League, Abstract No. 9, Alexander Hodge League, Abstract No. 32, Fort Bend County 325.74 acres Parcel A (229.58 acres) is located on the north side of US Highway 90A west of the Sugar Land Municipal Airport. Parcel B (96.16 acres) is located at the northwest corner of State Highway 6 and US Highway 90A in Sugar Land.

(b) Property held by the Texas Department of Transportation is described as follows:

Bull Creek Camp Hubbard Annex State Headquarters, 28.912 acres, GLO ID #747, located at 4305 Bull Creek Road, Austin, Travis County, Texas, more particularly described as follows:

BEING A 28.912 ACRE TRACT OF LAND SITUATED IN THE GEORGE W. SPEAR SURVEY, LEAGUE NO. 7, ABSTRACT NO. 697 IN TRAVIS COUNTY, TEXAS, BEING PART OF THAT CERTAIN 75.79 ACRE TRACT OF LAND, AS DESCRIBED IN A DEED TO THE STATE OF TEXAS, STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION OF RECORD IN VOLUME 1086, PAGE 452, REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS, DATED OCTOBER 28, 1988, SAID 28.912 ACRE TRACT BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a brass disk in concrete found for the most southerly corner of said 75.79 acre tract, being also the northwest corner of Lot 1, Ridgelea a subdivision of record in Book 4, Page 258 of the Plat Records of Travis County,

Texas and being in the east line of Bull Creek Road, a 60 foot wide right-of-way, said monument having a Texas State Plane Coordinate, Central Zone coordinate of N=10,087,759.67 and E=3,111,175.08;

(1) THENCE N 23°52'30" W, with the west line of said 75.79 acre tract and the east line of said Bull Creek Road, for a distance of 2033.82 feet to a brass disk in concrete found at the beginning of a curve to the right;

(2) THENCE in a northerly direction with the west line of said 75.79 acre tract and the east line of said Bull Creek Road, along said curve to the right, same having a central angle 50°33'42", and a radius of 199.11 feet, an arc distance of 175.71 feet to a brass disk in concrete found at the end of said curve

(3) THENCE N 26°42'45" E, with the west line of said 75.79 acre tract and the east line of said Bull Creek Road, for a distance of 261.64 feet to a 1/2 inch iron rod with cap found for an angle point;

(4) THENCE S 62°31'59" E, departing the east line of said Bull Creek Road and over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 89.17 feet to a 1/2 inch iron rod with cap found for an angle point;

(5) THENCE S 81°57'55" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 278.39 feet to a 1/2 inch iron rod with cap found for an angle point;

(6) THENCE N 25°54'29" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 209.60 feet to a 1/2 inch iron rod with aluminum cap stamped "TxDOT" set for an angle point;

(7) THENCE S 63°17'24" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 128.50 feet to a brass disk in concrete found for an angle point;

(8) THENCE S 14°01'54" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 894.06 feet to a brass disk in concrete found for an angle point;

(9) THENCE S 06°28'23" W, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 308.12 feet to a brass disk in concrete found for an angle point;

(10) THENCE S 23°53'13" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, at a distance of 649.77 feet pass a brass disk in concrete found, for a total distance of 654.91 feet to a 1/2 inch iron rod with aluminum cap stamped "TxDOT" found for the southeast corner of the herein described tract, being also in the southeast line of said 75.79 acre tract and being in the northwest line of Lot 11 of said Ridgelea subdivision;

(11) THENCE S 31°33'51" W, with the southeast line of said 75.79 acre tract and the northwest line of said Ridgelea subdivision, for a distance of 257.58 feet to a 1/2 inch iron pipe found for an angle point;

(12) THENCE S 28°06'08" W, with the southeast line of said 75.79 acre tract and the northwest line of said Ridgelea subdivision, for a distance of 365.51 feet to the POINT OF BEGINNING and containing 28.912 acres of land.

NOTE: Bearings are based on NAD 83, Datum, Texas State Plane Coordinate System, North Central Zone, with all distances and coordinates adjusted to the surface by a combined scale factor of 1.0001.

(c) Property held by the Texas Facilities Commission is described as follows:

(1) Bull Creek New State Cemetery, 46.19 acres, GLO ID #2402, located at 4203 Bull Creek Road, Austin, Travis County, Texas, more particularly described as follows:

BEING 44.07 ACRES OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED BY DEED TO THE STATE OF TEXAS AS RECORDED IN VOLUME 776, PAGE 225, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 44.07 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a set brass cap in concrete for the northwest corner of said State of Texas tract, same being the west corner of Lot 34 of Shoal Village, Section Two, a subdivision in the City of Austin, Texas, as recorded in Book 5, Page 150, of the Plat Records of Travis County, Texas, and being on the east right-of-way line of Bull Creek Road (an existing 60' R/W) and being the northwest corner of this tract;

(1) THENCE S 62° 05' 02" E, along the north line of said State of Texas tract of land, same being the south line of said subdivision, a distance of 919.08 feet to a set brass cap in concrete for an angle point in the north line of said State of Texas, tract of land same being an angle point in the south line of Lot 45 of Shoal Village, Section Three, a subdivision of record in the City of Austin, Texas, as recorded in Book 6, Page 71, of the Plat Records of Travis County, Texas;

(2) THENCE along the north line of said State of Texas, tract of land, same being the south line of the following subdivisions in the City of Austin, Texas, said Shoal Village, Section Three, Shoal Village, Sec. 5, as recorded in Plat Book 6, Page 72, of the Plat Records of Travis County, Texas, Shoal Village, Sec. 6, as recorded in Plat Book 7, Page 7, of the Plat Records of Travis County, Texas, Shoal Village, Section Seven, as recorded in Plat Book 14, Page 80, of the Plat Records of Travis County, Texas, Oak Haven, Section Three, as recorded in Book 11, Page 40, of the Plat Records of Travis County, Texas, the following two (2) courses and distances:

1. S 63° 02' 45" E, a distance of 306.61 feet, a 1/2" iron rod found, and

2. S 63° 11' 57" E, a distance of 327.57 feet to the point of intersection with the centerline of Shoal Creek for the northeast corner of this tract;

(3) THENCE along the centerline of Shoal Creek with it's meanders, same being the east line of this tract, the following seven (7) courses and distances:

1. S 03° 49' 32" E, a distance of 146.37 feet, a 1/2" I. R. set,

2. S 11° 51' 40" W, a distance of 68.56 feet, a 1/2" I. R. set,
3. S 17° 44' 58" E, a distance of 255.55 feet, a 1/2" I. R. set,
4. S 11° 22' 50" W, a distance of 433.59 feet, a 1/2" I. R. set,
5. S 01° 30' 40" E, a distance of 208.10 feet, a 1/2" I. R. set,
6. S 03° 34' 39" E, a distance of 163.82 feet, a 1/2" I. R. set, and
7. S 12° 53' 44" E, a distance of 44.69 feet, to a P. K. nail set in

concrete for the southeast corner of this tract;

(4) THENCE N 62° 12' 25" W, departing from said Shoal Creek, passing the northeast corner of Lot 24 of Ridgelea, a subdivision in the City of Austin, Texas, as recorded in Book 4, Page 258, of the Plat Records of Travis County, Texas, at 59.90 feet, a total distance of 414.19 feet to a found 1/2" iron rod under concrete for the most northerly corner of Lot 21 of said Ridgelea subdivision, said point also being a re-entrant corner of this tract;

(5) THENCE S 31° 29' 35" W, along the most southerly east line of said State of Texas tract of land, same being the west line of said Ridgelea subdivision, a distance of 715.50 feet to a 1/2" iron rod set for a southwest corner of this tract, from this point the northwest corner of Lot 11, same being the southwest corner of Lot 12, of said Ridgelea subdivision bears N 31° 29' 35" E, a distance of 10.64 feet;

(6) THENCE through said State of Texas tract of land the following four (4) courses and distances:

1. N 23° 52' 33" W, passing a brass cap in concrete set at 5.00 feet, a total distance of 654.65 feet to a brass cap in concrete set for a corner,

2. N 06° 26' 42" E, a distance of 308.11 feet, a brass cap in concrete set for a corner,

3. N 14° 01' 31" W, a distance of 894.05 feet, a brass cap in concrete set for a corner, and

4. N 63° 17' 00" W, a distance of 478.50 feet to a brass cap set in concrete at the point of intersection with the east right-of-way line of Bull Creek Road, same being the west line of said State of Texas tract of land, and being the most northerly southwest corner of this tract;

(7) THENCE N 26° 43' 00" E, along said right-of-way line, a distance of 496.30 feet to the Point of Beginning, and containing 44.07 acres of land, more or less; and

BEING A 2.120 ACRE (92,350 SQUARE FEET) TRACT OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE IN TRAVIS COUNTY, TEXAS. SAID 2.120 ACRE TRACT OF LAND ALSO BEING OUT OF A 31.12 ACRE TRACT HAVING BEEN CONVEYED TO THE STATE OF TEXAS BY INSTRUMENT OF RECORD IN VOLUME 776, PAGE 225, DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 2.120 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a brass disk in concrete found on the southeasterly right of way line of Bull Creek Road. Said disk also being at the northernmost corner of said 31.12 acre tract and the westernmost corner of a 44.07 acre tract also out of the tract described in volume 776, page 225 for the northernmost corner of the herein described tract;

Thence, S63° 17' 00"E, 350.00 feet with the northeasterly line of said 31.12 acre tract and a southwesterly line of said 44.07 acre tract to a 1/2" iron rod set for the easternmost corner of the herein described tract;

Thence, S26° 42' 58"W, 205.49 feet with the southeast line of this 2.120 acre tract to a 1/2" iron rod set for the herein described tract, nearby a concrete driveway;

Thence, N82° 57' 38"W, 276.95 feet following a concrete driveway to a 1/2" iron rod set for an angle point of the herein described tract;

Thence, N62° 30' 47"W, 89.24 feet continuing along a concrete driveway to a 1/2" iron rod set on the southeasterly right of way line of Bull Creek Road and the westernmost corner of the herein described tract;

THENCE, N26° 43' 00"E, 297.55 feet with the southeasterly line of Bull Creek Road and the northwesterly line of this 2.120 acre tract to the POINT OF BEGINNING and containing 2.120 acre (92,350 square feet) of land.

(2) Parking Lot 19, 0.7887 acres, GLO ID #1905, located at 203 Martin Luther King Boulevard, Austin, Travis County, Texas, more particularly described as follows:

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 34,354 SQUARE FEET OF LAND OR 0.7887 OF ONE ACRE OF LAND, BEING THE NORTHEAST ONE-QUARTER (1/4), THE NORTH ONE-HALF (1/2) OF THE SOUTHEAST ONE-QUARTER (1/4), THE EAST FIVE (5) FEET OF THE NORTHWEST ONE-QUARTER (1/4) AND THE EAST FIVE (5) FEET OF THE NORTH ONE-HALF (1/2) OF THE SOUTHWEST ONE-QUARTER (1/4) OF OUTLOT 42, DIVISION "E" OF THE GOVERNMENT TRACT ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, SAID TRACT OF LAND BEING DESCRIBED IN A DEED FROM TEXAS KAPPA SIGMA EDUCATIONAL FOUNDATION, INC. TO THE STATE OF TEXAS IN VOLUME 4794, PAGE 2010, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AS SURVEYED FOR THE GENERAL LAND OFFICE OF THE STATE OF TEXAS BY METCALFE & SANDERS, INC., LAND SURVEYORS, 4800 SOUTH CONGRESS AVENUE, AUSTIN, TEXAS, SAID 34,354 SQUARE FEET OF LAND OR 0.7887 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Commencing for reference at City of Austin 1/4" brass pin in concrete found at the intersection of the monumented base line of West 18th Street with the monumented base line of Colorado Street, and from which 1/4" brass pin in concrete found a City of Austin 1/4" brass pin in concrete found at the intersection of the monumented base line of West 18th Street with the monumented base line of Congress Avenue bears, S 70°44'00" E 440.19 feet;

Thence with the monumented base line of West 18th Street, N 70°43'55" W 40.00 feet to a calculated point;

Thence with a line forty (40) feet west of and parallel with the reconstructed base line of Colorado Street and with the east line of Outlot 42, Division "E" of the Government Tract Adjoining the Original City of Austin, Travis County,

Texas, according to the plat on file in the General Land Office of the State of Texas, being also with the west line of Colorado Street and with the most southerly east line of that 1.242 acre tract of land, described as being a portion of the west one-half (1/2) and the south one-half (1/2) of the southeast one-quarter (1/4) of said Outlot 42, Division "E", in a Correction Deed from James H. Coker to Cambridge Tower Corporation in Volume 6769, Page 11, Deed Records of Travis County, Texas, N 18°58'55" E at 29.99 feet passing a 3/4" iron pipe found 0.02 of one foot west of line, at 30.00 feet passing a calculated point at the southeast corner of said Outlot 42, Division "E" and the intersection of the west line of Colorado Street with the north line of West 18th Street, said calculated point being also the southeast corner of the said Cambridge Tower Corporation 1.242 acre tract, in all 110.03 feet to a 1/2" iron pipe found at the most southerly northeast corner of the said Cambridge Tower Corporation 1.242 acre tract and the southeast corner of that tract of land, described as being the northeast one-quarter (1/4), the north one-half (1/2) of the southeast one-quarter (1/4), the east five (5) feet of the northwest one-quarter (1/4) and the east five (5) feet of the north one-half (1/2) of the southwest one-quarter (1/4) of said Outlot 42, Division "E" in a deed from Kappa Sigma Educational Foundation, Inc. to The State of Texas in Volume 4794, Page 2010, Deed Records of Travis County, Texas, for the POINT OF BEGINNING and southeast corner of the herein described tract;

(1) THENCE with the north line of the south one-half (1/2) of the southeast one-quarter (1/4) of said Outlot 42, Division "E", the south line of the north one-half (1/2) of the southeast one-quarter (1/4) of said Outlot 42, Division "E" and the south line of the east five (5) feet of the north one-half (1/2) of the southwest one-quarter (1/4) of said Outlot 42, Division "E", and being also with the south line of the said The State of Texas tract and the most southerly north line of the said Cambridge Tower Corporation 1.242 acre tract, N 70°43'50" W at 138.10 feet passing a 1/2" steel pin previously set and found this date at the intersection of the west line of the east one-half (1/2) of said Outlot 42, Division "E" and the east line of the west one-half (1/2) of said Outlot 42, Division "E" with the north line of the south one-half (1/2) of the south one-half (1/2) of said Outlot 42, Division "E" and the south line of the north one-half (1/2) of the south one-half (1/2) of said Outlot 42, Division "E", in all 143.10 feet to a calculated point for the southwest corner of the said The State of Texas tract and an interior corner of the said Cambridge Tower Corporation 1.242 acre tract, for the southwest corner of the herein described tract;

(2) THENCE with the west line of the said The State of Texas tract and the most northerly east line of the said Cambridge Tower Corporation 1.242 acre tract, being also with the west line of the east five (5) feet of the north one-half (1/2) of the southwest one-quarter (1/4) of said Outlot 42, Division "E" and with the west line of the east five (5) feet of the northwest one-quarter (1/4) of said Outlot 42, Division "E", N 18°59'15" E 240.10 feet to a 1/2" steel pin found in the north line of said Outlot 42, Division "E" and the south line of West Martin Luther King, Jr. Boulevard (West 19th Street) at the northwest corner of the said The State of Texas tract and the most northerly northeast corner of the said Cambridge Tower Corporation 1.242 acre tract, said 1/2" steel pin found being

also the northwest corner of the east five (5) feet of the northwest one-quarter (1/4) of said Outlot 42, Division "E", for the northwest corner of the herein described tract;

(3) THENCE with the south line of West Martin Luther King, Jr. Boulevard and the north line of said Outlot 42, Division "E", being also with the north line of the said The State of Texas tract, S 70°43'35" E a 5.00 feet passing a 1/2" steel pin previously set and found this date for the northeast corner of the northwest one-quarter (1/4) of said Outlot 42, Division "E" and the northwest corner of the northeast one-quarter (1/4) of said Outlot 42, Division "E", in all 143.07 feet to a PK nail previously set and found this date in the north face of a brick step at the intersection of the south line of West Martin Luther King, Jr. Boulevard with the west line of Colorado Street for the northeast corner of said Outlot 42, Division "E" and the northeast corner of the said The State of Texas tract, for the northeast corner of the herein described tract;

(4) THENCE with the west line of Colorado Street and the east line of said Outlot 42, Division "E", being also with the east line of the said The State of Texas tract, S 18°58'55" W 240.09 feet to the POINT OF BEGINNING of the herein described tract, containing 34,354 square feet of land or 0.7887 of one acre of land.

(3) Service Station, GLO ID #1913, located at 1500 San Jacinto Street, Austin, Travis County, Texas, more particularly described as follows: LOTS 6 & 7 BLK. 54, DIV E ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TX.

(4) Parking Garage B/G/Lot 22, more particularly described as follows:

76,032 square feet of land, being Outlot 55, Division "E", of the Government Outlots adjoining the Original City of Austin, Texas, according to the map or plat of record in the General Land Office.

BEGINNING at an iron pin set at the most Southerly corner of the tract herein described, said iron pin set bears N 71° 08' W, 40.00' and N 19° 01' E, 50.00' from a monument found at the intersection of the centerlines of East 15th Street and Trinity Street;

THENCE; N 71° 08' W, 275.82' along the Northerly R.O.W. line of East 15th Street, 50' North of and parallel to the monumented centerline of East 15th Street to a concrete nail at the intersection of the Northerly R.O.W. line of East 15th Street and the Easterly R.O.W. line of San Jacinto Street;

THENCE; N 19° 01' E, 275.54' along the Easterly R.O.W. line of San Jacinto Street to an "X" in concrete at the intersection of the Easterly R.O.W. line of San Jacinto Street and the Southerly R.O.W. line of East 16th Street;

THENCE; S 71° 11' E, 275.80' along the Southerly R.O.W. line of East 16th Street to an iron pin set at the intersection of the Southerly R.O.W. line of East 16th Street and the Westerly R.O.W. line of Trinity Street;

THENCE; S 19° 01' W, 275.82' along the Westerly R.O.W. line of Trinity Street to the PLACE OF BEGINNING, containing 76,032 square feet of land as surveyed November, 1973, by Otis B. Autry, Registered Public Surveyor.

; and

(5) Austin Bolm Road Warehouse, more particularly described as follows:

Lot 25-A, Capitol Business Park, 1-A, a Subdivision of Travis County according to the plat recorded Volume 81 page 110 Plat records. The property was purchased by the State of Texas on June 19, 1989 from STRAFCO INC recorded Volume 10963 page 1000, Travis County Deed Records

(d) Property held by the Health and Human Services Commission is described as follows:

(1) Abilene State Supported Living Center (part), Parcel A, 33.039 acres, GLO ID #752, located at 2501 Maple Street, Abilene, Taylor County, Texas, more particularly described as follows:

BEING 33.039 ACRES OF LAND SITUATED IN THE EAST HALF OF SECTION 51, CITY OF ABILENE, TAYLOR COUNTY, TEXAS AND THAT CERTAIN 637.337 ACRE TRACT DESCRIBED IN INSTRUMENT TO THE TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION AS RECORDED IN VOLUME 14, PAGE 127 OF THE COUNTY RECORDS OF TAYLOR COUNTY, TEXAS AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A STANDARD TYPE II TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) MARKER FOUND ON THE APPARENT NORTHERLY RIGHT-OF-WAY LINE OF SOUTH 27TH STREET (A CALLED 100-FOOT WIDE RIGHT-OF-WAY) AND ON THE WESTERLY RIGHT-OF-WAY LINE OF OLDHAM ROAD [~~FARM TO MARKET ROAD No. 1750~~] (A CALLED 100-FOOT WIDE RIGHT-OF-WAY) AND BEING 5,096.4 FEET EAST AND 2,631.0 FEET SOUTH OF A CONCRETE MONUMENT WITH BRASS CAP STAMPED ABILENE STATE HOSPITAL No. 1 FOUND BEING A CALLED 70-FOOT OFFSET FROM THE NORTHWEST CORNER OF THE SOUTH HALF OF SECTION 51;

THENCE SOUTH 89°56'02" WEST ALONG SAID NORTHERLY LINE OF SOUTH 27TH STREET, 326.03 FEET TO A CONCRETE MARKER WITH BRASS DISK FOUND FOR THE BEGINNING OF A CURVE TO THE LEFT;

THENCE WESTERLY CONTINUING ALONG SAID NORTHERLY LINE AND THE ARC OF SAID CURVE TO THE LEFT PASSING A 1-1/2-INCH IRON PIPE FOUND AT 379.04 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 390.10 FEET, HAVING A CENTRAL ANGLE OF 16°16'29", A RADIUS OF 1,373.35 AND WHOSE LONG CHORD BEARS SOUTH 81°47'47" WEST, 388.79 FEET TO A 5/8-INCH IRON ROD WITH PLASTIC CAP STAMPED "SURVCON INC" SET;

THENCE NORTH 00°00'00" EAST PARALLEL TO SAID WESTERLY LINE OF OLDHAM ROAD, 2,063.60 FEET TO A 5/8-INCH IRON ROD WITH PLASTIC CAP STAMPED "SURVCON INC" SET;

THENCE NORTH 88°56'07" EAST, 710.96 FEET TO A 5/8-INCH IRON ROD WITH PLASTIC CAP STAMPED "SURVCON INC" SET ON SAID WESTERLY LINE OF OLDHAM ROAD;

THENCE SOUTH 00°00'00" WEST ALONG SAID WESTERLY LINE OF OLDHAM ROAD, PASSING A STANDARD TYPE II TXDOT MARKER AT 867.79 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 2,020.96 FEET TO THE POINT OF BEGINNING AND CONTAINING A COMPUTED AREA OF 33.039 ACRES OF LAND.

(2) Rio Grande State Center (part), Parcel B, 14.18 acres, GLO ID #736, located at 1401 South Rangerville Road, Harlingen, Cameron County, Texas, more particularly described as follows:

Lying and situated in the City of Harlingen, Cameron County, Texas, said land being described by metes and bounds as follows:

Beginning at the Southwest corner of Block 93 of the Harlingen Land and Water Company Subdivision, Cameron County, Texas, as the map of said subdivision is recorded in Vol. 1, Page 12, of the Map Records of Cameron County, Texas;

Thence, North 00 deg. 12 min. West a distance of 10 feet to a point of beginning for the tract herewith described, and being the Southwest corner of the tract herewith described; said point being on the West boundary line of said Block 93, such boundary line being also the East boundary line of the right-of-way of Canal No. 3 of the Cameron County Water Control and Improvement District No. 1, Cameron County, Texas, said point also being on the North right-of-way line of Rio Hondo Road, a public road of Cameron County, Texas;

Thence, North 89 deg. 48 min. East a distance of 859.0 feet to a point, this boundary line being parallel to and 10 feet North of the South boundary line of said Block 93, and also being the North right-of-way line of said Rio Hondo Road;

Thence, North 00 deg. 12 min. West a distance of 719 feet to a point;

Thence, South 89 deg. 48 min. West a distance of 859 feet to a point, said point being on the line being the West boundary line of said Block 93 and the East boundary line of said right-of-way for said Canal No. 3;

Thence, South 00 deg. 12 min. East along said West boundary line of said Block 93 (being also the East boundary line of said right-of-way for Canal No. 3) a distance of 719 feet to the point of beginning of the tract herewith described and herein being conveyed, and containing 14.18 acres of land, more or less.

(3) San Angelo State Supported Living Center (part), Parcel B, 0.3214 acres GLO ID #767, located on US HWY 87 North, Carlsbad, Tom Green County, Texas, generally described as follows:

The 0.3214 acre tract consists of 2 (50' X 140') town lots legally described as Lots 10 and 11, Block 137, unincorporated Town of Carlsbad, Tom Green County, Texas.

(4) Marlin Robert E. Lee Group Home, 0.247 acres, GLO ID #2139, located at 1606 Robert E. Lee Drive, Marlin, Falls County, Texas, more particularly described as follows:

All that certain lot or parcel of land, situated in the Northeast portion of the City of Marlin, Falls County, Texas, out of the T J Chambers and A De La Serda conflicting grants, and being part of that certain Cullen Rogers 9.553 acre tract, more particularly described as Lot 11, Block 2, Plantation Acres Subdivision as shown per final plat of record in Vol. 2, Page 47, Fall County Plat Records;

Beginning at an iron rod for the Northeast corner of Rogers 9.553 acres and Northeast corner of Lot 11, Block 2 mentioned above;

Thence S 29°46'29" E 95.91 ft. with center line 15 ft. utility easement to an iron rod for the Southeast corner of Lot 11;

Thence S 61°52'30" W 115.5 ft. to an iron rod for the Southwest corner of said Lot 11, in the East line of Robert E. Lee Drive;

Thence N 28°07'30" W 92.63 ft. along the East line of Robert E. Lee Drive to an iron rod for the Northwest corner of Lot 11, a point in the North line of Rogers 9.553 acres;

Thence N 60°13'33" E 112.79 ft. to the place of beginning containing 0.247 acres of land.

; and

(5) Wortham Twin Circle Group Home, 0.344 acres, GLO ID #2144, located at 115 Twin Circle Drive, Wortham, Freestone County, Texas, more particularly described as follows:

Being a 15,000 square foot or 0.344 acre tract of land identified as Lot 8, Block 2, Twin Circle Estates Addition, City of Wortham, Freestone County, Texas.

(e) Property held by the Parks and Wildlife Department is described as follows:

McKinney Falls Park/State Headquarters (part), Parcel B, 13 acres GLO ID #72, located at 4200 Smith School Road, Austin, Travis County, Texas, generally described as follows:

A 13 acre tract, more or less, out of the Santiago Del Valle Grant, Austin, Travis County, Texas, being that part of the McKinney Falls State Park/Headquarters lying west of East Stassney Lane.

SECTION ____ .04. DISPOSITION OF PROCEEDS. The proceeds from the sales authorized by Section 1 of this Act shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION ____ .05. STATE CEMETERY. Section 2165.256(b), Government Code, is amended to read as follows:

(b) ~~[In addition to the property described as] Lot No. 5, Division B, City of Austin, Travis County, Texas, [the following property] is dedicated for cemetery purposes as part of the State Cemetery. [- BEING 44.07 ACRES OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED BY DEED TO THE STATE OF TEXAS AS RECORDED IN VOLUME 776, PAGE 225, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 44.07 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~[BEGINNING at a set brass cap in concrete for the northwest corner of said State of Texas tract, same being the west corner of Lot 34 of Shoal Village, Section Two, a subdivision in the City of Austin, Texas, as recorded in Book 5, Page 150, of the Plat Records of Travis County, Texas, and being on the east right-of-way line of Bull Creek Road (an existing 60' R/W) and being the northwest corner of this tract;~~

~~[(1) THENCE S 62° 05' 02" E, along the north line of said State of Texas tract of land, same being the south line of said subdivision, a distance of 919.08 feet to a set brass cap in concrete for an angle point in the north line of said State of Texas, tract of land same being an angle point in the south line of Lot 45 of Shoal Village, Section Three, a subdivision of record in the City of Austin, Texas, as recorded in Book 6, Page 71, of the Plat Records of Travis County, Texas;~~

~~[(2) THENCE along the north line of said State of Texas, tract of land, same being the south line of the following subdivisions in the City of Austin, Texas, said Shoal Village, Section Three, Shoal Village, Sec. 5, as recorded in Plat Book 6, Page 72, of the Plat Records of Travis County, Texas, Shoal Village, Sec. 6, as recorded in Plat Book 7, Page 7, of the Plat Records of Travis County, Texas, Shoal Village, Section Seven, as recorded in Plat Book 14, Page 80, of the Plat Records of Travis County, Texas, Oak Haven, Section Three, as recorded in Book 11, Page 40, of the Plat Records of Travis County, Texas, the following two (2) courses and distances:~~

~~[1. S 63° 02' 45" E, a distance of 306.61 feet, a 1/2" iron rod found,~~

~~and~~

~~[2. S 63° 11' 57" E, a distance of 327.57 feet to the point of intersection with the centerline of Shoal Creek for the northeast corner of this tract;~~

~~[(3) THENCE along the centerline of Shoal Creek with it's meanders, same being the east line of this tract, the following seven (7) courses and distances:~~

~~[1. S 03° 49' 32" E, a distance of 146.37 feet, a 1/2" I. R. set,~~

~~[2. S 11° 51' 40" W, a distance of 68.56 feet, a 1/2" I. R. set,~~

~~[3. S 17° 44' 58" E, a distance of 255.55 feet, a 1/2" I. R. set,~~

~~[4. S 11° 22' 50" W, a distance of 433.59 feet, a 1/2" I. R. set,~~

~~[5. S 01° 30' 40" E, a distance of 208.10 feet, a 1/2" I. R. set,~~

~~[6. S 03° 34' 39" E, a distance of 163.82 feet, a 1/2" I. R. set, and~~

~~[7. S 12° 53' 44" E, a distance of 44.69 feet, to a P. K. nail set in~~

~~concrete for the southeast corner of this tract;~~

~~[(4) THENCE N 62° 12' 25" W, departing from said Shoal Creek, passing the northeast corner of Lot 24 of Ridgela, a subdivision in the City of Austin, Texas, as recorded in Book 4, Page 258, of the Plat Records of Travis County, Texas, at 59.90 feet, a total distance of 414.19 feet to a found 1/2" iron rod under concrete for the most northerly corner of Lot 21 of said Ridgela subdivision, said point also being a re-entrant corner of this tract;~~

~~[(5) THENCE S 31° 29' 35" W, along the most southerly east line of said State of Texas tract of land, same being the west line of said Ridgela subdivision, a distance of 715.50 feet to a 1/2" iron rod set for a southwest corner of this tract, from this point the northwest corner of Lot 11, same being the southwest corner of Lot 12, of said Ridgela subdivision bears N 31° 29' 35" E, a distance of 10.64 feet;~~

~~[(6) THENCE through said State of Texas tract of land the following four (4) courses and distances:~~

~~[1. N 23° 52' 33" W, passing a brass cap in concrete set at 5.00 feet, a total distance of 654.65 feet to a brass cap in concrete set for a corner,~~

~~[2. N 06° 26' 42" E, a distance of 308.11 feet, a brass cap in concrete set for a corner,~~

~~[3. N 14° 01' 31" W, a distance of 894.05 feet, a brass cap in concrete set for a corner, and~~

~~[4. N 63° 17' 00" W, a distance of 478.50 feet to a brass cap set in concrete at the point of intersection with the east right of way line of Bull Creek Road, same being the west line of said State of Texas tract of land, and being the most northerly southwest corner of this tract;~~

~~[(7) THENCE N 26° 43' 00" E, along said right of way line, a distance of 496.30 feet to the Point of Beginning, and containing 44.07 acres of land, more or less; and~~

~~[BEING A 2.120 ACRE (92,350 SQUARE FEET) TRACT OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE IN TRAVIS COUNTY, TEXAS. SAID 2.120 ACRE TRACT OF LAND ALSO BEING OUT OF A 31.12 ACRE TRACT HAVING BEEN CONVEYED TO THE STATE OF TEXAS BY INSTRUMENT OF RECORD IN VOLUME 776, PAGE 225, DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 2.120 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:~~

~~[BEGINNING, at a brass disk in concrete found on the southeasterly right of way line of Bull Creek Road. Said disk also being at the northernmost corner of said 31.12 acre tract and the westernmost corner of a 44.07 acre tract also out of the tract described in volume 776, page 225 for the northernmost corner of the herein described tract;~~

~~[Thence, S63° 17' 00"E, 350.00 feet with the northeasterly line of said 31.12 acre tract and a southwesterly line of said 44.07 acre tract to a 1/2" iron rod set for the easternmost corner of the herein described tract;~~

~~[Thence, S26° 42' 58"W, 205.49 feet with the southeast line of this 2.120 acre tract to a 1/2" iron rod set for the herein described tract, nearby a concrete driveway;~~

~~[Thence, N82° 57' 38"W, 276.95 feet following a concrete driveway to a 1/2" iron rod set for an angle point of the herein described tract;~~

~~[Thence, N62° 30' 47"W, 89.24 feet continuing along a concrete driveway to a 1/2" iron rod set on the southeasterly right of way line of Bull Creek Road and the westernmost corner of the herein described tract;~~

~~[THENCE, N26° 43' 00"E, 297.55 feet with the southeasterly line of Bull Creek Road and the northwesterly line of this 2.120 acre tract to the POINT OF BEGINNING and containing 2.120 acre (92,350 square feet) of land.]~~

SECTION ____ .06. EFFECTIVE DATE. This Act takes effect September 1, 2011.

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted. (V. Taylor recorded voting no.)

Amendment No. 3

Representative Pitts offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 6

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLES to the bill and renumbering the remaining ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. FISCAL MATTERS CONCERNING EARLY HIGH SCHOOL GRADUATION

SECTION _____.01. Subchapter K, Chapter 56, Education Code, is amended by adding Section 56.2012 to read as follows:

Sec. 56.2012. EXPIRATION OF SUBCHAPTER; ELIGIBILITY CLOSED. (a) This subchapter expires September 1, 2017.

(b) Notwithstanding Section 56.203, a person may not receive an award under this subchapter if the person graduates from high school on or after September 1, 2011.

SECTION _____.02. Subsection (b), Section 54.213, Education Code, is amended to read as follows:

(b) [~~Savings to the foundation school fund that occur as a result of the Early High School Graduation Scholarship program created in Subchapter K, Chapter 56, and that are not required for the funding of state credits for tuition and mandatory fees under Section 56.204 or school district credits under Section 56.2075 shall be used first to provide tuition exemptions under Section 54.212. Any of those savings remaining after providing tuition exemptions under Section 54.212 shall be used to provide tuition exemptions under Section 54.214.~~] The Texas Education Agency shall ~~also~~ accept and make available to provide tuition exemptions under Section 54.214 gifts, grants, and donations made to the agency for that purpose. The commissioner of education shall transfer those funds to the Texas Higher Education Coordinating Board to distribute to institutions of higher education that provide exemptions under that section [~~Payment of funds under this subsection shall be made in the manner provided by Section 56.207 for state credits under Subchapter K, Chapter 56.~~].

SECTION _____.03. Section 56.210, Education Code, is repealed.

ARTICLE _____. FISCAL MATTERS CONCERNING RETIRED TEACHERS

SECTION _____.01. Notwithstanding Subsection (a), Section 825.404, Government Code, for the state fiscal biennium ending August 31, 2013, only, the amount of the state contribution to the Teacher Retirement System of Texas under that section may be less than the amount contributed by members during that biennium.

SECTION _____.02. Notwithstanding Subsection (a), Section 1575.202, Insurance Code, for the state fiscal biennium ending August 31, 2013, only, the state may contribute an amount to the retired school employees group insurance fund that is less than one percent of the salary of each active employee.

Amendment No. 3 was adopted. (Anchia, Bohac, V. Gonzales, Harper-Brown, Phillips, Rodriguez, Scott, Strama, and White recorded voting no.)

Amendment No. 4

Representative Pitts offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 8

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . TEXAS EMERGING TECHNOLOGY FUND

SECTION ____ .01. Section 490.005(b), Government Code, is amended to read as follows:

(b) The annual report must also contain:

(1) the total number of jobs actually created by each project receiving funding under this chapter;

(2) an analysis of the number of jobs actually created by each project receiving funding under this chapter; and

(3) a brief description regarding:

(A) the methodology used to determine the information provided under Subdivisions (1) and (2);

(B) [~~4~~] the intended outcomes of projects funded under Subchapter D during the preceding two state fiscal years; and

(C) [~~2~~] the actual outcomes of all projects funded under Subchapter D during the fund's existence, including any financial impact on the state resulting from a liquidity event involving a company whose project was funded under that subchapter.

SECTION ____ .02. The heading to Section 490.052, Government Code, is amended to read as follows:

Sec. 490.052. APPOINTMENT TO COMMITTEE [~~BY GOVERNOR~~]; NOMINATIONS.

SECTION ____ .03. Section 490.052, Government Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) The governor shall appoint to the committee 13 individuals nominated as provided by Subsection (b).

(a-1) The lieutenant governor shall appoint two senators to the committee.

(a-2) The speaker of the house of representatives shall appoint two members of the house of representatives to the committee.

SECTION ____ .04. Subchapter B, Chapter 490, Government Code, is amended by adding Section 490.0521 to read as follows:

Sec. 490.0521. FINANCIAL STATEMENT REQUIRED. Each member of the committee shall file with the office of the governor and the Texas Ethics Commission a verified financial statement complying with Sections 572.022 through 572.0252 as is required of a state officer by Section 572.021.

SECTION ____ .05. Section 490.054, Government Code, is amended to read as follows:

Sec. 490.054. TERMS. (a) Members of the committee appointed by the governor serve staggered two-year terms, subject to the pleasure of the governor.

(b) Members of the committee appointed by the lieutenant governor or the speaker of the house of representatives serve two-year terms.

SECTION ____ .06. Subchapter B, Chapter 490, Government Code, is amended by adding Section 490.0551 to read as follows:

Sec. 490.0551. MEETINGS. (a) The committee shall hold meetings periodically to conduct the business of the committee.

(b) The committee and any subcommittee of the committee shall give notice of each meeting to be held by the committee or subcommittee, as applicable, to the secretary of state. The secretary of state shall post the notice on the secretary of state's Internet website at least 72 hours before the scheduled time of the meeting. The notice must contain:

(1) the date, time, and place of the meeting; and

(2) the agenda of items to be considered at the meeting.

(c) The committee and any subcommittee of the committee shall keep minutes of each meeting. The minutes must include:

(1) an indication of each committee member's vote, including any recusal by a member, on each matter under consideration by the committee; and

(2) a description of the specific nature of any conflict of interest disclosed by a committee member, including the manner in which the conflict of interest was resolved.

SECTION ____ .07. Section 490.056, Government Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) Each entity recommended by the committee for an award of money from the fund as provided by this chapter shall obtain and provide the following information to the office of the governor:

(1) a federal criminal history background check for each principal of the entity;

(2) a state criminal history background check for each principal of the entity;

(3) a credit check for each principal of the entity;

(4) a copy of a government-issued form of photo identification for each principal of the entity; and

(5) information regarding whether the entity or a principal of the entity has ever been subject to a sanction imposed by the Securities and Exchange Commission for a violation of applicable federal law.

(d) For purposes of Subsection (c):

(1) "Controlling interest" has the meaning assigned by Section 171.0001, Tax Code.

(2) "Principal" means:

(A) an officer of an entity; or

(B) a person who directly or indirectly owns or controls a controlling interest in an entity.

(e) With each proposal to award funding submitted by the governor to the lieutenant governor and speaker of the house of representatives for purposes of obtaining prior approval, the governor shall provide each officer with a copy of the information provided by the appropriate entity under Subsection (c).

SECTION ____ .08. Section 490.101, Government Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) An award to a particular recipient from the fund may not exceed \$3,000,000.

SECTION ____ .09. Subchapter D, Chapter 490, Government Code, is amended by adding Section 490.1521 to read as follows:

Sec. 490.1521. MINUTES OF CERTAIN MEETINGS. (a) Each regional center of innovation and commercialization established under Section 490.152, including the Texas Life Science Center for Innovation and Commercialization, shall keep minutes of each meeting at which applications for funding under this subchapter are evaluated. The minutes must:

(1) include the name of each applicant recommended by the regional center of innovation and commercialization to the committee for funding; and

(2) indicate the vote of each member of the governing body of the regional center of innovation and commercialization, including any recusal by a member and the member's reason for recusal, with regard to each application reviewed.

(b) Not later than the 30th day after the date a meeting to which this section applies is held, the appropriate regional center of innovation and commercialization shall post a copy of the minutes of the meeting on the center's Internet website. The copy of the minutes must remain posted on the website for at least four years.

SECTION ____ .10. (a) The terms of the members of the Texas Emerging Technology Advisory Committee serving on the effective date of this article expire September 1, 2011.

(b) As soon as practicable after this article takes effect, the governor, lieutenant governor, and speaker of the house of representatives shall appoint members to the Texas Emerging Technology Advisory Committee established under Subchapter B, Chapter 490, Government Code, in a manner that complies with that subchapter, as amended by this article.

(c) At the first meeting of members of the Texas Emerging Technology Advisory Committee established under Subchapter B, Chapter 490, Government Code, as amended by this article, occurring on or after September 1, 2011, the members appointed by the governor shall draw lots to determine which six members will serve a term expiring September 1, 2012, and which seven members will serve a term expiring September 1, 2013.

SECTION ____ .11. Section 490.101(f-1), Government Code, as added by this article, applies only to an award from the Texas emerging technology fund that is made on or after the effective date of this article. An award from the Texas emerging technology fund made before the effective date of this article is governed by the law in effect on the date the award was made, and the former law is continued in effect for that purpose.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Darby offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 27

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. FISCAL MATTERS CONCERNING ANIMAL HEALTH
REGULATION

SECTION _____.01. Section 161.060, Agriculture Code, is amended to read as follows:

Sec. 161.060. AUTHORITY TO SET AND COLLECT ~~[INSPECTION]~~ FEES. The commission by rule may set and collect a fee for any service provided ~~[charge a fee, as provided by commission rule, for an inspection made]~~ by the commission, including:

- (1) the inspection of animals or facilities;
- (2) the testing of animals for disease;
- (3) obtaining samples from animals for disease testing;
- (4) disease eradication and treatment efforts;
- (5) services related to the transport of livestock;
- (6) control and eradication of ticks and other pests; and
- (7) any other service for which the commission incurs a cost.

ARTICLE _____. FISCAL MATTERS REGARDING PETROLEUM INDUSTRY
REGULATION

SECTION _____.01. Section 26.3574, Water Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) A fee is imposed on the delivery of a petroleum product on withdrawal from bulk of that product as provided by this subsection. Each operator of a bulk facility on withdrawal from bulk of a petroleum product shall collect from the person who orders the withdrawal a fee in an amount determined as follows:

(1) not more than \$3.125 ~~[\$3.75]~~ for each delivery into a cargo tank having a capacity of less than 2,500 gallons ~~[for the state fiscal year beginning September 1, 2007, through the state fiscal year ending August 31, 2011];~~

(2) not more than \$6.25 ~~[\$7.50]~~ for each delivery into a cargo tank having a capacity of 2,500 gallons or more but less than 5,000 gallons ~~[for the state fiscal year beginning September 1, 2007, through the state fiscal year ending August 31, 2011];~~

(3) not more than \$9.37 ~~[\$11.75]~~ for each delivery into a cargo tank having a capacity of 5,000 gallons or more but less than 8,000 gallons ~~[for the state fiscal year beginning September 1, 2007, through the state fiscal year ending August 31, 2011];~~

(4) not more than \$12.50 ~~[\$15.00]~~ for each delivery into a cargo tank having a capacity of 8,000 gallons or more but less than 10,000 gallons ~~[for the state fiscal year beginning September 1, 2007, through the state fiscal year ending August 31, 2011]; and~~

(5) not more than \$6.25 ~~[\$7.50]~~ for each increment of 5,000 gallons or any part thereof delivered into a cargo tank having a capacity of 10,000 gallons or more ~~[for the state fiscal year beginning September 1, 2007, through the state fiscal year ending August 31, 2011].~~

(b-1) The commission by rule shall set the amount of the fee in Subsection (b) in an amount not to exceed the amount necessary to cover the agency's costs of administering this subchapter, as indicated by the amount appropriated by the legislature from the petroleum storage tank remediation account for that purpose.

ARTICLE ____ . COASTAL EROSION

SECTION ____ .01. Section 33.608, Natural Resources Code, is amended to read as follows:

Sec. 33.608. REPORT TO LEGISLATURE. (a) Each biennium, the commissioner shall submit to the legislature a report listing:

- (1) each critical erosion area;
- (2) each proposed erosion response study or project;
- (3) an estimate of the cost of each proposed study or project described by Subdivision (2);
- (4) each coastal erosion response study or project funded under this subchapter during the preceding biennium;
- (5) the economic and natural resource benefits from each coastal erosion response study or project described by Subdivision (4);
- (6) the financial status of the account; and
- (7) an estimate of the cost of implementing this subchapter during the succeeding biennium.

(b) The report must include a plan for coastal erosion response studies and projects that may be funded, wholly or partly, from money in the account and may be undertaken during the next 10 or more years.

ARTICLE ____ . TEXAS FARM AND RANCHLANDS CONSERVATION PROGRAM

SECTION ____ .01. Subsection (b), Section 183.059, Natural Resources Code, is amended to read as follows:

(b) To receive a grant from the fund under this subchapter, an applicant who is qualified to be an easement holder under this subchapter must submit an application to the council. The application must:

- (1) set out the parties' clear conservation goals consistent with the program;
- (2) include a site-specific estimate-of-value appraisal by a licensed appraiser qualified to determine the market value of the easement; and
- (3) ~~[demonstrate that the applicant is able to match 50 percent of the amount of the grant being sought, considering that the council may choose to allow a donation of part of the appraised value of the easement to be considered as in-kind matching funds; and~~

~~[(4)]~~ include a memorandum of understanding signed by the landowner and the applicant indicating intent to sell an agricultural conservation easement and containing the terms of the contract for the sale of the easement.

ARTICLE ____ . FISCAL MATTERS CONCERNING PARKS AND WILDLIFE CONTRIBUTIONS

SECTION ____ .01. Subchapter D, Chapter 502, Transportation Code, is amended by adding Sections 502.1747 and 502.1748 to read as follows:

Sec. 502.1747. VOLUNTARY CONTRIBUTION TO PARKS AND WILDLIFE DEPARTMENT. (a) When a person registers or renews the registration of a motor vehicle under this chapter, the person may contribute \$5 or more to the Parks and Wildlife Department.

(b) The department shall:

(1) include space on each motor vehicle registration renewal notice, on the page that states the total fee for registration renewal, that allows a person renewing a registration to indicate the amount that the person is voluntarily contributing to the state parks account;

(2) provide an opportunity to contribute to the state parks account similar to the opportunity described by Subsection (a) and in the manner described by Subdivision (1) in any registration renewal system that succeeds the system in place on September 1, 2011; and

(3) provide an opportunity for a person to contribute to the state parks account during the registration renewal process on the department's Internet website.

(c) If a person makes a contribution under this section and does not pay the full amount of a registration fee, the county assessor-collector may credit all or a portion of the contribution to the person's registration fee.

(d) The county assessor-collector shall send any contribution made under this section to the comptroller for deposit to the credit of the state parks account under Section 11.035, Parks and Wildlife Code. Money received by the Parks and Wildlife Department under this section may be used only for the operation and maintenance of state parks, historic sites, or natural areas under the jurisdiction of the Parks and Wildlife Department.

(e) The department shall consult with the Parks and Wildlife Department in performing the department's duties under this section.

Sec. 502.1748. DISPOSITION OF CERTAIN VOLUNTARY CONTRIBUTIONS. If a person makes a voluntary contribution under Section 502.1746 or 502.1747 at the time the person registers or renews the registration of a motor vehicle under this chapter but the person does not clearly specify the entity to which the person intends to contribute, the county assessor-collector shall divide the contribution between the entities authorized to receive contributions under those sections.

SECTION ____ .02. Sections 502.1747 and 502.1748, Transportation Code, as added by this article, apply only to a motor vehicle registration renewal notice issued for a registration that expires on or after January 1, 2012.

ARTICLE ____ . FISCAL MATTERS CONCERNING OIL AND GAS
REGULATION

SECTION ____ .01. Subsection (c), Section 81.0521, Natural Resources Code, is amended to read as follows:

(c) Two-thirds of the proceeds from this fee, excluding ~~including~~ any penalties collected in connection with the fee, shall be deposited to the oil and gas regulation and ~~oil field~~ cleanup fund as provided by Section 81.067 ~~[91.111]~~.

SECTION ____ .02. Subchapter C, Chapter 81, Natural Resources Code, is amended by adding Sections 81.067 through 81.070 to read as follows:

Sec. 81.067. OIL AND GAS REGULATION AND CLEANUP FUND.

(a) The oil and gas regulation and cleanup fund is created as an account in the general revenue fund of the state treasury.

(b) The commission shall certify to the comptroller the date on which the balance in the fund equals or exceeds \$20 million. The oil-field cleanup regulatory fees on oil and gas shall not be collected or required to be paid on or after the first day of the second month following the certification, except that the comptroller shall resume collecting the fees on receipt of a commission certification that the fund has fallen below \$10 million. The comptroller shall continue collecting the fees until collections are again suspended in the manner provided by this subsection.

(c) The fund consists of:

(1) proceeds from bonds and other financial security required by this chapter and benefits under well-specific plugging insurance policies described by Section 91.104(c) that are paid to the state as contingent beneficiary of the policies, subject to the refund provisions of Section 91.1091, if applicable;

(2) private contributions, including contributions made under Section 89.084;

(3) expenses collected under Section 89.083;

(4) fees imposed under Section 85.2021;

(5) costs recovered under Section 91.457 or 91.459;

(6) proceeds collected under Sections 89.085 and 91.115;

(7) interest earned on the funds deposited in the fund;

(8) oil and gas waste hauler permit application fees collected under Section 29.015, Water Code;

(9) costs recovered under Section 91.113(f);

(10) hazardous oil and gas waste generation fees collected under Section 91.605;

(11) oil-field cleanup regulatory fees on oil collected under Section 81.116;

(12) oil-field cleanup regulatory fees on gas collected under Section 81.117;

(13) fees for a reissued certificate collected under Section 91.707;

(14) fees collected under Section 91.1013;

(15) fees collected under Section 89.088;

(16) fees collected under Section 91.142;

(17) fees collected under Section 91.654;

(18) costs recovered under Sections 91.656 and 91.657;

(19) two-thirds of the fees collected under Section 81.0521;

(20) fees collected under Sections 89.024 and 89.026;

(21) legislative appropriations; and

(22) any surcharges collected under Section 81.070.

Sec. 81.068. PURPOSE OF OIL AND GAS REGULATION AND CLEANUP FUND. Money in the oil and gas regulation and cleanup fund may be used by the commission or its employees or agents for any purpose related to the regulation of oil and gas development, including oil and gas monitoring and

inspections, oil and gas remediation, oil and gas well plugging, public information and services related to those activities, and administrative costs and state benefits for personnel involved in those activities.

Sec. 81.069. REPORTING ON PROGRESS IN MEETING PERFORMANCE GOALS FOR THE OIL AND GAS REGULATION AND CLEANUP FUND. (a) The commission, through the legislative appropriations request process, shall establish specific performance goals for the oil and gas regulation and cleanup fund for the next biennium, including goals for each quarter of each state fiscal year of the biennium for the number of:

(1) orphaned wells to be plugged with state-managed funds;

(2) abandoned sites to be investigated, assessed, or cleaned up with state funds; and

(3) surface locations to be remediated.

(b) The commission shall provide quarterly reports to the Legislative Budget Board that include:

(1) the following information with respect to the period since the last report was provided as well as cumulatively:

(A) the amount of money deposited in the oil and gas regulation and cleanup fund;

(B) the amount of money spent from the fund for the purposes described by Subsection (a);

(C) the balance of the fund; and

(D) the commission's progress in meeting the quarterly performance goals established under Subsection (a) and, if the number of orphaned wells plugged with state-managed funds, abandoned sites investigated, assessed, or cleaned up with state funds, or surface locations remediated is at least five percent less than the number projected in the applicable goal established under Subsection (a), an explanation of the reason for the variance; and

(2) any additional information or data requested in writing by the Legislative Budget Board.

(c) The commission shall submit to the legislature and make available to the public, annually, a report that reviews the extent to which money provided under Section 81.067 has enabled the commission to better protect the environment through oil-field cleanup activities. The report must include:

(1) the performance goals established under Subsection (a) for that state fiscal year, the commission's progress in meeting those performance goals, and, if the number of orphaned wells plugged with state-managed funds, abandoned sites investigated, assessed, or cleaned up with state funds, or surface locations remediated is at least five percent less than the number projected in the applicable goal established under Subsection (a), an explanation of the reason for the variance;

(2) the number of orphaned wells plugged with state-managed funds, by region;

(3) the number of wells orphaned, by region;

(4) the number of inactive wells not currently in compliance with commission rules, by region;

(5) the status of enforcement proceedings for all wells in violation of commission rules and the period during which the wells have been in violation, by region in which the wells are located;

(6) the number of surface locations remediated, by region;

(7) a detailed accounting of expenditures of money in the fund for oil-field cleanup activities, including expenditures for plugging of orphaned wells, investigation, assessment, and cleaning up of abandoned sites, and remediation of surface locations;

(8) the method by which the commission sets priorities by which it determines the order in which orphaned wells are plugged;

(9) a projection of the amount of money needed for the next biennium for plugging orphaned wells, investigating, assessing, and cleaning up abandoned sites, and remediating surface locations; and

(10) the number of sites successfully remediated under the voluntary cleanup program under Subchapter O, Chapter 91, by region.

Sec. 81.070. ESTABLISHMENT OF SURCHARGES ON FEES.

(a) Except as provided by Subsection (b), the commission by rule shall provide for the imposition of reasonable surcharges as necessary on fees imposed by the commission that are required to be deposited to the credit of the oil and gas regulation and cleanup fund as provided by Section 81.067 in amounts sufficient to enable the commission to recover the costs of performing the functions specified by Section 81.068 from those fees and surcharges.

(b) The commission may not impose a surcharge on an oil-field cleanup regulatory fee on oil collected under Section 81.116 or an oil-field cleanup regulatory fee on gas collected under Section 81.117.

(c) The commission by rule shall establish a methodology for determining the amount of a surcharge that takes into account:

(1) the time required for regulatory work associated with the activity in connection with which the surcharge is imposed;

(2) the number of individuals or entities from which the commission's costs may be recovered;

(3) the effect of the surcharge on operators of all sizes, as measured by the number of oil or gas wells operated;

(4) the balance in the oil and gas regulation and cleanup fund; and

(5) any other factors the commission determines to be important to the fair and equitable imposition of the surcharge.

(d) The commission shall collect a surcharge on a fee at the time the fee is collected.

(e) A surcharge collected under this section shall be deposited to the credit of the oil and gas regulation and cleanup fund as provided by Section 81.067.

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

SECTION _____.03. Section 81.115, Natural Resources Code, is amended to read as follows:

Sec. 81.115. APPROPRIATIONS [PAYMENTS] TO COMMISSION FOR OIL AND GAS REGULATION AND CLEANUP PURPOSES [DIVISION]. Money appropriated to the [~~oil and gas division of the~~] commission under the General Appropriations Act for the purposes described by Section 81.068 shall be paid from the oil and gas regulation and cleanup fund [General Revenue Fund].

SECTION ____ .04. Subsections (d) and (e), Section 81.116, Natural Resources Code, are amended to read as follows:

(d) The comptroller shall suspend collection of the fee in the manner provided by Section 81.067 [~~91.111~~]. The exemptions and reductions set out in Sections 202.052, 202.054, 202.056, 202.057, 202.059, and 202.060, Tax Code, do not affect the fee imposed by this section.

(e) Proceeds from the fee, excluding [including] any penalties collected in connection with the fee, shall be deposited to the oil and gas regulation and [oil field] cleanup fund as provided by Section 81.067 [~~91.111 of this code~~].

SECTION ____ .05. Subsections (d) and (e), Section 81.117, Natural Resources Code, are amended to read as follows:

(d) The comptroller shall suspend collection of the fee in the manner provided by Section 81.067 [~~91.111~~]. The exemptions and reductions set out in Sections 201.053, 201.057, 201.058, and 202.060, Tax Code, do not affect the fee imposed by this section.

(e) Proceeds from the fee, excluding [including] any penalties collected in connection with the fee, shall be deposited to the oil and gas regulation and [oil field] cleanup fund as provided by Section 81.067 [~~91.111 of this code~~].

SECTION ____ .06. Subsection (d), Section 85.2021, Natural Resources Code, is amended to read as follows:

(d) All fees collected under this section shall be deposited in the oil and gas regulation and [state oil field] cleanup fund.

SECTION ____ .07. Subsection (d), Section 89.024, Natural Resources Code, is amended to read as follows:

(d) An operator who files an abeyance of plugging report must pay an annual fee of \$100 for each well covered by the report. A fee collected under this section shall be deposited in the oil and gas regulation and [oil field] cleanup fund.

SECTION ____ .08. Subsection (d), Section 89.026, Natural Resources Code, is amended to read as follows:

(d) An operator who files documentation described by Subsection (a) must pay an annual fee of \$50 for each well covered by the documentation. A fee collected under this section shall be deposited in the oil and gas regulation and [oil field] cleanup fund.

SECTION ____ .09. Subsection (d), Section 89.048, Natural Resources Code, is amended to read as follows:

(d) On successful plugging of the well by the well plugger, the surface estate owner may submit documentation to the commission of the cost of the well-plugging operation. The commission shall reimburse the surface estate owner from money in the oil and gas regulation and [oil field] cleanup fund in an amount not to exceed 50 percent of the lesser of:

(1) the documented well-plugging costs; or

(2) the average cost incurred by the commission in the preceding 24 months in plugging similar wells located in the same general area.

SECTION ____ .10. Subsection (j), Section 89.083, Natural Resources Code, is amended to read as follows:

(j) Money collected in a suit under this section shall be deposited in the oil and gas regulation and [state oil field] cleanup fund.

SECTION ____ .11. Subsection (d), Section 89.085, Natural Resources Code, is amended to read as follows:

(d) The commission shall deposit money received from the sale of well-site equipment or hydrocarbons under this section to the credit of the oil and gas regulation and [oil field] cleanup fund. The commission shall separately account for money and credit received for each well.

SECTION ____ .12. The heading to Section 89.086, Natural Resources Code, is amended to read as follows:

Sec. 89.086. CLAIMS AGAINST OIL AND GAS REGULATION AND [THE OIL FIELD] CLEANUP FUND.

SECTION ____ .13. Subsections (a) and (h) through (k), Section 89.086, Natural Resources Code, are amended to read as follows:

(a) A person with a legal or equitable ownership or security interest in well-site equipment or hydrocarbons disposed of under Section 89.085 [~~of this code~~] may make a claim against the oil and gas regulation and [oil field] cleanup fund unless an element of the transaction giving rise to the interest occurs after the commission forecloses its statutory lien under Section 89.083.

(h) The commission shall suspend an amount of money in the oil and gas regulation and [oil field] cleanup fund equal to the amount of the claim until the claim is finally resolved. If the provisions of Subsection (k) [~~of this section~~] prevent suspension of the full amount of the claim, the commission shall treat the claim as two consecutively filed claims, one in the amount of funds available for suspension and the other in the remaining amount of the claim.

(i) A claim made by or on behalf of the operator or a nonoperator of a well or a successor to the rights of the operator or nonoperator is subject to a ratable deduction from the proceeds or credit received for the well-site equipment to cover the costs incurred by the commission in removing the equipment or hydrocarbons from the well or in transporting, storing, or disposing of the equipment or hydrocarbons. A claim made by a person who is not an operator or nonoperator is subject to a ratable deduction for the costs incurred by the commission in removing the equipment from the well. If a claimant is a person who is responsible under law or commission rules for plugging the well or cleaning up pollution originating on the lease or if the claimant owes a penalty assessed by the commission or a court for a violation of a commission rule or order, the commission may recoup from or offset against a valid claim an expense incurred by the oil and gas regulation and [oil field] cleanup fund that is not otherwise reimbursed or any penalties owed. An amount recouped from, deducted from, or offset against a claim under this subsection shall be treated as

an invalid portion of the claim and shall remain suspended in the oil and gas regulation and [oil field] cleanup fund in the manner provided by Subsection (j) ~~[of this section]~~.

(j) If the commission finds that a claim is valid in whole or in part, the commission shall pay the valid portion of the claim from the suspended amount in the oil and gas regulation and [oil field] cleanup fund not later than the 30th day after the date of the commission's decision. If the commission finds that a claim is invalid in whole or in part, the commission shall continue to suspend in the oil and gas regulation and [oil field] cleanup fund an amount equal to the invalid portion of the claim until the period during which the commission's decision may be appealed has expired or, if appealed, during the period the case is under judicial review. If on appeal the district court finds the claim valid in whole or in part, the commission shall pay the valid portion of the claim from the suspended amount in the oil and gas regulation and [oil field] cleanup fund not later than 30 days after the date the court's judgment becomes unappealable. On the date the commission's decision is not subject to judicial review, the commission shall release from the suspended amount in the oil and gas regulation and [oil field] cleanup fund the amount of the claim held to be invalid.

(k) If the aggregate of claims paid and money suspended that relates to well-site equipment or hydrocarbons from a particular well equals the total of the actual proceeds and credit realized from the disposition of that equipment or those hydrocarbons, the oil and gas regulation and [oil field] cleanup fund is not liable for any subsequently filed claims that relate to the same equipment or hydrocarbons unless and until the commission releases from the suspended amount money derived from the disposition of that equipment or those hydrocarbons. If the commission releases money, then the commission shall suspend money in the amount of subsequently filed claims in the order of filing.

SECTION ____.14. Subsection (b), Section 89.121, Natural Resources Code, is amended to read as follows:

(b) Civil penalties collected for violations of this chapter or of rules relating to plugging that are adopted under this code shall be deposited in the general revenue [state oil field cleanup] fund.

SECTION ____.15. Subsection (c), Section 91.1013, Natural Resources Code, is amended to read as follows:

(c) Fees collected under this section shall be deposited in the oil and gas regulation and [state oil field] cleanup fund.

SECTION ____.16. Section 91.108, Natural Resources Code, is amended to read as follows:

Sec. 91.108. DEPOSIT AND USE OF FUNDS. Subject to the refund provisions of Section 91.1091, if applicable, proceeds from bonds and other financial security required pursuant to this chapter and benefits under well-specific plugging insurance policies described by Section 91.104(c) that are paid to the state as contingent beneficiary of the policies shall be deposited in the oil and gas regulation and [oil field] cleanup fund and, notwithstanding Sections 81.068 [91.112] and 91.113, may be used only for actual well plugging and surface remediation.

SECTION ____ .17. Subsection (a), Section 91.109, Natural Resources Code, is amended to read as follows:

(a) A person applying for or acting under a commission permit to store, handle, treat, reclaim, or dispose of oil and gas waste may be required by the commission to maintain a performance bond or other form of financial security conditioned that the permittee will operate and close the storage, handling, treatment, reclamation, or disposal site in accordance with state law, commission rules, and the permit to operate the site. However, this section does not authorize the commission to require a bond or other form of financial security for saltwater disposal pits, emergency saltwater storage pits (including blow-down pits), collecting pits, or skimming pits provided that such pits are used in conjunction with the operation of an individual oil or gas lease. Subject to the refund provisions of Section 91.1091 ~~[of this code]~~, proceeds from any bond or other form of financial security required by this section shall be placed in the oil and gas regulation and ~~oil field~~ cleanup fund. Each bond or other form of financial security shall be renewed and continued in effect until the conditions have been met or release is authorized by the commission.

SECTION ____ .18. Subsections (a) and (f), Section 91.113, Natural Resources Code, are amended to read as follows:

(a) If oil and gas wastes or other substances or materials regulated by the commission under Section 91.101 are causing or are likely to cause the pollution of surface or subsurface water, the commission, through its employees or agents, may use money in the oil and gas regulation and ~~oil field~~ cleanup fund to conduct a site investigation or environmental assessment or control or clean up the oil and gas wastes or other substances or materials if:

(1) the responsible person has failed or refused to control or clean up the oil and gas wastes or other substances or materials after notice and opportunity for hearing;

(2) the responsible person is unknown, cannot be found, or has no assets with which to control or clean up the oil and gas wastes or other substances or materials; or

(3) the oil and gas wastes or other substances or materials are causing the pollution of surface or subsurface water.

(f) If the commission conducts a site investigation or environmental assessment or controls or cleans up oil and gas wastes or other substances or materials under this section, the commission may recover all costs incurred by the commission from any person who was required by law, rules adopted by the commission, or a valid order of the commission to control or clean up the oil and gas wastes or other substances or materials. The commission by order may require the person to reimburse the commission for those costs or may request the attorney general to file suit against the person to recover those costs. At the request of the commission, the attorney general may file suit to enforce an order issued by the commission under this subsection. A suit under this subsection may be filed in any court of competent jurisdiction in Travis County. Costs recovered under this subsection shall be deposited to the oil and gas regulation and ~~oil field~~ cleanup fund.

SECTION _____.19. Subsection (c), Section 91.264, Natural Resources Code, is amended to read as follows:

(c) A penalty collected under this section shall be deposited to the credit of the general revenue ~~[oil field cleanup]~~ fund ~~[account]~~.

SECTION _____.20. Subsection (b), Section 91.457, Natural Resources Code, is amended to read as follows:

(b) If a person ordered to close a saltwater disposal pit under Subsection (a) ~~[of this section]~~ fails or refuses to close the pit in compliance with the commission's order and rules, the commission may close the pit using money from the oil and gas regulation and ~~[oil field]~~ cleanup fund and may direct the attorney general to file suits in any courts of competent jurisdiction in Travis County to recover applicable penalties and the costs incurred by the commission in closing the saltwater disposal pit.

SECTION _____.21. Subsection (c), Section 91.459, Natural Resources Code, is amended to read as follows:

(c) Any ~~[penalties or]~~ costs recovered by the attorney general under this subchapter shall be deposited in the oil and gas regulation and ~~[oil field]~~ cleanup fund.

SECTION _____.22. Subsection (e), Section 91.605, Natural Resources Code, is amended to read as follows:

(e) The fees collected under this section shall be deposited in the oil and gas regulation and ~~[oil field]~~ cleanup fund.

SECTION _____.23. Subsection (e), Section 91.654, Natural Resources Code, is amended to read as follows:

(e) Fees collected under this section shall be deposited to the credit of the oil and gas regulation and ~~[oil field]~~ cleanup fund under Section 81.067 ~~[91.111]~~.

SECTION _____.24. Subsection (b), Section 91.707, Natural Resources Code, is amended to read as follows:

(b) Fees collected under this section shall be deposited to the oil and gas regulation and ~~[oil field]~~ cleanup fund.

SECTION _____.25. The heading to Section 121.211, Utilities Code, is amended to read as follows:

Sec. 121.211. PIPELINE SAFETY AND REGULATORY FEES.

SECTION _____.26. Subsections (a) through (e) and (h), Section 121.211, Utilities Code, are amended to read as follows:

(a) The railroad commission by rule may adopt a ~~[an inspection]~~ fee to be assessed annually against operators of natural gas distribution pipelines and their pipeline facilities and natural gas master metered pipelines and their pipeline facilities subject to this title ~~[chapter]~~.

(b) The railroad commission by rule shall establish the method by which the fee will be calculated and assessed. In adopting a fee structure, the railroad commission may consider any factors necessary to provide for the equitable allocation among operators of the costs of administering the railroad commission's pipeline safety and regulatory program under this title ~~[chapter]~~.

(c) The total amount of fees estimated to be collected under rules adopted by the railroad commission under this section may not exceed the amount estimated by the railroad commission to be necessary to recover the costs of administering the railroad commission's pipeline safety and regulatory program under this title ~~[chapter]~~, excluding costs that are fully funded by federal sources.

(d) The commission may assess each operator of a natural gas distribution system subject to this title ~~[chapter]~~ an annual ~~[inspection]~~ fee not to exceed one dollar for each service line reported by the system on the Distribution Annual Report, Form RSPA F7100.1-1, due on March 15 of each year. The fee is due March 15 of each year.

(e) The railroad commission may assess each operator of a natural gas master metered system subject to this title ~~[chapter]~~ an annual ~~[inspection]~~ fee not to exceed \$100 for each master metered system. The fee is due June 30 of each year.

(h) A fee collected under this section shall be deposited to the credit of the general revenue fund to be used for the pipeline safety and regulatory program.

SECTION _____.27. Section 29.015, Water Code, is amended to read as follows:

Sec. 29.015. APPLICATION FEE. With each application for issuance, renewal, or material amendment of a permit, the applicant shall submit to the railroad commission a nonrefundable fee of \$100. Fees collected under this section shall be deposited in the oil and gas regulation and ~~[oil field]~~ cleanup fund.

SECTION _____.28. The following provisions of the Natural Resources Code are repealed:

- (1) Section 91.111; and
- (2) Section 91.112.

SECTION _____.29. On the effective date of this article:

- (1) the oil-field cleanup fund is abolished;
- (2) any money remaining in the oil-field cleanup fund is transferred to the oil and gas regulation and cleanup fund;
- (3) any claim against the oil-field cleanup fund is transferred to the oil and gas regulation and cleanup fund; and
- (4) any amount required to be deposited to the credit of the oil-field cleanup fund shall be deposited to the credit of the oil and gas regulation and cleanup fund.

Amendment No. 6

Representatives S. Miller and Darby offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 by Darby to **CSSB 1811** (page 27 of the prefiled amendment packet) by striking Section 161.060, Agriculture Code (page 1, lines 8-21) and substituting the following:

Sec. 161.060. AUTHORITY TO SET AND COLLECT [INSPECTION] FEES. (a) The commission by rule may set and collect a fee for any service provided [charge a fee, as provided by commission rule, for an inspection made] by the commission, including:

- (1) the inspection of animals or facilities;
- (2) the testing of animals for disease;
- (3) obtaining samples from animals for disease testing;
- (4) disease eradication and treatment efforts;
- (5) services related to the transport of livestock;
- (6) control and eradication of ticks and other pests; and
- (7) any other service for which the commission incurs a cost.

(b) The total amount of fees collected under this section during the biennium ending August 31, 2013 may not exceed \$6 million.

(c) This section expires September 1, 2013.

Amendment No. 6 was adopted. (Carter, V. Taylor, and White recorded voting no.)

Amendment No. 7

Representative Sheffield offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 to **CSSB 1811** by Darby (page 27 of the amendment packet) as follows:

On page 20, line 8 of the amendment, after "sources.", insert "No more than five cents of the annual one dollar service line fee may be used to fund the agency's regulatory program."

Amendment No. 7 was adopted. (V. Taylor recorded voting no.)

Amendment No. 5, as amended, was adopted. (Cain, Harper-Brown, Phillips, and V. Taylor recorded voting no.)

Amendment No. 8

Representative Madden offered the following amendment to **CSSB 1811**:
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Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. CORRECTIONAL MANAGED HEALTH CARE

SECTION _____. Section 501.133(a), Government Code, is amended to read as follows:

(a) The committee consists of the following six [nine] members [appointed as follows]:

(1) two members employed full-time by the department, at least one of whom is a physician, appointed by the executive director;

(2) ~~two members employed full time by The University of Texas Medical Branch at Galveston, at least one of whom is a physician, appointed by the president of the medical branch;~~

~~[(3) two members employed full-time by the Texas Tech University Health Sciences Center, at least one of whom is a physician, appointed by the president of the university; and~~

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

~~(3) the state Medicaid director, to serve as an ex officio, nonvoting member [licensed to practice medicine in this state].~~

SECTION _____. Section 501.135(b), Government Code, is amended to read as follows:

(b) A person may not be an appointed [a] member of the committee and may not be a committee employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) and its subsequent amendments if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of health care or health care services; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of health care or health care services.

SECTION _____. Section 501.136, Government Code, is amended to read as follows:

Sec. 501.136. TERMS OF OFFICE. Committee members appointed by the governor serve staggered six-year terms, with the term of one of those members expiring on February 1 of each odd-numbered year. Committee [~~Other committee~~] members appointed by the executive director serve at the will of the executive director [~~appointing official~~] or until termination of the member's employment with the department [~~entity the member represents~~].

SECTION _____. Section 501.137, Government Code, is amended to read as follows:

Sec. 501.137. PRESIDING OFFICER. The governor shall designate a public member of the committee who is a physician [~~licensed to practice medicine in this state~~] as presiding officer. The presiding officer serves in that capacity at the will of the governor.

SECTION _____. Section 501.142, Government Code, is amended to read as follows:

Sec. 501.142. ADMINISTRATION; PERSONNEL. The committee may hire a managed health care administrator, who may be familiar with health care rate structures and may employ personnel necessary for the administration of the committee's duties. The committee shall pay necessary costs for its operation, including costs of hiring the managed health care administrator and other personnel, from funds appropriated by the legislature to the department for correctional health care.

SECTION _____. Section 501.147, Government Code, is amended by amending Subsection (a) and adding Subsections (e) and (f) to read as follows:

(a) The committee may enter into a contract on behalf of the department to fully implement the managed health care plan under this subchapter. A contract entered into under this subsection must:

(1) include provisions necessary to ensure that The University of Texas Medical Branch at Galveston is eligible for and makes reasonable efforts to participate in the purchase of prescription drugs under Section 340B, Public Health Service Act (42 U.S.C. Section 256b); and

(2) require the health care provider to receive payment for services on a capitated, fee-for-service, or contracted basis.

(e) The committee shall take action as necessary to ensure that the committee contracts only with an entity that can provide services within the amount appropriated for those purposes by the General Appropriations Act.

(f) A contract entered into under this section must allow the committee access to all of the contracting entity's financial records and written policy standards that relate to any inmate health care issue or concern.

SECTION _____. Section 501.148, Government Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (e) to read as follows:

(a) The committee shall:

(1) develop statewide policies for the delivery of correctional health care;

(2) maintain contracts for health care services in consultation with the department and the health care providers;

(3) communicate with the department and the legislature regarding the financial needs of the correctional health care system;

(4) allocate funding made available through legislative appropriations for correctional health care;

(5) monitor the expenditures of The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center to ensure that those expenditures comply with applicable statutory and contractual requirements;

(6) serve as a dispute resolution forum, and final authority regarding standards of care, in the event of a disagreement relating to inmate health care services between:

(A) the department and the health care providers; or

(B) The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center;

(7) address problems found through monitoring activities by the department and health care providers, including requiring corrective action if care does not meet expectations as determined by those monitoring activities;

(8) identify and address long-term needs of the correctional health care system; and

(9) report to the Texas Board of Criminal Justice at the board's regularly scheduled meeting each quarter on the committee's policy decisions, the financial status of the correctional health care system, and corrective actions taken by or required of the department or the health care providers.

(a-1) The committee annually shall develop and submit to the department, the governor, and the Legislative Budget Board a proposed budget for the performance of the committee's duties and responsibilities under this subchapter. Except to the extent the budget is modified by the budget execution process under Chapter 317, the department shall provide funding to the committee in accordance with the budget.

(e) In addition to contracting under Subsection (c) or (d), the committee may contract with an independent certified public accountant or other independent qualified individual with specific health care auditing and billing expertise to perform a complete audit of or actuarial analysis concerning all or any part of the managed health care system and shall contract with an independent qualified individual to conduct an annual audit of all medical billing performed by the health care providers.

SECTION _____. Subchapter E, Chapter 501, Government Code, is amended by adding Section 501.1481 to read as follows:

Sec. 501.1481. STUDY; ANNUAL REPORT. (a) The committee shall conduct an ongoing study that includes:

(1) a review of the viability and cost-effectiveness of:

(A) contracting with nongovernmental entities that are health care providers in rural or other designated areas or for specialized services only;

(B) contracting for certain services with nursing homes, convalescent homes, or similar facilities, including facilities owned and operated by the state;

(C) arranging for the use under the managed health care plan of any excess bed capacity in hospitals owned or operated by the state; and

(D) purchasing reinsurance, stop-loss insurance, or similar insurance for high-risk cases;

(2) a review of medical care case management policies and the manner in which those policies are implemented;

(3) an identification and itemization of primary and secondary costs of correctional managed health care, including costs related to transportation, use of community hospitals, pharmaceutical care, dental care, and end-of-life policies; and

(4) an identification of sources of financial support available from the federal government, including federal grants.

(b) In conducting a study under Subsection (a), the committee shall consider the relationship between constitutional standards of care applicable to the correctional setting and the actual level of care provided and shall apply a cost-benefit analysis to that consideration.

(c) Not later than December 31 of each year, the committee shall prepare and submit to the department, the governor, and the Legislative Budget Board a report that contains findings and recommendations based on the results of the study during the preceding calendar year, including short-term and long-term policy and management recommendations for reducing costs. The committee shall also provide a copy of the report on request to any health care provider participating in the correctional managed health care provider network.

SECTION _____. Not later than December 31, 2012, the Correctional Managed Health Care Committee shall submit to the Texas Department of Criminal Justice, the governor, and the Legislative Budget Board the first report required by Section 501.1481, Government Code, as added by this Act.

Amendment No. 8 was adopted.

Amendment No. 9

Representative Otto offered the following amendment to **CSSB 1811**:

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Amend **CSSB 1811** (house committee report) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. FISCAL MATTERS REGARDING LEASING CERTAIN STATE FACILITIES

SECTION _____.01. The heading to Section 2165.2035, Government Code, is amended to read as follows:

Sec. 2165.2035. LEASE OF SPACE IN STATE-OWNED PARKING LOTS AND GARAGES; USE AFTER HOURS.

SECTION _____.02. Subchapter E, Chapter 2165, Government Code, is amended by adding Sections 2165.204, 2165.2045, and 2165.2046 to read as follows:

Sec. 2165.204. LEASE OF SPACE IN STATE-OWNED PARKING LOTS AND GARAGES; EXCESS INDIVIDUAL PARKING SPACES. (a) The commission may lease to a private individual an individual parking space in a state-owned parking lot or garage located in the city of Austin that the commission determines is not needed to accommodate the regular parking requirements of state employees who work near the lot or garage and visitors to nearby state government offices.

(b) Money received from a lease under this section shall be deposited to the credit of the general revenue fund.

Sec. 2165.2045. LEASE OF SPACE IN STATE-OWNED PARKING LOTS AND GARAGES; EXCESS BLOCKS OF PARKING SPACE. (a) The commission may lease to an institution of higher education or a local government all or a significant block of a state-owned parking lot or garage located in the city of Austin that the commission determines is not needed to accommodate the regular parking requirements of state employees who work near the lot or garage and visitors to nearby state government offices.

(b) Money received from a lease under this section shall be deposited to the credit of the general revenue fund.

Sec. 2165.2046. REPORTS ON PARKING PROGRAMS. On or before October 1 of each even-numbered year, the commission shall submit a report to the Legislative Budget Board describing the effectiveness of parking programs developed by the commission under this subchapter. The report must, at a minimum, include:

(1) the yearly revenue generated by the programs;

- (2) the yearly administrative and enforcement costs of each program;
- (3) yearly usage statistics for each program; and
- (4) initiatives and suggestions by the commission to:
 - (A) modify administration of the programs; and
 - (B) increase revenue generated by the programs.

SECTION _____.03. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

ARTICLE _____. FISCAL MATTERS RELATING TO SECRETARY OF STATE

SECTION _____.01. Section 405.014, Government Code, is amended to read as follows:

Sec. 405.014. ACTS OF THE LEGISLATURE. (a) At each session of the legislature the secretary of state shall obtain the bills that have become law. Immediately after the closing of each session of the legislature, the secretary of state shall bind all enrolled bills and resolutions in volumes on which the date of the session is placed.

(b) As soon as practicable after the closing of each session of the legislature, the secretary of state shall publish and maintain electronically the bills enacted at that session. The electronic publication must be:

- (1) indexed by bill number and assigned chapter number for each bill;

and

(2) made available by an electronic link on the secretary of state's generally accessible Internet website.

SECTION _____.02. Subchapter B, Chapter 2158, Government Code, is repealed.

SECTION _____.03. The change in law made by this article does not apply to a contract for the publication of the laws of this state entered into before the effective date of this article.

SECTION _____.04. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

ARTICLE _____. FISCAL MATTERS REGARDING ATTORNEY GENERAL

SECTION _____.01. Section 402.006, Government Code, is amended by adding Subsection (e) to read as follows:

(e) The attorney general may charge a reasonable fee for the electronic filing of a document.

SECTION _____.02. The heading to Section 402.0212, Government Code, is amended to read as follows:

Sec. 402.0212. PROVISION OF LEGAL SERVICES—OUTSIDE COUNSEL; FEES.

SECTION ____ .03. Section 402.0212, Government Code, is amended by amending Subsections (b) and (c) and adding Subsections (d), (e), and (f) to read as follows:

(b) An invoice submitted to a state agency under a contract for legal services as described by Subsection (a) must be reviewed by the attorney general to determine whether the invoice is eligible for payment.

(c) An attorney or law firm must pay an administrative fee to the attorney general for the review described in Subsection (b) when entering into a contract to provide legal services to a state agency.

(d) For purposes of this section, the functions of a hearing examiner, administrative law judge, or other quasi-judicial officer are not considered legal services.

(e) [(e)] This section shall not apply to the Texas Turnpike Authority division of the Texas Department of Transportation.

(f) The attorney general may adopt rules as necessary to implement and administer this section.

SECTION ____ .04. Section 371.051, Transportation Code, is amended to read as follows:

Sec. 371.051. ATTORNEY GENERAL REVIEW AND EXAMINATION FEE. (a) A toll project entity may not enter into a comprehensive development agreement unless the attorney general reviews the proposed agreement and determines that it is legally sufficient.

(b) A toll project entity shall pay a nonrefundable examination fee to the attorney general on submitting a proposed comprehensive development agreement for review. At the time the examination fee is paid, the toll project entity shall also submit for review a complete transcript of proceedings related to the comprehensive development agreement.

(c) If the toll project entity submits multiple proposed comprehensive development agreements relating to the same toll project for review, the entity shall pay the examination fee under Subsection (b) for each proposed comprehensive development agreement.

(d) The attorney general shall provide a legal sufficiency determination not later than the 60th business day after the date the examination fee and transcript of the proceedings required under Subsection (b) are received. If the attorney general cannot provide a legal sufficiency determination within the 60-business-day period, the attorney general shall notify the toll project entity in writing of the reason for the delay and may extend the review period for not more than 30 business days.

(e) After the attorney general issues a legal sufficiency determination, a toll project entity may supplement the transcript of proceedings or amend the comprehensive development agreement to facilitate a redetermination by the attorney general of the prior legal sufficiency determination issued under this section.

(f) The toll project entity may collect or seek reimbursement of the examination fee under Subsection (b) from the private participant.

(g) The attorney general by rule shall set the examination fee required under Subsection (b) in a reasonable amount and may adopt other rules as necessary to implement this section. The fee may not be set in an amount that is determined by a percentage of the cost of the toll project. The amount of the fee may not exceed reasonable attorney's fees charged for similar legal services in the private sector.

SECTION ____ .05. (a) Section 81.054, Government Code, is amended by adding Subsection (m) to read as follows:

(m) A member is not required to pay a membership fee for a year in which the member is in good standing and employed as a full-time attorney by the office of the attorney general. The state bar shall adopt rules governing the proration of a membership fee paid by an attorney who is employed by the office of the attorney general for part, but not all, of a year. This subsection expires January 1, 2016.

(b) Subsection (m), Section 81.054, Government Code, as added by this section, applies to a membership fee for membership or renewal of membership in the State Bar of Texas that becomes due on or after the effective date of this section. A membership fee for membership or renewal of membership that becomes due before the effective date of this section is governed by the law in effect on the date the membership fee becomes due, and the former law is continued in effect for that purpose.

(c) This section takes effect January 1, 2012.

SECTION ____ .06. The fee prescribed by Section 402.006, Government Code, as amended by this article, applies only to a document electronically submitted to the office of the attorney general on or after the effective date of this article.

SECTION ____ .07. The fee prescribed by Section 402.0212, Government Code, as amended by this article, applies only to invoices for legal services submitted to the office of the attorney general for review on or after the effective date of this article.

SECTION ____ .08. The fee prescribed by Section 371.051, Transportation Code, as amended by this article, applies only to a comprehensive development agreement submitted to the office of the attorney general on or after the effective date of this article.

SECTION ____ .09. The changes in law made by this article apply only to a contract for legal services between a state agency and a private attorney or law firm entered into on or after the effective date of this article. A contract for legal services between a state agency and a private attorney or law firm entered into before the effective date of this article is governed by the law in effect at the time the contract was entered into, and the former law is continued in effect for that purpose.

SECTION ____ .10. Except as otherwise provided by this article, this article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

ARTICLE ____ . TEXAS PRESERVATION TRUST FUND ACCOUNT

SECTION ____ .01. Subsections (a), (b), and (f), Section 442.015, Government Code, are amended to read as follows:

(a) Notwithstanding Section [~~Sections 403.094 and~~] 403.095, the Texas preservation trust fund account is a separate account in the general revenue fund. The account consists of transfers made to the account, loan repayments, grants and donations made for the purposes of this program, proceeds of sales, income earned [~~earnings~~] on money in the account, and any other money received under this section. Money in [~~Distributions from~~] the account may be used only for the purposes of this section and [~~may not be used~~] to pay operating expenses of the commission. Money allocated to the commission's historic preservation grant program shall be deposited to the credit of the account. Income earned [~~Earnings~~] on money in the account shall be deposited to the credit of the account.

(b) The commission may use money in [~~distributions from~~] the Texas preservation trust fund account to provide financial assistance to public or private entities for the acquisition, survey, restoration, or preservation, or for planning and educational activities leading to the preservation, of historic property in the state that is listed in the National Register of Historic Places or designated as a State Archeological Landmark or Recorded Texas Historic Landmark, or that the commission determines is eligible for such listing or designation. The financial assistance may be in the amount and form and according to the terms that the commission by rule determines. The commission shall give priority to property the commission determines to be endangered by demolition, neglect, underuse, looting, vandalism, or other threat to the property. Gifts and grants deposited to the credit of the account specifically for any eligible projects may be used only for the type of projects specified. If such a specification is not made, the gift or grant shall be unencumbered and accrue to the benefit of the Texas preservation trust fund account. If such a specification is made, the entire amount of the gift or grant may be used during any period for the project or type of project specified.

(f) The advisory board shall recommend to the commission rules for administering this section [~~Subsections (a) (e)~~].

SECTION ____ .02. Subsections (h), (i), (j), (k), and (l), Section 442.015, Government Code, are repealed.

SECTION ____ .03. The comptroller of public accounts and the Texas Historical Commission shall enter into a memorandum of understanding to facilitate the conversion of assets of the Texas preservation trust fund account into cash for deposit into the state treasury using a method that provides for the lowest amount of revenue loss to the state.

SECTION ____ .04. This article takes effect November 1, 2011.

ARTICLE ____ . FISCAL MATTERS CONCERNING INFORMATION
TECHNOLOGY

SECTION ____ .01. Section 2054.380, Government Code, is amended to read as follows:

Sec. 2054.380. FEES. (a) The department shall set and charge a fee to each state agency that receives a service from a statewide technology center in an amount sufficient to cover the direct and indirect cost of providing the service.

(b) Revenue derived from the collection of fees imposed under Subsection (a) may be appropriated to the department for:

(1) developing statewide information resources technology policies and planning under this chapter and Chapter 2059; and

(2) providing shared information resources technology services under this chapter.

SECTION _____.02. Subsection (d), Section 2157.068, Government Code, is amended to read as follows:

(d) The department may charge a reasonable administrative fee to a state agency, political subdivision of this state, or governmental entity of another state that purchases commodity items through the department in an amount that is sufficient to recover costs associated with the administration of this section.

Revenue derived from the collection of fees imposed under this subsection may be appropriated to the department for:

(1) developing statewide information resources technology policies and planning under Chapters 2054 and 2059; and

(2) providing shared information resources technology services under Chapter 2054.

SECTION _____.03. Subsections (a) and (d), Section 2170.057, Government Code, are amended to read as follows:

(a) The department shall develop a system of billings and charges for services provided in operating and administering the consolidated telecommunications system that allocates the total state cost to each entity served by the system based on proportionate usage.

The department shall set and charge a fee to each entity that receives services provided under this chapter in an amount sufficient to cover the direct and indirect costs of providing the service.

Revenue derived from the collection of fees imposed under this subsection may be appropriated to the department for:

(1) developing statewide information resources technology policies and planning under Chapters 2054 and 2059; and

(2) providing:

(A) shared information resources technology services under Chapter 2054; and

(B) network security services under Chapter 2059.

(d) The department shall maintain in the revolving fund account sufficient amounts to pay the bills of the consolidated telecommunications system and the centralized capitol complex telephone system. ~~[The department shall certify amounts that exceed this amount to the comptroller, and the comptroller shall transfer the excess amounts to the credit of the statewide network applications account established by Section 2054.011.]~~

SECTION _____.04. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

ARTICLE _____. STATE DEBT

SECTION _____.01. Chapter 1231, Government Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. LIMIT ON STATE DEBT PAYABLE FROM GENERAL REVENUE FUND

Sec. 1231.151. DEFINITIONS. In this subchapter:

(1) "Maximum annual debt service" means the limitation on annual debt service imposed by Section 49-j(a), Article III, Texas Constitution.

(2) "State debt payable from the general revenue fund" has the meaning assigned by Section 49-j(b), Article III, Texas Constitution.

(3) "Unissued debt" means state debt payable from the general revenue fund that has been authorized but not issued.

Sec. 1231.152. COMPUTATION OF DEBT LIMIT. In computing the annual debt service in a state fiscal year on state debt payable from the general revenue fund for purposes of determining whether additional state debt may be authorized without exceeding the maximum annual debt service, the board may employ any assumptions related to unissued debt that the board determines are necessary to reflect common or standard debt issuance practices authorized by law, including assumptions regarding:

(1) interest rates;

(2) debt maturity; and

(3) debt service payment structures.

Sec. 1231.153. REPORT ON COMPUTATION. (a) The board shall publish during each state fiscal year a report providing a detailed description of the method used to compute the annual debt service in that fiscal year on state debt payable from the general revenue fund for purposes of determining whether additional state debt may be authorized. The report must describe:

(1) the debt service included in the computation, including debt service on issued and unissued debt;

(2) the assumptions on which the debt service on unissued debt was based; and

(3) any other factors required by law that affect the computation.

(b) The board may publish the report required by this section as a component of any other report required by law, including the annual report required by Section 1231.102, or as an independent report. The board shall make the report available to the public.

SECTION _____.02. The Bond Review Board shall publish the initial report required by Section 1231.153, Government Code, as added by this article, during the state fiscal year beginning September 1, 2011.

SECTION _____.03. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

ARTICLE _____. CONTINUING LEGAL EDUCATION REQUIREMENTS
FOR ATTORNEY EMPLOYED BY ATTORNEY GENERAL

SECTION _____.01. Section 81.113, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The state bar shall credit an attorney licensed in this state with meeting the minimum continuing legal education requirements of the state bar for a reporting year if during the reporting year the attorney is employed full-time as an attorney by the office of the attorney general. An attorney credited for continuing legal education under this subsection must meet the continuing legal education requirements of the state bar in legal ethics or professional responsibility. This subsection expires January 1, 2014.

SECTION _____.02. Subchapter A, Chapter 402, Government Code, is amended by adding Section 402.010 to read as follows:

Sec. 402.010. CONTINUING LEGAL EDUCATION PROGRAMS. The office of the attorney general shall recognize, prepare, or administer continuing legal education programs that meet continuing legal education requirements imposed under Section 81.113(c) for the attorneys employed by the office. This section expires January 1, 2014.

SECTION _____.03. Section 81.113, Government Code, as amended by this article, applies only to the requirements for a continuing legal education compliance year that ends on or after September 1, 2011. The requirements for continuing legal education for a compliance year that ends before September 1, 2011, are covered by the law and rules in effect when the compliance year ended, and that law and those rules are continued in effect for that purpose.

ARTICLE _____. REGISTRATION FEE AND REGISTRATION RENEWAL
FEE FOR LOBBYISTS

SECTION _____.01. Subsection (c), Section 305.005, Government Code, is amended to read as follows:

(c) The registration fee and registration renewal fee are:

(1) \$150 [~~\$100~~] for a registrant employed by an organization exempt from federal income tax under Section 501(c)(3) or 501(c)(4), Internal Revenue Code of 1986;

(2) \$75 [~~\$50~~] for any person required to register solely because the person is required to register under Section 305.0041 [~~of this chapter~~]; or

(3) \$750 [~~\$500~~] for any other registrant.

ARTICLE _____. ASSESSMENT OF PREMIUM DIFFERENTIAL ON
CERTAIN PUBLIC EMPLOYEES WHO USE TOBACCO

SECTION _____.01. Subchapter G, Chapter 1551, Insurance Code, is amended by adding Section 1551.3075 to read as follows:

Sec. 1551.3075. TOBACCO USER PREMIUM DIFFERENTIAL. (a) The board of trustees shall assess each participant in a health benefit plan provided under the group benefits program who uses one or more tobacco products a tobacco user premium differential, to be paid in monthly installments. Except as provided by Subsection (b), the board of trustees shall determine the amount of the monthly installments of the premium differential.

(b) If the General Appropriations Act for a state fiscal biennium sets the amount of the monthly installments of the tobacco user premium differential for that biennium, the board of trustees shall assess the premium differential during that biennium in the amount prescribed by the General Appropriations Act.

SECTION _____.02. Section 1551.314, Insurance Code, is amended to read as follows:

Sec. 1551.314. CERTAIN STATE CONTRIBUTIONS PROHIBITED. A state contribution may not be:

(1) made for coverages under this chapter selected by an individual who receives a state contribution, other than as a spouse, dependent, or beneficiary, for coverages under a group benefits program provided by an institution of higher education, as defined by Section 61.003, Education Code; or

(2) made for or used to pay a tobacco user premium differential assessed under Section 1551.3075.

SECTION _____.03. The board of trustees of the Employees Retirement System of Texas shall implement the tobacco user premium differential required under Section 1551.3075, Insurance Code, as added by this article, not later than January 1, 2012.

ARTICLE _____. REGIONAL POISON CONTROL CENTER MANAGEMENT CONTROLS AND EFFICIENCY

SECTION _____.01. Section 777.001, Health and Safety Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) The following medical facilities may be ~~[Six regional centers for poison control are]~~ designated by the Commission on State Emergency Communications as the regional poison control centers for the state ~~[as follows]~~:

- (1) The University of Texas Medical Branch at Galveston;
- (2) the Dallas County Hospital District/North Texas Poison Center;
- (3) The University of Texas Health Science Center at San Antonio;
- (4) the University Medical Center of El Paso, El Paso County Hospital District;
- (5) the Texas Tech University Health Sciences Center at Amarillo; and
- (6) Scott and White Memorial Hospital, Temple, Texas.

(c) The Commission on State Emergency Communications may standardize the operations of and implement management controls to improve the efficiency of regional poison control centers ~~[vote to designate a seventh regional or satellite poison control center in Harris County. That poison control center is subject to all provisions of this chapter and other law relating to regional poison control centers].~~

(d) If the Commission on State Emergency Communications implements management controls under Subsection (c), the commission shall submit to the governor and the Legislative Budget Board a plan for implementing the controls not later than October 31, 2011. This subsection expires January 1, 2013.

SECTION ____ .02. Subsection (b), Section 777.008, Health and Safety Code, is amended to read as follows:

(b) The committee is composed of:

(1) one public member appointed by the Commission on State Emergency Communications;

(2) one member ~~[six members who represent the six regional poison control centers, one]~~ appointed by the chief executive officer of each designated regional poison control center to represent that center;

(3) one member appointed by the commissioner of the Department of State Health Services; and

(4) one member who is a health care professional designated as the poison control program coordinator appointed by the Commission on State Emergency Communications.

ARTICLE ____ . AUTHORIZED USES FOR CERTAIN DEDICATED
PERMANENT FUNDS IN STATE TREASURY

SECTION ____ .01. Section 403.105, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsections (b-1), (c), (e), (f), and (h), money in the fund may not be appropriated for any purpose.

(b-1) Notwithstanding the limitations and requirements of Section 403.1068, the legislature may appropriate money in the fund, including the corpus and available earnings of the fund determined under Section 403.1068, to pay the principal of or interest on a bond issued for the purposes of Section 67, Article III, Texas Constitution. This subsection does not authorize the appropriation under this subsection of money subject to a limitation or requirement as described by Subsection (e) that is not consistent with the use of the money in accordance with this subsection.

SECTION ____ .02. Section 403.1055, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsections (b-1), (c), (e), (f), and (h), money in the fund may not be appropriated for any purpose.

(b-1) Notwithstanding the limitations and requirements of Section 403.1068, the legislature may appropriate money in the fund, including the corpus and available earnings of the fund determined under Section 403.1068, to pay the principal of or interest on a bond issued for the purposes of Section 67, Article III, Texas Constitution. This subsection does not authorize the appropriation under this subsection of money subject to a limitation or requirement as described by Subsection (e) that is not consistent with the use of the money in accordance with this subsection.

SECTION ____ .03. Section 403.106, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsections (b-1), (c), (e), (f), and (h), money in the fund may not be appropriated for any purpose.

(b-1) Notwithstanding the limitations and requirements of Section 403.1068, the legislature may appropriate money in the fund, including the corpus and available earnings of the fund determined under Section 403.1068, to pay the principal of or interest on a bond issued for the purposes of Section 67, Article III, Texas Constitution. This subsection does not authorize the appropriation under this subsection of money subject to a limitation or requirement as described by Subsection (e) that is not consistent with the use of the money in accordance with this subsection.

SECTION _____.04. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

ARTICLE _____. GENERAL HOUSING MATTERS

SECTION _____.01. Section 481.078, Government Code, is amended by amending Subsection (c) and adding Subsections (d-1) and (d-2) to read as follows:

(c) Except as provided by Subsections ~~[Subsection]~~ (d) and (d-1), the fund may be used only for economic development, infrastructure development, community development, job training programs, and business incentives.

(d-1) The fund may be used for the Texas homeless housing and services program administered by the Texas Department of Housing and Community Affairs. Subsections (e-1), (f), (g), (h), (i), and (j) and Section 481.080 do not apply to a grant awarded for a purpose specified by this subsection.

(d-2) The fund may be used for the Jobs and Education for Texans Fund established under Chapter 403. Subsections (e-1), (f), (g), (h), (i), and (j) and Section 481.080 do not apply to a grant awarded for a purpose specified by this subsection.

SECTION _____.02. Section 481.079, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) For grants awarded for a purpose specified by Section 481.078(d-1), the report must include only the amount and purpose of each grant.

SECTION _____.03. Subchapter K, Chapter 2306, Government Code, is amended by adding Section 2306.2585 to read as follows:

Sec. 2306.2585. HOMELESS HOUSING AND SERVICES PROGRAM.

(a) The department may administer a homeless housing and services program in each municipality in this state with a population of 285,500 or more to:

(1) provide for the construction, development, or procurement of housing for homeless persons; and

(2) provide local programs to prevent and eliminate homelessness.

(b) The department may adopt rules to govern the administration of the program, including rules that:

(1) provide for the allocation of any available funding; and

(2) provide detailed guidelines as to the scope of the local programs in the municipalities described by Subsection (a).

(c) The department may use any available revenue, including legislative appropriations, and shall solicit and accept gifts and grants for the purposes of this section. The department shall use gifts and grants received for the purposes of this section before using any other revenue.

SECTION _____.04. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

ARTICLE _____. DEBT ISSUANCE AUTHORITY OF AND FUNDING FOR CANCER PREVENTION AND RESEARCH INSTITUTE OF TEXAS

SECTION _____.01. Subchapter C, Chapter 1232, Government Code, is amended by adding Section 1232.1221 to read as follows:

Sec. 1232.1221. COMMENCEMENT OF CERTAIN MULTIYEAR CANCER-RELATED PROJECTS. (a) Funds may be distributed to a grant recipient for a multiyear project for which an award is granted by the Cancer Prevention and Research Institute of Texas Oversight Committee as authorized by Section 102.257, Health and Safety Code, after the authority has certified that obligations in an amount sufficient to pay the money needed to fund the project have been authorized for issuance by the authority and approved by the Bond Review Board.

(b) After issuing the obligations, the board shall:

(1) pay the costs of the issuance and any related bond administrative costs of the authority;

(2) certify to the Cancer Prevention and Research Institute of Texas and to the comptroller that the proceeds from the issuance are available; and

(3) deposit the proceeds into the state treasury to be credited to the account of the Cancer Prevention and Research Institute of Texas.

SECTION _____.02. Subsections (b) and (c), Section 102.201, Health and Safety Code, are amended to read as follows:

(b) The cancer prevention and research fund consists of:

(1) patent, royalty, and license fees and other income received under a contract entered into as provided by Section 102.255;

(2) appropriations of money to the fund by the legislature, except that the appropriated money may not include the proceeds from the issuance of bonds authorized by Section 67, Article III, Texas Constitution;

(3) gifts, grants, including grants from the federal government, and other donations received for the fund; and

(4) interest earned on the investment of money in the fund.

(c) The fund may be used only to pay for:

(1) grants for cancer research and for cancer research facilities in this state to realize therapies, protocols, and medical procedures for the cure or substantial mitigation of all types of cancer in humans;

(2) the purchase, subject to approval by the institute, of laboratory facilities by or on behalf of a state agency or grant recipient;

(3) grants to public or private persons to implement the Texas Cancer Plan;

(4) the operation of the institute; ~~and~~

(5) grants for cancer prevention and control programs in this state to mitigate the incidence of all types of cancer in humans; and

(6) debt service on bonds issued as authorized by Section 67, Article III, Texas Constitution.

SECTION _____.03. Section 102.257, Health and Safety Code, is amended to read as follows:

Sec. 102.257. MULTIYEAR PROJECTS. The oversight committee may grant funds for a multiyear project. The oversight committee must specify the total amount of ~~[All the]~~ money approved ~~[needed]~~ to fund the ~~[a]~~ multiyear project. The total amount specified is considered for purposes of Section 102.253 to have been ~~[must be]~~ awarded in the state fiscal year that the project is approved by the research and prevention programs committee. The institute shall distribute only the money that will be expended during that fiscal year. The institute may maintain the remaining money needed in each subsequent fiscal year ~~[shall be maintained]~~ in an escrow account to be distributed by the institute as the money is needed ~~[in subsequent years of the project]~~.

SECTION _____.04. The changes in law made by this article apply only to a grant of funds for a multiyear project by the Cancer Prevention and Research Institute of Texas Oversight Committee as authorized by Section 102.257, Health and Safety Code, as amended by this article, made on or after June 1, 2011. A grant of funds for a multiyear project made before that date is governed by the law in effect on the date the grant was made, and the former law is continued in effect for that purpose.

SECTION _____.05. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

ARTICLE _____. PUBLIC ASSISTANCE REPORTING INFORMATION SYSTEM

SECTION _____.01. Subsection (c), Section 434.017, Government Code, is amended to read as follows:

(c) Money in the fund may be appropriated to the Texas Veterans Commission to:

(1) enhance or improve veterans' assistance programs, including veterans' representation and counseling;

(2) make grants to address veterans' needs; ~~and~~

(3) administer the fund; and

(4) analyze and investigate data received from the federal Public Assistance Reporting Information System (PARIS) that is administered by the Administration for Children and Families of the United States Department of Health and Human Services.

SECTION _____.02. The comptroller shall credit to the fund for veterans' assistance established under Section 434.017, Government Code, as amended by this article, the savings generated from the use of the federal Public Assistance Reporting Information System (PARIS) under that section.

ARTICLE _____. UNIFORM GRANT AND CONTRACT MANAGEMENT

SECTION _____.01. Section 783.004, Government Code, is amended to read as follows:

Sec. 783.004. OFFICE OF THE COMPTROLLER [~~GOVERNOR'S OFFICE~~]. The office of the comptroller [~~governor's office~~] is the state agency for uniform grant and contract management.

SECTION _____.02. Subsections (a) and (b), Section 783.005, Government Code, are amended to read as follows:

(a) The comptroller [~~governor's office~~] shall develop uniform and concise language for any assurances that a local government is required to make to a state agency.

(b) The comptroller [~~governor's office~~] may:

- (1) categorize assurances according to the type of grant or contract;
- (2) designate programs to which the assurances are applicable; and
- (3) revise the assurances.

SECTION _____.03. Section 783.006, Government Code, is amended to read as follows:

Sec. 783.006. STANDARD FINANCIAL MANAGEMENT CONDITIONS. (a) The comptroller [~~governor's office~~] shall compile and distribute to each state agency an official compilation of standard financial management conditions.

(b) The comptroller [~~governor's office~~] shall develop the compilation from Federal Management Circular A-102 or from a revision of that circular and from other applicable statutes and regulations.

(c) The comptroller [~~governor's office~~] shall include in the compilation official commentary regarding administrative or judicial interpretations that affect the application of financial management standards.

(d) The comptroller [~~governor's office~~] may:

- (1) categorize the financial management conditions according to the type of grant or contract;
- (2) designate programs to which the conditions are applicable; and
- (3) revise the conditions.

SECTION _____.04. Subsection (d), Section 783.007, Government Code, is amended to read as follows:

(d) The agency shall file a notice of each proposed rule that establishes a variation from uniform assurances or standard conditions with the comptroller [~~governor's office~~].

SECTION ____ .05. Subsection (b), Section 783.008, Government Code, is amended to read as follows:

(b) On receipt of a request for a single audit or audit coordination, the comptroller [~~governor's office~~] in consultation with the state auditor shall not later than the 30th day after the date of the request designate a single state agency to coordinate state audits of the local government.

Amendment No. 10

Representative Otto offered the following amendment to Amendment No. 9:

Amend Amendment No. 9 to **CSSB 1811** by Otto (prefiled amendment packet, beginning on page 396) by adding the following on page 23 of the amendment, immediately after line 26:

ARTICLE ____ . STATE ENERGY FACILITIES

SECTION ____ .01. Section 2166.001(4), Government Code, is amended to read as follows:

(4) "Project" means a building construction project that is financed wholly or partly by a specific appropriation, a bond issue, ~~or~~ or funds from another governmental or private entity. The term includes the construction of:

(A) a building, structure, or appurtenant facility or utility, including the acquisition and installation of original equipment and original furnishings; ~~and~~

(B) an addition to, or alteration, rehabilitation, or repair of, an existing building, structure, or appurtenant facility or utility; and

(C) an energy facility.

ARTICLE ____ . FISCAL MATTERS CONCERNING SURPLUS AND SALVAGE PROPERTY

SECTION ____ .01. Subchapter C, Chapter 2175, Government Code, is repealed.

SECTION ____ .02. Section 32.102(a), Education Code, is amended to read as follows:

(a) As provided by this subchapter, a school district or open-enrollment charter school may transfer to a student enrolled in the district or school:

(1) any data processing equipment donated to the district or school, including equipment donated by:

(A) a private donor; or

(B) a state eleemosynary institution or a state agency under Section 2175.905 [~~2175.128~~], Government Code;

(2) any equipment purchased by the district or school, to the extent consistent with Section 32.105; and

(3) any surplus or salvage equipment owned by the district or school.

SECTION ____ .03. Section 2175.002, Government Code, is amended to read as follows:

Sec. 2175.002. ADMINISTRATION OF CHAPTER. The commission is responsible for the disposal of surplus and salvage property of the state. The commission's surplus and salvage property division shall administer this chapter.

SECTION _____.04. Section 2175.065, Government Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) The commission may authorize a state agency to dispose of surplus or salvage property if the agency demonstrates to the commission its ability to dispose of the property under this chapter [~~Subchapters C and E~~] in a manner that results in cost savings to the state, under commission rules adopted under this chapter.

(c) If property is disposed of under this section, the disposing state agency shall report the transaction to the commission. The report must include a description of the property disposed of, the reasons for disposal, the price paid for the property disposed of, and the recipient of the property disposed of.

(d) If the commission determines that a violation of a state law or rule has occurred based on the report under Subsection (c), the commission shall report the violation to the Legislative Budget Board.

SECTION _____.05. The heading to Subchapter D, Chapter 2175, Government Code, is amended to read as follows:

SUBCHAPTER D. DISPOSITION OF SURPLUS OR SALVAGE PROPERTY
[BY COMMISSION]

SECTION _____.06. Section 2175.181, Government Code, is amended to read as follows:

Sec. 2175.181. APPLICABILITY. [~~(a) This subchapter applies only to surplus and salvage property located in:~~

~~(1) Travis County;~~

~~(2) a county in which federal surplus property is warehoused by the commission under Subchapter G; or~~

~~(3) a county for which the commission determines that it is cost effective to follow the procedures created under this subchapter and informs affected state agencies of that determination.~~

~~(b)~~ This subchapter applies [~~does not apply~~] to a state agency delegated the authority to dispose of surplus or salvage property under Section 2175.065.

SECTION _____.07. Section 2175.182, Government Code, is amended to read as follows:

Sec. 2175.182. STATE AGENCY TRANSFER OF PROPERTY [~~TO COMMISSION~~]. (a) A state agency that determines it has surplus or salvage property shall inform the commission of that fact for the purpose of determining the method of disposal of the property. [The commission is responsible for the disposal of surplus or salvage property under this subchapter.] The commission may take physical possession of the property.

(b) Based on the condition of the property, the commission, in conjunction with the state agency, shall determine whether the property is:

(1) surplus property that should be offered for transfer under Section 2175.184 or sold to the public; or

(2) salvage property.

(c) Following the determination in Subsection (b), the [The] commission shall direct the state agency to inform the comptroller's office of the property's kind, number, location, condition, original cost or value, and date of acquisition.

SECTION ____ .08. Section 2175.1825, Government Code, is amended to read as follows:

Sec. 2175.1825. ADVERTISING ON COMPTROLLER WEBSITE. (a) Not later than the second day after the date the comptroller receives notice from a state agency ~~[the commission]~~ under Section 2175.182(c), the comptroller shall advertise the property's kind, number, location, and condition on the comptroller's website.

(b) The comptroller shall provide the commission access to all records in the state property accounting system related to surplus and salvage property.

SECTION ____ .09. Section 2175.183, Government Code, is amended to read as follows:

Sec. 2175.183. COMMISSION NOTICE TO OTHER ENTITIES. ~~The [On taking responsibility for surplus property under this subchapter, the]~~ commission shall inform other state agencies, political subdivisions, and assistance organizations of the comptroller's website that lists surplus property that is available for sale.

SECTION ____ .10. Section 2175.184, Government Code, is amended to read as follows:

Sec. 2175.184. DIRECT TRANSFER. During the 10 business days after the date the property is posted on the comptroller's website, a state agency, political subdivision, or assistance organization shall ~~[may]~~ coordinate with the commission for a transfer of the property at a price established by the commission ~~[in cooperation with the transferring agency]~~. A transfer to a state agency has priority over any other transfer during this period.

SECTION ____ .11. Section 2175.186(a), Government Code, is amended to read as follows:

(a) If a disposition of a state agency's surplus property is not made under Section 2175.184, the commission shall sell the property by competitive bid, auction, or direct sale to the public, including a sale using an Internet auction site. The commission may contract with a private vendor to assist with the sale of the property.

SECTION ____ .12. Section 2175.189, Government Code, is amended to read as follows:

Sec. 2175.189. ADVERTISEMENT OF SALE. If the value of an item or a lot of property to be sold is estimated to be more than \$25,000 ~~[\$5,000]~~, the commission shall advertise the sale at least once in at least one newspaper of general circulation in the vicinity in which the property is located.

SECTION ____ .13. Section 2175.191(a), Government Code, is amended to read as follows:

(a) Proceeds from the sale of surplus or salvage property, less the cost of advertising the sale, the cost of selling the surplus or salvage property, including the cost of auctioneer services or assistance from a private vendor, and the amount of the fee collected under Section 2175.188, shall be deposited to the credit of the general revenue fund of the state treasury.

SECTION ____ .14. Section 2175.302, Government Code, is amended to read as follows:

Sec. 2175.302. EXCEPTION FOR ELEEMOSYNARY INSTITUTIONS. Except as provided by Section 2175.905(b) [~~2175.128(b)~~], this chapter does not apply to the disposition of surplus or salvage property by a state eleemosynary institution.

SECTION ____ .15. Section 2175.904, Government Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) The commission shall establish a program for the sale of gambling equipment received from a municipality, from a commissioners court under Section 263.152(a)(5), Local Government Code, or from a state agency under this chapter.

(c) Proceeds from the sale of gambling equipment from a municipality or commissioners court, less the costs of the sale, including costs of advertising, storage, shipping, and auctioneer or broker services, and the amount of the fee collected under Section 2175.188 [~~2175.131~~], shall be divided according to an agreement between the commission and the municipality or commissioners court that provided the equipment for sale. The agreement must provide that:

(1) not less than 50 percent of the net proceeds be remitted to the commissioners court; and

(2) the remainder of the net proceeds retained by the commission be deposited to the credit of the general revenue fund.

(d) Proceeds from the sale of gambling equipment from a state agency, less the costs of the sale, including costs of advertising, storage, shipping, and auctioneer or broker services, and the amount of the fee collected under Section 2175.188, shall be deposited to the credit of the general revenue fund of the state treasury.

SECTION ____ .16. Subchapter Z, Chapter 2175, Government Code, is amended by adding Sections 2175.905 and 2175.906 to read as follows:

Sec. 2175.905. DISPOSITION OF DATA PROCESSING EQUIPMENT.

(a) If a disposition of a state agency's surplus or salvage data processing equipment is not made under Section 2175.184, the state agency shall transfer the equipment to:

(1) a school district or open-enrollment charter school in this state under Subchapter C, Chapter 32, Education Code;

(2) an assistance organization specified by the school district; or

(3) the Texas Department of Criminal Justice.

(b) If a disposition of the surplus or salvage data processing equipment of a state eleemosynary institution or an institution or agency of higher education is not made under other law, the institution or agency shall transfer the equipment to:

(1) a school district or open-enrollment charter school in this state under Subchapter C, Chapter 32, Education Code;

(2) an assistance organization specified by the school district; or

(3) the Texas Department of Criminal Justice.

(c) The state eleemosynary institution or institution or agency of higher education or other state agency may not collect a fee or other reimbursement from the district, the school, the assistance organization, or the Texas Department of Criminal Justice for the surplus or salvage data processing equipment transferred under this section.

Sec. 2175.906. ABOLISHED AGENCIES. On abolition of a state agency, in accordance with Chapter 325, the commission shall take custody of all of the agency's property or other assets as surplus property unless other law or the legislature designates another appropriate governmental entity to take custody of the property or assets.

(Pickett now present)

Amendment No. 10 was adopted by (Record 1204): 138 Yeas, 8 Nays, 1 Present, not voting.

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

Nays — Castro; Gutierrez; Legler; Mallory Caraway; Martinez Fischer; Taylor, V.; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Eissler; King, S.; Torres.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1204. I intended to vote no.

Carter

Amendment No. 11

On behalf of Representative Geren, Representative Otto offered the following amendment to Amendment No. 9:

Amend Amendment No. 9 by Otto to **CSSB 1811** (page 396 of the prefiled amendment packet) as follows:

(1) In SECTION _____.02 of the bill (page 1, between lines 21 and 22), inserting the following:

(c) In leasing a parking space under Subsection (a), the commission must ensure that the lease does not restrict uses for parking lots and garages developed under Section 2165.2035, including special event parking related to institutions of higher education.

(d) In leasing or renewing a lease for a parking space under Subsection (a), the commission shall give preference to an individual who is currently leasing or previously leased the parking space.

(2) In SECTION _____.02 of the bill (page 2, between lines 2 and 3), inserting the following:

(c) In leasing all or a block of a state-owned parking lot or garage under Subsection (a), the commission must ensure that the lease does not restrict uses for parking lots and garages developed under Section 2165.2035, including special event parking related to institutions of higher education.

(d) In leasing or renewing a lease for all or a block of a state-owned parking lot or garage under Subsection (a), the commission shall give preference to an entity that is currently leasing or previously leased the lot or garage or a block of the lot or garage.

Amendment No. 11 was adopted.

Amendment No. 12

Representative Martinez offered the following amendment to Amendment No. 9:

Amend Amendment No. 9 by Otto to **CSSB 1811** (page 396, prefiled amendment packet), in amended Section 305.005(c), Government Code (page 13, lines 7-8), by striking "Section 501(c)(3) or 501(c)(4)," and substituting "Section 501(c)(3), ~~or~~ 501(c)(4), or 501(c)(6).".

Amendment No. 12 was adopted.

Amendment No. 13

Representative Martinez offered the following amendment to Amendment No. 9:

Amend Floor Amendment No. 9 by Otto by **CSSB 1811** (page 396, prefiled amendments packet) by adding the following immediately following page 23, line 26, of the amendment (page 418 of the prefiled amendments packet):

ARTICLE _____. TEXAS COMMISSION ON FIRE PROTECTION FEES

SECTION _____.01. Section 419.026(d), Government Code, is amended to read as follows:

(d) The commission shall send the fees authorized by Subsection (a) and Section 419.033(b) to the comptroller. The comptroller ~~[-who]~~ shall deposit a portion ~~[50 percent]~~ of the fees collected ~~[annually]~~ into ~~[the general revenue fund and 50 percent of the fees collected annually into]~~ a special account in the general revenue fund dedicated for use by the commission. In any state fiscal biennium, the comptroller may not deposit into the account fees in an amount that

exceeds the amount appropriated to the commission for that biennium, less any other amount appropriated to the commission from a source other than the fees. The account is exempt from the application of Section 403.095. The comptroller shall deposit the remainder of the fees in the general revenue fund. [Except as otherwise provided by this chapter, 50 percent of the special fund created under this subsection may be used only to defray the commission's costs in performing inspections under Section 419.027 and the other 50 percent may be used only to provide training assistance under Section 419.031.]

SECTION _____.02. The dedication of certain fees to a special account in the general revenue fund dedicated for use by the Texas Commission on Fire Protection under Section 419.026(d), Government Code, was abolished effective August 31, 1995, under former Section 403.094(h), Government Code, as enacted by Section 11.04, Chapter 4 (**SB 3**), Acts of the 72nd Legislature, 1st Called Session, 1991. Those fees are rededicated to that fund by this article.

SECTION _____.03. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

Amendment No. 13 was adopted.

Amendment No. 9, as amended, was adopted. (V. Taylor recorded voting no.)

Amendment No. 14

Representative Otto offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 48

Amend **CSSB 1811** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. FISCAL MATTERS REGARDING ALCOHOLIC
BEVERAGE REGULATION

SECTION _____.01. Section 5.56, Alcoholic Beverage Code, is repealed.

Amendment No. 14 was adopted.

Amendment No. 15

Representative Truitt offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 230

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered article and renumbering subsequent articles and sections accordingly:

ARTICLE _____. LAW ENFORCEMENT AND CUSTODIAL OFFICER
SUPPLEMENTAL RETIREMENT FUND

SECTION _____.01. Section 815.317, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The comptroller shall deposit fees collected under Section 133.102(e)(7), Local Government Code, to the credit of the law enforcement and custodial officer supplemental retirement fund.

SECTION _____.02. Section 133.102(e), Local Government Code, is amended to read as follows:

(e) The comptroller shall allocate the court costs received under this section to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

- | | |
|--|---------------------|
| (1) abused children's counseling | 0.0088 percent; |
| (2) crime stoppers assistance | 0.2581 percent; |
| (3) breath alcohol testing | 0.5507 percent; |
| (4) Bill Blackwood Law Enforcement Management Institute | 2.1683 percent; |
| (5) law enforcement officers standards and education | 5.0034 percent; |
| (6) comprehensive rehabilitation | 5.3218 percent; |
| (7) <u>law enforcement and custodial officer supplemental retirement fund</u> | |
| operator's and chauffeur's license | 11.1426 percent; |
| (8) criminal justice planning | 12.5537 percent; |
| (9) an account in the state treasury to be used only for the establishment and operation of the Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University | 1.2090 percent; |
| (10) compensation to victims of crime fund | 37.6338 percent; |
| (11) fugitive apprehension account | 12.0904 percent; |
| (12) judicial and court personnel training fund | 4.8362 percent; |
| (13) an account in the state treasury to be used for the establishment and operation of the Correctional Management Institute of Texas and Criminal Justice Center Account | 1.2090 percent; and |
| (14) fair defense account | 6.0143 percent. |

SECTION _____.03. This article takes effect September 1, 2013.

Amendment No. 15 was adopted.

Amendment No. 16

Representative Cook offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 241

Amend **CSSB 1811** by inserting the following SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 2155.082, Government Code, is amended to read as follows:

Sec. 2155.082. **PROVIDING CERTAIN PURCHASING SERVICES ON FEE-FOR-SERVICE BASIS OR THROUGH BENEFIT FUNDING.** (a) The comptroller ~~commission~~ may provide open market purchasing services on a fee-for-service basis for state agency purchases that are delegated to an agency

under Section 2155.131, 2155.132, [~~2155.133~~] or 2157.121 or that are exempted from the purchasing authority of the comptroller [~~commission~~]. The comptroller [~~commission~~] shall set the fees in an amount that recovers the comptroller's [~~commission's~~] costs in providing the services.

(b) The comptroller [~~commission~~] shall publish a schedule of [~~its~~] fees for services that are subject to this section. The schedule must include the comptroller's [~~commission's~~] fees for:

(1) reviewing bid and contract documents for clarity, completeness, and compliance with laws and rules;

(2) developing and transmitting invitations to bid;

(3) receiving and tabulating bids;

(4) evaluating and determining which bidder offers the best value to the state;

(5) creating and transmitting purchase orders; and

(6) participating in agencies' request for proposal processes.

(c) The comptroller may engage a consultant to assist with a particular procurement on behalf of a state agency and pay the consultant from the cost savings realized by the state agency.

Amendment No. 17

Representatives Cook and Raymond offered the following amendment to Amendment No. 16:

Amend Amendment No. 16 by Cook (bar code no. 824129, page 241) by adding the following SECTION to the amendment:

SECTION _____. Subchapter B, Chapter 2155, Government Code, is amended by adding Section 2155.0721 to read as follows:

Sec. 2155.0721. REDUCING STATE AGENCY DOCUMENTATION AND REPORT COSTS. (a) The comptroller may identify opportunities to provide cost savings and efficiency through the use of transcription services to reduce the costs associated with the creation of state agency documentation and reports.

(b) To the extent that cost savings are identified, the comptroller shall contract with an experienced and proven provider of cost-effective transcription services for the offsite preparation of state agency documentation and reports.

(c) In evaluating prospective contractors to provide the transcription service and in determining the most effective method for providing the transcription services, the comptroller shall consider the total costs of the transcription services, the accuracy of the services provided, and state agency employee satisfaction with the services provided.

Amendment No. 17 was adopted.

Amendment No. 16, as amended, was adopted.

Amendment No. 18

Representative Hilderbran offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 720

Amend **CSSB 1811** (house committee printing) by adding the following new appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 321.002, Tax Code, is amended to read as follows:

Sec. 321.002. DEFINITIONS.

(a) In this chapter:

(1) "Additional municipal sales and use tax" means only the additional tax authorized by Section 321.101(b).

(2) "Municipality" includes any incorporated city, town, or village.

(3) "Place of business of the retailer" means an established outlet, office, or location operated by the retailer or the retailer's agent or employee for the purpose of receiving orders for taxable items and includes any location at which three or more orders are received by the retailer during a calendar year. A warehouse, storage yard, or manufacturing plant is not a "place of business of the retailer" unless at least three orders are received by the retailer during the calendar year at the warehouse, storage yard, or manufacturing plant. An outlet, office, facility, or any location that contracts with a retail or commercial business [engaged in activities to which this chapter applies] to process for that business invoices, purchase orders, [or] bills of lading, or other equivalent records onto which sales tax is added, including an office operated for the purpose of buying and selling taxable goods to be used or consumed by the retail or commercial business, is not a "place of business of the retailer" if the comptroller determines that the outlet, office, facility, or location functions or exists to avoid the tax imposed by this chapter or to rebate a portion of the tax imposed by this chapter to the contracting business. Notwithstanding any other provision of this subdivision, a kiosk is not a "place of business of the retailer." In this subdivision, "kiosk" means a small stand-alone area or structure that:

(A) is used solely to display merchandise or to submit orders for taxable items from a data entry device, or both;

(B) is located entirely within a location that is a place of business of another retailer, such as a department store or shopping mall; and

(C) at which taxable items are not available for immediate delivery to a customer.

(b) Words used in this chapter and defined by Chapter 151 have the meanings assigned by Chapter 151.

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

Amendment No. 18 was withdrawn.

Amendment No. 19

Representative Otto offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 728

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . SALES AND USE TAX COLLECTION AND ALLOCATION
SECTION ____ .01. Section 151.008(b), Tax Code, is amended to read as follows:

(b) "Seller" and "retailer" include:

(1) a person in the business of making sales at auction of tangible personal property owned by the person or by another;

(2) a person who makes more than two sales of taxable items during a 12-month period, including sales made in the capacity of an assignee for the benefit of creditors or receiver or trustee in bankruptcy;

(3) a person regarded by the comptroller as a seller or retailer under Section 151.024 ~~[of this code]~~;

(4) a hotel, motel, or owner or lessor of an office or residential building or development that contracts and pays for telecommunications services for resale to guests or tenants; ~~[and]~~

(5) a person who engages in regular or systematic solicitation of sales of taxable items in this state by the distribution of catalogs, periodicals, advertising flyers, or other advertising, by means of print, radio, or television media, or by mail, telegraphy, telephone, computer data base, cable, optic, microwave, or other communication system for the purpose of effecting sales of taxable items; and

(6) a person who, under an agreement with another person, is:

(A) entrusted with possession of tangible personal property with respect to which the other person has title or another ownership interest; and

(B) authorized to sell, lease, or rent the property without additional action by the person having title to or another ownership interest in the property.

SECTION ____ .02. Section 151.107, Tax Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) For the purpose of this subchapter and in relation to the use tax, a retailer is engaged in business in this state if the retailer:

(1) maintains, occupies, or uses in this state permanently, temporarily, directly, or indirectly or through a subsidiary or agent by whatever name, an office, ~~[place of]~~ distribution center, sales or sample room or place, warehouse, storage place, or any other physical location where ~~[place of]~~ business is conducted;

(2) has a representative, agent, salesman, canvasser, or solicitor operating in this state under the authority of the retailer or its subsidiary for the purpose of selling or delivering or the taking of orders for a taxable item;

(3) derives receipts ~~[rentals]~~ from the sale, ~~[a]~~ lease, or rental of tangible personal property situated in this state;

(4) engages in regular or systematic solicitation of sales of taxable items in this state by the distribution of catalogs, periodicals, advertising flyers, or other advertising, by means of print, radio, or television media, or by mail, telegraphy, telephone, computer data base, cable, optic, microwave, or other communication system for the purpose of effecting sales of taxable items;

(5) solicits orders for taxable items by mail or through other media and under federal law is subject to or permitted to be made subject to the jurisdiction of this state for purposes of collecting the taxes imposed by this chapter;

(6) has a franchisee or licensee operating under its trade name if the franchisee or licensee is required to collect the tax under this section; ~~or~~

(7) holds a substantial ownership interest in, or is owned in whole or substantial part by, a person who maintains a location in this state from which business is conducted and if:

(A) the retailer sells the same or a substantially similar line of products as the person with the location in this state and sells those products under a business name that is the same as or substantially similar to the business name of the person with the location in this state; or

(B) the facilities or employees of the person with the location in this state are used to:

(i) advertise, promote, or facilitate sales by the retailer to consumers; or

(ii) perform any other activity on behalf of the retailer that is intended to establish or maintain a marketplace for the retailer in this state, including receiving or exchanging returned merchandise;

(8) holds a substantial ownership interest in, or is owned in whole or substantial part by, a person that:

(A) maintains a distribution center, warehouse, or similar location in this state; and

(B) delivers property sold by the retailer to consumers; or

(9) otherwise does business in this state.

(d) In this section:

(1) "Ownership" includes:

(A) direct ownership;

(B) common ownership; and

(C) indirect ownership through a parent entity, subsidiary, or affiliate.

(2) "Substantial" means, with respect to an ownership interest, an interest in an entity that is:

(A) if the entity is a corporation, at least 50 percent, directly or indirectly, of:

(i) the total combined voting power of all classes of stock of the corporation; or

(ii) the beneficial ownership interest in the voting stock of the corporation;

(B) if the entity is a trust, at least 50 percent, directly or indirectly, of the current beneficial interest in the trust corpus or income;

(C) if the entity is a limited liability company, at least 50 percent, directly or indirectly, of:

(i) the total membership interest of the limited liability company; or

(ii) the beneficial ownership interest in the membership interest of the limited liability company; or

(D) for any entity, including a partnership or association, at least 50 percent, directly or indirectly, of the capital or profits interest in the entity.

SECTION ____ .03. Subchapter M, Chapter 151, Tax Code, is amended by adding Section 151.802 to read as follows:

Sec. 151.802. ALLOCATION OF CERTAIN REVENUE TO PROPERTY TAX RELIEF FUND. (a) This section applies only:

(1) during the state fiscal years beginning September 1 of 2012, 2013, 2014, 2015, and 2016; and

(2) with respect to unused franchise tax credits described by Sections 18(e) and (f), Chapter 1 (HB 3), Acts of the 79th Legislature, 3rd Called Session, 2006.

(b) Notwithstanding Section 151.801, the comptroller shall deposit to the credit of the property tax relief fund under Section 403.109, Government Code, an amount of the proceeds from the collection of the taxes imposed by this chapter equal to the amount of revenue the state does not receive from the tax imposed under Chapter 171 because taxable entities, as defined by that chapter, that are corporations are entitled to claim unused franchise tax credits after December 31, 2012, and during that state fiscal year.

(c) This section expires September 1, 2017.

SECTION ____ .04. The change in law made by this article does not affect tax liability accruing before the effective date of this article. That liability continues in effect as if this article had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

SECTION ____ .05. This article takes effect January 1, 2012.

ARTICLE ____ . CARRYFORWARD OF CERTAIN FRANCHISE TAX CREDITS

SECTION ____ .01. Sections 18(e) and (f), Chapter 1 (HB 3), Acts of the 79th Legislature, 3rd Called Session, 2006, are amended to read as follows:

(e) A corporation that has any unused credits established before the effective date of this Act under Subchapter P, Chapter 171, Tax Code, may claim those unused credits on or with the tax report for the period in which the credit was established. However, if the corporation was allowed to carry forward unused credits under that subchapter, the corporation may continue to apply those credits on or with each consecutive report until the earlier of the date the credit would have expired under the terms of Subchapter P, Chapter 171, Tax Code, had it continued in existence, or December 31, 2016 [~~2012~~], and the former law under which the corporation established the credits is continued in effect for purposes of determining the amount of the credits the corporation may claim and the manner in which the corporation may claim the credits.

(f) A corporation that has any unused credits established before the effective date of this Act under Subchapter Q, Chapter 171, Tax Code, may claim those unused credits on or with the tax report for the period in which the credit was established. However, if the corporation was allowed to carry forward unused credits under that subchapter, the corporation may continue to apply those credits on or with each consecutive report until the earlier of the date the credit would have expired under the terms of Subchapter Q, Chapter 171, Tax Code, had it continued in existence, or December 31, 2016 [~~2012~~], and the former law under which the corporation established the credits is continued in effect for purposes of determining the amount of the credits the corporation may claim and the manner in which the corporation may claim the credits.

Amendment No. 19 was adopted. (Bohac, Carter, and V. Taylor recorded voting no.)

Amendment No. 20

Representative Landtroop offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 726

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 171.1012, Tax Code, is amended by adding Subsection (e-1) to read as follows:

(e-1) In addition to other amounts that are not includable as cost of goods sold under Subsection (e) or other law, the cost of goods sold does not include the amount paid by a taxable entity in relation to the taxable entity's goods for labor costs for coverage for elective abortions under a health benefits plan or other health care plan. To the extent otherwise authorized by this chapter, the taxable entity may include as cost of goods sold the amount paid by the taxable entity for labor costs for coverage for other benefits and services under the health benefits plan or other health care plan. For purposes of this subsection, "elective abortion" does not include an abortion that:

(1) is determined to be medically necessary because of a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed.

SECTION _____. Section 171.1013, Tax Code, is amended by adding Subsection (c-2) to read as follows:

(c-2) Notwithstanding Subsections (b)(2) and (b-1), a taxable entity that elects to subtract compensation for the purpose of computing its taxable margin under Section 171.101 may not subtract any amount the taxable entity paid for coverage for elective abortions under a health benefits plan or other health care plan. The taxable entity may subtract the amount the taxable entity paid for

coverage for other benefits and services under the health benefits plan or other health care plan if otherwise authorized by Subsection (b)(2) or (b-1). For purposes of this subsection, "elective abortion" does not include an abortion that:

(1) is determined to be medically necessary because of a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed.

SECTION _____. Sections 171.1012 and 171.1013, as amended by this Act, apply only to a report originally due on or after the effective date of this Act.

Amendment No. 20 was withdrawn.

Amendment No. 21

Representative Otto offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 771

Amend **CSSB 1811** (house committee report) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. REDUCTION IN GENERAL APPROPRIATIONS ACT

SECTION _____.01. An active, former, or retired visiting judge or justice is not entitled to an amount from the state for expenses, per diem, travel, or salary that exceeds the amount authorized for those purposes by the General Appropriations Act.

SECTION _____.02. A local administrative district judge is not entitled to a salary from the state under Section 659.012(d), Government Code, that exceeds the amount authorized for that salary by the General Appropriations Act.

SECTION _____.03. An active district judge is not entitled to travel expenses under Section 24.019, Government Code, in an amount that exceeds the amount authorized for those expenses by the General Appropriations Act.

SECTION _____.04. A judge, justice, or prosecuting attorney is not entitled to an amount from the state for a salary, a salary supplement, office expenses or reimbursement of office expenses, or travel that exceeds the amount authorized for those purposes by the General Appropriations Act.

SECTION _____.05. (a) A county is not entitled to receive from the state supplemental salary compensation for county prosecutors under Section 46.0031, Government Code, or longevity pay supplements reimbursement under Section 41.255, Government Code, or any other supplements for prosecutors, in an amount that exceeds the amount appropriated for those purposes by the General Appropriations Act.

(b) A county is not entitled to state contributions for salaries or supplements under Chapter 25 or 26, Government Code, in an amount that exceeds the amounts appropriated for those purposes in the General Appropriations Act.

(c) A county is not entitled to reimbursement under Article 11.071, Code of Criminal Procedure, for reimbursement for compensation of counsel under that article in an amount that exceeds the amount appropriated for that purpose in the General Appropriations Act.

SECTION __.06. A person reimbursed by the state for travel and expenses for attendance as a witness as provided by Article 35.27, Code of Criminal Procedure, is not entitled to an amount that exceeds the amount appropriated for that purpose by the General Appropriations Act.

ARTICLE __. FISCAL MATTERS REGARDING ASSISTANT
PROSECUTORS

SECTION __.01. Section 41.255(f), Government Code, is amended to read as follows:

(f) A county is not required to pay longevity supplements if the county does not receive funds from the comptroller as provided by Subsection (d). If sufficient funds are not available to meet the requests made by counties for funds for payment of assistant prosecutors qualified for longevity supplements:

(1) [5] the comptroller shall apportion the available funds to the eligible counties by reducing the amount payable to each county on an equal percentage basis;

(2) a county is not entitled to receive the balance of the funds at a later date; and

(3) the longevity pay program under this chapter is suspended to the extent of the insufficiency. [A county that receives from the comptroller an amount less than the amount certified by the county to the comptroller under Subsection (d) shall apportion the funds received by reducing the amount payable to eligible assistant prosecutors on an equal percentage basis, but is not required to use county funds to make up any difference between the amount certified and the amount received.]

SECTION __.02. Section 41.255(g), Government Code, is repealed.

ARTICLE __. FISCAL MATTERS REGARDING PROCESS SERVERS

SECTION __.01. Subchapter A, Chapter 51, Government Code, is amended by adding Section 51.008 to read as follows:

Sec. 51.008. FEES FOR PROCESS SERVER CERTIFICATION. (a) The process server review board established by supreme court order may recommend to the supreme court the fees to be charged for process server certification and renewal of certification. The supreme court must approve the fees recommended by the process server review board before the fees may be collected.

(b) If a certification is issued or renewed for a term that is less than the certification period provided by supreme court rule, the fee for the certification shall be prorated so that the process server pays only that portion of the fee that is allocable to the period during which the certification is valid. On renewal of the certification on the new expiration date, the process server must pay the entire certification renewal fee.

(c) The Office of Court Administration of the Texas Judicial System may collect the fees recommended by the process server review board and approved by the supreme court. Fees collected under this section shall be sent to the comptroller for deposit to the credit of the general revenue fund.

(d) Fees collected under this section may be appropriated to the Office of Court Administration of the Texas Judicial System for the support of regulatory programs for process servers and guardians.

SECTION __.02. Subchapter B, Chapter 72, Government Code, is amended by adding Sections 72.013 and 72.014 to read as follows:

Sec. 72.013. PROCESS SERVER REVIEW BOARD. A person appointed to the process server review board established by supreme court order serves without compensation but is entitled to reimbursement for actual and necessary expenses incurred in traveling and performing official board duties.

Sec. 72.014. CERTIFICATION DIVISION. The office shall establish a certification division to oversee the regulatory programs assigned to the office by law or by the supreme court.

SECTION __.03. (a) The fees recommended and approved under Section 51.008, Government Code, as added by this article, apply to:

(1) each person who holds a process server certification on the effective date of this Act; and

(2) each person who applies for process server certification on or after the effective date of this Act.

(b) The Office of Court Administration of the Texas Judicial System shall prorate the process server certification fee so that a person who holds a process server certification on the effective date of this Act pays only that portion of the fee that is allocable to the period during which the certification is valid. On renewal of the certification on the new expiration date, the entire certification renewal fee is payable.

ARTICLE __. FISCAL MATTERS REGARDING JUDICIAL AND COURT PERSONNEL TRAINING FUND

SECTION __.01. Section 56.001, Government Code, is amended to read as follows:

Sec. 56.001. JUDICIAL AND COURT PERSONNEL TRAINING FUND. (a) The judicial and court personnel training fund is an account in the general revenue fund. Money in the judicial and court personnel training fund may be appropriated only to ~~created in the state treasury and shall be administered by~~ the court of criminal appeals for the uses authorized in Section 56.003.

(b) ~~(c)~~ On requisition of the court of criminal appeals, the comptroller shall draw a warrant on the fund for the court of criminal appeals, in the requisition for a use authorized in Section 56.003. A warrant may not exceed the amount appropriated for any one fiscal year. ~~At the end of each state fiscal year, any unexpended balance in the fund in excess of \$500,000 shall be transferred to the general revenue fund.~~

ARTICLE __. FISCAL MATTERS REGARDING PAYMENT OF JURORS

SECTION __.01. Section 61.001(a), Government Code, is amended to read as follows:

(a) Except as provided by Subsection (c), a person who reports for jury service in response to the process of a court is entitled to receive as reimbursement for travel and other expenses an amount:

(1) not less than \$6 for the first day or fraction of the first day the person is in attendance in court in response to the process and discharges the person's duty for that day; and

(2) not less than the amount provided in the General Appropriations Act [§40] for each day or fraction of each day the person is in attendance in court in response to the process after the first day and discharges the person's duty for that day.

SECTION __.02. Sections 61.0015(a) and (e), Government Code, are amended to read as follows:

(a) The state shall reimburse a county the appropriate amount as provided in the General Appropriations Act [§34 a day] for the reimbursement paid under Section 61.001 to a person who reports for jury service in response to the process of a court for each day or fraction of each day after the first day in attendance in court in response to the process.

(e) If a payment on a county's claim for reimbursement is reduced under Subsection (d), or if a county fails to file the claim for reimbursement in a timely manner, the comptroller may, as provided by rule, apportion the payment of the balance owed the county. The comptroller's rules may permit a different rate of reimbursement for each quarterly payment under Subsection (c) [shall:

~~(1) pay the balance owed to the county when sufficient money described by Subsection (e) is available; or~~

~~(2) carry forward the balance owed to the county and pay the balance to the county when the next payment is required].~~

Amendment No. 21 was adopted. (Carter, Phillips, and V. Taylor recorded voting no.) (The vote was reconsidered later today, and Amendment No. 21 was amended by Amendment No. 24 and was withdrawn.)

Amendment No. 22

Representative Hilderbran offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 720

Amend **CSSB 1811** (house committee printing) by adding the following new appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 321.002, Tax Code, is amended to read as follows:

Sec. 321.002. DEFINITIONS.

(a) In this chapter:

(1) "Additional municipal sales and use tax" means only the additional tax authorized by Section 321.101(b).

(2) "Municipality" includes any incorporated city, town, or village.

(3) "Place of business of the retailer" means an established outlet, office, or location operated by the retailer or the retailer's agent or employee for the purpose of receiving orders for taxable items and includes any location at which three or more orders are received by the retailer during a calendar year. A warehouse, storage yard, or manufacturing plant is not a "place of business of the retailer" unless at least three orders are received by the retailer during the calendar year at the warehouse, storage yard, or manufacturing plant. An outlet, office, facility, or any location that contracts with a retail or commercial business ~~[engaged in activities to which this chapter applies]~~ to process for that business invoices, purchase orders, ~~[or]~~ bills of lading, or other equivalent records onto which sales tax is added, including an office operated for the purpose of buying and selling taxable goods to be used or consumed by the retail or commercial business, is not a "place of business of the retailer" if the comptroller determines that the outlet, office, facility, or location functions or exists to avoid the tax imposed by this chapter or to rebate a portion of the tax imposed by this chapter to the contracting business. Notwithstanding any other provision of this subdivision, a kiosk is not a "place of business of the retailer." In this subdivision, "kiosk" means a small stand-alone area or structure that:

(A) is used solely to display merchandise or to submit orders for taxable items from a data entry device, or both;

(B) is located entirely within a location that is a place of business of another retailer, such as a department store or shopping mall; and

(C) at which taxable items are not available for immediate delivery to a customer.

(b) Words used in this chapter and defined by Chapter 151 have the meanings assigned by Chapter 151.

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

AMENDMENT NO. 22 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE OTTO: Chairman Hilderbran, are you familiar with the traditional purchasing companies—companies that typically are part of an affiliated group of companies and exist to generate economic benefits through economies of scale, negotiated purchasing contracts, group discounts, or other similar legitimate business functions?

REPRESENTATIVE HILDERBRAN: Yes, I am.

OTTO: And are you aware that at the time we passed the 2003 bill, our intent was to stop those billing office type of arrangements without affecting the traditional purchasing companies and legitimate rebates where a city might agree to return a portion of the economic development sales tax to reimburse the developer for infrastructure or a true investment in the community that inserted value into the tax base?

HILDERBRAN: Yes, I am. And it's not my intent with this amendment to change the way traditional purchasing companies are treated for municipal sales tax purposes.

OTTO: To summarize then, your amendment is intended to tighten up and further the original intent of **HB 3534** while continuing to treat a traditional purchasing company as a place of business of the retailer for municipal sales tax purposes. Is that correct?

HILDERBRAN: That is correct.

REMARKS ORDERED PRINTED

Representative Otto moved to print remarks between Representative Hilderbran and Representative Otto.

The motion prevailed.

Amendment No. 23

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

Amend the Hilderbran amendment (packet page 720) to **CSSB 1811** (house committee report version) as follows:

1. On page 2, strike lines 18 through 23 and substitute the following:

"SECTION ____ . SECTION ____ as added by this amendment takes effect September 1, 2011."

Amendment No. 23 was adopted.

Amendment No. 22, as amended, was adopted. (Carter recorded voting no.)

Amendment No. 21 - Vote Reconsidered

Representative Otto moved to reconsider the vote by which Amendment No. 21 was adopted.

The motion to reconsider prevailed.

Amendment No. 24

Representative T. Smith offered the following amendment to Amendment No. 21:

Amend Amendment No. 21 to **CSSB 1811** by Otto (prefiled amendments packet, pages 771 through 776) as follows:

(1) In amended Section 56.001(a), Government Code (page 5, lines 6 through 7 of the amendment), between "Section 56.003" and the period, insert "2 in accordance with the applicable provisions of Chapters 74 and 660".

(2) In amended Section 56.001(b), Government Code (page 5, lines 10 through 11 of the amendment), between "Section 56.003" and the period, insert "2 in accordance with the applicable provisions of Chapters 74 and 660".

Amendment No. 24 was adopted. (Carter recorded voting no.)

Amendment No. 21, as amended, was withdrawn.

Amendment No. 25

Representative Hilderbran offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 20

Amend **CSSB 1811** (house committee printing) as follows:

(1) In ARTICLE 8, SECTION 8.01, on page 18, line 12, strike "June 1" and insert "March 1"

(2) In ARTICLE 8, SECTION 8.02, on page 18, line 21, strike "June 1" and insert "March 1"

(3) In ARTICLE 8, SECTION 8.02, on page 18, line 23, strike "preceding" and insert "following"

(4) In ARTICLE 8, SECTION 8.03, on page 19, line 6, strike "June 1" and insert "March 1"

(5) In ARTICLE 8, SECTION 8.04, on page 19, line 16, strike "June 1" and insert "March 1"

Amendment No. 25 was withdrawn.

Amendment No. 26

Representative Hartnett offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 21

Amend **CSSB 1811** (house committee report) as follows:

(1) In the heading to Article 10 of the bill (page 22, line 14), after "ACCOUNTS", add "AND THE DEPARTMENT OF INFORMATION RESOURCES".

(2) Add the following appropriately numbered SECTION to Article 10 of the bill and renumber subsequent SECTIONS of Article 10 as appropriate:

SECTION 10. ____. Section 2059.060, Government Code, is repealed.

Amendment No. 26 was withdrawn.

Amendment No. 27

Representative Workman offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 52

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. ADJUDICATION OF CLAIMS ARISING UNDER WRITTEN
CONTRACTS WITH STATE AGENCIES

SECTION _____.01. Title 5, Civil Practice and Remedies Code, is amended by adding Chapter 114 to read as follows:

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

Sec. 114.001. DEFINITIONS. In this chapter:

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

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

(3) "State agency" means an agency, department, commission, bureau, board, office, council, court, or other entity that is in any branch of state government and that is created by the constitution or a statute of this state, including a university system or a system of higher education. The term does not include a county, municipality, court of a county or municipality, special purpose district, or other political subdivision of this state.

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

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

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

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

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

(3) interest as allowed by law.

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

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

(2) exemplary damages; or

(3) damages for unabsorbed home office overhead.

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

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

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

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

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

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

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

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

(2) Travis County.

SECTION _____.02. Section 2260.002, Government Code, is amended to read as follows:

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

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

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

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

SECTION _____.03. (a) Chapter 114, Civil Practice and Remedies Code, as added by this article, applies only to a claim arising under a contract executed on or after September 1, 2011. A claim that arises under a contract executed before September 1, 2011, is governed by the law applicable to the claim immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Nothing in this article is intended to create, rescind, expand, or limit any waiver of sovereign immunity to suit applicable to any contract executed before September 1, 2011.

Amendment No. 27 was withdrawn.

Amendment No. 28

Representative Darby offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 59

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . FEES FOR CERTAIN PRETRIAL INTERVENTION PROGRAMS

SECTION ____ .01. Article 102.0121, Code of Criminal Procedure, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) A district attorney, criminal district attorney, or county attorney may collect a fee in an amount not to exceed \$500 to be used for the purposes provided by Subsection (d) [to reimburse a county for expenses, including expenses of the district attorney's, criminal district attorney's, or county attorney's office, related to a defendant's participation in a pretrial intervention program offered in that county].

(c) Fees collected under this article shall be deposited in the county treasury in a special fund to be administered by the district attorney, criminal district attorney, or county attorney. Approval of expenditures from the fund is at the sole discretion of the attorney [used solely to administer the pretrial intervention program. An expenditure from the fund may be made only in accordance with a budget approved by the commissioners court].

(d) A district attorney, criminal district attorney, or county attorney shall use money in the fund to reimburse a county for expenses, including expenses of the district attorney's, criminal district attorney's, or county attorney's office, related to a defendant's participation in a pretrial intervention program offered in that county. The district attorney, criminal district attorney, or county attorney may use any remaining amount to defray the salaries and expenses of the prosecutor's office, but the attorney may not use money in the fund to supplement the attorney's own salary.

Amendment No. 28 was withdrawn.

Amendment No. 29

Representative Fletcher offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 61

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . FEE FOR PEACE OFFICER'S SERVICES IN EXECUTING OR PROCESSING ARREST WARRANT, CAPIAS, OR CAPIAS PRO FINE

SECTION ____ .01. Article 102.011(a), Code of Criminal Procedure, is amended to read as follows:

(a) A defendant convicted of a felony or a misdemeanor shall pay the following fees for services performed in the case by a peace officer:

(1) \$5 for issuing a written notice to appear in court following the defendant's violation of a traffic law, municipal ordinance, or penal law of this state, or for making an arrest without a warrant;

(2) \$75 [~~\$50~~] for executing or processing an issued arrest warrant, capias, or capias pro fine with the fee imposed for the services of:

(A) the law enforcement agency that executed the arrest warrant or capias, if the agency requests of the court, not later than the 15th day after the date of the execution of the arrest warrant or capias, the imposition of the fee on conviction; or

(B) the law enforcement agency that processed the arrest warrant or capias, if:

(i) the arrest warrant or capias was not executed; or

(ii) the executing law enforcement agency failed to request the fee within the period required by Paragraph (A) of this subdivision;

(3) \$5 for summoning a witness;

(4) \$35 for serving a writ not otherwise listed in this article;

(5) \$10 for taking and approving a bond and, if necessary, returning the bond to the courthouse;

(6) \$5 for commitment or release;

(7) \$5 for summoning a jury, if a jury is summoned; and

(8) \$8 for each day's attendance of a prisoner in a habeas corpus case if the prisoner has been remanded to custody or held to bail.

SECTION ____02. Section 102.021, Government Code, as amended by Chapters 902 (**HB 666**) and 1209 (**SB 727**), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL PROCEDURE. A person convicted of an offense shall pay the following under the Code of Criminal Procedure, in addition to all other costs:

(1) court cost on conviction of any offense, other than a conviction of an offense relating to a pedestrian or the parking of a motor vehicle (Art. 102.0045, Code of Criminal Procedure) . . . \$4;

(2) a fee for services of prosecutor (Art. 102.008, Code of Criminal Procedure) . . . \$25;

(3) fees for services of peace officer:

(A) issuing a written notice to appear in court for certain violations (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(B) executing or processing an issued arrest warrant, capias, or capias pro fine (Art. 102.011, Code of Criminal Procedure) . . . \$75 [~~\$50~~];

(C) summoning a witness (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(D) serving a writ not otherwise listed (Art. 102.011, Code of Criminal Procedure) . . . \$35;

(E) taking and approving a bond and, if necessary, returning the bond to courthouse (Art. 102.011, Code of Criminal Procedure) . . . \$10;

(F) commitment or release (Art. 102.011, Code of Criminal Procedure) . . . \$5;

- (G) summoning a jury (Art. 102.011, Code of Criminal Procedure) . . . \$5;
- (H) attendance of a prisoner in habeas corpus case if prisoner has been remanded to custody or held to bail (Art. 102.011, Code of Criminal Procedure) . . . \$8 each day;
- (I) mileage for certain services performed (Art. 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and
- (J) services of a sheriff or constable who serves process and attends examining trial in certain cases (Art. 102.011, Code of Criminal Procedure) . . . not to exceed \$5;
- (4) services of a peace officer in conveying a witness outside the county (Art. 102.011, Code of Criminal Procedure) . . . \$10 per day or part of a day, plus actual necessary travel expenses;
- (5) overtime of peace officer for time spent testifying in the trial or traveling to or from testifying in the trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;
- (6) court costs on an offense relating to rules of the road, when offense occurs within a school crossing zone (Art. 102.014, Code of Criminal Procedure) . . . \$25;
- (7) court costs on an offense of passing a school bus (Art. 102.014, Code of Criminal Procedure) . . . \$25;
- (8) court costs on an offense of truancy or contributing to truancy (Art. 102.014, Code of Criminal Procedure) . . . \$20;
- (9) cost for visual recording of intoxication arrest before conviction (Art. 102.018, Code of Criminal Procedure) . . . \$15;
- (10) cost of certain evaluations (Art. 102.018, Code of Criminal Procedure) . . . actual cost;
- (11) additional costs attendant to certain intoxication convictions under Chapter 49, Penal Code, for emergency medical services, trauma facilities, and trauma care systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;
- (12) additional costs attendant to certain child sexual assault and related convictions, for child abuse prevention programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;
- (13) court cost for DNA testing for certain felonies (Art. 102.020(a)(1), Code of Criminal Procedure) . . . \$250;
- (14) court cost for DNA testing for the offense of public lewdness or indecent exposure (Art. 102.020(a)(2), Code of Criminal Procedure) . . . \$50;
- (15) court cost for DNA testing for certain felonies (Art. 102.020(a)(3), Code of Criminal Procedure) . . . \$34;
- (16) if required by the court, a restitution fee for costs incurred in collecting restitution installments and for the compensation to victims of crime fund (Art. 42.037, Code of Criminal Procedure) . . . \$12;
- (17) if directed by the justice of the peace or municipal court judge hearing the case, court costs on conviction in a criminal action (Art. 45.041, Code of Criminal Procedure) . . . part or all of the costs as directed by the judge; and

(18) costs attendant to convictions under Chapter 49, Penal Code, and under Chapter 481, Health and Safety Code, to help fund drug court programs established under Chapter 469, Health and Safety Code (Art. 102.0178, Code of Criminal Procedure) . . . \$60.

SECTION _____.03. The change in law made by this article applies only to a fee imposed for the execution or processing of a warrant, capias, or capias pro fine issued for an offense committed on or after the effective date of this Act. A fee imposed for the execution or processing of a warrant, capias, or capias pro fine issued for an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION _____.04. To the extent of any conflict, this article prevails over another Act of the 82nd Legislature, Regular Session, 2011, relating to nonsubstantive additions to and corrections in enacted codes.

Amendment No. 29 was withdrawn.

Amendment No. 30

Representative Madden offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 67

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. PROVISIONS RELATING TO THE CORRECTIONAL SYSTEM

SECTION _____.01. Article 42.12, Code of Criminal Procedure, is amended by adding Section 23A to read as follows:

Sec. 23A. ALTERNATIVE REVOCATION PROCEDURE. (a) This section applies only to a defendant who:

(1) is convicted of a felony other than:

(A) a state jail felony; or

(B) a felony listed in Section 22(a)(4); and

(2) at a hearing under Section 21 is determined by the judge to:

(A) have violated a condition of community supervision other than the commission of an offense punishable by confinement; and

(B) not be a proper candidate for continuation or modification of community supervision under Section 22.

(b) If the community supervision of a defendant to whom this section applies is revoked after a hearing under Section 21, the judge shall, as an alternative to the procedure provided by Section 23, dispose of the case as if there had been no community supervision and sentence the defendant to the custody of the Texas Department of Criminal Justice for the term of imprisonment originally assessed, except that the jurisdiction of the court continues for 365 days after the date the execution of the sentence actually begins.

(c) Not later than the 300th day after the date on which the defendant is received into the custody of the Texas Department of Criminal Justice, the department shall send the convicting court the record of the defendant's conduct and conformity to department rules, including a specific statement as to whether or not the defendant has committed a major disciplinary violation or an offense while imprisoned.

(d) On receipt of the report from the Texas Department of Criminal Justice, but not earlier than the 330th day or later than the 365th day after the date on which the defendant is received into the custody of the Texas Department of Criminal Justice, if in the opinion of the judge the defendant would not benefit from further imprisonment, the judge of the convicting court shall suspend further execution of the sentence imposed and place the defendant on community supervision under the terms and conditions of this article unless the record provided under Subsection (c) indicates that the defendant has committed a major disciplinary violation or an offense.

SECTION ____ .02. Section 23A, Article 42.12, Code of Criminal Procedure, as added by this article, applies only to a person who is initially placed on community supervision on or after the effective date of this Act.

Amendment No. 30 was withdrawn.

Amendment No. 31

Representative Callegari offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 76

Amend **CSSB 1811** (house committee report) by adding the following appropriately numbered SECTIONS and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION ____ . Sections 12.133(b), (b-1), (c), and (d-1), Education Code, are amended to read as follows:

(b) Each school year, using state funds received by the charter holder for that purpose under Subsection (d), a charter holder that participated in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year shall provide employees of the charter holder, other than administrators, compensation in the form of annual salaries, incentives, or other compensation determined appropriate by the charter holder that results in an average compensation increase for classroom teachers, full-time librarians, full-time counselors, and full-time school nurses who are employed by the charter holder [~~and who would be entitled to a minimum salary under Section 21.402 if employed by a school district,~~] in an amount at least equal to \$2,500.

(b-1) Using state funds received by the charter holder for that purpose under Subsection (d-1), a charter holder that participated in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year shall provide employees of the charter holder, other than administrators, compensation in the form of annual salaries, incentives, or other compensation determined appropriate by the charter holder that results in average compensation increases as follows:

(1) for full-time employees other than full-time classroom teachers, full-time librarians, full-time counselors, and full-time nurses [~~employees who would be entitled to a minimum salary under Section 21.402 if employed by a school district~~], an average increase at least equal to \$500; and

(2) for part-time employees, an average increase at least equal to \$250.

(c) Each school year, using state funds received by the charter holder for that purpose under Subsection (e), a charter holder that did not participate in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year shall provide employees of the charter holder, other than administrators, compensation in the form of annual salaries, incentives, or other compensation determined appropriate by the charter holder that results in an average compensation increase for classroom teachers, full-time librarians, full-time counselors, and full-time school nurses who are employed by the charter holder [~~and who would be entitled to a minimum salary under Section 21.402 if employed by a school district,~~] in an amount at least equal to \$2,000.

(d-1) In addition to any amounts to which a charter holder is entitled under this chapter, a charter holder that participated in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year is entitled to state aid in an amount, as determined by the commissioner, equal to the sum of:

(1) the product of \$500 multiplied by the number of full-time employees other than full-time classroom teachers, full-time librarians, full-time counselors, and full-time nurses [~~employees who would be entitled to a minimum salary under Section 21.402 if employed by a school district~~]; and

(2) the product of \$250 multiplied by the number of part-time employees.

SECTION _____. Section 19.007(f), Education Code, is amended to read as follows:

(f) In addition to other amounts received by the district under this section, the district is entitled to state aid in an amount equal to the product of \$2,000 multiplied by the number of classroom teachers, full-time librarians, full-time counselors certified under Subchapter B, Chapter 21, and full-time school nurses who are employed by the district [~~and who would be entitled to a minimum salary under Section 21.402 if employed by a school district operating under Chapter 11~~].

SECTION _____. Section 19.009(d-1), Education Code, is amended to read as follows:

(d-1) Each school year, the district shall pay an amount at least equal to \$2,000 to each classroom teacher, full-time librarian, full-time counselor certified under Subchapter B, Chapter 21, and full-time school nurse who is employed by the district [~~and who would be entitled to a minimum salary under Section 21.402 if employed by a school district operating under Chapter 11~~]. A payment under this section is in addition to wages the district would otherwise pay the employee during the school year.

SECTION _____. Section 21.0031(b), Education Code, is amended to read as follows:

(b) After an employee receives notice that the employee's contract is void under Subsection (a),~~;~~

~~(1)~~ a school district may:

(1) ~~(A)~~ terminate the employee;

(2) ~~(B)~~ suspend the employee with or without pay; or

(3) ~~(C)~~ retain the employee for the remainder of the school year on an at-will employment basis in a position other than classroom teacher at the employee's existing rate of pay or at a reduced rate~~;~~ ~~and~~

~~(2) the employee is not entitled to the minimum salary prescribed by Section 21.402].~~

SECTION _____. Section 21.103(a), Education Code, is amended to read as follows:

(a) The board of trustees of a school district may terminate the employment of a teacher employed under a probationary contract at the end of the contract period if in the board's judgment the best interests of the district will be served by terminating the employment. The board of trustees must give notice of its decision to terminate the employment to the teacher not later than the ~~[45th]~~ 15th day before the last day of instruction required under the contract. The notice must be delivered personally to the teacher or mailed by regular mail or prepaid certified mail or by an express delivery service to the teacher's address of record with the district. Notice that is mailed in accordance with this subsection is considered given at the time of mailing. The board's decision is final and may not be appealed.

SECTION _____. Section 21.157, Education Code, is amended to read as follows:

Sec. 21.157. NECESSARY REDUCTION OF PERSONNEL. A teacher employed under a continuing contract may be released at the end of a school year and the teacher's employment with the school district terminated at that time because of a necessary reduction of personnel by the school district~~[-with those reductions made in the reverse order of seniority in the specific teaching fields].~~

SECTION _____. Section 21.206(a), Education Code, is amended to read as follows:

(a) Not later than the ~~[45th]~~ 15th day before the last day of instruction in a school year, the board of trustees shall notify in writing each teacher whose contract is about to expire whether the board proposes to renew or not renew the contract. The notice must be delivered personally to the teacher or mailed by regular mail or prepaid certified mail or by an express delivery service to the teacher's address of record with the district. Notice that is mailed in accordance with this subsection is considered given at the time of mailing.

SECTION _____. Section 21.401, Education Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) Except as provided by Subsection (e), an [An] educator employed under a 10-month contract must provide a minimum of 187 days of service.

(c) The commissioner, as provided by Section 25.081(b), may reduce the number of days of service required by this section. A reduction by the commissioner does not reduce an educator's salary.

(d) Subsections (a) and (b) do not apply to a contract between a school district and an educational diagnostician.

(e) Notwithstanding any other provision in this Code, the board of trustees of a school district may reduce the length of service required under an educator contract if the board has determined that a decrease in state funds available per weighted student necessitates a reduction in the length of the instructional year or in the number of days of service required by the educator. The board may reduce the length of service by up to seven instructional days, non-instructional days, or a combination of the two. The salary of the educator may be reduced by an amount corresponding to the reduction in length of service.

SECTION _____. Section 22.003(a)(1), Education Code, is amended to read as follows:

(a) A state minimum personal leave program consisting of five days per year personal leave with no limit on accumulation and transferable among districts shall be provided for school district employees. School districts may provide additional personal leave beyond this minimum. The board of trustees of a school district may adopt a policy governing an employee's use of personal leave granted under this subsection, except that the policy may not restrict:

(1) the purposes for which the leave may be used, except that the board by local policy may restrict the use of state personal leave on days designated for furloughs under Section 21.401, Education Code; or

(2) the order in which an employee may use the state minimum personal leave and any additional personal leave provided by the school district.

SECTION _____. Section 25.081, Education Code, is amended to read as follows:

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

(b) The commissioner may approve the instruction of students for fewer than the number of days required under Subsection (a) if disaster, flood, extreme weather conditions, fuel curtailment, or another calamity causes the closing of schools.

(c) If the board of trustees of a school district has determined that a decrease in state funds available per weighted student necessitates a reduction in the instructional year, the board may reduce the number of days of instruction required under Subsection (a). The board may adjust educator contracts as provided at Section 21.401(e).

SECTION _____. Section 21.402(d), Education Code, is repealed.

Amendment No. 31 was withdrawn.

Amendment No. 32

Representative D. Howard offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 93

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill appropriately:

ARTICLE ____ . ISSUANCE OF REVENUE BONDS TO FUND
CAPITAL PROJECTS

SECTION ____ .01. Subchapter B, Chapter 55, Education Code, is amended by adding Section 55.1782 to read as follows:

Sec. 55.1782. THE UNIVERSITY OF TEXAS SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of The University of Texas System may acquire, purchase, construct, improve, renovate, enlarge, or equip facilities, including roads and related infrastructure, for an engineering education and research center for The University of Texas at Austin, to be financed through the issuance of bonds in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board, not to exceed the aggregate principal amount of \$100 million.

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of an institution, branch, or entity of The University of Texas System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of The University of Texas System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

(d) General revenue may not be appropriated for the purpose of reimbursing The University of Texas System for debt service on the bonds authorized by this section for any state fiscal year earlier than the state fiscal year beginning September 1, 2015.

SECTION ____ .02. Section 61.0572(e), Education Code, is amended to read as follows:

(e) Approval of the board is not required to acquire real property that is financed by bonds issued under Section 55.17(e)(3) or (4), 55.1713-55.1718, 55.1721-55.1728, 55.1735(a)(1), 55.174, 55.1742, 55.1743, 55.1744, 55.1751-55.17592, 55.1768, 55.1771, ~~or~~ 55.17721, or 55.1782, except that the board shall review all real property to be financed by bonds issued under those sections to determine whether the property meets the standards adopted by the board for cost, efficiency, and space use. If the property does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

SECTION ____ .03. Section 61.058(b), Education Code, is amended to read as follows:

(b) This section does not apply to construction, repair, or rehabilitation financed by bonds issued under Section 55.17(e)(3) or (4), 55.1713-55.1718, 55.1721-55.1728, 55.174, 55.1742, 55.1743, 55.1744, 55.1751-55.17592, 55.1768, 55.1771, ~~or~~ 55.17721, or 55.1782, except that the board shall review all construction, repair, or rehabilitation to be financed by bonds issued under those sections to determine whether the construction, rehabilitation, or repair meets the standards adopted by board rule for cost, efficiency, and space use. If the construction, rehabilitation, or repair does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

Amendment No. 32 was withdrawn.

Amendment No. 33

Representative Zerwas offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 96

Amend **CSSB 1811** as follows:

In the appropriately numbered section add the following:

SECTION _____. Chapter 61, Education Code, is amended by adding Subchapter GG to read as follows:

SUBCHAPTER GG. TEXAS EMERGENCY AND TRAUMA CARE
EDUCATION PARTNERSHIP PROGRAM

Sec. 61.9801. DEFINITIONS. In this subchapter:

(1) "Emergency and trauma care education partnership" means a partnership that:

(A) consists of one or more hospitals in this state and one or more graduate professional nursing or graduate medical education programs in this state; and

(B) serves to increase training opportunities in emergency and trauma care for doctors and registered nurses at participating graduate medical education and graduate professional nursing programs.

(2) "Participating education program" means a graduate professional nursing program as that term is defined by Section 54.221 or a graduate medical education program leading to board certification by the American Board of Medical Specialties that participates in an emergency and trauma care education partnership.

Sec. 61.9802. PROGRAM: ESTABLISHMENT; ADMINISTRATION; PURPOSE.

(a) The Texas emergency and trauma care education partnership program is established.

(b) The board shall administer the program in accordance with this subchapter and rules adopted under this subchapter.

(c) Under the program, to the extent funds are available under Section 61.9805, the board shall make grants to emergency and trauma care education partnerships to assist those partnerships to meet the state's needs for doctors and registered nurses with training in emergency and trauma care by offering

one-year or two-year fellowships to students enrolled in graduate professional nursing or graduate medical education programs through collaboration between hospitals and graduate professional nursing or graduate medical education programs and the use of the existing expertise and facilities of those hospitals and programs.

Sec. 61.9803. GRANTS: CONDITIONS; LIMITATIONS. (a) The board may make a grant under this subchapter to an emergency and trauma care education partnership only if the board determines that:

(1) the partnership will meet applicable standards for instruction and student competency for each program offered by each participating education program;

(2) each participating education program will, as a result of the partnership, enroll in the education program a sufficient number of additional students as established by the board;

(3) each hospital participating in an emergency and trauma care education partnership will provide to students enrolled in a participating education program clinical placements that:

(A) allow the students to take part in providing or to observe, as appropriate, emergency and trauma care services offered by the hospital; and

(B) meet the clinical education needs of the students; and

(4) the partnership will satisfy any other requirement established by board rule.

(b) A grant under this subchapter may be spent only on costs related to the development or operation of an emergency and trauma care education partnership that prepares a student to complete a graduate professional nursing program with a specialty focus on emergency and trauma care or earn board certification by the American Board of Medical Specialties.

Sec. 61.9804. PRIORITY FOR FUNDING. In awarding a grant under this subchapter, the board shall give priority to an emergency and trauma care education partnership that submits a proposal that:

(1) provides for collaborative educational models between one or more participating hospitals and one or more participating education programs that have signed a memorandum of understanding or other written agreement under which the participants agree to comply with standards established by the board, including any standards the board may establish that:

(A) provide for program management that offers a centralized decision-making process allowing for inclusion of each entity participating in the partnership; and

(B) provide for access to clinical training positions for students in graduate professional nursing and graduate medical education programs that are not participating in the partnership;

(2) includes a demonstrable education model to:

(A) increase the number of students enrolled in, the number of students graduating from, and the number of faculty employed by each participating education program; and

(B) improve student or resident retention in each participating education program;

(3) indicates the availability of money to match a portion of the grant money, including matching money or in-kind services approved by the board from a hospital, private or nonprofit entity, or institution of higher education;

(4) can be replicated by other emergency and trauma care education partnerships or other graduate professional nursing or graduate medical education programs; and

(5) includes plans for sustainability of the partnership.

Sec. 61.9805. GRANTS, GIFTS, AND DONATIONS. In addition to money appropriated by the legislature, the board may solicit, accept, and spend grants, gifts, and donations from any public or private source for the purposes of this subchapter.

Sec. 61.9806. RULES. The board shall adopt rules for the administration of the Texas emergency and trauma care education partnership program. The rules must include:

(1) provisions relating to applying for a grant under this subchapter; and

(2) standards of accountability consistent with other graduate professional nursing and graduate medical education programs to be met by any emergency and trauma care education partnership awarded a grant under this subchapter.

Sec. 61.9807. ADMINISTRATIVE COSTS. A reasonable amount, not to exceed three percent, of any money appropriated for purposes of this subchapter may be used to pay the costs of administering this subchapter.

SECTION _____. As soon as practicable after the effective date of this Act, the Texas Higher Education Coordinating Board shall adopt rules for the implementation and administration of the Texas emergency and trauma care education partnership program established under Subchapter GG, Chapter 61, Education Code, as added by this Act. The board may adopt the initial rules in the manner provided by law for emergency rules.

(Keffer in the chair)

Amendment No. 34

Representative Eiland offered the following amendment to Amendment No. 33:

Amend the Zerwas page 96 amendment to **CSSB 1811** by adding the following:

() Insert an appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. UNIVERSITY OF TEXAS MEDICAL BRANCH: USE OF PREVIOUSLY APPROPRIATED HURRICANE RECOVERY FUNDS

SECTION _____.01. From the amounts previously appropriated to The University of Texas Medical Branch at Galveston (UTMB) by Section 55, Chapter 1409 (**HB 4586**), Acts of the 81st Legislature, Regular Session, 2009, and notwithstanding Section 55(c) of that chapter, UTMB may use up to

\$25,000,000 for hurricane recovery costs not directly matched by the Federal Emergency Management Agency (FEMA) but necessary to complete projects for which FEMA only matches or pays for a portion.

SECTION _____.02. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

Amendment No. 34 was withdrawn.

NOTICE GIVEN

In accordance with Rule 13, Section 7, Representative L. Taylor gave notice that the Conference Committee on **SB 1420**, the TxDOT Sunset Bill, would meet at 9:15 p.m. or upon senate adjournment in 3E.4.

CSSB 1811 - (consideration continued)

Amendment No. 35

Representative Eiland offered the following amendment to Amendment No. 33:

Amend the Zerwas page 96 amendment to **CSSB 1811** by adding the following:

() Insert an appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. UNIVERSITY OF TEXAS MEDICAL BRANCH: USE OF PREVIOUSLY APPROPRIATED HURRICANE RECOVERY FUNDS

SECTION _____.01. From the amounts previously appropriated to The University of Texas Medical Branch at Galveston (UTMB) by Section 55, Chapter 1409 (**HB 4586**), Acts of the 81st Legislature, Regular Session, 2009, and notwithstanding Section 55(c) of that chapter, UTMB may use up to \$17,000,000 for hurricane recovery costs not directly matched by the Federal Emergency Management Agency (FEMA) but necessary to complete projects for which FEMA only matches or pays for a portion.

SECTION _____.02. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

Amendment No. 35 was withdrawn.

Amendment No. 33 was withdrawn.

Amendment No. 36

Representative Villarreal offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 141

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. FUNDING AT FAILING SCHOOL CAMPUSES

SECTION _____. Chapter 39, Subchapter E, Section 39.107 is amended by adding subsection (s).

(s) Notwithstanding any other provision of this code, the funding for a campus that is considered to have an unacceptable performance rating for two consecutive school years must not be less than the funding of the other campuses in the district on a weighted average daily attendance basis.

Amendment No. 36 was withdrawn.

Amendment No. 37

Representative Gallego offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 150

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. FISCAL MATTERS REGARDING UNIVERSITY
INTERSCHOLASTIC SPORTS OFFICIALS

SECTION _____.01. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.085 to read as follows:

Sec. 33.085. REGISTRATION AS SPORTS OFFICIALS; PERSONS CONVICTED OF CERTAIN OFFENSES. (a) In this section, "sports official" means a person who officiates, judges, or in any manner enforces contest rules in any official capacity for interscholastic athletic competition. The term includes a referee, umpire, linesman, side judge, and back judge.

(b) An interscholastic league may refuse to register a person as a sports official for interscholastic athletic competition sponsored or sanctioned by the league or may suspend or revoke the registration of a person as a sports official for interscholastic athletic competition sponsored or sanctioned by the league if the person has been convicted of:

- (1) an offense involving moral turpitude;
- (2) an offense involving a form of sexual or physical abuse of a minor or student or other illegal conduct in which the victim is a minor or student;
- (3) a felony offense involving the possession, transfer, sale, or distribution of or conspiracy to possess, transfer, sell, or distribute a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;
- (4) an offense involving the illegal transfer, appropriation, or use of school district funds or other district property; or
- (5) an offense involving an attempt by fraudulent or unauthorized means to obtain or alter registration to serve as a sports official for interscholastic athletic competition.

(c) An interscholastic league shall impose a fee for any costs incurred by the league in conducting a criminal background check for purposes of this section.

Amendment No. 37 was withdrawn.

Amendment No. 38

Representative Alonzo offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 167

Amend **CSSB 1811** (second reading) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES of the bill appropriately:

ARTICLE ____ . FISCAL MATTERS CONCERNING
SCHOLARSHIPS AWARDED FROM STUDENT SUCCESS-BASED FUNDS
SECTION ____ .01. Subchapter A, Chapter 56, Education Code, is amended
by adding Section 56.005 to read as follows:

Sec. 56.005. STUDENT PRIORITY FOR SCHOLARSHIPS AWARDED
FROM STUDENT SUCCESS-BASED FUNDS. (a) In this section:

(1) "Coordinating board" means the Texas Higher Education
Coordinating Board.

(2) "Critical field" means a field of study designated as a critical field
under Subsection (b).

(b) Except as otherwise provided by Subdivision (2), the fields of
engineering, computer science, mathematics, physical science, allied health,
nursing, and teaching certification in the field of science or mathematics are
critical fields. Beginning September 1, 2012, the coordinating board, based on the
coordinating board's determination of those fields of study in which the support
and development of postsecondary education programs at the bachelor's degree
level are most critically necessary for serving the needs of this state, by rule may:

(1) designate as a critical field a field of study that is not currently
designated by this subsection or by the board as a critical field; or

(2) remove a field of study from the list of fields currently designated by
this subsection or by the board as critical fields.

(c) Notwithstanding any other law, in determining who should receive
scholarships awarded by an institution of higher education from funds
appropriated to the institution based on student success, the institution shall give
priority to awarding the scholarships to eligible students enrolled in critical fields.

(d) The coordinating board may adopt rules for the administration of this
section.

SECTION ____ .02. Section 56.005, Education Code, as added by this
article, applies beginning with scholarships awarded by a public institution of
higher education for the 2011 fall semester. Scholarships awarded before the 2011
fall semester are covered by the law in effect immediately before the effective
date of this article, and the former law is continued in effect for that purpose.

SECTION ____ .03. This article takes effect immediately if this Act receives
a vote of two-thirds of all the members elected to each house, as provided by
Section 39, Article III, Texas Constitution. If this Act does not receive the vote
necessary for immediate effect, this article takes effect September 1, 2011.

Sec. 61.9792. ELIGIBILITY. To be eligible to receive financial incentives
under this subchapter, a person must:

(1) apply to the board in the form and manner prescribed by board rule;

(2) have completed at least 60 semester credit hours of course work toward an associate's degree at a public junior college or a junior college accredited by a recognized accrediting agency;

Sec. 61.9796. GIFTS, GRANTS, AND DONATIONS. In addition to money appropriated by the legislature, the board may solicit and accept gifts, grants, and donations for the purposes of this subchapter.

Sec. 61.9797. RULES. The board shall adopt rules necessary for the administration of this subchapter, including a rule that sets the maximum amount of financial assistance that a person may receive under this subchapter in one year.

Amendment No. 38 was withdrawn.

Amendment No. 39

Representative Villarreal offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 152

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS accordingly:

ARTICLE _____. GUARANTEE OF OPEN-ENROLLMENT CHARTER
SCHOOL BONDS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) without the guarantee, be rated as investment grade by a nationally recognized investment rating firm; and

(2) be issued under Chapter 53.

SECTION _____.07. Sections 45.055(a) and (b), Education Code, are amended to read as follows:

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

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

(1) the name of the school district or charter district and the principal amount of the bonds to be issued;

(2) the name and address of the district's paying agent for those bonds;
and

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

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

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

(1) the status of the district's accreditation; and

(2) the total amount of outstanding guaranteed bonds.

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

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

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

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

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

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

(2) interest earned on balances in the fund.

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

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

(d) Each year, the commissioner shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amendment No. 39 was withdrawn.

Amendment No. 40

Representative Y. Davis offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 191

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ . PERIODIC EVALUATION AND APPLICATION OF
SUNSET REVIEW TO CERTAIN TAX EXEMPTIONS

SECTION ____ .01. Chapter 325, Government Code, is amended by adding Section 325.023 to read as follows:

Sec. 325.023. EVALUATION OF EXEMPTIONS FROM PROPERTY AND STATE TAXES. (a) In this section, "exemption" includes:

(1) an exemption that is provided by the manner in which a term is defined in Subchapter A, Chapter 151, Tax Code; and

(2) an exemption provided by Chapter 162, Tax Code, from the taxes imposed by that chapter.

(b) The commission shall periodically evaluate each exemption provided by Chapters 11, 151, 152, 162, 171, 201, and 202, Tax Code, from the taxes imposed by those chapters.

(c) The commission shall conduct the evaluation required by Subsection (b) according to a schedule that the commission adopts. The schedule must provide for the commission to evaluate each tax exemption at an interval not to exceed six years. The commission shall provide the schedule to the governor, lieutenant governor, speaker of the house of representatives, and presiding officers of the senate finance committee and the house ways and means committee.

(d) The commission's evaluation of each tax exemption must:

(1) include an evaluation of the exemption's effect on:

(A) revenue received from taxes imposed by the chapter providing the exemption;

(B) the entities that receive the exemption;

(C) sales of property, goods, and services made in this state, where applicable; and

(D) economic investment and growth in this state;

(2) take into account any other factors the commission considers relevant in evaluating the exemption;

(3) consider whether retaining the exemption is in the best interest of the public; and

(4) make recommendations for retaining or repealing the exemption, or for amending a provision related to the exemption.

(e) At each regular legislative session, the commission shall present to the legislature and the governor a report on the evaluation and recommendations it makes under Subsection (d). The report must include drafts of any legislation needed to carry out the commission's recommendations under that subsection.

(f) The evaluation described by this section does not apply to a tax exemption that is:

(1) explicitly provided by the constitution of this state; or

(2) for an item or service that this state is unable to tax under the United States Constitution or federal law.

SECTION ____ .02. Subchapter C, Chapter 11, Tax Code, is amended by adding Section 11.49 to read as follows:

Sec. 11.49. SUNSET PROVISION FOR PROPERTY TAX EXEMPTIONS. (a) The exemptions provided by this chapter from the taxes imposed by this chapter are subject to periodic evaluation by the Sunset Advisory Commission under Section 325.023, Government Code, according to a schedule that the commission adopts under that section.

(b) A tax exemption provided by this chapter that is the subject of a Sunset Advisory Commission evaluation under Section 325.023, Government Code, and a section or part of a section that provides the exemption are repealed on December 31 of the year in which the commission presents its evaluation to the legislature unless the legislature retains the exemption.

(c) This section does not prohibit the legislature from repealing an exemption from the taxes imposed by this chapter at a date earlier than the date provided by this section.

(d) The evaluation described by Subsection (a) and the repeal described by Subsection (b) do not apply to a tax exemption that is explicitly provided by the constitution of this state.

SECTION _____.03. Chapter 101, Tax Code, is amended by adding Section 101.010 to read as follows:

Sec. 101.010. SUNSET PROVISION FOR CERTAIN EXEMPTIONS FROM STATE TAXES. (a) In this section, "exemption" includes:

(1) an exemption that is provided by the manner in which a term is defined in Subchapter A, Chapter 151; and

(2) an exemption provided by Chapter 162 from the taxes imposed by that chapter.

(b) The exemptions provided by Chapters 151, 152, 162, 171, 201, and 202 from the taxes imposed by those chapters are subject to periodic evaluation by the Sunset Advisory Commission under Section 325.023, Government Code, according to a schedule that the commission adopts under that section.

(c) A tax exemption that is the subject of a Sunset Advisory Commission evaluation under Section 325.023, Government Code, and a section or part of a section that provides the exemption are repealed on December 31 of the year in which the commission presents its evaluation to the legislature unless the legislature retains the exemption.

(d) This section does not prohibit the legislature from repealing an exemption from the taxes imposed by Chapters 151, 152, 162, 171, 201, and 202 at a date earlier than the date provided by this section.

(e) The evaluation described by Subsection (b) and the repeal described by Subsection (c) do not apply to a tax exemption for an item or service that this state is unable to tax under the United States Constitution or federal law.

SECTION _____.04. The Sunset Advisory Commission shall adopt a schedule for evaluating exemptions from property taxes and state taxes as provided by Section 325.023, Government Code, as added by this article, on or before January 1, 2012.

SECTION _____.05. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

Amendment No. 40 failed of adoption by (Record 1205): 47 Yeas, 98 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hartnett; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez

Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Turner; Veasey; Villarreal; Vo; Walle; White.

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

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

Absent — Deshotel; Peña; Pickett.

STATEMENTS OF VOTE

When Record No. 1205 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

I was shown voting yes on Record No. 1205. I intended to vote no.

White

Amendment No. 41

Representative Y. Davis offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 198

Amend **CSSB 1811** (house committee printing) in ARTICLE 10 of the bill by adding the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of the ARTICLE appropriately:

SECTION 10. _____. Section 403.014(b), Government Code, is amended to read as follows:

(b) The report must include:

(1) an analysis of each special provision that reduces the amount of tax payable, to include an estimate of the loss of revenue for a six-year period including the current fiscal biennium and a citation of the statutory or legal authority for the provision; ~~and~~

(2) for provisions reducing revenue by more than one percent of total revenue for a tax covered by this section:

(A) the effect of each provision on the distribution of the tax burden by income class and industry or business class, as appropriate; and

(B) the effect of each provision on total income by income class;

and

(3) for each entity, including a corporation or other business entity, that receives a reduction of taxes payable as a result of a special provision, the actual dollar amount of the reduction the entity received since the most recent report under this section, regardless of whether the information is confidential under state law, including Sections 111.006 and 151.027, Tax Code.

AMENDMENT NO. 41 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE REYNOLDS: Ms. Davis, this amendment simply is an open government, transparency amendment, correct?

REPRESENTATIVE Y. DAVIS: That's all this amendment does. It doesn't cost the bill, it doesn't create any cost or expense to the bill. This is just good government to say we're giving these exemptions. You're doing it in these categories. We need to know who's getting them, what the benefit is to the state, so we can marshal our support for them if they're good and continue them. If they've outgrown their use, we'll at least have accurate data to determine they've outgrown their use. And this would just allow us to know who and what. It's just transparency.

REYNOLDS: And, as elected officials, and holders of the public trust, isn't it our fiduciary responsibility to be as open and transparent to the taxpayers as possible?

Y. DAVIS: It is. It is our responsibility and, quite frankly, we would think it would be good information so that you would be an informed legislator and be able to discuss with your constituents why we made these investments, what the investment is to the state. But we have to know it, and without this amendment, we aren't capturing that information, and so we don't know it. And we, as legislators, ought to have some notion of where our investments are and what the benefit is, so when our constituents come and ask us what happened here, or why does this company get an exemption, and why are we giving them exemptions, and why are they not paying sales tax, why are they not paying property tax? We will have the answer for them by the virtue of collecting the data and determining what it is that they're providing to the State of Texas.

REYNOLDS: And possibly, instead of balancing our budget on the backs of school children and our seniors, we could possibly create more revenue by closing some of the corporate loopholes that we have right now, correct?

Y. DAVIS: There is no question that there are probably monies that we could bring to the table to pay what we call necessities for our state to be—maintain a strong presence and not erode education and health care. And so, knowledge is the answer to knowing where we have some vulnerabilities that we can put back into the budgetary process, and make them more useful and more helpful to make this state as strong as we would like for it to be.

REYNOLDS: Wouldn't you agree that right now we pretty much have a structural deficit with our budget?

Y. DAVIS: There's no question that there is a structural deficit. There is no question, based on the way we're putting funds together for this budget, that we sorely need revenue, that we need to reevaluate what our priorities are. We need to know where we are investing dollars. There's no question that this budget, if no other budget, calls for us to be prudent legislators and look at everything so that we don't do harm to the people of the State of Texas.

REYNOLDS: It sounds like your amendment would do that. It would allow us to have an open discussion about possible ways we could increase our revenue without raising taxes by closing possible corporate loopholes that people shouldn't have anymore, correct?

Y. DAVIS: I think that's correct. And you know, Representative Reynolds, I don't know why everybody's afraid to look at this. We've been talking about the budget deficit, and I've heard a couple members say, "We've looked at it during the interim." Well, we really didn't look at it, and the comptroller told me they couldn't provide us with this information. So, in fact, if they can't provide us with information, if they're not collecting information, how do we look at it? So, this amendment is drawn because the comptroller said that they don't have the information.

REYNOLDS: I happen to wholeheartedly agree with you, and I think it's an excellent amendment. Thank you for bringing it.

Y. DAVIS: And members, I would ask again—and I recognize the climate in which we work—and I understand everybody, and I heard somebody say the "hundred club," the "century club." I'm fine with being in the "century club" if I'm trying to do what's right. And, I think it's important that you all recognize that this issue will come back to haunt you.

REMARKS ORDERED PRINTED

Representative Reynolds moved to print remarks between Representative Y. Davis and Representative Reynolds.

The motion prevailed.

Amendment No. 41 failed of adoption by (Record 1206): 49 Yeas, 97 Nays, 2 Present, not voting.

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

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown;

Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent — Peña; Pickett.

Amendment No. 42

Representative Hardcastle offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 203

Amend **CSSB 1811** by adding the following appropriately numbered article and renumbering subsequent sections and articles.

Amend Government Code, Chapter 531 by adding the following appropriately numbered article:

Article ____ Out of funds appropriated by **HB 1**, Acts of the Eighty Second Legislature, the Commission shall allocate and make available an amount of funding research and an unrelated umbilical cord bank in the same manner as described by **SB 1**, Acts of the 81st Legislature.

Amendment No. 42 was withdrawn.

Amendment No. 43

Representative Farias offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 261

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ FEDERAL EARNED INCOME TAX CREDIT STUDY

SECTION ____ .01. (a) The comptroller of public accounts shall conduct a study on the effect of the provision of federal earned income tax credit information as required by Chapter 104, Labor Code, on:

(1) the number of taxpayers claiming that credit; and
(2) the number of taxpayers in this state who are eligible to claim that credit, but who do not claim the credit.

(b) At the comptroller's request, a state agency shall provide information for and assistance in conducting the study under this section.

(c) Not later than December 1, 2012, the comptroller shall provide a report on the results of the study to the governor, the lieutenant governor, and the legislature.

SECTION ____ .02. This article expires September 1, 2013.

Amendment No. 43 failed of adoption by (Record 1207): 51 Yeas, 94 Nays, 2 Present, not voting.

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

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

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

Absent — Margo; Ritter; Torres.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1207. I intended to vote no.

Simpson

When Record No. 1207 was taken, I was temporarily out of the house chamber. I would have voted no.

Torres

Amendment No. 44

Representative Rodriguez offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 275

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . LEGISLATIVE BUDGET BOARD MEETINGS

SECTION ____ .01. Section 322.003, Government Code, is amended by adding Subsection (f) to read as follows:

(f) The board shall hold a public hearing in November of each state fiscal year to hear a report from the comptroller and receive public testimony regarding the financial condition of this state. The report from the comptroller must:

(1) specify for each revenue source included in determining the estimate of anticipated revenue for purposes of the most recent statement required by Section 49a, Article III, Texas Constitution, the total net revenue actually collected from that source for the state fiscal year as of the end of the most recent state fiscal quarter;

(2) compare for the period described by Subdivision (1) the total net revenue collected from each revenue source required to be specified under that subdivision with the anticipated revenue from that source that was included for purposes of determining the estimate of anticipated revenue in the statement required by Section 49a, Article III, Texas Constitution;

(3) specify for each state revenue source resulting from a law taking effect after the comptroller submitted the most recent statement required by Section 49a, Article III, Texas Constitution, the estimated total net revenue collected from that source for the state fiscal year as of the end of the most recent state fiscal quarter;

(4) summarize indicators of state economic trends experienced since the most recent statement required by Section 49a, Article III, Texas Constitution; and

(5) summarize anticipated state economic trends and the anticipated effect of the trends on state revenue collections.

SECTION _____.02. Section 322.008, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) For each state fee the amount of which is proposed or authorized to be increased by a provision of the general appropriations bill, the general appropriations bill must set out in a separate section of the bill:

(1) the statutory authority for the fee;

(2) the amount of the fee increase;

(3) each purpose for which the fee revenue is to be used; and

(4) into which fund the fee revenue will be deposited.

SECTION _____.03. Chapter 322, Government Code, is amended by adding Section 322.022 to read as follows:

Sec. 322.022. PUBLIC HEARING ON INTERIM BUDGET REDUCTION REQUEST. (a) In this section:

(1) "Interim budget reduction request" means a request communicated in any manner for a state agency to make adjustments to the strategies, methods of finance, performance measures, or riders applicable to the agency through the state budget in effect on the date the request is communicated that, if implemented, would reduce the agency's total expenditures for the current state fiscal biennium to an amount less than the total amount that otherwise would be permissible based on the appropriations made to the agency in the budget.

(2) "State agency" means an office, department, board, commission, institution, or other entity to which a legislative appropriation is made.

(b) A state agency shall provide to the board a detailed report of any expenditure reduction plan that:

(1) the agency develops in response to an interim budget reduction request made by the governor, the lieutenant governor, or a member of the legislature, or any combination of those persons; and

(2) if implemented, would reduce the agency's total expenditures for the current state fiscal biennium to an amount less than the total amount that otherwise would be permissible based on the appropriations made to the agency in the state budget for the biennium.

(c) The board shall hold a public hearing to solicit testimony on an expenditure reduction plan a state agency reports to the board as required by Subsection (b) as soon as practicable after receiving the report. The agency may not implement any element of the plan until the conclusion of the hearing.

(d) This section does not apply to an expenditure reduction a state agency desires to make that does not directly or indirectly result from an interim budget reduction request made by the governor, the lieutenant governor, or a member of the legislature, or any combination of those persons.

SECTION ____ .04. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.0145 to read as follows:

Sec. 403.0145. PUBLICATION OF FEES SCHEDULE. As soon as practicable after the end of each state fiscal year, the comptroller shall publish a schedule of all revenue to the state from fees authorized by statute. For each fee, the schedule must specify:

(1) the purpose for which the fee revenue is to be used;

(2) if the fee has been increased during the most recent legislative session, the amount of the increase;

(3) into which fund the fee revenue will be deposited; and

(4) the amount of the fee revenue that will be considered available for general governmental purposes and accordingly considered available for the purpose of certification under Section 403.121.

SECTION ____ .05. Section 404.124, Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) Before issuing notes the comptroller shall submit to the committee a general revenue cash flow shortfall forecast, based on the comptroller's most recent anticipated revenue estimate. The forecast must contain a detailed report of estimated revenues and expenditures for each month and each major revenue and expenditure category and must demonstrate the maximum general revenue cash flow shortfall that may be predicted. The committee shall hold a public hearing to solicit testimony on the forecast, including testimony on this state's overall economic condition, as soon as practicable after receiving the forecast.

(b) Based on the forecast and testimony provided at the hearing required by Subsection (a), the committee may approve the issuance of notes, subject to Subsections (b-1) and (c), and the maximum outstanding balance of notes in any fiscal year. The outstanding balance may not exceed the maximum temporary cash shortfall forecast by the comptroller for any period in the fiscal year. The comptroller may not issue notes in excess of the amount approved.

(b-1) The committee's approval of the issuance of notes granted under Subsection (b) expires on the 91st day after the date the hearing conducted under Subsection (a) concludes. The comptroller may not issue notes on or after the 91st day unless the comptroller submits another general revenue cash flow shortfall forecast to the committee and the committee subsequently grants approval for the issuance of the notes in accordance with the procedure required by Subsections (a) and (b). Each subsequent approval expires on the 61st day after the date the hearing on which the approval was based concludes.

Amendment No. 44 failed of adoption by (Record 1208): 48 Yeas, 95 Nays, 2 Present, not voting.

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

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

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

Absent — Eiland; Harper-Brown; Hernandez Luna; Lyne; Torres.

STATEMENTS OF VOTE

When Record No. 1208 was taken, I was in the house but away from my desk. I would have voted yes.

Harper-Brown

When Record No. 1208 was taken, I was temporarily out of the house chamber. I would have voted no.

Torres

Amendment No. 45

Representatives Cain, Chisum, Morrison, Isaac, Garza, Darby, Perry, Legler, Callegari, Harper-Brown, L. Taylor, P. King, Zedler, Flynn, Aliseda, White, R. Anderson, Lyne, Sheets, Simpson, V. Taylor, Turner, and Larson offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 288

Amend **CSSB 1811** as follows:

_____. Format of the general appropriations bill.

(a) Section 322.008, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The general appropriations bill must, for each state agency or other entity to which an appropriation is proposed under the bill:

(1) include a line item for each specific program or activity administered by the agency or entity or by an organizational unit of the agency or entity, organized according to the agency's, entity's, or unit's organizational structure, except that if a specific program or activity administered by the agency, entity, or unit includes identifiable components or subprograms, the bill must include a line item for each of those components or subprograms;

(2) specify the amount of the proposed appropriation for each line item;
and

(3) include, for each line item that represents a specific program or activity or, if applicable, each group of line items representing the components or subprograms of a specific program or activity:

(b) a citation to the authorization in law for the program or activity; and

(c) a statement regarding whether the source of the proposed appropriation is nondedicated general revenue money, dedicated general revenue money, federal money, or another source.

Amendment No. 46

Representative Cain offered the following amendment to Amendment No. 45:

Amend Amendment No. 45 to **CSSB 1811** by Cain (scanned barcode no. 824103) by striking the text of the amendment and substituting the following:

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS accordingly:

ARTICLE _____. GENERAL APPROPRIATIONS ACT FORMAT

SECTION _____.01. Section 322.008, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The general appropriations bill must, for each state agency or other entity for which an appropriation is proposed under the bill:

(1) include a line item for each specific program or activity administered by the agency or entity or an organizational unit of the agency or entity, organized according to the organizational structure of the agency, entity, or

unit, except that if a specific program or activity administered by the agency, entity, or unit includes identifiable components or subprograms, the bill must include a line item for each of those components or subprograms;

(2) specify the amount of the proposed appropriation for each line item;

and

(3) include, for each line item that represents a specific program or activity or, if applicable, each group of line items representing the components or subprograms of a specific program or activity:

(A) a citation to the authorization in law for the program or activity; and

(B) a statement regarding whether the source of the proposed appropriation is nondedicated general revenue money, dedicated general revenue money, federal money, or another source.

Amendment No. 46 was adopted.

Amendment No. 45, as amended, was adopted by (Record 1209): 85 Yeas, 63 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Branch; Burkett; Burnam; Cain; Castro; Chisum; Craddick; Davis, Y.; Dukes; Dutton; Farrar; Frullo; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harper-Brown; Hernandez Luna; Hochberg; Howard, D.; Huberty; Hughes; Isaac; Johnson; King, P.; King, T.; Kleinschmidt; Landtroop; Laubenberg; Legler; Lewis; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; McClendon; Menendez; Miles; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Parker; Paxton; Perry; Phillips; Pickett; Price; Quintanilla; Raymond; Reynolds; Rodriguez; Scott; Sheets; Sheffield; Simpson; Smith, T.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Turner; Vo; Walle; Weber; White; Zedler.

Nays — Aycock; Beck; Berman; Bohac; Bonnen; Brown; Button; Callegari; Carter; Christian; Coleman; Cook; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eiland; Eissler; Elkins; Farias; Fletcher; Flynn; Geren; Gooden; Harless; Hartnett; Hilderbran; Hopson; Howard, C.; Hunter; Jackson; King, S.; Kolkhorst; Kuempel; Larson; Lavender; Lyne; Madden; Margo; Martinez Fischer; Miller, D.; Miller, S.; Nash; Orr; Otto; Patrick; Peña; Pitts; Riddle; Ritter; Schwertner; Shelton; Smith, W.; Smithee; Truitt; Veasey; Villarreal; Woolley; Workman; Zerwas.

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

STATEMENTS OF VOTE

I was shown voting no on Record No. 1209. I intended to vote yes.

Aycock

I was shown voting no on Record No. 1209. I intended to vote yes.

Bohac

I was shown voting no on Record No. 1209. I intended to vote yes.

Bonnen

I was shown voting no on Record No. 1209. I intended to vote yes.

Button

I was shown voting no on Record No. 1209. I intended to vote yes.

Callegari

I was shown voting no on Record No. 1209. I intended to vote yes.

Carter

I was shown voting no on Record No. 1209. I intended to vote yes.

Christian

I was shown voting no on Record No. 1209. I intended to vote yes.

Creighton

I was shown voting no on Record No. 1209. I intended to vote yes.

Lavender

I was shown voting no on Record No. 1209. I intended to vote yes.

Madden

I was shown voting no on Record No. 1209. I intended to vote yes.

D. Miller

I was shown voting no on Record No. 1209. I intended to vote yes.

Orr

Amendment No. 47

Representative Gallego offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 321

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill appropriately:

ARTICLE _____. CREATION OF CLINICAL LEGAL EDUCATION
ACCOUNT AND LEGISLATIVE FELLOWS PROGRAM

SECTION ____.01. Sections 81.054(c), (d), and (j), Government Code, are amended to read as follows:

(c) Fees shall be paid to the clerk of the supreme court. The clerk shall retain the fees, other than fees collected under Subsection (j), until distributed to the state bar for expenditure under the direction of the supreme court to administer this chapter. The clerk shall retain the fees collected under Subsection (j) until distribution is approved by an order of the supreme court. In ordering that distribution, the supreme court shall order that the fees collected under Subsection (j) be remitted to the comptroller at least as frequently as quarterly. The comptroller shall credit the remitted fees as follows:

(1) 35 [50] percent [of the remitted fees] to the credit of the judicial fund for programs approved by the supreme court that provide basic civil legal services to the indigent;

(2) 35 [and shall credit the remaining 50] percent [of the remitted fees] to the fair defense account in the general revenue fund which is established under Section 71.058, to be used, subject to all requirements of Section 71.062, for demonstration or pilot projects that develop and promote best practices for the efficient delivery of quality representation to indigent defendants in criminal cases at trial, on appeal, and in postconviction proceedings;

(3) 25 percent to the clinical legal education account established under Section 62.161, Education Code; and

(4) five percent to the Texas Legislative Fellows Fund account established under Section 65.48, Education Code.

(d) The portion of fees [Fees] collected under Subsection (j) that is deposited under Subsection (c)(1) or (2) may be used only to provide basic civil legal services to the indigent and legal representation and other defense services to indigent defendants in criminal cases as provided by Subsection (c). The portion of fees collected under Subsection (j) that is deposited to an account under Subsection (c)(3) or (4) may be used only for the purposes for which the applicable account is established. Other fees collected under this chapter may be used only for administering the public purposes provided by this chapter.

(j) The supreme court shall set an additional legal services fee in an amount of \$100 [65] to be paid annually by each active member of the state bar except as provided by Subsection (k). Section 81.024 does not apply to a fee set under this subsection.

SECTION __.02. Chapter 62, Education Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. CLINICAL LEGAL EDUCATION ACCOUNT

Sec. 62.161. CLINICAL LEGAL EDUCATION ACCOUNT. (a) The clinical legal education account is a special account in the general revenue fund.

(b) The clinical legal education account consists of:

(1) money transferred to the account by the comptroller under Section 81.054, Government Code;

(2) money appropriated to the account by the legislature; and

(3) any gifts or grants received by the comptroller for purposes of this section.

(c) The clinical legal education account may be used only for making payments as provided by this section for the operation of clinical law programs at the following law schools:

(1) Texas Southern University Thurgood Marshall School of Law;

(2) Texas Tech University School of Law;

(3) University of Houston Law Center;

(4) University of North Texas System College of Law; and

(5) The University of Texas School of Law.

(d) The comptroller shall distribute the balance of the clinical legal education account quarterly to the law schools listed in Subsection (c) in proportion to the total number of students enrolled in a juris doctor degree program at each of those law schools.

(e) The comptroller may accept gifts and grants for the purposes described by Subsection (c). Funds received under this subsection shall be deposited to the credit of the clinical legal education account.

(f) The clinical legal education account is exempt from Section 403.095, Government Code.

SECTION __.03. Subchapter C, Chapter 65, Education Code, is amended by adding Section 65.48 to read as follows:

Sec. 65.48. TEXAS LEGISLATIVE FELLOWS PROGRAM. (a) The board shall develop and establish the Texas Legislative Fellows Program, under which students enrolled in component institutions of the system are selected to perform internships for members of the Texas Legislature during the spring semester of odd-numbered years.

(b) Under the program, during the fall semester of each even-numbered year, the chancellor of the system shall select 20 students enrolled in component institutions of the system to participate in the program during the following semester. At least one student must be selected from each component general academic teaching institution.

(c) The board shall establish:

(1) an application process and eligibility requirements for the selection of students for participation in the program; and

(2) a process for matching student participants with offices of members of the legislature who agree to employ one or more of the students under the program.

(d) The program shall be designed to require that each student who participates in the program:

(1) work at least the following number of hours for a member of the legislature during the regular legislative session:

(A) 20 hours per week for the first 6 weeks;

(B) 30 hours per week for weeks 7 through 10; and

(C) 40 hours per week after week 10; and

(2) during the internship, complete three academic courses relating to state government and legislative issues approved by the board for purposes of this section.

(e) A student who successfully completes the student's internship under the program is entitled to receive:

(1) a stipend of \$10,000, payable in monthly installments during the student's internship; and

(2) six hours of independent study course credit toward the student's degree at the component institution of the system in which the student is enrolled.

(f) The board shall appoint a faculty member of a component institution of the system to serve as the director of the program. The director shall supervise student participants in the program and shall teach the courses required by Subsection (d)(2).

(g) The stipend for an intern shall be paid from the operating account of the member of the legislature to whom the intern is assigned. The applicable house of the legislature shall supplement the member's operating account as necessary to provide sufficient funding for the stipend. Each house shall contribute to the salary of the program director from the general fund of the applicable house.

(h) The Texas Legislative Fellows Fund is a special account in the general revenue fund.

(i) The Texas Legislative Fellows Fund consists of:

(1) money transferred to the account by the comptroller under Section 81.054, Government Code;

(2) money appropriated to the account by the legislature; and

(3) any gifts or grants received by the board for purposes of this section.

(j) The Texas Legislative Fellows Fund may be used only for administration of the Texas Legislative Fellows Program established under this section.

(k) The board may solicit and accept gifts and grants for the purposes of this section. Money received under this subsection shall be deposited to the credit of the Texas Legislative Fellows Fund.

(l) The Texas Legislative Fellows Fund is exempt from Section 403.095, Government Code.

(Speaker in the chair)

Amendment No. 47 failed of adoption by (Record 1210): 46 Yeas, 96 Nays, 1 Present, not voting.

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

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

Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Deshotel; Dukes; Isaac; Kolkhorst; Naishtat; Peña; Torres.

STATEMENTS OF VOTE

When Record No. 1210 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 1210 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1210 was taken, I was in the house but away from my desk. I would have voted no.

Kolkhorst

When Record No. 1210 was taken, I was temporarily out of the house chamber. I would have voted no.

Torres

Amendment No. 48

Representative Walle offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 360

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. ABOLISHMENT OF THE TEXAS ENTERPRISE FUND

SECTION _____.01. (a) Sections 481.078 and 481.080, Government Code, are repealed.

(b) The repeal by this article of Sections 481.078 and 481.080, Government Code, does not affect the validity of any agreement between the governor and a grant recipient or entity to be awarded a grant entered into under Section 481.078 before the effective date of this article.

(c) On the effective date of this article, the Texas Enterprise Fund is abolished and the unexpended and unencumbered money from that fund shall be transferred to the credit of the foundation school fund.

(d) After the effective date of this article, unspent but encumbered money in the Texas Enterprise Fund at the time the fund was abolished is in the general revenue fund. If the money was deposited in the Texas Enterprise Fund as a gift, grant, or donation under Section 481.078(b)(3), Government Code, and is encumbered by the specific terms of the gift, grant, or donation, the money may be spent only in accordance with the terms of the gift, grant, or donation. If the money is encumbered because it has been awarded or otherwise obligated by

agreement before the effective date of this article but under the terms of the award or agreement will not be distributed until a future time, the money shall be distributed in accordance with the terms of the award or agreement. If the governor determines that the money will not be distributed in accordance with the terms of the award or agreement, the governor shall certify that fact to the comptroller. On that certification, the comptroller shall transfer that money in the general revenue fund to the credit of the foundation school fund.

(e) The money transferred to the foundation school fund under Subsections (c) and (d) of this section is appropriated to the Texas Education Agency for use during the 2011-2013 state fiscal biennium as follows:

(1) an amount equal to the difference between the total amounts appropriated for providing grants under Section 29.155, Education Code, by other Acts of the 82nd Legislature, Regular Session, 2011, and the amounts appropriated for that purpose by the 81st Legislature, Regular Session, 2009, adjusted for monetary inflation and student enrollment growth, to be used for providing the grants; and

(2) any money in excess of the amount appropriated under Subdivision (1) of this subsection to be used for other purposes of the Foundation School Program, as provided by Section 42.002, Education Code.

(f) Section 481.078, Government Code, is continued in effect for the limited purpose of supplying the necessary authority to administer Subsection (d) of this section.

SECTION ____ .02. Section 204.123, Labor Code, is amended to read as follows:

Sec. 204.123. TRANSFER TO ~~[TEXAS ENTERPRISE FUND,]~~ SKILLS DEVELOPMENT FUND, TRAINING STABILIZATION FUND, AND COMPENSATION FUND. (a) If, on September 1 of a year, the commission determines that the amount in the compensation fund will exceed 100 percent of its floor as computed under Section 204.061 on the next October 1 computation date, the commission shall transfer from the holding fund created under Section 204.122:

(1) ~~from~~ the first \$160 million deposited in the holding fund in any state fiscal biennium[~~:-~~

~~[(A) during the state fiscal biennium ending August 31, 2007:-~~

~~[(i) 67 percent to the Texas Enterprise Fund created under Section 481.078, Government Code, except that the amount transferred under this paragraph may not exceed the amount appropriated by the legislature to the Texas Enterprise Fund in that biennium; and~~

~~[(ii) 33 percent to the skills development fund created under Section 303.003, except that the amount transferred under this paragraph may not exceed the amount appropriated by the legislature to the skills development program strategies and activities in that biennium; and~~

~~[(B) during any state fiscal biennium beginning on or after September 1, 2007:-~~

~~[(i) 75 percent to the Texas Enterprise Fund created under Section 481.078, Government Code, except that the amount transferred under this paragraph may not exceed the amount appropriated by the legislature to the Texas Enterprise Fund in that biennium; and~~

~~[(ii) 25 percent]~~ to the skills development fund created under Section 303.003, except that the amount transferred under this subdivision ~~[paragraph]~~ may not exceed the amount appropriated by the legislature to the skills development program strategies and activities in that biennium; and

(2) any remaining amount in the holding fund after the distribution under Subdivision (1) to the training stabilization fund created under Section 302.101.

(b) If, on September 1 of a year, the commission determines that the amount in the compensation fund will be at or below 100 percent of its floor as computed under Section 204.061 on the next October 1 computation date, the commission shall transfer to the compensation fund as much of the amount in the holding fund as is necessary to raise the amount in the compensation fund to 100 percent of its floor, up to and including the entire amount in the holding fund. The commission shall transfer any remaining balance in the holding fund to ~~the Texas Enterprise Fund,~~ the skills development fund~~]~~ and the training stabilization fund as ~~[in the percentages]~~ prescribed by Subsection (a).

SECTION .03. Sections 302.101(b) and (c), Labor Code, are amended to read as follows:

(b) Money in the training stabilization fund may be used in a year in which the amounts in the employment and training investment holding fund are insufficient to meet the legislative appropriation for that fiscal year for ~~[either the Texas Enterprise Fund or]~~ the skills development program strategies and activities.

(c) Money in the training stabilization fund shall be transferred to ~~[the Texas Enterprise Fund and]~~ the skills development fund under Subsection (b) not later than September 30. ~~[The transfer under Subsection (b) shall consist of transferring 67 percent of the money in the training stabilization fund to the Texas Enterprise Fund and 33 percent of the money in the training stabilization fund to the skills development fund.]~~ The amount transferred from the training stabilization fund may not exceed the amount ~~[amounts]~~ appropriated to the ~~[Texas Enterprise Fund and]~~ skills development program strategies and activities in the fiscal year in which the transfer is made.

SECTION .04. This article takes effect September 1, 2011.

Amendment No. 48 failed of adoption by (Record 1211): 47 Yeas, 97 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent — Castro; Deshotel; Naishtat; Peña; Thompson.

STATEMENTS OF VOTE

When Record No. 1211 was taken, I was in the house but away from my desk. I would have voted yes.

Castro

When Record No. 1211 was taken, I was in the house but away from my desk. I would have voted yes.

Peña

Amendment No. 49

Representative Gallego offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 364

Amend **CSSB 1811** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent SECTIONS and ARTICLES of the bill accordingly:

ARTICLE ____ . ABOLITION OF TEXAS FACILITIES COMMISSION AND
TRANSFER OF DUTIES TO GENERAL LAND OFFICE

SECTION ____ .01. Section 466.104(b), Government Code, is amended to read as follows:

(b) The comptroller may request assistance from the General Land Office [~~Texas Facilities Commission~~] in performing its facilities-related duties under this section.

SECTION ____ .02. Section 571.061(a), Government Code, is amended to read as follows:

- (a) The commission shall administer and enforce:
- (1) Chapters 302, 303, 305, 572, and 2004;
 - (2) Subchapter C, Chapter 159, Local Government Code, in connection with a county judicial officer, as defined by Section 159.051, Local Government Code, who elects to file a financial statement with the commission;
 - (3) Title 15, Election Code; and

(4) Section ~~[Sections 2152.064 and~~ 2155.003.

SECTION _____.03. Section 571.091(a), Government Code, is amended to read as follows:

(a) The commission shall prepare a written opinion answering the request of a person subject to any of the following laws for an opinion about the application of any of these laws to the person in regard to a specified existing or hypothetical factual situation:

- (1) Chapter 302;
- (2) Chapter 303;
- (3) Chapter 305;
- (4) Chapter 2004;
- (5) Chapter 572;
- (6) Subchapter C, Chapter 159, Local Government Code, as provided by Section 571.061(a)(2);
- (7) Title 15, Election Code;
- (8) Chapter 36, Penal Code;
- (9) Chapter 39, Penal Code; or
- (10) ~~[Section 2152.064; or~~ _____
~~[(11)]~~ Section 2155.003.

SECTION _____.04. Section 572.003(c), Government Code, is amended to read as follows:

(c) The term means a member of:

- (1) the Public Utility Commission of Texas;
- (2) the Texas Department of Economic Development;
- (3) the Texas Commission on Environmental Quality;
- (4) the Texas Alcoholic Beverage Commission;
- (5) The Finance Commission of Texas;
- (6) ~~[the Texas Facilities Commission;~~
- ~~[(7)]~~ the Texas Board of Criminal Justice;
- ~~[(8)]~~ the board of trustees of the Employees Retirement System of Texas;
- ~~[(9)]~~ the Texas Transportation Commission;
- ~~[(10) the Texas Workers' Compensation Commission;~~
- ~~[(11)]~~ the Texas Department of Insurance;
- ~~[(12)]~~ the Parks and Wildlife Commission;
- ~~[(13)]~~ the Public Safety Commission;
- ~~[(14)]~~ the Texas Ethics Commission;
- ~~[(15)]~~ the State Securities Board;
- ~~[(16)]~~ the Texas Water Development Board;
- ~~[(17)]~~ the governing board of a public senior college or university as defined by Section 61.003, Education Code, or of The University of Texas Southwestern Medical Center at Dallas, The University of Texas Medical Branch at Galveston, The University of Texas Health Science Center at Houston, The University of Texas Health Science Center at San Antonio, The University of Texas System M. D. Anderson Cancer Center, The University of Texas Health Science Center at Tyler, University of North Texas Health Science Center at Fort

Worth, Texas Tech University Health Sciences Center, Texas State Technical College–Harlingen, Texas State Technical College–Marshall, Texas State Technical College–Sweetwater, or Texas State Technical College–Waco;

(16) ~~[(18)]~~ the Texas Higher Education Coordinating Board;

(17) ~~[(19)]~~ the Texas Workforce Commission;

(18) ~~[(21)]~~ the board of trustees of the Teacher Retirement System of Texas;

(19) ~~[(22)]~~ the Credit Union Commission;

(20) ~~[(23)]~~ the School Land Board;

(21) ~~[(24)]~~ the board of the Texas Department of Housing and Community Affairs;

(22) ~~[(25)]~~ the Texas Racing Commission;

(23) ~~[(26)]~~ the State Board of Dental Examiners;

(24) ~~[(27)]~~ the Texas Medical ~~[State]~~ Board ~~[of Medical Examiners]~~;

(25) ~~[(28)]~~ the Board of Pardons and Paroles;

(26) ~~[(29)]~~ the Texas State Board of Pharmacy;

(27) ~~[(30)]~~ the Department of Information Resources governing board;

(28) ~~[(31)]~~ the Motor Vehicle Board;

(29) ~~[(32)]~~ the Texas Real Estate Commission;

(30) ~~[(33)]~~ the board of directors of the State Bar of Texas;

(31) ~~[(34)]~~ the bond review board;

(32) ~~[(35)]~~ the ~~[Texas Board of]~~ Health and Human Services Commission;

~~[(33)] the Texas Board of Mental Health and Mental Retardation;~~

~~[(37)] the Texas Board on Aging;~~

~~[(38)] the Texas Board of Human Services;~~

~~[(39)]~~ the Texas Funeral Service Commission;

(34) ~~[(40)]~~ the board of directors of a river authority created under the Texas Constitution or a statute of this state; or

(35) ~~[(41)]~~ the Texas Lottery Commission.

SECTION _____.05. Section 659.301(5), Government Code, is amended to read as follows:

(5) "State employee" means an individual who:

(A) is a commissioned law enforcement officer of the Department of Public Safety, the General Land Office ~~[Texas Facilities Commission]~~, the Texas Alcoholic Beverage Commission, or the Texas Department of Criminal Justice;

(B) is a commissioned security officer of the comptroller;

(C) is a law enforcement officer commissioned by the Parks and Wildlife Commission;

(D) is a commissioned peace officer of an institution of higher education;

(E) is an employee or official of the Board of Pardons and Paroles or the parole division of the Texas Department of Criminal Justice if the employee or official has routine direct contact with inmates of any penal or correctional institution or with administratively released prisoners subject to the board's jurisdiction;

(F) has been certified to the Employees Retirement System of Texas under Section 815.505 as having begun employment as a law enforcement officer or custodial officer, unless the individual has been certified to the system as having ceased employment as a law enforcement officer or custodial officer; or

(G) before May 29, 1987, received hazardous duty pay based on the terms of any state law if the individual holds a position designated under that law as eligible for the pay.

SECTION _____.06. Section 663.001(3), Government Code, is amended to read as follows:

(3) "Commission" means the commissioner of the General Land Office [~~Texas Facilities Commission~~].

SECTION _____.07. Section 2151.003, Government Code, is amended to read as follows:

Sec. 2151.003. REFERENCE. A statutory reference to the General Services Commission, the State Board of Control, the State Purchasing and General Services Commission, or the Texas Building and Procurement Commission means:

(1) the commissioner of the General Land Office [~~Texas Facilities Commission~~] if the statutory reference concerns:

(A) charge and control of state buildings, grounds, or property;

(B) maintenance or repair of state buildings, grounds, or property;

(C) construction of a state building;

(D) purchase or lease of state buildings, grounds, or property by or for the state;

(E) child care services for state employees under Chapter 663; or

(F) surplus and salvage property; and

(2) the comptroller in all other circumstances, except as otherwise provided by law.

SECTION _____.08. Section 2151.004(c), Government Code, is amended to read as follows:

(c) The commissioner of the General Land Office [~~Texas Facilities Commission~~] retains the powers and duties of the former Texas Building and Procurement Commission relating to charge and control of state buildings, grounds, or property, maintenance or repair of state buildings, grounds, or property, child care services for state employees under Chapter 663, surplus and salvage property, construction of a state building, or purchase or lease of state buildings, grounds, or property by or for the state.

SECTION _____.09. Section 2151.0041(c), Government Code, is amended to read as follows:

(c) Unless otherwise provided by the legislature by law, on September 1, 2013:

(1) the powers and duties transferred to the comptroller under Section 2151.004(d) and under **HB 3560**, Acts of the 80th Legislature, Regular Session, 2007, are transferred to the commissioner of the General Land Office [~~Texas Facilities Commission~~];

(2) a reference in law to the comptroller relating to a power or duty transferred under this subsection means the commissioner of the General Land Office [~~Texas Facilities Commission~~];

(3) a rule or form adopted by the comptroller relating to a power or duty transferred under this subsection is a rule or form of the commissioner of the General Land Office [~~Texas Facilities Commission~~] and remains in effect until altered by the commission;

(4) all obligations, contracts, proceedings, cases, negotiations, funds, and employees of the comptroller relating to a power or duty transferred under this subsection are transferred to the commissioner of the General Land Office [~~Texas Facilities Commission~~];

(5) all property and records in the custody of the comptroller relating to a power or duty transferred under this subsection and all funds appropriated by the legislature for purposes related to a power or duty transferred under this subsection are transferred to the commissioner of the General Land Office [~~Texas Facilities Commission~~]; and

(6) Section 122.0011, Human Resources Code, and the following provisions of the Government Code expire:

(A) Sections 2151.004(c) and (d);

(B) Section 2155.0011;

(C) Section 2155.086;

(D) Section 2155.087;

(E) Section 2156.0011;

(F) Section 2157.0011;

(G) Section 2158.0011;

(H) Section 2161.0011;

(I) Section 2163.0011;

(J) Section 2170.0011;

(K) Section 2171.0011;

(L) Section 2172.0011;

(M) Section 2176.0011; and

(N) Section 2262.0011.

SECTION _____.10. Section 2155.087(b), Government Code, is amended to read as follows:

(b) The Statewide Procurement Advisory Council consists of the following four members or their designees:

(1) one member appointed by the governor;

(2) one member appointed by the commissioner of the General Land Office [~~Texas Facilities Commission~~];

(3) one member appointed by the Department of Information Resources; and

(4) one member appointed by the Legislative Budget Board.

SECTION _____.11. Section 2162.051(a), Government Code, is amended to read as follows:

(a) The State Council on Competitive Government consists of the following individuals or the individuals they designate:

- (1) the governor;
- (2) the lieutenant governor;
- (3) the comptroller;
- (4) the speaker of the house of representatives;
- (5) ~~the presiding officer of the Texas Facilities Commission;~~
- ~~[(6)]~~ the commissioner of the Texas Workforce Commission representing labor; and
- ~~[(7)]~~ the land commissioner.

SECTION _____.12. Section 2165.0011, Government Code, is amended to read as follows:

Sec. 2165.0011. DEFINITION. In this chapter, "commission" means the commissioner of the General Land Office ~~[Texas Facilities Commission]~~.

SECTION _____.13. Section 2166.001(1), Government Code, is amended to read as follows:

(1) "Commission" means the commissioner of the General Land Office ~~[Texas Facilities Commission]~~.

SECTION _____.14. Sections 2166.257(b) and (c), Government Code, are amended to read as follows:

(b) The money reserved under Subsection (a)(2) may be used only if:

(1) the design professional or contractor recommends and justifies the proposed contingency expenditures by submitting a change order request;

(2) the proposed change order request is approved by the design professional;

(3) the proposed change order request is approved by the using agency and the agency makes a formal request for the allocation of money from the contingency reserve; and

(4) the employee of the General Land Office responsible for ~~[director of]~~ facilities construction and space management ~~[appointed under Section 2152.104]~~ investigates the nature of the change order and concurs in the necessity of the proposed expenditure or refuses to concur not later than the 15th day after the date of receiving the request.

(c) If the employee of the General Land Office responsible for ~~[director of]~~ facilities construction and space management refuses to concur in a proposed contingency expenditure, the using agency may appeal to the commission. The commission's findings are final. The commission shall adopt rules on the procedures for an appeal under this subsection.

SECTION _____.15. Section 2166.305(b), Government Code, is amended to read as follows:

(b) A committee appointed by the commission shall perform the review. The committee consists of:

(1) one individual appointed by the commissioner of the General Land Office [~~the director of facilities construction and space management appointed under Section 2152.104~~], who serves as the presiding officer of the committee;

(2) six individuals appointed by the commission, one each from the lists of nominees submitted respectively by the:

(A) president of the Texas Society of Architects;

(B) president of the Texas Society of Professional Engineers;

(C) presiding officer of the Executive Council of the Texas Associated General Contractors Chapters;

(D) executive secretary of the Mechanical Contractors Associations of Texas, Incorporated;

(E) executive secretary of the Texas Building and Construction Trades Council; and

(F) president of the Associated Builders and Contractors of Texas;

(3) one individual appointed by the commission representing an institution of higher education, as defined by Section 61.003, Education Code;

(4) one individual appointed by the commission representing a state agency that has a substantial ongoing construction program;

(5) one individual appointed by the commission representing the attorney general's office;

(6) one individual appointed by the commission representing the interests of historically underutilized businesses; and

(7) two individuals appointed by the commission, each representing a different minority contractors association.

SECTION ____ .16. Section 2167.0011, Government Code, is amended to read as follows:

Sec. 2167.0011. DEFINITION. In this chapter, "commission" means the commissioner of the General Land Office [~~Texas Facilities Commission~~].

SECTION ____ .17. Section 2175.001(1-a), Government Code, is amended to read as follows:

(1-a) "Commission" means the commissioner of the General Land Office [~~Texas Facilities Commission~~].

SECTION ____ .18. The following provisions of the Government Code are repealed:

(1) Section 551.0726; and

(2) Chapter 2152.

SECTION ____ .19. (a) The Texas Facilities Commission is abolished.

(b) The validity of an action taken by the Texas Facilities Commission before it is abolished is not affected by the abolition.

SECTION ____ .20. (a) All powers and duties of the Texas Facilities Commission are transferred to the General Land Office.

(b) A rule, form, policy, procedure, or decision of the Texas Facilities Commission continues in effect as a rule, form, policy, procedure, or decision of the General Land Office until superseded by an act of the land commissioner or the land commissioner's designee.

(c) A court case, administrative proceeding, contract negotiation, or other proceeding involving the Texas Facilities Commission is transferred without change in status to the General Land Office, and the General Land Office assumes, without a change in status, the position of the Texas Facilities Commission in a negotiation or proceeding to which the Texas Facilities Commission is a party.

(d) All money, contracts, leases, rights, bonds, and obligations of the Texas Facilities Commission are transferred to the General Land Office.

(e) All personal property, including records, in the custody of the Texas Facilities Commission becomes the property of the General Land Office.

(f) All funds appropriated by the legislature to the Texas Facilities Commission are transferred to the General Land Office.

SECTION _____.21. This article takes effect October 1, 2011.

Amendment No. 49 was withdrawn.

Amendment No. 50

Representative Gallego offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 376

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. ABOLISHMENT OF THE TEXAS EMERGING TECHNOLOGY FUND

Section _____.01. (a) Subchapters A, B, C, D, E, F, and G, Chapter 490, Government Code, are repealed.

(b) The repeal by this article of Subchapters A, B, C, D, E, F, and G, Chapter 490, Government Code, does not affect the validity of any agreement between the governor and an award recipient or a person or entity to be awarded money entered into under those subchapters before the effective date of this article.

(c) On the effective date of this article, the Texas emerging technology fund is abolished and the unexpended and unencumbered money from that fund is available in the general revenue fund and may be used in accordance with legislative appropriation.

(d) After the effective date of this article, unspent but encumbered money in the Texas emerging technology fund at the time the fund was abolished is in the general revenue fund. If the money was deposited in the Texas emerging technology fund as a gift, grant, or donation under Chapter 490, Government Code, and is encumbered by the specific terms of the gift, grant, or donation, the money may be spent only in accordance with the terms of the gift, grant, or donation. If the money is encumbered because it has been awarded or otherwise obligated by agreement before the effective date of this article but under the terms of the award or agreement will not be distributed until a future time, the money shall be distributed in accordance with the terms of the award or agreement. If the governor determines that the money will not be distributed in accordance with the terms of the award or agreement, the governor shall certify that fact to the

comptroller. On that certification, the comptroller shall make that money available in the general revenue fund to be used in accordance with legislative appropriation.

(e) After the effective date of this article, any royalties, revenues, and other financial benefits realized from a project undertaken with money from the Texas emerging technology fund, as provided by a contract entered into under Section 490.103, Government Code, shall be deposited into the general revenue fund.

(f) Subchapters A, B, C, D, E, F, and G, Chapter 490, Government Code, are continued in effect for the limited purpose of supplying the necessary authority to administer Subsections (d) and (e) of this section.

SECTION _____.02. This article takes effect September 1, 2011.

Amendment No. 50 failed of adoption by (Record 1212): 50 Yeas, 91 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Brown; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Huberty; Hughes; Johnson; King, T.; Legler; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Patrick; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Strama; Turner; Veasey; Villarreal; Vo; Walle.

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

Present, not voting — Mr. Speaker(C).

Absent — Alvarado; Christian; Dukes; King, S.; Landtroop; Martinez Fischer; Paxton; Thompson.

STATEMENTS OF VOTE

When Record No. 1212 was taken, I was in the house but away from my desk. I would have voted yes.

Alvarado

When Record No. 1212 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1212 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 1212 was taken, I was in the house but away from my desk. I would have voted yes.

Paxton

Amendment No. 51

Representative Veasey offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 474

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. CERTAIN DUTIES OF THE LEGISLATIVE BUDGET
BOARD

SECTION _____.01. Section 322.008, Government Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) If the budget of estimated appropriations does not provide funding for a public institution, including a public institution of higher education or a hospital, that received an appropriation in the previous biennium, the director shall disclose that fact to each member representing a legislative district in which the affected institution is located not later than the seventh day before the date the budget of estimated appropriations is transmitted under Subsection (c) or otherwise made publicly available.

Amendment No. 51 failed of adoption by (Record 1213): 52 Yeas, 92 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Harper-Brown; Hernandez Luna; Hochberg; Howard, D.; Johnson; Landtroop; Lewis; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Perry; Pickett; Quintanilla; Raymond; Rodriguez; Simpson; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Weber; White.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hilderbran; Hopson; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pitts; Price; Riddle; Ritter;

Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Davis, Y.; Howard, C.; King, S.; Martinez Fischer; Reynolds.

STATEMENT OF VOTE

When Record No. 1213 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

Amendment No. 52

Representative Larson offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 482

Amend **CSSB 1811** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter A, Chapter 382, Health and Safety Code, is amended by adding Section 382.005 to read as follows:

Sec. 382.005. PROHIBITION ON IMPLEMENTATION OF GREENHOUSE GAS EMISSIONS REGULATORY PROGRAMS. (a) In this section:

(1) "Greenhouse gas" includes:

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons;

(F) sulfur hexafluoride; and

(G) other gases or substances incorporated into a regional or federal greenhouse gas emissions regulatory program.

(2) "Greenhouse gas emissions regulatory program" means an arrangement under which a greenhouse gas emissions source is required to account for or report greenhouse gas emissions. The term includes a market-based compliance mechanism.

(3) "Market-based compliance mechanism" means a system of market-based declining annual aggregate greenhouse gas emissions limits, including a greenhouse gas emissions exchange, banking, credit, or other similar transaction.

(b) A state agency, including the commission, may not implement or adopt rules that would implement a greenhouse gas emissions regulatory program required by federal statute or agency rule unless the federal government provides federal money to cover all anticipated costs and economic losses to this state that may result from the implementation of the program.

(c) A state employee may not participate on a board, committee, or related entity, or in a study, of a national organization assigned to recommend provisions to implement a federal greenhouse gas emissions regulatory program. This subsection does not apply to actions taken by a state employee to reduce greenhouse gas emissions outside the employee's official duties.

Amendment No. 52 was adopted by (Record 1214): 76 Yeas, 67 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Beck; Burkett; Button; Cain; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Davis, S.; Deshotel; Driver; Dukes; Eiland; Eissler; Frullo; Gallego; Garza; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Howard, C.; Huberty; Hughes; Hunter; Isaac; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Madden; Martinez; McClendon; Menendez; Morrison; Nash; Orr; Otto; Parker; Paxton; Phillips; Pickett; Price; Quintanilla; Raymond; Riddle; Schwertner; Scott; Sheets; Sheffield; Simpson; Smith, T.; Smithee; Taylor, L.; Taylor, V.; Weber; White; Woolley; Zedler; Zerwas.

Nays — Aliseda; Allen; Alonzo; Alvarado; Anchia; Aycock; Berman; Bohac; Bonnen; Branch; Brown; Burnam; Callegari; Castro; Darby; Davis, J.; Davis, Y.; Dutton; Elkins; Farias; Farrar; Fletcher; Flynn; Geren; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Harless; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Johnson; Kolkhorst; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Oliveira; Patrick; Peña; Pitts; Reynolds; Ritter; Rodriguez; Shelton; Smith, W.; Strama; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Workman.

Present, not voting — Mr. Speaker(C).

Absent — Crownover; Jackson; Landtroop; Martinez Fischer; Perry; Solomons.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1214. I intended to vote yes.

Aliseda

I was shown voting no on Record No. 1214. I intended to vote yes.

Bonnen

I was shown voting no on Record No. 1214. I intended to vote yes.

Gonzalez

I was shown voting no on Record No. 1214. I intended to vote yes.

Hilderbran

I was shown voting no on Record No. 1214. I intended to vote yes.

Kolkhorst

I was shown voting no on Record No. 1214. I intended to vote yes.

Margo

When Record No. 1214 was taken, I was in the house but away from my desk. I would have voted no.

Martinez Fischer

Amendment No. 53

Representative Crossover offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 513

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. REDUCING STATE MEDICAID AND OTHER HEALTH CARE COSTS BY PROHIBITING SMOKING IN CERTAIN PUBLIC PLACES

SECTION _____.01. The legislature finds that the changes in law made by this article will reduce the state's costs for health care and for treatment of smoking-related illness under governmentally funded insurance programs for state employees and their dependents and under other taxpayer-supported programs, such as Medicaid and indigent health care.

SECTION _____.02. (a) Chapter 169, Health and Safety Code, as added by this article, takes effect on the 90th day after the date the executive commissioner of the Health and Human Services Commission:

(1) certifies in writing that prohibiting smoking in certain public places in accordance with Chapter 169, Health and Safety Code, as added by this article, will reduce this state's Medicaid expenditures in the state fiscal biennium ending August 31, 2013, by at least \$10 million paid from any revenue source or by \$4 million paid from the general revenue fund; and

(2) publishes the certification in the Texas Register.

(b) On publication of the certification as described by Subsection (a)(2) of this section, the Health and Human Services Commission shall post on the commission's Internet website a copy of that certification and notice of the requirements of Chapter 169, Health and Safety Code, as added by this article.

(c) Not later than the 30th day after the date the executive commissioner of the Health and Human Services Commission publishes the certification as described by Subsection (a)(2) of this section, the Department of State Health Services, the Alcoholic Beverage Commission, and each county, public health district, and local health department shall:

(1) post a copy of the certification on its Internet website; or

(2) provide notice to holders subject to Chapter 169, Health and Safety Code, as added by this article, of the requirements of that chapter.

(d) If the executive commissioner of the Health and Human Services Commission fails to provide the certification required by Subsection (a) of this section on or before January 1, 2012, this article expires and Chapter 169, Health and Safety Code, does not take effect.

SECTION ____ .03. Subtitle H, Title 2, Health and Safety Code, is amended by adding Chapter 169 to read as follows:

CHAPTER 169. SMOKING PROHIBITED IN PUBLIC PLACES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 169.001. DEFINITIONS. In this chapter:

(1) "Bar" means an enclosed indoor establishment that is open to the public and is devoted primarily to the sale and service of alcoholic beverages for on-premises consumption.

(2) "Department" means the Department of State Health Services.

(3) "Enclosed area" means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows, exclusive of doorways, that extend from the floor to the ceiling.

(4) "Public place" means an enclosed area the public is invited or allowed to enter, including a bar and a restaurant.

(5) "Restaurant" means an enclosed indoor establishment that is open to the public and is devoted primarily to the sale and service of food for immediate consumption. The term includes a bar located at the establishment.

(6) "Smoke" means to inhale, exhale, burn, or carry a lighted cigar, cigarette, pipe, or other smoking equipment in any manner.

(7) "Tobacco bar" means a business that:

(A) has in excess of 15 percent of gross sales in tobacco products, as that term is defined by Section 155.001, Tax Code, excluding sales derived from vending machines;

(B) holds a permit under Chapter 155, Tax Code; and

(C) holds an alcoholic beverage permit or license issued under Chapter 25, 28, 32, or 69, Alcoholic Beverage Code, or under Section 11.10, Alcoholic Beverage Code.

(8) "Tobacco shop" means a business primarily devoted to the sale of tobacco products, as that term is defined by Section 155.001, Tax Code, that does not hold an alcoholic beverage permit or license.

Sec. 169.002. APPLICABILITY. (a) Except as provided by Section 169.053, this chapter applies only to a public place that is owned, managed, operated, or controlled under a license, certificate, registration, or other authority or permit issued for the public place or to a person who owns, manages, operates, or controls the public place by the Department of State Health Services, the Alcoholic Beverage Commission, or a local health department or, with respect to a permit requirement authorized by Chapter 437, a county or public health district.

(b) Except as provided by Subsection (c), this chapter preempts and supersedes a local ordinance, rule, or regulation adopted by any political subdivision of this state relating to smoking.

(c) To the extent that a local ordinance, rule, or regulation adopted by a political subdivision of this state prohibits or restricts smoking to a greater degree than this chapter, the ordinance, rule, or regulation is not preempted or superseded by this chapter.

(d) This chapter does not preempt or supersede Section 38.006, Education Code.

Sec. 169.003. OTHER APPLICABLE LAWS. This chapter may not be construed to authorize smoking where it is restricted by other applicable law.

Sec. 169.004. LIBERAL CONSTRUCTION. This chapter shall be liberally construed to further its purpose.

[Sections 169.005-169.050 reserved for expansion]

SUBCHAPTER B. PROHIBITED ACTS

Sec. 169.051. SMOKING PROHIBITED IN PUBLIC PLACES. A person may not smoke in a public place in this state.

Sec. 169.052. EXCEPTIONS. (a) This subchapter does not apply to:

- (1) a tobacco shop;
- (2) a tobacco bar;
- (3) the outdoor area of a restaurant or bar;
- (4) an outdoor porch or patio that is not accessible to the public;
- (5) the set of a motion picture, television, or theater production; or
- (6) a convention of tobacco-related businesses in a municipality where

a convention of tobacco-related businesses is expressly authorized under an applicable municipal ordinance.

(b) The exception under Subsection (a)(5) applies only to an actor who is portraying the use of a tobacco product during the motion picture, television, or theater production.

Sec. 169.053. DECLARATION OF ESTABLISHMENT AS NONSMOKING. (a) An owner, operator, manager, or other person in control of any establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place.

(b) A person may not smoke in a place in which a sign conforming to the requirements of Section 169.054 is posted.

Sec. 169.054. DUTIES OF OWNER, MANAGER, OR OPERATOR OF PUBLIC PLACE. An owner, manager, or operator of a public place shall:

(1) post clearly and conspicuously in the public place:

(A) a sign with the words "No Smoking"; or

(B) a sign with the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across the cigarette;

(2) post at each entrance to the public place a conspicuous sign clearly stating that smoking is prohibited; and

(3) remove all ashtrays from any area in which smoking is prohibited.

[Sections 169.055-169.100 reserved for expansion]

SUBCHAPTER C. ENFORCEMENT AND PENALTIES

Sec. 169.101. ENFORCEMENT. (a) The department shall enforce this chapter.

(b) A governmental entity described by Section 169.002(a) that issues a license, certificate, registration, or other authority or permit for a public place or to a person who owns, manages, operates, or controls the public place shall provide notice to each applicant for the permit or authority of the provisions of this chapter.

(c) A person may file with the department a complaint concerning a violation of this chapter.

(d) The department or another agency of this state or a political subdivision of this state designated by the department may inspect an establishment for compliance with this chapter.

(e) An employer or an owner, manager, operator, or employee of an establishment regulated under this chapter shall inform a person violating this chapter of the appropriate provisions pertaining to the violation.

Sec. 169.102. INJUNCTIVE RELIEF. In addition to the other remedies provided by this chapter, the attorney general at the request of the department, or a person aggrieved by a violation of this chapter, may bring an action for injunctive relief to enforce this chapter.

Sec. 169.103. OFFENSES; PENALTIES. (a) A person who violates Section 169.051 or 169.053(b) commits an offense. An offense under this subsection is a Class C misdemeanor punishable by a fine not to exceed \$50.

(b) An owner, manager, or operator of a public place who violates Section 169.054 commits an offense. An offense under this subsection is a Class C misdemeanor punishable by a fine not to exceed \$100.

(c) If it is shown on the trial of an offense under Subsection (b) that the defendant has previously been finally convicted of an offense under that subsection that occurred within one year before the date of the offense that is the subject of the trial, on conviction the defendant shall be punished by a fine not to exceed \$200.

(d) If it is shown on the trial of an offense under Subsection (b) that the defendant has previously been finally convicted of two offenses under that subsection that occurred within one year before the date of the offense that is the subject of the trial, on conviction the defendant shall be punished by a fine not to exceed \$500.

(e) If conduct that constitutes an offense under this section also constitutes an offense under another law, the offense may be prosecuted under this section, the other law, or both this section and the other law.

Sec. 169.104. SEPARATE VIOLATIONS. Each day on which a violation of this chapter occurs is considered a separate violation.

Amendment No. 54

Representative Elkins offered the following amendment to Amendment No. 53:

Amend the Crossover Amendment to **CSSB 1811** by adding two additional appropriately numbered exemptions to proposed Sec. 169.052 read as follows:

() a fraternal or veterans organization as defined by Section 32.11, Alcoholic Beverage Code;

() a premises on which charitable bingo is authorized to be conducted under Chapter 2001, Occupations Code, if the premises are not located in a county with a population greater than 2.2 million that is adjacent to a county with a population of more than 600,000;

Amendment No. 54 was adopted by (Record 1215): 90 Yeas, 54 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Anderson, C.; Anderson, R.; Aycock; Beck; Bonnen; Branch; Burkett; Button; Cain; Carter; Christian; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harper-Brown; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Marquez; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Nash; Orr; Otto; Parker; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Schwertner; Scott; Sheets; Simpson; Smith, W.; Smithee; Solomons; Taylor, V.; Torres; Weber; White; Workman; Zedler.

Nays — Allen; Alvarado; Anchia; Berman; Bohac; Brown; Burnam; Callegari; Castro; Chisum; Coleman; Cook; Crownover; Driver; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Harless; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, D.; Isaac; King, S.; Kolkhorst; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Naishtat; Oliveira; Patrick; Ritter; Rodriguez; Shelton; Smith, T.; Strama; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Eissler; Guillen; Morrison; Sheffield; Taylor, L.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1215. I intended to vote no.

Gallego

I was shown voting no on Record No. 1215. I intended to vote yes.

Kolkhorst

I was shown voting no on Record No. 1215. I intended to vote yes.

Ritter

Amendment No. 55

Representative Aliseda offered the following amendment to Amendment No. 53:

Amend Amendment No. 53 by Crownover to **CSSB 1811** (page 513 of the prefiled amendments packet) as follows:

(1) In SECTION ____03 of the amendment, in added Section 169.002(c), Health and Safety Code (page 4, line 11), following the underlined period, insert "This subsection does not apply to a billiard hall in the political subdivision that operates more than 10 non-coin-operated billiards tables within the premises and allows on the premises only customers 21 years of age and older."

(2) In SECTION ____03 of the amendment, in added Section 169.052(a)(5), Health and Safety Code (page 4, line 31), strike "; or" and substitute ";".

(3) In SECTION ____03 of the amendment, in added Section 169.052(a)(6), Health and Safety Code (page 5, line 3), between "ordinance" and the underlined period, insert the following:

; or

(7) a billiard hall that operates more than 10 non-coin-operated billiards tables within the premises and allows on the premises only customers 21 years of age and older

COMMITTEE GRANTED PERMISSION TO MEET

Representative Harper-Brown requested permission for the Conference Committee on **SB 1420** to meet while the house is in session, at 9:40 p.m. or upon adjournment of the senate today, in 3E.4, to consider the conference committee report on **SB 1420**.

Permission to meet was granted.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Conference Committee on **SB 1420**:

Harper-Brown on motion of Guillen.

Phillips on motion of Guillen.

The following member was granted leave of absence for the remainder of today to attend a meeting of the Conference Committee on **SB 1420**:

Pickett on motion of Guillen.

CSSB 1811 - (consideration continued)

Amendment No. 55 was adopted by (Record 1216): 79 Yeas, 58 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Anderson, C.; Anderson, R.; Beck; Berman; Bonnen; Branch; Burkett; Button; Cain; Carter; Christian; Creighton; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Jackson; King, P.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Menendez; Miles; Miller, D.; Miller, S.; Murphy; Nash; Orr; Parker; Paxton; Peña; Perry; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Simpson; Smith, W.; Smithee; Solomons; Taylor, V.; Torres; Weber; White; Workman; Zedler.

Nays — Alonzo; Alvarado; Anchia; Bohac; Brown; Burnam; Callegari; Castro; Chisum; Coleman; Craddick; Crownover; Darby; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Harless; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, D.; Isaac; Johnson; King, S.; Kolkhorst; Mallory Caraway; Marquez; Martinez; McClendon; Muñoz; Naishtat; Oliveira; Otto; Patrick; Reynolds; Rodriguez; Sheffield; Shelton; Smith, T.; Strama; Thompson; Truitt; Turner; Villarreal; Vo; Walle; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C); Martinez Fischer; Veasey.

Absent, Excused — Harper-Brown; Phillips; Pickett.

Absent — Aycock; Cook; Keffer; Lucio; Morrison; Raymond; Taylor, L.

Amendment No. 56

Representative Simpson offered the following amendment to Amendment No. 53:

Amend Amendment No. 53 by Crownover to **CSSB 1811** in Chapter 169, Health and Safety Code, as added by SECTION __.03 of the article added by the amendment (page __, prefiled amendment packet) as follows:

(1) Strike "SMOKING" each place it appears and substitute "SMOKING AND WEARING PERFUME OR COLOGNE".

(2) Strike "smoking" each place it appears and substitute "smoking and wearing perfume or cologne" other than the place the word appears in added Section 169.001(6), Health and Safety Code (page 3, line 10).

(3) In added Section 169.001, Health and Safety Code (page 3, between lines 24 and 25), insert the following new subdivision:

(9) "Wearing perfume or cologne" means the application on an individual's skin of a liquid substance, extract, or preparation that emits and diffuses a fragrant odor.

(4) Strike "may not smoke" each place the phrase appears and substitute "may not smoke or wear perfume or cologne".

(5) In added Section 169.053, Health and Safety Code, in the heading (page 5, line 7), strike "NONSMOKING" and substitute "NONSMOKING AND PERFUME AND COLOGNE-FREE".

(6) In added Section 169.053 (page 5, line 10), strike "nonsmoking" and substitute "nonsmoking or perfume and cologne-free".

(7) In added Section 169.054(1)(A), Health and Safety Code (page 5, line 19), strike "No Smoking" and substitute "No Smoking and No Wearing Perfume or Cologne".

(8) In added Section 169.054(1)(B), Health and Safety Code (page 5, line 23), strike "cigarette" and substitute "cigarette, and with the 'No Wearing Perfume or Cologne' symbol as designated by department rule".

Amendment No. 56 - Point of Order

Representative Isaac raised a point of order against further consideration of Amendment No. 56 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Amendment No. 56 was withdrawn.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 2 and 3).

CSSB 1811 - (consideration continued)**Amendment No. 57**

Representative Laubenberg offered the following amendment to Amendment No. 53:

Amend Amendment No. 53 by Crownover to **CSSB 1811** (barcode no. 823928) on page 7 of the amendment, immediately following line 15, by adding the following:

ARTICLE ____ . SMOKING IN CERTAIN PUBLIC PLACES

SECTION ____ .01. (a) Notwithstanding any other law, a person commits an offense if the person smokes a cigarette or other tobacco product in the Texas State Capitol.

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

Amendment No. 57 was adopted.

(Branch in the chair)

Amendment No. 53, as amended, was adopted by (Record 1217): 73 Yeas, 66 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Berman; Bohac; Brown; Burnam; Button; Callegari; Castro; Chisum; Coleman; Cook; Craddick; Crownover; Darby; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hamilton; Harless; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, D.; Isaac; Johnson; Keffer; King, S.; Kolkhorst; Lozano; Lucio; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Morrison; Muñoz; Naishtat; Nash; Oliveira; Otto; Patrick; Reynolds; Rodriguez; Sheets; Sheffield; Shelton; Smith, T.; Smithee; Strama; Taylor, L.; Thompson; Truitt; Turner; Villarreal; Vo; Walle; Woolley; Zedler; Zerwas.

Nays — Aliseda; Anderson, C.; Anderson, R.; Beck; Bonnen; Burkett; Cain; Christian; Creighton; Davis, J.; Davis, S.; Deshotel; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hancock; Hardcastle; Howard, C.; Huberty; Hughes; Hunter; Jackson; King, P.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Menendez; Miles; Miller, D.; Miller, S.; Murphy; Orr;

Parker; Paxton; Peña; Perry; Pitts; Price; Raymond; Riddle; Ritter; Schwertner; Scott; Simpson; Smith, W.; Solomons; Taylor, V.; Torres; Weber; White; Workman.

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

Absent, Excused — Harper-Brown; Phillips; Pickett.

Absent — Aycock; Carter; Guillen; Hilderbran; Quintanilla.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1217. I intended to vote yes.

Eissler

When Record No. 1217 was taken, my vote failed to register. I would have voted no.

Hilderbran

When Record No. 1217 was taken, I was in the house but away from my desk. I would have voted yes.

Quintanilla

REASON FOR VOTE

I believe that every Texan should have the privilege of breathing clean air, but it is also important to balance that privilege with the rights of Texas business owners. I missed this vote because I was speaking with my sister, who is in town and graduating from The University of Texas at Austin.

Carter

Amendment No. 58

Representative Martinez Fischer offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 568

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . UNEMPLOYMENT COMPENSATION

SECTION ____ .01. The legislature finds that the changes in law made by this article would improve the economy in this state by helping unemployed workers avoid precipitous drops in spending that are frequently associated with the loss of gainful employment. The legislature also finds that the changes in law made by this article would improve the economy of this state by helping unemployed workers avoid mortgage defaults and the resulting foreclosures.

SECTION ____ .02. Section 204.022(a), Labor Code, is amended to read as follows:

(a) Benefits computed on benefit wage credits of an employee or former employee may not be charged to the account of an employer if the employee's last separation from the employer's employment before the employee's benefit year:

(1) was required by a federal statute;

(2) was required by a statute of this state or an ordinance of a municipality of this state;

(3) would have disqualified the employee under Section 207.044, 207.045, 207.051, or 207.053 if the employment had been the employee's last work;

(4) imposes a disqualification under Section 207.044, 207.045, 207.051, or 207.053;

(5) was caused by a medically verifiable illness of the employee or the employee's minor child;

(6) was based on a natural disaster that results in a disaster declaration by the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.), if the employee would have been entitled to unemployment assistance benefits under Section 410 of that act (42 U.S.C. Section 5177) had the employee not received state unemployment compensation benefits;

(7) was caused by a natural disaster, fire, flood, or explosion that causes employees to be separated from one employer's employment;

(8) was based on a disaster that results in a disaster declaration by the governor under Section 418.014, Government Code;

(9) resulted from the employee's resigning from partial employment to accept other employment that the employee reasonably believed would increase the employee's weekly wage;

(10) was caused by the employer being called to active military service in any branch of the United States armed forces on or after January 1, 2003;

(11) resulted from the employee leaving the employee's workplace to protect the employee from family violence or stalking or the employee or a member of the employee's immediate family from violence related to a sexual assault as evidenced by:

(A) an active or recently issued protective order documenting sexual assault of the employee or a member of the employee's immediate family or family violence against, or the stalking of, the employee or the potential for family violence against, or the stalking of, the employee;

(B) a police record documenting sexual assault of the employee or a member of the employee's immediate family or family violence against, or the stalking of, the employee; ~~(C)~~

(C) a physician's statement or other medical documentation that describes the sexual assault of the employee or a member of the employee's immediate family or family violence against the employee that:

(i) is recorded in any form or medium that identifies the employee or member of the employee's immediate family, as applicable, as the patient; and

(ii) relates to the history, diagnosis, treatment, or prognosis of the patient; or

(D) written documentation from an employee of a family violence center that describes the sexual assault of the employee or a member of the employee's immediate family or family violence against the employee;

(12) resulted from a move from the area of the employee's employment that:

(A) was made with the employee's spouse who is a member of the armed forces of the United States; and

(B) resulted from the spouse's permanent change of station of longer than 120 days or a tour of duty of longer than one year;

(13) was caused by the employee being unable to perform the work as a result of a disability for which the employee is receiving disability insurance benefits under 42 U.S.C. Section 423; or

(14) resulted from the employee leaving the employee's workplace to care for the employee's terminally ill spouse as evidenced by a physician's statement or other medical documentation, but only if no reasonable, alternative care was available.

SECTION ____ .03. Section 204.022(d), Labor Code, is amended by adding Subdivisions (3), (4), and (5) to read as follows:

(3) "Immediate family" means an individual's parent, spouse, or child under the age of 18.

(4) "Sexual assault" means conduct described by Section 22.011 or 22.021, Penal Code.

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

SECTION ____ .04. Section 207.046(a), Labor Code, is amended to read as follows:

(a) An individual is not disqualified for benefits under this subchapter if:

(1) the work-related reason for the individual's separation from employment was urgent, compelling, and necessary so as to make the separation involuntary;

(2) the individual leaves the workplace to protect the individual from family violence or stalking or the employee or a member of the employee's immediate family from violence related to a sexual assault as evidenced by:

(A) an active or recently issued protective order documenting sexual assault of the employee or a member of the employee's immediate family or family violence against, or the stalking of, the employee or the potential for family violence against, or the stalking of, the employee;

(B) a police record documenting sexual assault of the employee or a member of the employee's immediate family or family violence against, or the stalking of, the employee; [or]

(C) a physician's statement or other medical documentation that describes the sexual assault of the employee or a member of the employee's immediate family or family violence against the employee that:

(i) is recorded in any form or medium that identifies the employee or member of the employee's immediate family, as applicable, as the patient; and

(ii) relates to the history, diagnosis, treatment, or prognosis of the patient; or

(D) written documentation from an employee of a family violence center that describes the sexual assault of the employee or a member of the employee's immediate family or family violence against the employee; or

(3) the individual leaves the workplace to care for the individual's terminally ill spouse as evidenced by a physician's statement or other medical documentation, but only if no reasonable, alternative care was available.

SECTION _____.05. Section 207.046(c), Labor Code, is amended by adding Subdivisions (3), (4), and (5) to read as follows:

(3) "Immediate family" means an individual's parent, spouse, or child under the age of 18.

(4) "Sexual assault" means conduct described by Section 22.011 or 22.021, Penal Code.

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

SECTION _____.06. The changes in law made by this article apply only to eligibility for unemployment compensation benefits based on an unemployment compensation claim that is filed with the Texas Workforce Commission on or after the effective date of this Act. A claim filed before the effective date of this Act is governed by the law in effect on the date the claim was filed, and the former law is continued in effect for that purpose.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES

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

CSSB 1811 - (consideration continued)

Amendment No. 58 was withdrawn.

Amendment No. 59

Representative Giddings offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 578

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. REGISTRATION OF OUT-OF-STATE PROFESSIONAL
ATHLETES

SECTION _____.01. Subtitle B, Title 13, Occupations Code, is amended by adding Chapter 2053 to read as follows:

CHAPTER 2053. REGISTRATION OF OUT-OF-STATE
PROFESSIONAL ATHLETES
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2053.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(2) "Department" means the Texas Department of Licensing and Regulation.

(3) "Out-of-state professional sports team" means a major national sports team that plays its home games in another state. The term includes the major sports teams affiliated with the National Football League, the National Basketball Association, the National Hockey League, Major League Baseball, Major League Soccer, and the teams of any other sports association specified by commission rule. The term does not include a farm team that provides players to a major national sports team.

(4) "Professional athlete" means a person who receives compensation for participation as a member of a sports team.

Sec. 2053.002. RULES. The commission shall adopt the rules necessary to administer this chapter.

[Sections 2053.003-2053.050 reserved for expansion]

SUBCHAPTER B. REGISTRATION OF PROFESSIONAL ATHLETES

Sec. 2053.051. REGISTRATION REQUIRED. A professional athlete employed by or under contract with an out-of-state professional sports team must hold a certificate of registration issued under this chapter to engage in a professional sports competition in this state.

Sec. 2053.052. REGISTRATION APPLICATION; FEE. (a) An applicant for registration must file an application with the department on the form prescribed by the department.

(b) The application must be accompanied by:

(1) a nonrefundable application fee in the amount set by the commission to cover the costs of processing an application under this section; and

(2) a registration fee of \$15,000.

Sec. 2053.053. ISSUANCE OF CERTIFICATE OF REGISTRATION. The department shall issue to an applicant who is eligible for registration the appropriate certificate of registration.

Sec. 2053.054. TERM OF CERTIFICATE OF REGISTRATION. A certificate of registration issued under Section 2053.053 expires on the first anniversary of the date of issuance.

Sec. 2053.055. RENEWAL OF CERTIFICATE OF REGISTRATION. (a) The department shall issue to an eligible registrant a certificate of renewal of registration on the timely receipt of a renewal fee in the amount specified by Section 2053.052 for an initial registration.

(b) The certificate expires on the first anniversary of the date of issuance.

Amendment No. 59 was withdrawn.

Amendment No. 60

Representative Giddings offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 582

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . REGISTRATION OF OUT-OF-STATE PROFESSIONAL
ATHLETES

SECTION ____ .01. Subtitle B, Title 13, Occupations Code, is amended by adding Chapter 2053 to read as follows:

CHAPTER 2053. REGISTRATION OF OUT-OF-STATE
PROFESSIONAL ATHLETES
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2053.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(2) "Department" means the Texas Department of Licensing and Regulation.

(3) "Out-of-state professional sports team" means a major national sports team that plays its home games in another state. The term includes the major sports teams affiliated with the National Football League, the National Basketball Association, the National Hockey League, Major League Baseball, Major League Soccer, and the teams of any other sports association specified by commission rule. The term does not include a farm team that provides players to a major national sports team.

(4) "Professional athlete" means a person who receives compensation for participation as a member of a sports team.

Sec. 2053.002. RULES. The commission shall adopt the rules necessary to administer this chapter.

[Sections 2053.003-2053.050 reserved for expansion]

SUBCHAPTER B. REGISTRATION OF PROFESSIONAL ATHLETES

Sec. 2053.051. REGISTRATION REQUIRED. A professional athlete employed by or under contract with an out-of-state professional sports team must hold a certificate of registration issued under this chapter to engage in a professional sports competition in this state.

Sec. 2053.052. REGISTRATION APPLICATION; FEE. (a) An applicant for registration must file an application with the department on the form prescribed by the department.

(b) The application must be accompanied by:

(1) a nonrefundable application fee in the amount set by the commission to cover the costs of processing an application under this section; and

(2) a registration fee of \$15,000.

(c) The fees collected under this section may only be distributed as follows:

(1) 50 percent to the Department of Family and Protective Services for the Services to At-Risk Youth (STAR) Program under Subchapter D, Chapter 264, Family Code;

(2) 25 percent to the to the Department of Family and Protective Services for other at-risk prevention programs;

(3) three percent to the University of Texas at Dallas for the Intensive Summer Academic Bridge Program; and

(4) the remainder to the credit of the general revenue fund.

Sec. 2053.053. ISSUANCE OF CERTIFICATE OF REGISTRATION. The department shall issue to an applicant who is eligible for registration the appropriate certificate of registration.

Sec. 2053.054. TERM OF CERTIFICATE OF REGISTRATION. A certificate of registration issued under Section 2053.053 expires on the first anniversary of the date of issuance.

Sec. 2053.055. RENEWAL OF CERTIFICATE OF REGISTRATION. (a) The department shall issue to an eligible registrant a certificate of renewal of registration on the timely receipt of a renewal fee in the amount specified by Section 2053.052 for an initial registration.

(b) The certificate expires on the first anniversary of the date of issuance.

Amendment No. 60 failed of adoption by (Record 1218): 43 Yeas, 95 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Harper-Brown; Phillips; Pickett.

Absent — Deshotel; Hardcastle; Hartnett; King, T.; Laubenberg; Lyne; Madden.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1218. I intended to vote no.

Anchia

Amendment No. 61

Representative McClendon offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 22

Amend **CSSB 1811** (house committee printing) by striking ARTICLE 12 of the bill (page 26, line 18, through page 29, line 22) and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly.

**HR 2031 - ADOPTED
(by Veasey)**

Representative Veasey moved to suspend all necessary rules to take up and consider at this time **HR 2031**.

The motion prevailed.

The following resolution was laid before the house:

HR 2031, Congratulating Adam and Helen Stockstill on the birth of their twins, Austin Noble and Blake Daniel Stockstill.

HR 2031 was adopted.

On motion of Representative Guillen, the names of all the members of the house were added to **HR 2031** as signers thereof.

CSSB 1811 - (consideration continued)**Amendment No. 62**

Representative Guillen offered the following amendment to Amendment No. 61:

Amend the McClendon amendment as follows:

(1) In SECTION 12.02, in amended Section 151.326(a), Tax Code, strike Subdivision (2) (page 27, lines 4-6) and substitute the following:

(2) the sale takes place during a period beginning at 12:01 a.m. on the first ~~third~~ Friday in August and ending at 12 midnight on the following Sunday.

(2) Add the following appropriately numbered SECTION to the ARTICLE and renumber the subsequent SECTIONS of the ARTICLE accordingly:

SECTION _____. Section 151.326(a)(2), Tax Code, as amended by this article, does not affect tax liability accruing before the effective date of this article. That liability continues in effect as if this article had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

Amendment No. 62 was adopted.

Amendment No. 61, as amended, was adopted.

Amendment No. 63

Representative S. King offered the following amendment to **CSSB 1811**:
 Floor Packet Page No. 624

Amend **CSSB 1811** by adding the appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Chapter 301, Occupations Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. SELF-DIRECTED AND SEMI-INDEPENDENT
 STATUS OF BOARD

Sec. 301.071. SELF-DIRECTED AND SEMI-INDEPENDENT STATUS.
Notwithstanding any other provision of law, the board is self-directed and semi-independent as specified by this subchapter.

Sec. 301.072. BUDGET, REVENUES, AND EXPENSES. (a) The executive director shall submit to the board a budget annually using generally accepted accounting principles. Notwithstanding any other provision of law, including the General Appropriations Act, the budget shall be adopted and approved only by the board.

(b) The board shall be responsible for all direct and indirect costs of the board's existence and operation. The board may not directly or indirectly cause the general revenue fund to incur any cost.

(c) Subject to any limitations in this chapter, the board may set the amounts of fees, penalties, charges, and revenues required or permitted by statute or rule as necessary for the purpose of carrying out the functions of the board and funding the budget adopted and approved under Subsection (a).

(d) Except as provided by Subsection (e), all fees and funds collected by the board and any funds appropriated to the board shall be deposited in interest-bearing deposit accounts in the Texas Treasury Safekeeping Trust Company. The comptroller shall contract with the board for the maintenance of the deposit accounts under terms comparable to a contract between a commercial banking institution and the institution's customers.

(e) The board shall annually remit \$5.75 million to the general revenue fund.

(f) Periodically, the executive director shall submit to the board, as directed by the board, a report of the receipts and expenditures of the board.

(g) The fiscal year for the board begins on September 1 and ends on August 31.

Sec. 301.073. AUDITS. (a) This subchapter does not affect the duty of the state auditor to audit the board. The state auditor shall enter into a contract and schedule with the board to conduct audits, including financial reports and performance audits.

(b) Not later than August 31 of each fiscal year, the board shall remit a nonrefundable retainer to the state auditor in an amount not less than \$25,000. The board shall reimburse the state auditor for all costs, in excess of the nonrefundable retainer amounts paid each fiscal year, incurred in performing the audits and shall provide to the governor a copy of any audit performed.

Sec. 301.074. RECORDS; REPORTING REQUIREMENTS. (a) The board shall keep financial and statistical information as necessary to disclose completely and accurately the financial condition and results of operations of the board.

(b) Before the beginning of each regular session of the legislature, the board shall submit to the legislature and the governor a report describing all of the board's activities in the previous biennium. The report must include:

- (1) an audit as required by Section 301.073;
- (2) a financial report of the previous fiscal year, including reports on financial condition and results of operations;
- (3) a description of all changes in fees imposed by the board;
- (4) a report on the number of examination candidates and license holders and the programs of study and enforcement activities of the board; and
- (5) a list of all new rules adopted or repealed.

(c) In addition to the reporting requirements of Subsection (b), not later than November 1 of each year, the board shall submit to the governor, the committee of each house of the legislature that has jurisdiction over appropriations, and the Legislative Budget Board a report that contains:

- (1) the salary for all board personnel and the total amount of per diem expenses and travel expenses paid for all board employees;
- (2) the total amount of per diem expenses and travel expenses paid for each member of the board;
- (3) the board's operating plan and annual budget; and
- (4) a detailed report of all revenue received and all expenses incurred by the board in the previous 12 months.

Sec. 301.075. ABILITY TO CONTRACT. (a) To carry out and promote the objectives of this chapter, the board may enter into contracts and do all other acts incidental to those contracts that are necessary for the administration of the board's affairs and for the attainment of the board's purposes, except as limited by Subsection (b).

(b) Any indebtedness, liability, or obligation of the board incurred under this section may not:

- (1) create a debt or other liability of this state or another entity other than the board; or
- (2) create any personal liability on the part of the members of the board or the board's employees.

Sec. 301.076. PROPERTY. The board may:

- (1) acquire by purchase, lease, gift, or any other manner provided by law and maintain, use, and operate any real, personal, or mixed property, or any interest in property, necessary or convenient to the exercise of the powers, rights, privileges, or functions of the board;
- (2) sell or otherwise dispose of any real, personal, or mixed property, or any interest in property, that the board determines is not necessary or convenient to the exercise of the board's powers, rights, privileges, or functions;

(3) construct, extend, improve, maintain, and reconstruct, or cause to construct, extend, improve, maintain, and reconstruct, and use and operate all facilities necessary or convenient to the exercise of the powers, rights, privileges, or functions of the board; and

(4) borrow money, as may be authorized from time to time by an affirmative vote of a two-thirds majority of the board, for a period not to exceed five years if necessary or convenient to the exercise of the board's powers, rights, privileges, or functions.

Sec. 301.077. ADMINISTRATIVE HEARINGS. (a) Not later than August 31 of each fiscal year, the board shall remit a nonrefundable retainer to the State Office of Administrative Hearings in an amount not less than \$50,000 for hearings conducted under this chapter.

(b) The nonrefundable retainer shall be applied to the costs associated with conducting the hearings. If additional costs are incurred, the State Office of Administrative Hearings may assess and collect from the board reasonable fees, in excess of the nonrefundable retainer amount paid each fiscal year, associated with conducting a hearing under this chapter.

Sec. 301.078. SUITS. (a) The office of the attorney general shall represent the board in any litigation.

(b) Not later than August 31 of each fiscal year, the board shall remit a nonrefundable retainer to the office of the attorney general in an amount not less than \$25,000. The nonrefundable retainer shall be applied to any services provided to the board. If additional litigation services are required, the attorney general may assess and collect from the board reasonable attorney's fees, in excess of the nonrefundable retainer amount paid each fiscal year, associated with any litigation under this section.

Sec. 301.079. POST-PARTICIPATION LIABILITY. (a) If the board no longer has status under this subchapter as a self-directed semi-independent agency for any reason, the board shall be liable for any expenses or debts incurred by the board during the time the board was a self-directed semi-independent agency. The board's liability under this section includes liability for any lease entered into by the board. This state is not liable for any expense or debt covered by this subsection, and money from the general revenue fund may not be used to repay the expense or debt.

(b) If the board no longer has status under this subchapter as a self-directed semi-independent agency for any reason, ownership of any property or other asset acquired by the board during the time the board was a self-directed semi-independent agency, including unexpended fees in a deposit account in the Texas Treasury Safekeeping Trust Company, shall be transferred to this state.

Sec. 301.080. DUE PROCESS; OPEN GOVERNMENT. The board is:

(1) a governmental body for purposes of Chapters 551 and 552, Government Code; and

(2) a state agency for purposes of Chapters 2001 and 2005, Government Code.

Sec. 301.081. MEMBERSHIP IN EMPLOYEES RETIREMENT SYSTEM. Employees of the board are members of the Employees Retirement System of Texas under Chapter 812, Government Code, and the board's transition to semi-independent status as provided by this subchapter has no effect on the employees' membership or any benefits under that system.

Sec. 301.082. GIFTS. (a) Notwithstanding any other law, the board may not accept a gift, grant, or donation:

(1) from a party to an enforcement action; or

(2) to pursue a specific investigation or enforcement action.

(b) The board must:

(1) report each gift, grant, or donation that the board receives as a separate item in the board's report required under Section 301.074(b); and

(2) include with the report a statement indicating the purpose for which each gift, grant, or donation was donated and used.

(b) Section 301.056, Occupations Code, is amended to read as follows:

Sec. 301.056. PER DIEM; REIMBURSEMENT. (a) Each board member is entitled to receive a per diem ~~[as set by the General Appropriations Act]~~ for each day the member engages in the business of the board.

(b) A board member is entitled to reimbursement for travel expenses incurred while conducting board business, including expenses for transportation, meals, and lodging~~[, as provided by the General Appropriations Act].~~

(c) Section 301.059(c), Occupations Code, is amended to read as follows:

(c) A person appointed to the board is entitled to reimbursement~~[, as provided by the General Appropriations Act,]~~ for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

(d) Section 301.155(a), Occupations Code, is amended to read as follows:

(a) The board by rule shall establish fees in amounts reasonable and necessary to cover the costs of administering this chapter. ~~[The board may not set a fee that existed on September 1, 1993, in an amount less than the amount of that fee on that date.]~~

(e) Chapter 552, Occupations Code, is amended by designating Sections 552.001 through 552.012 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. BOARD

(f) Chapter 552, Occupations Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. SELF-DIRECTED AND SEMI-INDEPENDENT STATUS OF BOARD

Sec. 552.051. SELF-DIRECTED AND SEMI-INDEPENDENT STATUS. Notwithstanding any other provision of law, the board is self-directed and semi-independent as specified by this subchapter.

Sec. 552.052. BUDGET, REVENUES, AND EXPENSES. (a) The executive director shall submit to the board a budget annually using generally accepted accounting principles. Notwithstanding any other provision of law, including the General Appropriations Act, the budget shall be adopted and approved only by the board.

(b) The board shall be responsible for all direct and indirect costs of the board's existence and operation. The board may not directly or indirectly cause the general revenue fund to incur any cost.

(c) Subject to any limitations in this subtitle, the board may set the amounts of fees, penalties, charges, and revenues required or permitted by statute or rule as necessary for the purpose of carrying out the functions of the board and funding the budget adopted and approved under Subsection (a).

(d) Except as provided by Subsection (e), all fees and funds collected by the board and any funds appropriated to the board shall be deposited in interest-bearing deposit accounts in the Texas Treasury Safekeeping Trust Company. The comptroller shall contract with the board for the maintenance of the deposit accounts under terms comparable to a contract between a commercial banking institution and the institution's customers.

(e) Not later than August 31, 2012, the board shall remit \$1.15 million to the general revenue fund, and not later than August 31 of each subsequent fiscal year, the board shall remit \$800,000 to the general revenue fund.

(f) Periodically, the executive director shall submit to the board, as directed by the board, a report of the receipts and expenditures of the board.

(g) The fiscal year for the board begins on September 1 and ends on August 31.

Sec. 552.053. AUDITS. (a) This subchapter does not affect the duty of the state auditor to audit the board. The state auditor shall enter into a contract and schedule with the board to conduct audits, including financial reports and performance audits.

(b) Not later than August 31 of each fiscal year, the board shall remit a nonrefundable retainer to the state auditor in an amount not less than \$10,000. The board shall reimburse the state auditor for all costs, in excess of the nonrefundable retainer amounts paid each fiscal year, incurred in performing the audits and shall provide to the governor a copy of any audit performed.

Sec. 552.054. RECORDS; REPORTING REQUIREMENTS. (a) The board shall keep financial and statistical information as necessary to disclose completely and accurately the financial condition and results of operations of the board.

(b) Before the beginning of each regular session of the legislature, the board shall submit to the legislature and the governor a report describing all of the board's activities in the previous biennium. The report must include:

- (1) an audit as required by Section 552.053;
- (2) a financial report of the previous fiscal year, including reports on financial condition and results of operations;
- (3) a description of all changes in fees imposed by the board;
- (4) a report on the number of examination candidates, license holders, and registrants and the enforcement activities of the board; and

(5) a list of all new rules adopted or repealed.

(c) In addition to the reporting requirements of Subsection (b), not later than November 1 of each year, the board shall submit to the governor, the committee of each house of the legislature that has jurisdiction over appropriations, and the Legislative Budget Board a report that contains:

(1) the salary for all board personnel and the total amount of per diem expenses and travel expenses paid for all board employees;

(2) the total amount of per diem expenses and travel expenses paid for each member of the board;

(3) the board's operating plan and annual budget; and

(4) a detailed report of all revenue received and all expenses incurred by the board in the previous 12 months.

Sec. 552.055. ABILITY TO CONTRACT. (a) To carry out and promote the objectives of this chapter, the board may enter into contracts and do all other acts incidental to those contracts that are necessary for the administration of the board's affairs and for the attainment of the board's purposes, except as limited by Subsection (b).

(b) Any indebtedness, liability, or obligation of the board incurred under this section may not:

(1) create a debt or other liability of this state or another entity other than the board; or

(2) create any personal liability on the part of the members of the board or the board's employees.

Sec. 552.056. PROPERTY. The board may:

(1) acquire by purchase, lease, gift, or any other manner provided by law and maintain, use, and operate any real, personal, or mixed property, or any interest in property, necessary or convenient to the exercise of the powers, rights, privileges, or functions of the board;

(2) sell or otherwise dispose of any real, personal, or mixed property, or any interest in property, that the board determines is not necessary or convenient to the exercise of the board's powers, rights, privileges, or functions;

(3) construct, extend, improve, maintain, and reconstruct, or cause to construct, extend, improve, maintain, and reconstruct, and use and operate all facilities necessary or convenient to the exercise of the powers, rights, privileges, or functions of the board; and

(4) borrow money, as may be authorized from time to time by an affirmative vote of a two-thirds majority of the board, for a period not to exceed five years if necessary or convenient to the exercise of the board's powers, rights, privileges, or functions.

Sec. 552.057. ADMINISTRATIVE HEARINGS. (a) Not later than August 31 of each fiscal year, the board shall remit a nonrefundable retainer to the State Office of Administrative Hearings in an amount not less than \$55,000 for hearings conducted under Chapter 565.

(b) The nonrefundable retainer shall be applied to the costs associated with conducting the hearings. If additional costs are incurred, the State Office of Administrative Hearings may assess and collect from the board reasonable fees, in excess of the nonrefundable retainer amount paid each fiscal year, associated with conducting a hearing under Chapter 565.

Sec. 552.058. SUITS. (a) The office of the attorney general shall represent the board in any litigation.

(b) Not later than August 31 of each fiscal year, the board shall remit a nonrefundable retainer to the office of the attorney general in an amount not less than \$40,000. The nonrefundable retainer shall be applied to any services provided to the board. If additional litigation services are required, the attorney general may assess and collect from the board reasonable attorney's fees, in excess of the nonrefundable retainer amount paid each fiscal year, associated with any litigation under this section.

Sec. 552.059. POST-PARTICIPATION LIABILITY. (a) If the board no longer has status under this subchapter as a self-directed semi-independent agency for any reason, the board shall be liable for any expenses or debts incurred by the board during the time the board was a self-directed semi-independent agency. The board's liability under this section includes liability for any lease entered into by the board. This state is not liable for any expense or debt covered by this subsection, and money from the general revenue fund may not be used to repay the expense or debt.

(b) If the board no longer has status under this subchapter as a self-directed semi-independent agency for any reason, ownership of any property or other asset acquired by the board during the time the board was a self-directed semi-independent agency, including unexpended fees in a deposit account in the Texas Treasury Safekeeping Trust Company, shall be transferred to this state.

Sec. 552.060. DUE PROCESS; OPEN GOVERNMENT. The board is:

(1) a governmental body for purposes of Chapters 551 and 552, Government Code; and

(2) a state agency for purposes of Chapters 2001 and 2005, Government Code.

Sec. 552.061. MEMBERSHIP IN EMPLOYEES RETIREMENT SYSTEM. Employees of the board are members of the Employees Retirement System of Texas under Chapter 812, Government Code, and the board's transition to semi-independent status as provided by this subchapter has no effect on the employees' membership or any benefits under that system.

Sec. 552.062. GIFTS. (a) Notwithstanding any other law, the board may not accept a gift, grant, or donation:

(1) from a party to an enforcement action; or

(2) to pursue a specific investigation or enforcement action.

(b) The board must:

(1) report each gift, grant, or donation that the board receives as a separate item in the board's report required under Section 552.054(b); and

(2) include with the report a statement indicating the purpose for which each gift, grant, or donation was donated and used.

Sec. 552.063. HEALTH PROFESSIONS COUNCIL. Not later than August 31 of each fiscal year, the board shall remit a nonrefundable prorated assessment to the Health Professions Council in an amount not less than \$81,848 for fiscal year 2012, \$79,406 for fiscal year 2013, and \$79,000 for each subsequent fiscal year. The amount remitted shall be applied to the board's prorated assessment for the operation and maintenance of the shared regulatory database system.

(g) Section 552.006(c), Occupations Code, is amended to read as follows:

(c) A person appointed to the board is entitled to reimbursement~~[, as provided by the General Appropriations Act,]~~ for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

(h) Section 552.009, Occupations Code, is amended to read as follows:

Sec. 552.009. PER DIEM; REIMBURSEMENT. (a) Each member of the board is entitled to a per diem ~~[set by legislative appropriation]~~ for each day the member engages in board business.

(b) A member is entitled to reimbursement for travel expenses ~~[as prescribed by the General Appropriations Act].~~

(i) Section 564.051(c), Occupations Code, is amended to read as follows:

(c) Funds and surcharges collected under this section ~~[shall be deposited in the general revenue fund and]~~ may only be used by the board to administer the program authorized by this section, including providing for initial evaluation and referral of an impaired pharmacist or pharmacy student by a qualified health professional and paying the administrative costs incurred by the board in connection with that funding. The money may not be used for costs incurred for treatment or rehabilitation after initial evaluation and referral.

(j) Sections 301.165, 554.007(a), and 554.013, Occupations Code, are repealed.

(k) To provide a reasonable period for the Texas Board of Nursing and the Texas State Board of Pharmacy to establish the boards as self-directed and semi-independent under Subchapter B-1, Chapter 301, and Subchapter B, Chapter 552, Occupations Code, as added by this section, the following amounts are appropriated from the general revenue fund to each board:

(1) for the state fiscal year ending August 31, 2012, an amount equal to 50 percent of the amount of general revenue appropriated to the board for the state fiscal year ending August 31, 2011; and

(2) for the state fiscal year ending August 31, 2013, an amount equal to 50 percent of the amount of general revenue appropriated to the board for the state fiscal year ending August 31, 2011.

(l) Subject to Section 301.072 or 552.052, Occupations Code, as added by this section, the appropriations made by Subsection (k) of this section may be spent by the board to which the appropriation is made as the board directs. Each board shall repay to the general revenue fund the appropriation made to the board for the state fiscal year ending August 31, 2012, not later than that date and as funds become available. Each board shall repay to the general revenue fund the appropriation made to the board for the state fiscal year ending August 31, 2013, not later than that date and as funds become available. The repayment of an

appropriation under this subsection is required in addition to the funds required to be remitted to the general revenue fund under Section 301.072(e) or 552.052(e), Occupations Code, as added by this section.

(m) The transfer of the Texas Board of Nursing or the Texas State Board of Pharmacy to self-directed and semi-independent status under Subchapter B-1, Chapter 301, or Subchapter B, Chapter 552, Occupations Code, as added by this section, and the expiration of self-directed and semi-independent status of a board may not act to cancel, suspend, or prevent:

- (1) any debt owed to or by the board;
- (2) any fine, tax, penalty, or obligation of any party;
- (3) any contract or other obligation of any party; or
- (4) any action taken by the board in the administration or enforcement of the board's duties.

(n) The Texas Board of Nursing and the Texas State Board of Pharmacy shall continue to have and exercise the powers and duties allocated to each board under law, except as specifically provided by this section.

(o) Title to or ownership of all supplies, materials, records, equipment, books, papers, and furniture used by the Texas Board of Nursing or the Texas State Board of Pharmacy is transferred to each respective board. This section does not affect any property owned by either board on or before the effective date of this section.

(p) The Texas Board of Nursing shall pay rent to the state for the use and occupancy of state-owned office space. Reasonable rent shall be determined by the Texas Facilities Commission. Aggregate rental payments may not be less than \$278,000 each fiscal year.

(q) The Texas State Board of Pharmacy shall pay rent to the state for the use and occupancy of state-owned office space. Reasonable rent shall be determined by the Texas Facilities Commission. Aggregate rental payments may not be less than \$162,000 each fiscal year.

(r) If a conflict exists between this section and another Act of the 82nd Legislature, Regular Session, 2011, that relates to the self-directed and semi-independent status of the Texas Board of Nursing or the Texas State Board of Pharmacy, this section controls without regard to the relative dates of enactment.

(s) Notwithstanding any other provision of this Act, this section takes effect September 1, 2011.

Amendment No. 63 failed of adoption by (Record 1219): 54 Yeas, 85 Nays, 4 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Beck; Brown; Castro; Darby; Davis, J.; Deshotel; Dutton; Eiland; Elkins; Farias; Farrar; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hardcastle; Hernandez Luna; Hilderbran; Hopson; Howard, C.; Howard, D.; Hughes; Johnson; King, P.; King, S.; Lavender; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Menendez; Miles; Muñoz; Naishtat; Oliveira; Patrick; Quintanilla; Raymond; Riddle; Rodriguez; Simpson; Smithee; Solomons; Strama; Thompson; Villarreal; Vo; Walle; Zedler.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycocock; Berman; Bohac; Bonnen; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Davis, S.; Davis, Y.; Driver; Dukes; Eissler; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gooden; Hamilton; Hancock; Harless; Hartnett; Huberty; Hunter; Isaac; Jackson; Keffer; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Legler; Lewis; Lyne; Madden; Margo; Martinez Fischer; McClendon; Miller, D.; Miller, S.; Murphy; Nash; Orr; Otto; Parker; Paxton; Peña; Perry; Pitts; Price; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Taylor, L.; Taylor, V.; Torres; Truitt; Veasey; Weber; White; Woolley; Workman; Zerwas.

Present, not voting — Mr. Speaker; Branch(C); Burnam; Reynolds.

Absent, Excused — Harper-Brown; Phillips; Pickett.

Absent — Coleman; Hochberg; Morrison; Turner.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1219. I intended to vote yes.

Carter

I was shown voting no on Record No. 1219. I intended to vote yes.

Craddick

I was shown voting no on Record No. 1219. I intended to vote yes.

Gooden

I was shown voting no on Record No. 1219. I intended to vote yes.

Paxton

Amendment No. 64

Representative Torres offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 575

Amend **CSSB 1811** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 301, Labor Code, is amended by adding Section 301.068 to read as follows:

Sec. 301.068. EFFICIENCY PILOT PROGRAM. (a) The commission shall establish a pilot program to:

(1) improve the efficiency and quality of commission operations while reducing costs; and

(2) adopt a structured approach for identifying the wasteful use of state resources and improving commission processes.

(b) In implementing the pilot program, the commission shall use:

(1) a methodology that includes a define, measure, analyze, improve, and control structure for reviewing project management;

- (2) a continuous improvement technique that:
(A) identifies value and a value stream;
(B) creates a flow for activities;
(C) allows consumers to pull products or services through the process; and
(D) allows for the process to be perfected over time; and
(3) a measurement system analysis to evaluate data.
(c) The commission shall conduct an internal performance audit to assess the effectiveness of the pilot program implemented under this section.
(d) Not later than August 1, 2012, the commission shall submit a written report of the results of the performance audit to the:
(1) governor;
(2) lieutenant governor;
(3) speaker of the house of representatives;
(4) Senate Committee on Government Organization;
(5) House Government Efficiency and Reform Committee; and
(6) house and senate committees with primary jurisdiction over state affairs.
(e) The commission shall implement the pilot program from available funds that may be used for that purpose.
(f) A state agency, other than the commission, may implement the pilot program established under this section with respect to the agency. An agency that implements the pilot program shall:
(1) conduct the performance audit and submit the written report in the time and manner described by Subsections (c) and (d); and
(2) use available resources to fund the pilot program.
(g) A report required by this section may be submitted electronically.
(h) This section expires September 1, 2013.

(Ritter in the chair)

Amendment No. 64 was adopted by (Record 1220): 71 Yeas, 62 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Burkett; Burnam; Cain; Castro; Christian; Cook; Craddick; Crownover; Davis, S.; Deshotel; Eissler; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Gutierrez; Hamilton; Hartnett; Hernandez Luna; Hilderbran; Huberty; Hughes; Hunter; Isaac; Johnson; King, P.; King, S.; Kolkhorst; Landtroop; Larson; Lavender; Legler; Lewis; Lucio; Mallory Caraway; Marquez; Martinez; Menendez; Morrison; Muñoz; Orr; Peña; Perry; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Scott; Sheets; Shelton; Smithee; Strama; Taylor, L.; Taylor, V.; Torres; Vo; Weber; White; Zedler.

Nays — Alonzo; Aycock; Berman; Brown; Button; Callegari; Carter; Chisum; Creighton; Darby; Davis, J.; Davis, Y.; Dukes; Dutton; Eiland; Elkins; Farias; Fletcher; Flynn; Giddings; Hancock; Hardcastle; Harless; Hochberg; Hopson; Howard, C.; Howard, D.; Jackson; Keffer; King, T.; Kleinschmidt; Kuempel; Laubenberg; Lozano; Lyne; Madden; Margo; McClendon; Miller, D.;

Miller, S.; Naishtat; Nash; Oliveira; Otto; Parker; Patrick; Paxton; Pitts; Price; Schwertner; Sheffield; Simpson; Smith, T.; Smith, W.; Solomons; Truitt; Turner; Villarreal; Walle; Woolley; Workman; Zerwas.

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

Absent, Excused — Harper-Brown; Phillips; Pickett.

Absent — Bohac; Bonnen; Branch; Coleman; Driver; Farrar; Martinez Fischer; Miles; Murphy; Thompson; Veasey.

STATEMENTS OF VOTE

When Record No. 1220 was taken, I was in the house but away from my desk. I would have voted yes.

Bohac

When Record No. 1220 was taken, I was temporarily out of the house chamber. I would have voted yes.

Bonnen

I was shown voting no on Record No. 1220. I intended to vote yes.

Callegari

When Record No. 1220 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 1220 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

Amendment No. 65

Representative Landtroop offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 650

Amend **CSSB 1811** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 74, Property Code, is amended by adding Section 74.3014 to read as follows:

Sec. 74.3014. DELIVERY OF MONEY IN CERTAIN COUNTIES. (a) Notwithstanding and in addition to any other provision of this chapter or other law, a county having a population of less than 25,000 in which the state or one of its political subdivisions, including an institution of higher education, owns more than 25 percent of the land in the county may deliver reported money to a fund established by the county to benefit the county instead of delivering the money to the comptroller as required by Section 74.301.

(b) Money in the county fund may be distributed in the form of grants to nonprofit, nonreligious organizations that work for the betterment of the county through education, recreation, culture, or protecting the health and safety of the county.

(c) A county shall file with the comptroller a verification of money delivered under this section that complies with Section 74.302.

(d) A claim for money delivered under this section must be filed with the county that delivered the money. The county shall pay the claim if the county determines in good faith that the claim is valid. A person aggrieved by a claim decision may file suit against the county in a district court in the county in accordance with Section 74.506.

(e) The comptroller shall prescribe the forms and procedures governing this section, including forms and procedures relating to:

- (1) notice of presumed abandoned property;
- (2) delivery of reported money to the county fund; and
- (3) filing of a claim.

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

Amendment No. 65 was withdrawn.

Amendment No. 66

Representative Strama offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 658

Amend **CSSB 1811** by adding the following appropriately number Articles and renumbering existing Article appropriately:

ARTICLE _____. RENEWABLE ENERGY REINVESTMENT ZONES AND APPROVAL BY THE COMPTROLLER OF PUBLIC ACCOUNTS

SECTION _____. Subtitle B, Title 3, Tax Code, is amended by adding Chapter 314 to read as follows:

CHAPTER 314. RENEWABLE ENERGY REINVESTMENT ZONES

Sec. 314.001. SHORT TITLE. This chapter may be cited as the Renewable Energy Reinvestment Zone Act.

Sec. 314.002. APPLICABILITY. The provisions of this chapter applicable to a municipality apply only to a municipality that:

- (1) has a population of at least 45,000 but not more than 60,000;
- (2) is located in a county with a population of at least one million; and
- (3) does not contain within its corporate limits:

(A) more than two school districts that are categorized as category II school districts under Section 313.022; or

(B) any school districts to which Subchapter C, Chapter 313, applies.

Sec. 314.003. DEFINITION. In this chapter, "renewable energy company" means a business organization that manufactures, assembles, sells, maintains, or conducts research on renewable energy and renewable energy efficient products, including:

- (A) solar energy;

- (B) wind energy;
- (C) biomass energy;
- (D) geothermal energy;
- (E) battery technology;
- (F) electric vehicles;
- (G) lighting using light-emitting diodes;
- (H) fuel cells;
- (I) energy generated from agricultural sources;
- (J) nuclear energy;
- (K) clean coal technology; and
- (L) water-saving devices.

Sec. 314.004. ELIGIBILITY OF MUNICIPALITY TO PARTICIPATE IN TAX ABATEMENT. (a) A municipality may not enter into a tax abatement agreement under this chapter and the governing body of a municipality may not designate an area as a renewable energy reinvestment zone unless the governing body adopts a resolution stating that the municipality elects to become eligible to participate in tax abatement and establishes guidelines and criteria governing tax abatement agreements by the municipality. The guidelines and criteria applicable to property must provide for the availability of tax abatement only for new facilities or structures.

(b) The governing body of a municipality may not enter into a tax abatement agreement under this chapter unless it finds that the terms of the agreement and the property subject to the agreement meet the applicable guidelines and criteria adopted by the governing body under this section.

(c) The guidelines and criteria adopted under this section are effective for two years from the date adopted. During that period, the guidelines and criteria may be amended or repealed only by a vote of three-fourths of the members of the governing body.

(d) The adoption of the guidelines and criteria by the governing body of a municipality does not:

(1) limit the discretion of the governing body to decide whether to enter into a specific tax abatement agreement;

(2) limit the discretion of the governing body to delegate to its employees the authority to determine whether or not the governing body should consider a particular application or request for tax abatement; or

(3) create any property, contract, or other legal right in any person to have the governing body consider or grant a specific application or request for tax abatement.

Sec. 314.005. DESIGNATION OF ZONE. (a) The governing body of a municipality by ordinance may designate as a renewable energy reinvestment zone an area in the taxing jurisdiction or extraterritorial jurisdiction of the municipality that the governing body finds satisfies the requirements of Section 314.006.

(b) The ordinance must describe the boundaries of the zone.

(c) The governing body may not adopt an ordinance designating an area as a renewable energy reinvestment zone until the governing body has held a public hearing on the designation and has found that the improvements sought are feasible and practical and would be a benefit to the land to be included in the zone and to the municipality after the expiration of an agreement entered into under Section 314.008. At the hearing, interested persons are entitled to speak and present evidence for or against the designation. Not later than the seventh day before the date of the hearing, notice of the hearing must be:

(1) published in a newspaper having general circulation in the municipality; and

(2) delivered in writing to the presiding officer of the governing body of each county and school district that includes in its boundaries real property that is to be included in the proposed renewable energy reinvestment zone.

(d) A notice made under Subsection (c)(2) is presumed delivered when placed in the mail postage prepaid and properly addressed to the appropriate presiding officer. A notice properly addressed and sent by registered or certified mail for which a return receipt is received by the sender is considered to have been delivered to the addressee.

Sec. 314.006. CRITERIA FOR RENEWABLE ENERGY REINVESTMENT ZONE. To be designated as a renewable energy reinvestment zone under this chapter, an area must meet the following requirements:

(1) the area must be at least 100 acres in size;

(2) at the time of the designation of the area as a zone, at least 75 percent of the land in the area must be owned by the municipality designating the area or by a municipal development corporation created under Chapter 379A, Local Government Code; and

(3) the area must be zoned for commercial purposes.

Sec. 314.007. EXPIRATION OF REINVESTMENT ZONE. The designation of a renewable energy reinvestment zone for tax abatement expires five years after the date of the designation and may be renewed for periods not to exceed five years. The expiration of the designation does not affect an existing tax abatement agreement made under this chapter.

Sec. 314.008. MUNICIPAL TAX ABATEMENT AGREEMENT. (a) The governing body of a municipality eligible to enter into tax abatement agreements under Section 314.004 may agree in writing with a renewable energy company that owns taxable real property that is located in a renewable energy reinvestment zone, but that is not located in an improvement project financed by tax increment bonds, to exempt from taxation 50 percent of the value of the real property and of tangible personal property located on the real property for a period of 15 years, on the condition that the company construct a facility on the property to be used in connection with the company's operations as specified by the agreement. The governing body of an eligible municipality may agree in writing with a renewable energy company that owns a leasehold interest in tax-exempt real property that is located in a renewable energy reinvestment zone, but that is not located in an improvement project financed by tax increment bonds, to exempt 50 percent of the value of property subject to ad valorem taxation, including the leasehold

interest, improvements, and tangible personal property located on the real property, for a period of 15 years, on the condition that the company construct a facility on the property to be used in connection with the company's operations as specified by the agreement. A tax abatement agreement under this section is subject to the rights of holders of outstanding bonds of the municipality. In a municipality that has a comprehensive zoning ordinance, an improvement, development, or redevelopment taking place under an agreement under this section must conform to the comprehensive zoning ordinance.

(b) The property subject to an agreement made under this section may be located in the extraterritorial jurisdiction of the municipality. In that event, the agreement applies to taxes of the municipality if the municipality annexes the property during the period specified in the agreement.

(c) Except as otherwise provided by this subsection, property that is in a renewable energy reinvestment zone and that is owned or leased by a person who is a member of the governing body of the municipality or a member of a zoning or planning board or commission of the municipality is excluded from property tax abatement. Property owned or leased by a person that is subject to a tax abatement agreement in effect when the person becomes a member of the governing body or of the zoning or planning board or commission does not cease to be eligible for property tax abatement under that agreement because of the person's membership on the governing body, board, or commission.

Sec. 314.009. NOTICE OF TAX ABATEMENT AGREEMENT TO COUNTIES AND SCHOOL DISTRICTS. (a) Not later than the seventh day before the date on which a municipality enters into an agreement under Section 314.008, the governing body of the municipality or a designated officer or employee of the municipality shall deliver to the presiding officer of the governing body of each county and school district in which the property to be subject to the agreement is located a written notice that the municipality intends to enter into the agreement. The notice must include a copy of the proposed agreement.

(b) A notice is presumed delivered when placed in the mail postage paid and properly addressed to the appropriate presiding officer. A notice properly addressed and sent by registered or certified mail for which a return receipt is received by the sender is considered to have been delivered to the addressee.

(c) Failure to deliver the notice does not affect the validity of the agreement.

Sec. 314.010. SPECIFIC TERMS OF TAX ABATEMENT AGREEMENT. An agreement made under Section 314.008 must:

(1) list the kind, number, and location of all proposed improvements of the property;

(2) provide access to and authorize inspection of the property by municipal employees and by employees of each county and school district that approves the agreement to ensure that the improvements are made according to the specifications and conditions of the agreement;

(3) limit the uses of the property consistent with the general purpose of encouraging development or redevelopment of the renewable energy reinvestment zone during the period that property tax exemptions are in effect;

(4) provide for recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements as provided by the agreement;

(5) contain each term agreed to by the owner of the property;

(6) require the owner of the property to certify annually to the governing body of the municipality and each county and school district that approves the agreement that the owner is in compliance with each applicable term of the agreement; and

(7) provide that the governing body of the municipality may cancel or modify the agreement if the property owner fails to comply with the agreement.

Sec. 314.011. APPROVAL OF AGREEMENT BY GOVERNING BODY OF MUNICIPALITY. (a) To be effective, an agreement made under this chapter by a municipality must be approved by the affirmative vote of a majority of the members of the governing body of the municipality at a regularly scheduled meeting of the governing body.

(b) On approval by the governing body, an agreement may be executed in the same manner as other contracts made by the municipality.

Sec. 314.012. MODIFICATION OR TERMINATION OF AGREEMENT. (a) At any time before the expiration of an agreement made under this chapter, the agreement may be modified by the parties to the agreement to include other provisions that could have been included in the original agreement or to delete provisions that were not necessary to the original agreement. The modification must be made by the same procedure by which the original agreement was approved and executed. The original agreement may not be modified to extend beyond 15 years from the date of the original agreement.

(b) An agreement made under this chapter may be terminated by the mutual consent of the parties in the same manner that the agreement was approved and executed.

Sec. 314.013. TAX ABATEMENT BY COUNTY AND SCHOOL DISTRICT. (a) If municipal property taxes on property located in the taxing jurisdiction of a municipality are abated under an agreement under Section 314.008, the agreement also applies to the taxation of the property by a county or school district in which the property is located if the governing body of the county or school district approves the agreement by the affirmative vote of a majority of the members of the governing body at a regularly scheduled meeting of the governing body.

(b) A county or school district may not approve a municipal tax abatement agreement under this chapter unless the governing body of the county or school district adopts a resolution stating that the county or school district elects to become eligible to participate in tax abatement and establishes guidelines and criteria governing the approval by the county or school district of municipal tax abatement agreements. The provisions of Section 314.004 governing guidelines and criteria for the entry by a municipality into a tax abatement agreement apply to guidelines and criteria established by a county or school district for approval of a municipal tax abatement agreement to the extent those provisions can be made applicable.

Sec. 314.014. APPROVAL OF GUIDELINES AND CRITERIA BY THE COMPTROLLER OF PUBLIC ACCOUNTS. (a) Notwithstanding other provisions in this section, the guidelines and criteria adopted in Section 314.004, Section 314.006, and Section 314.013 must be approved by the Comptroller of Public Accounts prior to the approval of any municipal tax abatement agreements under those sections. In lieu of approving the guidelines and criteria the Comptroller may, by rule, adopt model guidelines and criteria.

SECTION _____. Section 11.28, Tax Code, is amended to read as follows:

Sec. 11.28. PROPERTY EXEMPTED FROM [~~CITY~~] TAXATION BY AGREEMENT. (a) The owner of property to which an agreement made under Chapter 312 [~~the Property Redevelopment and Tax Abatement Act (Chapter 312 of this code)~~] applies is entitled to exemption from taxation by an incorporated city or town or other taxing unit of all or part of the value of the property as provided by the agreement.

(b) The owner of property to which an agreement made by an incorporated city or town under Chapter 314 applies is entitled to exemption from taxation by the incorporated city or town and from taxation by a county or school district that has approved the agreement of part of the value of the property as provided by the agreement.

Amendment No. 66 was withdrawn.

Amendment No. 67

Representative Y. Davis offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 672

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. REPEAL OF CERTAIN AD VALOREM AND STATE TAX EXEMPTIONS

SECTION _____.01. (a) Except as otherwise provided by this section, the following provisions of the Tax Code are repealed:

- (1) Section 11.251;
- (2) Section 11.252;
- (3) Section 11.253;
- (4) Section 11.27;
- (5) Section 11.28;
- (6) Section 11.31;
- (7) Section 11.437;
- (8) Section 151.308;
- (9) Section 151.3162;
- (10) Section 151.317, other than the provisions that apply to electricity sold for residential use;
- (11) Sections 151.318 and 151.3181;
- (12) Section 151.319;
- (13) Section 151.320;

- (14) Section 151.322;
- (15) Section 151.324;
- (16) Section 151.328;
- (17) Section 151.329;
- (18) Section 151.3291;
- (19) Section 151.331;
- (20) Section 151.335;
- (21) Section 151.336;
- (22) Section 151.351;
- (23) Section 152.089;
- (24) Sections 162.104(a)(4), (5), (6), and (7);
- (25) Sections 162.204(a)(4), (5), (6), (7), (8), (9), (10), (11), and (12);
- (26) Section 171.052;
- (27) Section 171.0525;
- (28) Section 171.055;
- (29) Section 171.056;
- (30) Section 171.079; and
- (31) Section 171.080.

(b) The repeal of a tax exemption by Subsection (a) of this section is not effective if the constitution of this state directly provides the exemption. If the constitution of this state authorizes but does not directly provide the exemption, the repeal of the exemption by this article is effective.

(c) The repeal of a tax exemption by Subsection (a) of this section is not effective if this state is unable to tax the item or service under the United States Constitution.

(d) The change in law made by this section to Chapter 171, Tax Code, applies only to a report originally due on or after the effective date of this section.

(e) This section does not affect taxes imposed before the effective date of this section, and the law in effect before the effective date of this section is continued in effect for purposes of the liability for and collection of those taxes.

SECTION ____.02. Notwithstanding any other provision of this Act, this article takes effect July 1, 2011, if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for effect on that date, this article takes effect October 1, 2011.

Amendment No. 67 failed of adoption by (Record 1221): 39 Yeas, 98 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Harper-Brown; Phillips; Pickett.

Absent — Christian; Guillen; Hartnett; Huberty; Menendez; Muñoz; Strama; Weber.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1221. I intended to vote yes.

Hilderbran

When Record No. 1221 was taken, I was in the house but away from my desk. I would have voted no.

Huberty

(Bohac in the chair)

CORRECTIONS IN REFERRAL

Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 3.)

CSSB 1811 - (consideration continued)

Amendment No. 68

Representative Eiland offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 684

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill appropriately:

SECTION _____. Section 313.007, Tax Code, is amended to read as follows:

Sec. 313.007. EXPIRATION. Subchapters B, C, and D expire December 31, 2024 [~~2014~~].

Amendment No. 69

Representative Chisum offered the following amendment to Amendment No. 68:

Amend Floor Amendment No. 68 by Eiland to **CSSB 1811** (page 684, prefiled amendments packet), in the final line of the amendment, by striking "2024" and substituting "2016".

Amendment No. 69 was adopted.

(Speaker in the chair)

Amendment No. 68, as amended, was adopted by (Record 1222): 130 Yeas, 10 Nays, 1 Present, not voting.

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

Nays — Anderson, C.; Flynn; Gooden; Isaac; King, S.; Lewis; Schwertner; Simpson; Turner; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Harper-Brown; Phillips; Pickett.

Absent — Coleman; Davis, Y.; Dukes; Giddings; Mallory Caraway; Pitts.

STATEMENT OF VOTE

When Record No. 1222 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

COMMITTEE GRANTED PERMISSION TO MEET

Representative Huberty requested permission for the Committee on Public Education to meet while the house is in session, at 11:50 p.m. today, in 1W.14, to consider **SB 1581**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Education, 11:50 p.m. today, 1W.14, for a formal meeting, to consider **SB 1581**.

CSSB 1811 - (consideration continued)**Amendment No. 70**

Representative Alvarado offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 685

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . CIGARETTE TAX AND ALLOCATION OF REVENUE

SECTION ____ .01. Section 154.021(b), Tax Code, is amended to read as follows:

(b) The tax rates are:

(1) \$123 [~~\$70.50~~] per thousand on cigarettes weighing three pounds or less per thousand; and

(2) the rate provided by Subdivision (1) plus \$2.10 per thousand on cigarettes weighing more than three pounds per thousand.

SECTION ____ .02. Section 154.053(a), Tax Code, is amended to read as follows:

(a) The comptroller shall design and have printed or manufactured cigarette tax stamps. If the comptroller determines that it is necessary for the best enforcement of this chapter, the comptroller shall shall [~~may~~] change the design, color, [~~or~~] denomination, technology, or other feature of the stamps. The comptroller shall determine the quantity and the size, design, color, [~~or~~] denomination, technology, or other feature [~~and quantity~~] of stamps manufactured. The stamps shall be manufactured so that they may be easily and securely attached to an individual package of cigarettes. The comptroller may designate the method of identification for the stamps and shall award the contract for the printing or manufacturing to the person submitting the bid that will give the best protection to the state in enforcing this chapter.

SECTION ____ .03. Section 154.054(a), Tax Code, is amended to read as follows:

(a) The comptroller may redeem unused cigarette tax stamps that were lawfully issued before a change in the stamps' design, color, [~~or~~] denomination, technology, or other feature [~~change~~].

SECTION ____ .04. Sections 154.058(a) and (d), Tax Code, are amended to read as follows:

(a) On the effective date of a tax increase, each distributor, wholesaler, and retailer who has 2,000 or more cigarettes in packages stamped with stamps of an old design, color, [~~or~~] denomination, technology, or other feature shall

immediately inventory the packages and any unused stamps of an old design, color, ~~[or]~~ denomination, technology, or other feature and file a report of the inventory with the comptroller.

(d) This section does not affect the date payment is due for stamps of an old design, color, ~~[or]~~ denomination, technology, or other feature if payment has not been made for the stamps on or before the effective date of the tax increase.

SECTION _____.05. Section 154.6035, Tax Code, is amended to read as follows:

Sec. 154.6035. ALLOCATION OF CERTAIN REVENUE TO PROPERTY TAX RELIEF AND GENERAL REVENUE FUNDS ~~[FUND]~~. (a) Notwithstanding Section 154.603, all proceeds from the collection of taxes imposed by this chapter attributable to the portion of the tax rate in excess of \$23 ~~[\$20.50]~~ per thousand on cigarettes, regardless of weight, shall be deposited to the credit of the property tax relief fund under Section 403.109, Government Code.

(b) Notwithstanding Section 154.603, all proceeds from the collection of taxes imposed by this chapter attributable to the portion of the tax rate in excess of \$20.50 per thousand on cigarettes, but not exceeding \$23 per thousand, regardless of weight, shall be deposited to the credit of an account in the general revenue fund. Money in the account may be appropriated only to the Department of State Health Services for use by the department's Office of Smoking and Health for programs and initiatives to reduce the use of tobacco and tobacco products.

Amendment No. 70 was withdrawn.

Amendment No. 71

Representative Burnam offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 692

Amend **CSSB 1811** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES of the bill appropriately:

ARTICLE _____. TAX REDUCTION FOR HIGH-COST GAS

SECTION _____.01. Section 201.057(c), Tax Code, is amended to read as follows:

(c) High-cost gas as defined in Subsection (a)(2)(A) produced from a well that is spudded or completed after August 31, 1996, is entitled to a reduction of the tax imposed by this chapter for the first 120 consecutive calendar months beginning on the first day of production, or until the cumulative value of the tax reduction equals 25 ~~[50]~~ percent of the drilling and completion costs incurred for the well, whichever occurs first. The amount of tax reduction shall be computed by subtracting from the tax rate imposed by Section 201.052 the product of that tax rate times the ratio of drilling and completion costs incurred for the well to twice the median drilling and completion costs for high-cost wells as defined in Subsection (a)(2)(A) spudded or completed during the previous state fiscal year, except that the effective rate of tax may not be reduced below zero.

SECTION _____.02. Section 201.057(c), Tax Code, as amended by this article, applies only to an application filed with the comptroller on or after September 1, 2011.

SECTION _____.03. The comptroller shall deposit to the credit of the available school fund any revenue received during the state fiscal biennium beginning August 31, 2011, that exceeds the amount specified in the comptroller's biennial revenue estimate for that biennium, as revised by the comptroller on March 13, 2011, that is generated by the change by this article to Section 201.057, Tax Code.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the Conference Committee on **SB 1420**:

McClendon on motion of Guillen.

CSSB 1811 - (consideration continued)

Amendment No. 71 failed of adoption by (Record 1223): 28 Yeas, 113 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Burnam; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Giddings; Gutierrez; Hernandez Luna; Hochberg; Mallory Caraway; Marquez; Martinez; Martinez Fischer; Miles; Naishtat; Quintanilla; Reynolds; Rodriguez; Thompson; Turner; Veasey; Villarreal; Walle.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Harper-Brown; McClendon; Phillips; Pickett.

Absent — Castro; Coleman; Menendez; Strama.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1223. I intended to vote no.

Alvarado

When Record No. 1223 was taken, I was in the house but away from my desk. I would have voted yes.

Castro

I was shown voting yes on Record No. 1223. I intended to vote no.

Martinez

(Harper-Brown and McClendon now present)

Amendment No. 72

Representative Torres offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 694

Amend **CSSB 1811** (house committee printing) by adding a new appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ MIXED BEVERAGE TAX REIMBURSEMENTS

Section ____ .01. Effective September 1, 2013, Section 183.051(b), Tax Code, is amended to read as follows:

(b) The comptroller shall issue to each county described in Subsection (a) a warrant drawn on the general revenue fund in an amount appropriated by the legislature that may not be less [~~greater~~] than 10.7143 percent of receipts from permittees within the county during the quarter and shall issue to each incorporated municipality described in Subsection (a) a warrant drawn on that fund in an amount appropriated by the legislature that may not be less [~~greater~~] than 10.7143 percent of receipts from permittees within the incorporated municipality during the quarter.

Amendment No. 72 was adopted by (Record 1224): 113 Yeas, 26 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Bohac; Bonnen; Branch; Burkett; Burnam; Button; Cain; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Davis, Y.; Deshotel; Driver; Dutton; Eiland; Elkins; Farrar; Fletcher; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Howard, C.; Howard, D.; Huberty; Hughes; Isaac; Jackson; Johnson; Keffer; King, P.; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Paxton; Peña; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Scott; Sheets; Sheffield; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Turner; Vo; Weber; White; Woolley; Workman; Zedler.

Nays — Anderson, C.; Berman; Brown; Callegari; Carter; Davis, J.; Farias; Flynn; Frullo; Gutierrez; Hardcastle; Hopson; Hunter; King, S.; King, T.; Kleinschmidt; Miller, D.; Miller, S.; Patrick; Perry; Pitts; Schwertner; Shelton; Veasey; Walle; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Phillips; Pickett.

Absent — Coleman; Dukes; Eissler; Harless; Mallory Caraway; Morrison; Truitt; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1224. I intended to vote no.

Aliseda

When Record No. 1224 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

I was shown voting yes on Record No. 1224. I intended to vote no.

Garza

When Record No. 1224 was taken, I was temporarily out of the house chamber. I would have voted yes.

Harless

I was shown voting yes on Record No. 1224. I intended to vote no.

Scott

When Record No. 1224 was taken, I was in the house but away from my desk. I would have voted yes.

Truitt

Amendment No. 73

Representative Gallego offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 695

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. FRANCHISE TAX LIABILITY OF CERTAIN TAXABLE ENTITIES

SECTION _____.01. Subchapter A, Chapter 171, Tax Code, is amended by adding Section 171.0024 to read as follows:

Sec. 171.0024. TAX LIABILITY OF CERTAIN TAXABLE ENTITIES.

(a) In this section, "taxable income" means:

(1) for a taxable entity treated for federal income tax purposes as a corporation, the amount reportable as taxable income on line 30, Internal Revenue Service Form 1120;

(2) for a taxable entity treated for federal income tax purposes as a partnership, the amount reportable as ordinary business income or loss on line 22, Internal Revenue Service Form 1065; or

(3) for a taxable entity other than a taxable entity treated for federal income tax purposes as a corporation or partnership, an amount determined in a manner substantially equivalent to the amount for Subdivision (1) or (2) determined by rules the comptroller shall adopt.

(b) Except as provided by Subsection (c), a taxable entity is not required to pay any tax and is not considered to owe any tax for a period on which margin is based if the taxable entity's taxable income for the period is zero or less.

(c) Subsection (b) does not apply to a taxable entity that is a member of a combined group.

(d) Section 171.1011(a) applies to a reference in this section to an Internal Revenue Service form, and Section 171.1011(b) applies to a reference in this section to an amount reportable on a line number on an Internal Revenue Service form.

(e) The comptroller shall adopt rules as necessary to accomplish the legislative intent prescribed by this section.

SECTION ____.02. Section 171.204(b), Tax Code, is amended to read as follows:

(b) The comptroller may require a taxable entity that does not owe any tax because of the application of Section 171.002(d)(2) to file an abbreviated information report with the comptroller stating the amount of the taxable entity's total revenue from its entire business. The comptroller may require a taxable entity that does not owe any tax because of the application of Section 171.0024 to file an abbreviated information report with the comptroller stating the amount of the taxable entity's taxable income as defined by that section. The comptroller may not require a taxable entity described by this subsection to file an information report that requires the taxable entity to report or compute its margin.

SECTION ____.03. This article applies only to a report originally due on or after the effective date of this article.

SECTION ____.04. This article takes effect January 1, 2012.

Amendment No. 73 was adopted by (Record 1225): 86 Yeas, 52 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Bohac; Burnam; Cain; Castro; Craddick; Creighton; Darby; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Fletcher; Gallego; Garza; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hamilton; Hancock; Harless; Harper-Brown; Hernandez Luna; Hochberg; Howard, C.; Howard, D.; Hughes; Johnson; King, P.; King, S.; King, T.; Kolkhorst; Landtroop; Laubenberg; Legler; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Parker; Paxton; Peña; Perry; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Sheets; Sheffield; Simpson; Smith, W.; Smithee; Solomons; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White; Zedler.

Nays — Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Callegari; Carter; Chisum; Christian; Cook; Crownover; Davis, J.; Davis, S.; Driver; Eissler; Flynn; Frullo; Geren; Gonzales, L.; Gooden; Hardcastle; Hilderbran; Hopson; Huberty; Hunter; Isaac; Jackson; Keffer; Kleinschmidt; Kuempel; Larson; Lavender; Madden; Margo; Miller, S.; Nash; Orr; Otto; Patrick; Pitts; Ritter; Schwertner; Scott; Shelton; Smith, T.; Taylor, L.; Torres; Woolley; Workman.

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

Absent, Excused — Phillips; Pickett.

Absent — Coleman; Guillen; Hartnett; Lewis; Lyne; Strama; Weber; Zerwas.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1225. I intended to vote yes.

Beck

I was shown voting no on Record No. 1225. I intended to vote yes.

Bonnen

I was shown voting no on Record No. 1225. I intended to vote yes.

Branch

I was shown voting no on Record No. 1225. I intended to vote yes.

Burkett

I was shown voting no on Record No. 1225. I intended to vote yes.

Callegari

I was shown voting no on Record No. 1225. I intended to vote yes.

Carter

I was shown voting no on Record No. 1225. I intended to vote yes.

Christian

I was shown voting no on Record No. 1225. I intended to vote yes.

Cook

I was shown voting no on Record No. 1225. I intended to vote yes.

J. Davis

I was shown voting no on Record No. 1225. I intended to vote yes.

Geren

I was shown voting no on Record No. 1225. I intended to vote yes.

Hilderbran

I was shown voting no on Record No. 1225. I intended to vote yes.

Hopson

I was shown voting no on Record No. 1225. I intended to vote yes.

Hunter

I was shown voting no on Record No. 1225. I intended to vote yes.

Isaac

I was shown voting no on Record No. 1225. I intended to vote yes.

Keffer

I was shown voting no on Record No. 1225. I intended to vote yes.

Lavender

I was shown voting no on Record No. 1225. I intended to vote yes.

Madden

I was shown voting no on Record No. 1225. I intended to vote yes.

S. Miller

I was shown voting no on Record No. 1225. I intended to vote yes.

Otto

I was shown voting no on Record No. 1225. I intended to vote yes.

Ritter

I was shown voting no on Record No. 1225. I intended to vote yes.

Schwertner

I was shown voting no on Record No. 1225. I intended to vote yes.

Scott

When Record No. 1225 was taken, my vote failed to register. I would have voted yes.

Strama

I was shown voting no on Record No. 1225. I intended to vote yes.

Workman

Amendment No. 74

Representative Thompson offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 697

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. TAX REFUNDS FOR CERTAIN AD VALOREM TAX
PAYERS

SECTION _____.01. Subchapter F, Chapter 111, Tax Code, is repealed.

SECTION _____.02. The repeal of Subchapter F, Chapter 111, Tax Code, by this article does not affect an eligible person's right to claim a refund of state taxes collected under Chapters 151 and 171, Tax Code, that was established under Section 111.301, Tax Code, in relation to taxes paid before the effective date of this Act in a calendar year for which the person paid ad valorem taxes to a school district as provided by Section 111.301, Tax Code, before the effective date of this Act. An eligible person's right to claim a refund of state taxes collected under Chapters 151 and 171, Tax Code, that was established under Section 111.301, Tax Code, in relation to taxes paid before the effective date of this Act in a calendar year for which the person paid ad valorem taxes to a school district as provided by Section 111.301, Tax Code, before the effective date of this Act is governed by the law in effect on the date the right to claim the refund was established, and the former law is continued in effect for that purpose.

ARTICLE _____. FRANCHISE TAX APPLICABILITY AND EXCLUSIONS

SECTION _____.01. Section 171.0001, Tax Code, is amended by adding Subdivisions (1-a), (10-a), (10-b), and (11-b) to read as follows:

(1-a) "Artist" means a natural person or an entity that contracts to perform or entertain at a live entertainment event.

(10-a) "Live entertainment event" means an event that occurs on a specific date to which tickets are sold in advance by a third-party vendor and at which:

(A) a natural person or a group of natural persons, physically present at the venue, performs for the purpose of entertaining a ticket holder who is present at the event;

(B) a traveling circus or animal show performs for the purpose of entertaining a ticket holder who is present at the event; or

(C) a historical, museum-quality artifact is on display in an exhibition.

(10-b) "Live event promotion services" means services related to the promotion, coordination, operation, or management of a live entertainment event. The term includes services related to:

(A) the provision of staff for the live entertainment event; or

(B) the scheduling and promotion of an artist performing or entertaining at the live entertainment event.

(11-b) "Qualified live event promotion company" means a taxable entity that:

(A) receives at least 60 percent of the entity's annual total revenue from the provision or arrangement for the provision of three or more live event promotion services;

(B) maintains a permanent nonresidential office from which the live event promotion services are provided or arranged;

(C) employs 10 or more full-time employees during all or part of the period for which taxable margin is calculated;

(D) does not provide services for a wedding or carnival; and

(E) is not a movie theater.

SECTION ____ .02. Section 171.0002(c), Tax Code, is amended to read as follows:

(c) "Taxable entity" does not include an entity that is:

(1) a grantor trust as defined by Sections 671 and 7701(a)(30)(E), Internal Revenue Code, all of the grantors and beneficiaries of which are natural persons or charitable entities as described in Section 501(c)(3), Internal Revenue Code, excluding a trust taxable as a business entity pursuant to Treasury Regulation Section 301.7701-4(b);

(2) an estate of a natural person as defined by Section 7701(a)(30)(D), Internal Revenue Code, excluding an estate taxable as a business entity pursuant to Treasury Regulation Section 301.7701-4(b);

(3) an escrow;

(4) a real estate investment trust (REIT) as defined by Section 856, Internal Revenue Code, and its "qualified REIT subsidiary" entities as defined by Section 856(i)(2), Internal Revenue Code, provided that:

(A) a REIT with any amount of its assets in direct holdings of real estate, other than real estate it occupies for business purposes, as opposed to holding interests in limited partnerships or other entities that directly hold the real estate, is a taxable entity; and

(B) a limited partnership or other entity that directly holds the real estate as described in Paragraph (A) is not exempt under this subdivision, without regard to whether a REIT holds an interest in it;

(5) a real estate mortgage investment conduit (REMIC), as defined by Section 860D, Internal Revenue Code;

(6) a nonprofit self-insurance trust created under Chapter 2212, Insurance Code, or a predecessor statute;

(7) a trust qualified under Section 401(a), Internal Revenue Code; ~~or~~

(8) a trust or other entity that is exempt under Section 501(c)(9), Internal Revenue Code; or

(9) an S corporation, as that term is defined by Section 1361, Internal Revenue Code, that is owned entirely by an employee stock ownership plan, as that term is defined by Section 4975(e), Internal Revenue Code.

SECTION ____ .03. Section 171.1011, Tax Code, is amended by adding Subsections (g-5) and (g-7) to read as follows:

(g-5) A taxable entity that is a qualified live event promotion company shall exclude from its total revenue, to the extent included under Subsection (c)(1)(A), (c)(2)(A), or (c)(3), a payment made to an artist in connection with the provision of a live entertainment event or live event promotion services.

(g-7) A taxable entity that is a qualified courier and logistics company shall exclude from its total revenue, to the extent included under Subsection (c)(1)(A), (c)(2)(A), or (c)(3), subcontracting payments made by the taxable entity to nonemployee agents for the performance of delivery services on behalf of the taxable entity. For purposes of this subsection, "qualified courier and logistics company" means a taxable entity that:

(1) receives at least 80 percent of the taxable entity's annual total revenue from its entire business from a combination of at least two of the following courier and logistics services:

(A) expedited same-day delivery of an envelope, package, parcel, roll of architectural drawings, box, or pallet;

(B) temporary storage and delivery of the property of another entity, including an envelope, package, parcel, roll of architectural drawings, box, or pallet; and

(C) brokerage of same-day or expedited courier and logistics services to be completed by a person or entity under a contract that includes a contractual obligation by the taxable entity to make payments to the person or entity for those services;

(2) during the period on which margin is based, is registered as a motor carrier under Chapter 643, Transportation Code, and if the taxable entity operates on an interstate basis, is registered as a motor carrier or broker under the unified carrier registration system, as defined by Section 643.001, Transportation Code, during that period;

(3) maintains an automobile liability insurance policy covering individuals operating vehicles owned, hired, or otherwise used in the taxable entity's business, with a combined single limit for each occurrence of at least \$1 million;

(4) maintains at least \$25,000 of cargo insurance;

(5) maintains a permanent nonresidential office from which the courier and logistics services are provided or arranged;

(6) has at least five full-time employees during the period on which margin is based;

(7) is not doing business as a livery service, floral delivery service, motor coach service, taxicab service, building supply delivery service, water supply service, fuel or energy supply service, restaurant supply service, commercial moving and storage company, or overnight delivery service; and

(8) is not delivering items that the taxable entity or an affiliated entity sold.

SECTION ____ .04. This article applies only to a report originally due on or after January 1, 2012.

SECTION ____ .05. This article takes effect January 1, 2012.

Amendment No. 74 was adopted by (Record 1226): 139 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.;

King, T.; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White; Woolley; Workman; Zedler; Zerwas.

Nays — Kleinschmidt; Pitts.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Phillips; Pickett.

Absent — Coleman; Geren; Hartnett; Hernandez Luna; Scott; Weber.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1226. I intended to vote no.

Carter

When Record No. 1226 was taken, I was in the house but away from my desk. I would have voted yes.

Geren

I was shown voting no on Record No. 1226. I intended to vote yes.

Kleinschmidt

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 30).

CSSB 1811 - (consideration continued)

Amendment No. 75

Representative Thompson offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 702

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . TREATMENT OF CERTAIN EXEMPT ORGANIZATIONS
FOR SALES AND USE TAX PURPOSES

SECTION ____ .01. Section 151.310, Tax Code, is amended by adding Subsections (c-1), (c-2), (g), and (h) to read as follows:

(c-1) For purposes of Subsection (c), an organization that qualifies for an exemption under Subsection (a)(1) or (2) is the seller of a taxable item at a tax-free sale or auction authorized by Subsection (c) if the organization:

(1) obtains the taxable item in a transaction that is a purchase;

(2) purchases the taxable item for a wholesale price stated on an invoice or receipt;

(3) bears the risk of loss with respect to the taxable item after the purchase; and

(4) is not contractually obligated to resell the taxable item at a price established by the person from whom the organization obtains the taxable item.

(c-2) An organization does not fail to meet the requirements of Subsection (c-1) solely because the organization:

(1) returns a taxable item to the person from whom the item was obtained in exchange for a refund of the purchase price; or

(2) resells a taxable item at a price suggested or recommended by the person from whom the item was obtained.

(g) An organization that is the seller of a taxable item as provided by Subsection (c-1) is entitled to claim an exemption under Section 151.302 on the purchase of the taxable item for resale at a tax-free sale or auction authorized by Subsection (c) or another sale that is not tax-free.

(h) Notwithstanding Section 151.024, an organization that is the seller of a taxable item as provided by Subsection (c-1) may not be regarded under Section 151.024 as the agent of the dealer, distributor, supervisor, or employer from whom the organization obtains the taxable item.

SECTION ____.02. The changes in law made by this article to Section 151.310, Tax Code, apply to any tax period with respect to which the limitation period prescribed by Section 111.201, Tax Code, has not expired on the effective date of this Act.

Amendment No. 76

Representative Simpson offered the following amendment to Amendment No. 75:

Amend Amendment No. 75 to **CSSB 1811** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. (a) Section 151.336, Tax Code, is amended to read as follows:

Sec. 151.336. CERTAIN COINS AND PRECIOUS METALS. ~~[(a)]~~ The sale of gold, silver, or numismatic coins or of platinum, gold, or silver bullion is exempted from the taxes ~~[sales tax]~~ imposed by this chapter ~~[Subchapter C at any sale to a purchaser in which the total sales price of all of the items sold equals \$1,000 or more].~~

~~[(b) An item exempt under Subsection (a) is exempt from the use tax imposed by Subchapter D to the purchaser until the item is subsequently transferred.]~~

(b) The change in law made by this section does not affect tax liability accruing before the effective date of this section. That liability continues in effect as if this section had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

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

Amendment No. 76 was adopted.

Amendment No. 75, as amended, was adopted.

Amendment No. 77

Representative Villarreal offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 713

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . TAX REDUCTION FOR CERTAIN HIGH-COST GAS

SECTION ____ .01. Section 201.057, Tax Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) The comptroller may charge a fee for an application under Subsection (f) in an amount necessary to defray the cost of auditing persons who receive a tax reduction under this section. The fee may not exceed \$300.

(Bohac in the chair)

(Phillips now present)

Amendment No. 77 failed of adoption by (Record 1227): 39 Yeas, 98 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Howard, D.; Johnson; Lucio; Lyne; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Naishtat; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

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

Absent, Excused — Pickett.

Absent — Christian; Coleman; Davis, Y.; Elkins; Gallego; Guillen; Hartnett; Hochberg; Menendez; Weber.

Amendment No. 78

Representative Lavender offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 722

Amend **CSSB 1811** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 23.51(2), Tax Code, is amended to read as follows:

(2) "Agricultural use" includes but is not limited to the following activities: cultivating the soil, producing crops for human food, animal feed, or planting seed or for the production of fibers; floriculture, viticulture, and horticulture; raising or keeping livestock; raising or keeping exotic animals for the production of human food or of fiber, leather, pelts, or other tangible products having a commercial value; planting cover crops or leaving land idle for the purpose of participating in a governmental program, provided the land is not used for residential purposes or a purpose inconsistent with agricultural use; and planting cover crops or leaving land idle in conjunction with normal crop or livestock rotation procedure. The term also includes the use of land to produce or harvest logs and posts for the use in constructing or repairing fences, pens, barns, or other agricultural improvements on adjacent qualified open-space land having the same owner and devoted to a different agricultural use. The term also includes the use of land for wildlife management. The term also includes the use of land to raise or keep bees for pollination or for the production of human food or other tangible products having a commercial value, provided that the land used is not less than 5 or more than 20 acres.

(b) This section applies only to the appraisal of land for ad valorem tax purposes for a tax year that begins on or after the effective date of this Act.

Amendment No. 78 was adopted by (Record 1228): 109 Yeas, 32 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Branch; Brown; Burkett; Burnam; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Deshotel; Driver; Dutton; Elkins; Farrar; Fletcher; Gallego; Garza; Giddings; Gonzales, L.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Harper-Brown; Hernandez Luna; Hochberg; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Paxton; Perry; Phillips;

Price; Quintanilla; Raymond; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Simpson; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Veasey; Weber; White; Woolley; Workman; Zerwas.

Nays — Berman; Bonnen; Button; Cain; Castro; Davis, J.; Dukes; Eissler; Farias; Flynn; Frullo; Geren; Gonzales, V.; Harless; Hilderbran; Hopson; Howard, D.; King, S.; Legler; Miller, D.; Otto; Peña; Pitts; Reynolds; Ritter; Shelton; Smithee; Truitt; Turner; Vo; Walle; Zedler.

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

Absent, Excused — Pickett.

Absent — Davis, Y.; Eiland; Hardcastle; Hartnett; Lewis; Villarreal.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1228. I intended to vote yes.

Bonnen

I was shown voting no on Record No. 1228. I intended to vote yes.

Hilderbran

Amendment No. 79

Representative Gonzalez offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 736

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. STATE TRAFFIC FINE

SECTION ____.01. Section 542.4031(a), Transportation Code, is amended to read as follows:

(a) In addition to the fine prescribed by Section 542.401 or another section of this subtitle, as applicable, a person who enters a plea of guilty or nolo contendere to or is convicted of an offense under this subtitle shall pay \$45 [~~\$30~~] as a state traffic fine. The person shall pay the state traffic fine when the person enters the person's plea of guilty or nolo contendere, or on the date of conviction, whichever is earlier. The state traffic fine shall be paid regardless of whether:

- (1) a sentence is imposed on the person;
- (2) the court defers final disposition of the person's case; or
- (3) the person is placed on community supervision, including deferred adjudication community supervision.

SECTION ____.02. The change in law made by this article applies only to an offense committed on or after the effective date of this article. An offense committed before the effective date of this article is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this article if any element of the offense occurred before that date.

Amendment No. 79 failed of adoption.

Amendment No. 80

Representative Eiland offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 750

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES and SECTIONS of the bill appropriately:

ARTICLE ____ . FUNDING FOR TOTAL REVENUE EXEMPTION FOR
FRANCHISE TAX AND PROPERTY TAX RELIEF

SECTION ____ .01. (a) Subtitle C, Title 2, Utilities Code, is amended by adding Chapter 67 to read as follows:

CHAPTER 67. SUBSCRIPTION VIDEO SERVICES

Sec. 67.001. DEFINITIONS. In this chapter:

(1) "Provider" means a provider of subscription video services.

(2) "Subscription video services" means the distribution or broadcasting of video programming or services by satellite directly to a subscriber's or paying customer's receiving equipment. The term does not include any video service provided by a commercial mobile service provider as defined in 47 U.S.C. Section 332(d). The term includes:

(A) the rental of receiving equipment used by the subscriber or paying customer to obtain the service;

(B) the provision of premium channels; and

(C) the installation or repair of receiving equipment used by the subscriber or paying customer to obtain the service.

Sec. 67.002. SUBSCRIPTION VIDEO ASSESSMENT. (a) There is imposed on each provider an assessment of 6-1/4 percent of gross revenues derived from the provision of subscription video services in this state.

(b) The assessment imposed by Subsection (a) does not apply to gross revenue from Internet access services as defined by Section 151.00394(a), Tax Code, including Internet access services purchased, used, or sold to provide subscription video services.

(c) A provider of subscription video services is entitled to exclude the following amounts from gross revenues subject to the assessment imposed by Subsection (a):

(1) bad debts to the extent and in the same manner as provided by Section 151.426, Tax Code;

(2) gross revenue derived from a contract to sell or transfer subscription video services for further commercial broadcast, rebroadcast, transmission, retransmission, licensing, relicensing, distribution, redistribution, or exhibition of the product, wholly or partly, to another person or persons;

(3) gross revenue received by an affiliate or any other person in exchange for supplying goods and services used by a provider;

(4) refunds, rebates, or discounts made to a subscriber, advertiser, or other person;

(5) a fee, tax, or other assessment imposed by the United States or any state or local government that is permitted or required to be added to the sales price of subscription video services, if the fee, tax, or other assessment is stated separately on a subscriber's bill;

(6) revenue from the sale of capital assets or surplus equipment not used by the purchaser to receive subscription video services from the provider;

(7) late payment fees collected from subscribers of subscription video services; and

(8) revenue from advertising services.

Sec. 67.003. INFORMATION SHOWN ON SUBSCRIBER BILL. A provider may show, as a separate line item on each regular bill of each subscriber, the amount of the total bill resulting from any assessment imposed under this chapter.

Sec. 67.004. ASSESSMENT DUE DATES. The assessment imposed by this chapter is due and payable to the comptroller on or before the last day of the first month following the end of each calendar quarter.

Sec. 67.005. ASSESSMENT REPORT. (a) A provider required to pay an assessment under this chapter shall file an assessment report with the comptroller on a form prescribed by the comptroller. The assessment report is due on the date the assessment is due under Section 67.004.

(b) The assessment report must include a statement of the gross revenues received from the provision of subscription video services and any other information required by the comptroller.

Sec. 67.006. SUBSCRIPTION REPORT. (a) A provider subject to the assessment imposed by this chapter shall file a subscription report with the comptroller on a form prescribed by the comptroller. The subscription report is due annually not later than December 31.

(b) The subscription report must include a statement of the number of subscribers the provider had on December 1 of the calendar year in which the report is due:

(1) in the incorporated area of each municipality in which the provider provides subscription video services; and

(2) in the unincorporated areas of each county in which the provider provides subscription video services.

(c) A provider shall base the number of subscribers reported in Subsections (b)(1) and (2) on the service address of each subscriber. For purposes of this section, "service address" means the location where the subscriber receives subscription video services.

Sec. 67.007. RECORDS. (a) A provider on whom the assessment is imposed by this chapter shall maintain the necessary records, and any other information required by the comptroller, to determine:

(1) the amount of the assessment that the provider is required to remit under this chapter; and

(2) the number of subscription video service subscribers in the incorporated area of each municipality and in the unincorporated areas of each county.

(b) The records shall be open at all times to inspection by the comptroller.

Sec. 67.008. PENALTY FOR FAILURE TO FILE REPORT OR PAY ASSESSMENT. (a) A person who fails to file an assessment report as required by Section 67.005 or who fails to pay an assessment imposed by this chapter

when due forfeits five percent of the amount of the assessment due as a penalty, and if the person fails to file the assessment report or pay the assessment within 30 days after the day on which the assessment or assessment report is due, the person forfeits an additional five percent.

(b) A person who fails to file a subscription report as required by Section 67.006 forfeits five percent of the amount of the most recent assessment due as a penalty, and if the person fails to file the subscription report within 30 days after the day on which the subscription report is due, the person forfeits an additional five percent.

(c) The minimum penalty imposed by this section is \$1.

Sec. 67.009. ALLOCATION OF REVENUE. (a) The comptroller shall deposit 75 percent of the revenue collected from the assessment imposed by this chapter to the credit of the property tax relief fund under Section 403.109, Government Code.

(b) The comptroller shall deposit the remaining revenue collected from the assessment imposed by this chapter to the credit of the subscription video assessment clearance fund established under Section 67.010.

Sec. 67.010. SUBSCRIPTION VIDEO ASSESSMENT CLEARANCE FUND. (a) The subscription video assessment clearance fund is a special fund in the state treasury outside the general revenue fund. The fund is exempt from the application of Section 403.095, Government Code.

(b) The fund consists of revenue credited to the fund under Section 67.009(b).

(c) Not later than the last day of the second month following a calendar quarter, the comptroller shall:

(1) determine the total number of subscription video service subscribers in this state and in the incorporated area of each municipality and the unincorporated areas of each county, according to the most recent subscription report filed by each provider under Section 67.006; and

(2) issue warrants to those municipalities and counties as provided by Subsection (d).

(d) The comptroller shall distribute the amount in the subscription video assessment clearance fund deposited during the previous calendar quarter, less any retention authorized by Subsection (e), by issuing a warrant drawn on the fund to:

(1) each municipality with subscription video service subscribers in the incorporated area of the municipality in an amount equal to the amount in the fund, less the retention amount, multiplied by the ratio that the total number of subscription video service subscribers in that incorporated area bears to the total number of subscribers in this state; and

(2) each county with subscription video service subscribers in the unincorporated areas of the county in an amount equal to the amount in the fund, less the retention amount, multiplied by the ratio that the total number of subscription video service subscribers in those unincorporated areas bears to the total number of subscribers in this state.

(e) The comptroller may retain not more than five percent of the balance of the fund to process:

(1) a refund of an overpayment of the assessment imposed by this chapter; or

(2) a correction in the allocation of revenue received under this chapter.

(f) A distribution received by a municipality or county under this section shall be used only to reduce the effective tax rate of ad valorem taxes imposed by the municipality or county and for that purpose only, the distribution shall be treated in the same manner as and added to any revenue generated under Section 321.101(b), Tax Code, or Chapter 323, Tax Code, for the purpose of property tax reduction and computation of the municipality's or county's tax rate under Section 26.041, Tax Code.

Sec. 67.011. RULES. The comptroller may adopt rules necessary to enforce this chapter.

(b) The change in law made by this section applies to the provision of subscription video services, as defined by Section 67.001, Utilities Code, as added by this section, occurring on or after the effective date of this section. The provision of subscription video services, as defined by Section 67.001, Utilities Code, as added by this section, occurring before the effective date of this section is governed by the law in effect on the date the provision of subscription video services occurred, and the former law is continued in effect for that purpose.

(c) The comptroller of public accounts shall issue initial warrants as provided by Section 67.010, Utilities Code, as added by this section, for the fiscal quarter beginning on the effective date of this section not later than February 29, 2012.

(d) This section takes effect October 1, 2011.

SECTION _____.02. Section 1(c), Chapter 286 (**HB 4765**), Acts of the 81st Legislature, Regular Session, 2009, is repealed.

SECTION _____.03. Section 2, Chapter 286 (**HB 4765**), Acts of the 81st Legislature, Regular Session, 2009, which amended former Subsection (d), Section 171.002, Tax Code, is repealed.

SECTION _____.04. Section 3, Chapter 286 (**HB 4765**), Acts of the 81st Legislature, Regular Session, 2009, which amended former Subsection (a), Section 171.0021, Tax Code, is repealed.

SECTION _____.05. Section 171.0021, Tax Code, is repealed.

SECTION _____.06. Section 171.1016(d), Tax Code, is repealed.

SECTION _____.07. Except as otherwise provided by this article, this article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for this article to have immediate effect, this article takes effect September 1, 2011.

Amendment No. 80 - Point of Order

Representative P. King raised a point of order against further consideration of Amendment No. 80 under Rule 8, Section 3 of the House Rules on the grounds that it violates the one subject rule.

The chair sustained the point of order.

The ruling precluded further consideration of Amendment No. 80.

Amendment No. 81

Representative Eiland offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 763

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill appropriately:

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

(b) An insurer shall pay to the authority a fee equal to \$2 [~~\$1~~] multiplied by the total number of motor vehicle years of insurance for insurance policies delivered, issued for delivery, or renewed by the insurer. The fee shall be paid not later than:

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

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

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

SECTION _____. The change in law made by this Act applies only to an insurance policy issued, delivered, or renewed on or after the effective date of this Act. An insurance policy issued, delivered, or renewed before the effective date of this Act is governed by the law in effect on the date the insurance policy was issued, delivered, or renewed, and the former law is continued in effect

Amendment No. 81 was withdrawn.

Amendment No. 82

Representative Guillen offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 711

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES of the bill accordingly:

ARTICLE _____. ELIGIBILITY OF SURVIVING SPOUSE OF DISABLED VETERAN TO PAY AD VALOREM TAXES ON RESIDENCE HOMESTEAD IN INSTALLMENTS

SECTION _____.01. Section 31.031, Tax Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) This section applies only to:

(1) [~~If before the delinquency date~~] an individual who is:

(A) disabled or at least 65 years of age; and

(B) [~~is~~] qualified for an exemption under Section 11.13(c); or

(2) an individual who is:

- (A) the unmarried surviving spouse of a disabled veteran; and
(B) qualified for an exemption under Section 11.22.

(a-1) If before the delinquency date an individual to whom this section applies pays at least one-fourth of a taxing unit's taxes imposed on property that the person owns and occupies as a residence homestead, accompanied by notice to the taxing unit that the person will pay the remaining taxes in installments, the person may pay the remaining taxes without penalty or interest in three equal installments. The first installment must be paid before April 1, the second installment before June 1, and the third installment before August 1.

SECTION ____.02. This article applies only to an ad valorem tax year that begins on or after the effective date of this article.

SECTION ____.03. This article takes effect January 1, 2012.

Amendment No. 82 was adopted.

Amendment No. 83

Representative Villarreal offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 768

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. TEXAS FISCAL STABILITY COMMISSION

SECTION ____.01. In this article, "commission" means the Texas Fiscal Stability Commission.

SECTION ____.02. (a) The mission of the commission is to provide the members of this state's legislature with recommendations for improving this state's ability to provide a stable, long-term source of revenue for educating the people of this state from pre-kindergarten through higher education while maintaining low state and local tax rates relative to other states and ensuring tax burdens of households and business entities are equitably shared.

(b) The commission shall develop a comprehensive plan that includes tax and budget recommendations to eliminate this state's structural revenue shortfall.

SECTION ____.03. (a) The commission is composed of 19 members as follows:

(1) the chair of the House Appropriations Committee and House Ways and Means Committee;

(2) the chair and vice chair of the Senate Committee on Finance;

(3) two state representatives and three members of the public appointed by the speaker of the house of representatives;

(4) two state senators and three members of the public appointed by the lieutenant governor; and

(5) five members of the public appointed by the governor.

(b) A person specified by Subsection (a) of this section to appoint a commission member shall make the appointment not later than November 1, 2011.

(c) The lieutenant governor and speaker of the house of representatives shall select one member of the commission to serve as the chair and another member to serve as the vice chair.

(d) The commission shall meet at the call of the chair.

(e) The commission shall hold public hearings at locations throughout this state to hear testimony on issues related to its mission.

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

(g) Not later than June 1, 2012, the commission shall submit the state fiscal stability plan under Section ____,.02 of this article to the Senate Finance Committee, the House Appropriations Committee, the House Ways and Means Committee, and the Legislative Budget Board.

(h) The commission is abolished September 1, 2013.

SECTION ____,.04. This article expires September 1, 2013.

SECTION ____,.05. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

Amendment No. 83 was adopted. (Fullo, Harper-Brown, Kolkhorst, and V. Taylor recorded voting no.)

Amendment No. 84

Representative Castro offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 777

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____. GENERAL REVENUE ATTRIBUTABLE TO ACT

SECTION ____,.01. (a) Before September 1 of each year, the comptroller shall determine the additional general revenue available to the state for the state fiscal year that began on the preceding September 1 that is attributable to changes in law made by this Act. In making the determination, the comptroller shall exclude any revenue dedicated to a specific purpose by the constitution of this state.

(b) Notwithstanding any other law but subject to Subsection (c) of this section, the comptroller shall transfer from the undedicated portion of the general revenue fund to the credit of the foundation school fund the total amount of additional general revenue as determined under Subsection (a) of this section. An amount transferred under this subsection for a state fiscal year is appropriated to the Texas Education Agency for that fiscal year to be used for Foundation School Program purposes and is in addition to other amounts appropriated for Foundation School Program purposes for that state fiscal year.

(c) The amount transferred to the credit of the foundation school fund under Subsection (b) of this section may not exceed the amount necessary to fund the Foundation School Program at the level at which that program was funded for the 2010-2011 school year, including funding at that level for enrollment growth.

Amendment No. 84 was adopted. (Eissler, Frullo, Harless, Harper-Brown, Kolkhorst, Patrick, and Truitt recorded voting no.)

(Murphy in the chair)

Amendment No. 85

Representative Otto offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 771

Amend **CSSB 1811** (house committee report) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ . REDUCTION IN GENERAL APPROPRIATIONS ACT

SECTION ____ .01. An active, former, or retired visiting judge or justice is not entitled to an amount from the state for expenses, per diem, travel, or salary that exceeds the amount authorized for those purposes by the General Appropriations Act.

SECTION ____ .02. A local administrative district judge is not entitled to a salary from the state under Section 659.012(d), Government Code, that exceeds the amount authorized for that salary by the General Appropriations Act.

SECTION ____ .03. An active district judge is not entitled to travel expenses under Section 24.019, Government Code, in an amount that exceeds the amount authorized for those expenses by the General Appropriations Act.

SECTION ____ .04. A judge, justice, or prosecuting attorney is not entitled to an amount from the state for a salary, a salary supplement, office expenses or reimbursement of office expenses, or travel that exceeds the amount authorized for those purposes by the General Appropriations Act.

SECTION ____ .05. (a) A county is not entitled to receive from the state supplemental salary compensation for county prosecutors under Section 46.0031, Government Code, or longevity pay supplements reimbursement under Section 41.255, Government Code, or any other supplements for prosecutors, in an amount that exceeds the amount appropriated for those purposes by the General Appropriations Act.

(b) A county is not entitled to state contributions for salaries or supplements under Chapter 25 or 26, Government Code, in an amount that exceeds the amounts appropriated for those purposes in the General Appropriations Act.

(c) A county is not entitled to reimbursement under Article 11.071, Code of Criminal Procedure, for reimbursement for compensation of counsel under that article in an amount that exceeds the amount appropriated for that purpose in the General Appropriations Act.

SECTION ___06. A person reimbursed by the state for travel and expenses for attendance as a witness as provided by Article 35.27, Code of Criminal Procedure, is not entitled to an amount that exceeds the amount appropriated for that purpose by the General Appropriations Act.

ARTICLE ___. FISCAL MATTERS REGARDING ASSISTANT
PROSECUTORS

SECTION ___01. Section 41.255(f), Government Code, is amended to read as follows:

(f) A county is not required to pay longevity supplements if the county does not receive funds from the comptroller as provided by Subsection (d). If sufficient funds are not available to meet the requests made by counties for funds for payment of assistant prosecutors qualified for longevity supplements:

(1) [7] the comptroller shall apportion the available funds to the eligible counties by reducing the amount payable to each county on an equal percentage basis;

(2) a county is not entitled to receive the balance of the funds at a later date; and

(3) the longevity pay program under this chapter is suspended to the extent of the insufficiency. [~~A county that receives from the comptroller an amount less than the amount certified by the county to the comptroller under Subsection (d) shall apportion the funds received by reducing the amount payable to eligible assistant prosecutors on an equal percentage basis, but is not required to use county funds to make up any difference between the amount certified and the amount received.~~]

SECTION ___02. Section 41.255(g), Government Code, is repealed.

ARTICLE ___. FISCAL MATTERS REGARDING PROCESS SERVERS

SECTION ___01. Subchapter A, Chapter 51, Government Code, is amended by adding Section 51.008 to read as follows:

Sec. 51.008. FEES FOR PROCESS SERVER CERTIFICATION. (a) The process server review board established by supreme court order may recommend to the supreme court the fees to be charged for process server certification and renewal of certification. The supreme court must approve the fees recommended by the process server review board before the fees may be collected.

(b) If a certification is issued or renewed for a term that is less than the certification period provided by supreme court rule, the fee for the certification shall be prorated so that the process server pays only that portion of the fee that is allocable to the period during which the certification is valid. On renewal of the certification on the new expiration date, the process server must pay the entire certification renewal fee.

(c) The Office of Court Administration of the Texas Judicial System may collect the fees recommended by the process server review board and approved by the supreme court. Fees collected under this section shall be sent to the comptroller for deposit to the credit of the general revenue fund.

(d) Fees collected under this section may be appropriated to the Office of Court Administration of the Texas Judicial System for the support of regulatory programs for process servers and guardians.

SECTION __.02. Subchapter B, Chapter 72, Government Code, is amended by adding Sections 72.013 and 72.014 to read as follows:

Sec. 72.013. PROCESS SERVER REVIEW BOARD. A person appointed to the process server review board established by supreme court order serves without compensation but is entitled to reimbursement for actual and necessary expenses incurred in traveling and performing official board duties.

Sec. 72.014. CERTIFICATION DIVISION. The office shall establish a certification division to oversee the regulatory programs assigned to the office by law or by the supreme court.

SECTION __.03. (a) The fees recommended and approved under Section 51.008, Government Code, as added by this article, apply to:

(1) each person who holds a process server certification on the effective date of this Act; and

(2) each person who applies for process server certification on or after the effective date of this Act.

(b) The Office of Court Administration of the Texas Judicial System shall prorate the process server certification fee so that a person who holds a process server certification on the effective date of this Act pays only that portion of the fee that is allocable to the period during which the certification is valid. On renewal of the certification on the new expiration date, the entire certification renewal fee is payable.

ARTICLE __. FISCAL MATTERS REGARDING JUDICIAL AND COURT PERSONNEL TRAINING FUND

SECTION __.01. Section 56.001, Government Code, is amended to read as follows:

Sec. 56.001. JUDICIAL AND COURT PERSONNEL TRAINING FUND. (a) The judicial and court personnel training fund is an account in the general revenue fund. Money in the judicial and court personnel training fund may be appropriated only to ~~created in the state treasury and shall be administered by~~ the court of criminal appeals for the uses authorized in Section 56.003.

(b) ~~(c)~~ On requisition of the court of criminal appeals, the comptroller shall draw a warrant on the fund for the amount specified in the requisition for a use authorized in Section 56.003. A warrant may not exceed the amount appropriated for any one fiscal year. ~~[At the end of each state fiscal year, any unexpended balance in the fund in excess of \$500,000 shall be transferred to the general revenue fund.]~~

ARTICLE __. FISCAL MATTERS REGARDING PAYMENT OF JURORS

SECTION __.01. Section 61.001(a), Government Code, is amended to read as follows:

(a) Except as provided by Subsection (c), a person who reports for jury service in response to the process of a court is entitled to receive as reimbursement for travel and other expenses an amount:

(1) not less than \$6 for the first day or fraction of the first day the person is in attendance in court in response to the process and discharges the person's duty for that day; and

(2) not less than the amount provided in the General Appropriations Act [§40] for each day or fraction of each day the person is in attendance in court in response to the process after the first day and discharges the person's duty for that day.

SECTION __.02. Sections 61.0015(a) and (e), Government Code, are amended to read as follows:

(a) The state shall reimburse a county the appropriate amount as provided in the General Appropriations Act [~~§34 a day~~] for the reimbursement paid under Section 61.001 to a person who reports for jury service in response to the process of a court for each day or fraction of each day after the first day in attendance in court in response to the process.

(e) If a payment on a county's claim for reimbursement is reduced under Subsection (d), or if a county fails to file the claim for reimbursement in a timely manner, the comptroller may, as provided by rule, apportion the payment of the balance owed the county. The comptroller's rules may permit a different rate of reimbursement for each quarterly payment under Subsection (c) [shall:

~~(1) pay the balance owed to the county when sufficient money described by Subsection (e) is available; or~~

~~(2) carry forward the balance owed to the county and pay the balance to the county when the next payment is required].~~

Amendment No. 86

Representatives Eiland and Turner offered the following amendment to Amendment No. 85:

Amend Amendment No. 85 by Otto to **CSSB 1811** (page 771, prefiled amendment packet), by striking the Article titled "FISCAL MATTERS REGARDING PAYMENT OF JURORS" (page 5, line 15 through page 6, line 18 of the amendment) and substituting the following:

ARTICLE __. FISCAL MATTERS REGARDING PAYMENT OF JURORS.

SECTION __.01. Section 61.001, Government Code, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) Notwithstanding Subsection (a), and except as provided by Subsection (c), during the state fiscal biennium beginning September 1, 2011, a person who reports for jury service in response to the process of a court is entitled to receive as reimbursement for travel and other expenses an amount:

(1) not less than \$6 for the first day or fraction of the first day the person is in attendance in court in response to the process and discharges the person's duty for that day; and

(2) not less than the amount provided in the General Appropriations Act for each day or fraction of each day the person is in attendance in court in response to the process after the first day and discharges the person's duty for that day.

(a-2) This subsection and Subsection (a-1) expire September 1, 2013.

SECTION __.02. Section 61.0015, Government Code, is amended by adding Subsections (a-1), (a-2), and (e-1) to read as follows:

(a-1) Notwithstanding Subsection (a), during the state fiscal biennium beginning September 1, 2011, the state shall reimburse a county the appropriate amount as provided in the General Appropriations Act for the reimbursement paid under Section 61.001 to a person who reports for jury service in response to the process of a court for each day or fraction of each day after the first day in attendance in court in response to the process.

(a-2) This subsection and Subsections (a-1) and (e-1) expire September 1, 2013.

(e-1) Notwithstanding Subsection (e), during the state fiscal biennium beginning September 1, 2011, if a payment on a county's claim for reimbursement is reduced under Subsection (d), or if a county fails to file the claim for reimbursement in a timely manner, the comptroller may, as provided by rule, apportion the payment of the balance owed the county. The comptroller's rules may permit a different rate of reimbursement for each quarterly payment under Subsection (c).

Amendment No. 86 was adopted.

Amendment No. 85, as amended, was adopted.

(Speaker in the chair)

Amendment No. 87

Representative Workman offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 52

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . ADJUDICATION OF CLAIMS ARISING UNDER WRITTEN
CONTRACTS WITH STATE AGENCIES

SECTION ____ .01. Title 5, Civil Practice and Remedies Code, is amended by adding Chapter 114 to read as follows:

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

Sec. 114.001. DEFINITIONS. In this chapter:

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

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

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

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

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

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

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

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

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

(3) interest as allowed by law.

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

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

(2) exemplary damages; or

(3) damages for unabsorbed home office overhead.

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

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

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

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

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

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

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

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

(2) Travis County.

SECTION __.02. Section 2260.002, Government Code, is amended to read as follows:

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

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

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

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

SECTION __.03. (a) Chapter 114, Civil Practice and Remedies Code, as added by this article, applies only to a claim arising under a contract executed on or after September 1, 2011. A claim that arises under a contract executed before September 1, 2011, is governed by the law applicable to the claim immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Nothing in this article is intended to create, rescind, expand, or limit any waiver of sovereign immunity to suit applicable to any contract executed before September 1, 2011.

Amendment No. 87 was adopted. (Alvarado, Burkett, Callegari, Creighton, Crownover, Eissler, Fletcher, L. Gonzales, Harless, Harper-Brown, Hopson, Kolkhorst, Landtroop, Lavender, Lewis, Patrick, Perry, L. Taylor, Truitt, and Zerwas recorded voting no.)

Amendment No. 88

Representative Hilderbran offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 761

Amend **CSSB 1811** (house committee report) by adding the following:

SECTION 1. Section 1(c), Chapter 286 (**HB 4765**), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

(c) This [~~If this section takes effect, this~~] section expires December 31, 2013 [~~2014~~].

SECTION 2. Section 2(b), Chapter 286 (**HB 4765**), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

(b) This section takes effect January 1, 2014 [~~2012, if **HB 2154**, Acts of the 81st Legislature, Regular Session, 2009, amends Section 155.0211, Tax Code, in a manner that results in an increase in the revenue from the tax under that section during the state fiscal biennium beginning September 1, 2009, that is attributable to that change, and that Act is enacted and becomes law. If **HB 2154**, Acts of the 81st Legislature, Regular Session, 2009, does not amend Section 155.0211, Tax Code, in that manner or is not enacted or does not become law, this section takes effect January 1, 2010~~].

SECTION 3. Section 3(b), Chapter 286 (**HB 4765**), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

(b) This section takes effect January 1, 2014 [~~2012, if **HB 2154**, Acts of the 81st Legislature, Regular Session, 2009, amends Section 155.0211, Tax Code, in a manner that results in an increase in the revenue from the tax under that section during the state fiscal biennium beginning September 1, 2009, that is attributable to that change, and that Act is enacted and becomes law. If **HB 2154**, Acts of the 81st Legislature, Regular Session, 2009, does not amend Section 155.0211, Tax Code, in that manner or is not enacted or does not become law, this section takes effect January 1, 2010~~].

SECTION 4. This Act takes effect only if **SB 1811**, Acts of the 82nd Legislature, Regular Session, 2011, results in an increase in the revenue collected from state taxes imposed during the state fiscal biennium beginning September 1, 2011, that is attributable to the changes provided by that Act, and that Act is enacted and becomes law. If **SB 1811**, Acts of the 82nd Legislature, Regular Session, 2011, does not result in an increase in the revenue collected from state taxes imposed or is not enacted or does not become law, this Act has no effect.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

Amendment No. 88 was adopted.

Amendment No. 89

Representative Landtroop offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 726

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 171.1012, Tax Code, is amended by adding Subsection (e-1) to read as follows:

(e-1) In addition to other amounts that are not includable as cost of goods sold under Subsection (e) or other law, the cost of goods sold does not include the amount paid by a taxable entity in relation to the taxable entity's goods for labor costs for coverage for elective abortions under a health benefits plan or other

health care plan. To the extent otherwise authorized by this chapter, the taxable entity may include as cost of goods sold the amount paid by the taxable entity for labor costs for coverage for other benefits and services under the health benefits plan or other health care plan. For purposes of this subsection, "elective abortion" does not include an abortion that:

(1) is determined to be medically necessary because of a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed.

SECTION _____. Section 171.1013, Tax Code, is amended by adding Subsection (c-2) to read as follows:

(c-2) Notwithstanding Subsections (b)(2) and (b-1), a taxable entity that elects to subtract compensation for the purpose of computing its taxable margin under Section 171.101 may not subtract any amount the taxable entity paid for coverage for elective abortions under a health benefits plan or other health care plan. The taxable entity may subtract the amount the taxable entity paid for coverage for other benefits and services under the health benefits plan or other health care plan if otherwise authorized by Subsection (b)(2) or (b-1). For purposes of this subsection, "elective abortion" does not include an abortion that:

(1) is determined to be medically necessary because of a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed.

SECTION _____. Sections 171.1012 and 171.1013, as amended by this Act, apply only to a report originally due on or after the effective date of this Act.

Amendment No. 90

Representative P. King offered the following amendment to Amendment No. 89:

Amend Amendment No. 89 by Landtroop to **CSSB 1811** (page 726 of the prefiled amendment packet) immediately following page 2, line 16 of the amendment add the following:

Amend **CSSB 1811** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. STATE COSTS FOR ATTORNEYS AD LITEM AND
GUARDIANS AD LITEM APPOINTED TO REPRESENT MINORS IN
JUDICIAL BYPASS ABORTION PROCEEDINGS

SECTION _____.01. (a) Not later than December 1, 2011, the supreme court by rule shall establish procedures for the supreme court and each county court at law, court having probate jurisdiction, district court, and court of appeals in this state to conduct a financial audit to determine for the state fiscal year beginning

September 1, 2011, the amount of state funds used to pay the costs of attorneys ad litem and guardians ad litem appointed to represent minors under Section 33.003 or 33.004, Family Code.

(b) In the procedures adopted under Subsection (a) of this section, the supreme court must require each state court to submit to the supreme court a report on the results of the financial audit conducted by the court not later than November 1, 2012.

(c) Not later than January 1, 2013, the supreme court shall submit to the lieutenant governor and the speaker of the house of representatives a report that summarizes the results of financial audits conducted in the state courts and includes the total amount of state funds used in the state fiscal year beginning September 1, 2011, to pay the costs of attorneys ad litem and guardians ad litem appointed to represent minors under Section 33.003 or 33.004, Family Code.

Amendment No. 90 was adopted.

Amendment No. 89, as amended, was adopted. (Alvarado and D. Howard recorded voting no.)

CSSB 1811, as amended, was passed to third reading by (Record 1229): 96 Yeas, 49 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Pickett.

Absent — Alvarado; Creighton; Zerwas.

STATEMENTS OF VOTE

When Record No. 1229 was taken, I was in the house but away from my desk. I would have voted no.

Alvarado

I was shown voting yes on Record No. 1229. I intended to vote no.

Carter

When Record No. 1229 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

When Record No. 1229 was taken, I was in the house but away from my desk. I would have voted yes.

Zerwas

ADJOURNMENT

Representative Veasey moved that the house adjourn until 10 a.m. today, Saturday, May 21.

The motion prevailed.

The house accordingly, at 1:07 a.m. Saturday, May 21, adjourned until 10 a.m. today.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

SB 1927 to Ways and Means.

List No. 2

SB 1581 to Appropriations.

List No. 3

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

SB 1581 to Public Education.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

Senate List No. 30

SB 430, SB 662, SB 688, SB 764, SB 800, SCR 50, SCR 53, SCR 54

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Friday, May 20, 2011

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 257 Hilderbran SPONSOR: Patrick
Relating to certain unclaimed property that is presumed abandoned.
(Committee Substitute)

HB 361 Otto SPONSOR: Seliger
Relating to the agricultural advisory board of an appraisal district.

HB 414 Aycock SPONSOR: Hegar
Relating to the conducting of licensing examinations by the State Board of
Veterinary Medical Examiners.
(Amended)

HB 590 Thompson SPONSOR: Patrick
Relating to amended sales tax reports and the reallocation of sales tax revenue.
(Amended)

HB 596 Parker SPONSOR: Harris
Relating to offenses involving operating a motorboat in a circular course.

HB 707 Laubenberg SPONSOR: Estes
Relating to the validation of certain governmental acts and proceedings of certain
municipalities relating to certain public improvement districts.

HB 1120 Weber SPONSOR: Jackson
Relating to the dissolution of the Country Place Management District.

HB 1395 Parker SPONSOR: Watson
Relating to the requirements to operate personal watercraft and certain boats.

- HB 1525** Alvarado SPONSOR: Gallegos
Relating to the board of directors of the Greater East End Management District.
- HB 1711** Davis, John SPONSOR: Jackson
Relating to disaster remediation contracts.
(Amended)
- HB 1771** Madden SPONSOR: Harris
Relating to the establishment of the Specialty Courts Advisory Council.
- HB 1830** Naishtat SPONSOR: Harris
Relating to the method of delivery of certain notices sent by statutory probate court associate judges.
- HB 1866** Gonzalez, Naomi SPONSOR: Rodriguez
Relating to the designation of State Highway 20 as a historic highway.
- HB 1992** Hardcastle SPONSOR: Williams
Relating to the authority of the Texas Animal Health Commission to set and collect fees.
(Committee Substitute)
- HB 2048** Lyne SPONSOR: Deuell
Relating to the collection and enforcement of state and local hotel occupancy taxes.
(Amended)
- HB 2295** Frullo SPONSOR: Hegar
Relating to the administration of the universal service fund.
- HB 2366** Truitt SPONSOR: Nelson
Relating to the authority of an open-enrollment charter school operated by a municipality to give a preference in admissions to children of employees of the municipality.
- HB 2519** Kuempel SPONSOR: Watson
Relating to the regulation of certain motor vehicle auctions.
- HB 2690** Deshotel SPONSOR: Williams
Relating to authorizing local governments to convey real property interests to other local governments for less than fair market value.
- HB 2809** Phillips SPONSOR: Estes
Relating to the authority of the board of the Greater Texoma Utility Authority to approve changes in a construction contract.
- HB 2900** Hartnett SPONSOR: Harris
Relating to guardianship matters and proceedings.
(Amended)
- HB 3329** Keffer SPONSOR: Fraser
Relating to a daily temporary private club permit for a nonprofit corporation.
(Amended)
- HB 3391** Miller, Doug SPONSOR: Seliger
Relating to rainwater harvesting and other water conservation initiatives.
(Amended)
- HB 3506** Villarreal SPONSOR: Davis

Relating to the use of transportation allotment funds by school districts to provide bus passes or cards to certain students.

HB 3857 Dutton SPONSOR: Gallegos
Relating to the creation of the Near Northside Management District.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 20, 2011 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 753 Raymond SPONSOR: Zaffirini
Relating to the recruitment and retention of certain caseworkers employed by the Department of Family and Protective Services.
(Amended)

HB 1495 Munoz, Jr. SPONSOR: Hinojosa
Relating to the application of the Information Resources Management Act to public junior colleges and public junior college districts.
(Amended)

HB 1665 King, Susan SPONSOR: Fraser
Relating to the notification requirements regarding certain land use regulations in an area near military facilities.
(Amended)

HB 1818 Harper-Brown SPONSOR: Hinojosa
Relating to the continuation and functions of the Texas State Affordable Housing Corporation; providing penalties.
(Committee Substitute/Amended)

HB 1887 Villarreal SPONSOR: Hinojosa
Relating to tax administration of and procedures for property tax protests and appeals; changing the elements of an offense.
(Committee Substitute/Amended)

HB 1951 Taylor, Larry SPONSOR: Hegar

Relating to the continuation and operation of the Texas Department of Insurance and the operation of certain insurance programs; imposing administrative penalties.

(Committee Substitute/Amended)

HB 2742 Kleinschmidt SPONSOR: Estes
Relating to the business of structural pest control.

HB 2817 Taylor, Larry SPONSOR: Duncan
Relating to certain election practices and procedures.
(Committee Substitute)

HB 2825 Otto SPONSOR: Williams
Relating to the composition and appointment of the board of directors of a corporation to which the board of regents of The University of Texas System delegates investment authority for the permanent university fund or other funds under the control of the board of regents.

HB 3410 Smithee SPONSOR: Duncan
Relating to the managing underwriters for surplus lines insurance transactions and to the collection of surplus lines insurance premium taxes for those transactions.
(Amended)

HB 3573 King, Susan SPONSOR: Fraser
Relating to limiting the disclosure of certain information regarding certain charitable organizations, trusts, private foundations, and grant-making organizations.

HB 3788 Marquez SPONSOR: Davis
Relating to the authority of a county civil service commission to administer oaths and issue subpoenas; providing a penalty.
(Amended)

HCR 151 Lavender SPONSOR: Eltife
In memory of Bowie County Transport Deputy Sherri Jones.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 20, 2011 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas
Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 1581 Ogden SPONSOR: Aycock
Relating to state fiscal matters, and certain administrative and business matters, related to public and higher education.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 19

Agriculture and Livestock - **SB 616**

Business and Industry - **SB 1425**

Corrections - **SB 1209, SB 1617**

County Affairs - **HB 3832**

Criminal Jurisprudence - **SB 295, SB 407**

Culture, Recreation, and Tourism - **SB 1841**

Defense and Veterans' Affairs - **SB 1493, SB 1737**

Economic and Small Business Development - **HCR 147, SB 627, SB 1175**

Higher Education - **SB 32, SB 145, SB 149, SB 162, SB 568, SB 850, SB 975, SB 1730, SB 1909**

Homeland Security and Public Safety - **SB 86, SB 150, SB 364, SB 530, SB 876, SB 1237, SB 1292**

Human Services - **SB 76**

Insurance - **SB 1686**

Judiciary and Civil Jurisprudence - **SB 473, SB 481, SB 482, SB 791, SB 819, SB 1159, SB 1196, SB 1228, SB 1545, SB 1560, SB 1751, SB 1887**

Land and Resource Management - **SB 1044, SB 1789**

Licensing and Administrative Procedures - **SB 1170, SB 1733**

Natural Resources - **SB 573, SB 609, SB 635, SB 765, SB 987, SB 1073, SB 1361**

Pensions, Investments, and Financial Services - **SB 812, SB 1319, SB 1664, SB 1671, SB 1810**

Public Education - **HCR 152, SB 224, SB 1042, SB 1094, SB 1113, SB 1114, SB 1383, SB 1557, SB 1620**

Public Health - **SB 8, SB 81, SB 620, SB 1360, SB 1857**

State Affairs - **SB 669, SB 809, SB 855, SB 899, SB 981, SB 1002, SB 1069, SB 1393, SB 1605, SB 1638, SB 1907, SB 1910**

Ways and Means - **SB 326, SB 422, SB 597, SB 682, SB 915, SB 1070, SB 1120, SB 1130, SB 1185, SB 1404, SB 1413, SB 1441**

ENGROSSED

May 19 - HB 1690, HB 1693, HB 3743, HB 3848, HB 3864, HB 3865, HB 3866

SIGNED BY THE GOVERNOR

May 19 - HB 15, HB 46, HB 906, HB 984, HB 1032, HB 1346, HB 1625, HB 2561, HCR 45