

HOUSE JOURNAL

EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTIETH DAY — WEDNESDAY, MARCH 27, 2013

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

The roll of the house was called and a quorum was announced present (Record 115).

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

Absent — Lucio; Reynolds.

The speaker recognized Representative D. Miller who introduced Ray Still, senior pastor, Oakwood Baptist Church, New Braunfels, who offered the invocation as follows:

Heavenly Father, we come before your presence today giving you thanks and recognizing your gracious hand in our lives, knowing that every good and perfect gift flows from above. Lord, we are in the season for people all over the world that holds such significance for our faith, a season to remember your deliverance and to remember your power over life and death. May this be a season of spiritual renewal to our souls.

I pray for these ladies and gentlemen that serve in this house. Give them wisdom that is seasoned with grace. Keep them pure and focused upon the task which you have set in their hands. Watch over their families during their time

away; give them protection and patience. Lord, remind these leaders what you say in your word, "that righteousness exalts a nation," and may they be righteous in all they do.

Lord, I pray for those today that are in need, those returning from war with physical, emotional, and mental wounds who need our attention, respect, and care. For the sick, under-resourced, and the hurting, may they see in us your kindness and mercy. Let us be your instrument of good in this world.

Lord, we would ask as well that you would be gracious and send us rain across this state, your earth that you created is in great need of being refreshed. So Lord, give us rain that will fill the ponds, lakes, and waterways of our state, and we will rejoice and be grateful to you. May your goodness and mercy follow us all the days of our lives. I ask all of this in the powerful name of Christ, our Lord. Amen.

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

(Reynolds now present)

REGULAR ORDER OF BUSINESS SUSPENDED

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

(E. Thompson in the chair)

HR 870 - ADOPTED

(by Laubenberg, Taylor, Leach, E. S. Turner, and Sanford)

Representative Laubenberg moved to suspend all necessary rules to take up and consider at this time **HR 870**.

The motion prevailed.

The following resolution was laid before the house:

HR 870, Honoring Congressman Sam Johnson on the 40th anniversary of his release as a North Vietnamese Prisoner of War.

HR 870 was adopted.

On motion of Representatives Flynn and Zedler, the names of all the members of the house were added to **HR 870** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representatives Laubenberg and Flynn who introduced Congressman Sam Johnson and representatives of the Texas Military Forces. Congressman Johnson briefly addressed the house, speaking as follows:

I just can't tell you how neat it is to be in this house of representatives, the representatives of the people. And I tell you what, they're doing a great job for you here in Texas. You guys support me in Washington, and I thank you from the bottom of my heart. God bless you, I salute you all.

(Lucio now present)

REMARKS ORDERED PRINTED

Representative Geren moved to print remarks by Congressman Johnson.

The motion prevailed.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 12).

HR 1077 - ADOPTED

(by Nevárez)

Representative Nevárez moved to suspend all necessary rules to take up and consider at this time **HR 1077**.

The motion prevailed.

The following resolution was laid before the house:

HR 1077, Recognizing March 27, 2013, as Culberson County Day at the State Capitol.

HR 1077 was adopted.

On motion of Representative Villalba, the names of all the members of the house were added to **HR 1077** as signers thereof.

**PROVIDING FOR A LOCAL, CONSENT,
AND RESOLUTIONS CALENDAR**

Representative S. Thompson moved to set a local, consent, and resolutions calendar for 10 a.m. Wednesday, April 3.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative S. Thompson requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, at 10:45 a.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, 10:45 a.m. today, 3W.15, for a formal meeting, to set a calendar.

HR 944 - ADOPTED

(by Villalba)

Representative Villalba moved to suspend all necessary rules to take up and consider at this time **HR 944**.

The motion prevailed.

The following resolution was laid before the house:

HR 944, Honoring Healing Hands Ministries for providing medical and dental care to uninsured citizens of Dallas.

HR 944 was adopted.

On motion of Representative Branch, the names of all the members of the house were added to **HR 944** as signers thereof.

HR 1045 - ADOPTED
(by Harless)

Representative Harless moved to suspend all necessary rules to take up and consider at this time **HR 1045**.

The motion prevailed.

The following resolution was laid before the house:

HR 1045, Recognizing March 27, 2013, as Texas Chemicals Day at the State Capitol.

HR 1045 was adopted.

On motion of Representatives Huberty and Paddie, the names of all the members of the house were added to **HR 1045** as signers thereof.

HCR 92 - ADOPTED
(by Farney)

Representative Farney moved to suspend all necessary rules to take up and consider at this time **HCR 92**.

The motion prevailed.

The following resolution was laid before the house:

HCR 92, Commemorating the 125th anniversary of the founding of Alcoa Inc.

HCR 92 was adopted.

On motion of Representative Farney, the names of all the members of the house were added to **HCR 92** as signers thereof.

HR 770 - PREVIOUSLY ADOPTED
(by Strama)

The chair laid out the following previously adopted resolution:

HR 770, Honoring members of the Warrior Transition Brigade at Fort Hood for their assistance to ill and injured soldiers.

On motion of Representatives Aycock, J. Sheffield, and C. Turner, the names of all the members of the house were added to **HR 770** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Strama who introduced members of the Warrior Transition Brigade at Fort Hood.

HR 1128 - ADOPTED
(by Ratliff)

Representative Ratliff moved to suspend all necessary rules to take up and consider at this time **HR 1128**.

The motion prevailed.

The following resolution was laid before the house:

HR 1128, Recognizing March 27, 2013, as Coppell Day at the State Capitol.

HR 1128 was adopted.

HR 818 - PREVIOUSLY ADOPTED
(by Larson)

The chair laid out the following previously adopted resolution:

HR 818, Honoring Derrick Howard of San Antonio for his service as chair of the CPS Energy Board.

On motion of Representative Menéndez, the names of all the members of the house were added to **HR 818** as signers thereof.

HR 656 - PREVIOUSLY ADOPTED
(by Lavender)

The chair laid out the following previously adopted resolution:

HR 656, Recognizing March 27, 2013, as Lamar County Day at the State Capitol.

On motion of Representative Lavender, the names of all the members of the house were added to **HR 656** as signers thereof.

HR 985 - ADOPTED
(by Patrick, Aycock, Gonzales, Allen, Howard, et al.)

Representative Patrick moved to suspend all necessary rules to take up and consider at this time **HR 985**.

The motion prevailed.

The following resolution was laid before the house:

HR 985, Recognizing March 2013 as Texas Public Schools Month.

HR 985 was adopted.

On motion of Representatives Allen and Aycock, the names of all the members of the house were added to **HR 985** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Patrick who introduced participants in Texas Public Schools Month.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Transportation, upon adjournment today, Desk 26, for a formal meeting, to consider pending business.

HR 1130 - ADOPTED
(by Howard)

Representative Howard moved to suspend all necessary rules to take up and consider at this time **HR 1130**.

The motion prevailed.

The following resolution was laid before the house:

HR 1130, Recognizing March 27, 2013, as Fast Growth School Coalition Legislative Day at the State Capitol.

HR 1130 was adopted.

On motion of Representative Workman, the names of all the members of the house were added to **HR 1130** as signers thereof.

HR 754 - PREVIOUSLY ADOPTED
(by Zerwas and Stephenson)

The chair laid out the following previously adopted resolution:

HR 754, Congratulating the East Bernard High School football team on winning the 2012 UIL 2A Division 2 state championship.

On motion of Representative Stephenson, the names of all the members of the house were added to **HR 754** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Stephenson who introduced coaches and players of the East Bernard High School football team.

HR 1135 - ADOPTED
(by Allen)

Representative Allen moved to suspend all necessary rules to take up and consider at this time **HR 1135**.

The motion prevailed.

The following resolution was laid before the house:

HR 1135, Honoring Healthy Living Matters for its efforts to curb childhood obesity in Harris County.

HR 1135 was adopted.

HR 939 - ADOPTED
(by Kacal)

Representative Kacal moved to suspend all necessary rules to take up and consider at this time **HR 939**.

The motion prevailed.

The following resolution was laid before the house:

HR 939, Congratulating the Mexia High School girls' basketball team on winning the UIL 3A state championship.

HR 939 was adopted.

On motion of Representative McClendon, the names of all the members of the house were added to **HR 939** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Kacal who introduced coaches and players of the Mexia High School girls' basketball team.

(McClendon in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HCR 78 (by E. Rodriguez), Congratulating Paul Qui of Austin on his achievements as a chef and restaurateur.

HR 800 (by Miles), Honoring Dr. Edith Irby Jones for her contributions to medicine and the advancement of racial equality.

HR 828 (by S. Davis), Honoring Fred Bowyer on his retirement as principal of Condit Elementary School in Houston.

HR 829 (by S. Davis), Commending Lieutenant Dennis Stanek for his 40 years of service to the West University Place Fire Department.

HR 830 (by S. Davis), Congratulating Kylie Fichter of Houston on being named a Distinguished Finalist in the 18th annual Prudential Spirit of Community Awards program.

HR 831 (by Hernandez Luna), Honoring Community Family Centers in Houston on the 40th anniversary of its founding.

HR 832 (by Coleman), Commemorating the dedication of an official Texas Historical Marker at Macedonia Missionary Baptist Church in Houston.

HR 833 (by Price), Recognizing April 2013 as National Child Abuse Prevention Month.

HR 834 (by Anderson), Congratulating Sarah Roberts of Waco on her selection for the "40 Under 40" list by Development Counsellors International.

HR 835 (by Anderson), Congratulating Bill Johnson of Robinson on his receipt of the Spirit of America Medal from the Good Soldier Foundation.

HR 836 (by Anderson), Congratulating Sue Lowry on her selection as the 2012-2013 Lion of the Year by the Waco Founder Lions Club.

HR 837 (by Anderson), Congratulating Kevin Morris and Allie North on their success in the Waco Baptist Academy spelling bee.

HR 838 (by Anderson), Congratulating George and Nettie Green of Woodway on their 60th wedding anniversary.

HR 839 (by Anderson), Congratulating Billy and Mary Peterson of Robinson on their 65th wedding anniversary.

HR 840 (by Anderson), Congratulating Earle and Sharon Calvert of Waco on their 25th wedding anniversary.

HR 841 (by Anderson), Congratulating Annie Rhodes of Midway High School on tying for the number one national ranking in girls' indoor pole vault.

HR 842 (by Anderson), Congratulating Josh King, Levi Golding, Austin Hill, Callie Jackson, and Janelle King of the Lorena High School band on their selection to perform in the Association of Texas Small School Bands Region 8 Concert.

HR 843 (by Anderson), Honoring Joe Phipps for his contributions in behalf of veterans of our nation's armed forces.

HR 844 (by Anderson), Congratulating Tara Hutchison of Baylor University on being invited to present her research findings at the Academic Surgical Congress 2013.

HR 845 (by Anderson), Honoring Walter W. Rogers for his outstanding contributions to Freemasonry.

HR 846 (by Dutton), Congratulating Solomon Hagger, Jr., of Houston on his retirement from the United States Postal Service.

HR 847 (by Dutton), Commemorating the 50th anniversary of Faith Missionary Baptist Church in Houston.

HR 848 (by Workman), Congratulating Quality Seafood Market of Austin on its 75th anniversary.

HR 849 (by Strama), Recognizing Samsung on the expansion of its semiconductor plant in Austin.

HR 850 (by Stickland), Congratulating Johnny and Grace Lowe of Bedford on their 50th wedding anniversary.

HR 851 (by Lavender), Congratulating Matthew Draeger of Paris, Texas, on his selection as one of the top two youth volunteers in the state by the 2013 Prudential Spirit of Community Awards program.

HR 853 (by Herrero), Commemorating the career education iDiscovery Safari Fair hosted by the Coastal Bend P-16 Council.

HR 854 (by Herrero), Commemorating the seventh annual Autism Awareness Walk in Corpus Christi.

HR 857 (by Herrero), Commemorating the 60th Annual Buccaneer Days Coronation of Las Donas De La Corte in Corpus Christi.

HR 858 (by Herrero), Recognizing November 4-8, 2013, as Municipal Courts Week in Texas.

HR 859 (by Herrero), Commemorating the 2013 American GI Forum scholarship reception in Corpus Christi.

HR 860 (by Branch), Commemorating the 177th anniversary of the Battle of San Jacinto.

HR 861 (by Button), Congratulating Mike Barajas on his selection as Volunteer of the Year at the 2012 Rowlett Boards and Commissions Volunteer Banquet.

HR 862 (by Button and Burkett), Congratulating the City of Rowlett on earning honors for financial transparency from the Texas Comptroller of Public Accounts and the Government Finance Officers Association.

HR 863 (by Farias), Commemorating the 2014 reunion of the USS Platte AO-24 Association.

HR 864 (by Farias), Congratulating Rey Madrigal on his appointment as superintendent of the Harlandale Independent School District.

HR 865 (by Farias), Honoring Juan and Diana Mancha of San Antonio for their contributions to the community.

HR 868 (by Villalba), Honoring the Town North Family YMCA in Dallas for its contributions to the community.

HR 869 (by Laubenberg, Taylor, Leach, and Sanford), Commending Joe Cordina on his service as mayor of Parker.

HR 870 was previously adopted.

HR 873 (by Flynn), Congratulating Eli and Vicky Clifton on their 50th wedding anniversary.

HR 875 (by Martinez Fischer), Congratulating Dr. Anne Wier of San Antonio on her retirement as director of the Laurel Heights United Methodist Church Weekday School.

HR 876 (by Clardy), Honoring Dr. Jere Langdon Jackson for his service on the Nacogdoches County Historical Commission.

HR 878 (by Guillen), Commemorating the 50th anniversary of the establishment of the Texas Parks and Wildlife Department.

HR 880 (by Villalba), Honoring the Preston West Republican Women on the occasion of Dallas County Council of Republican Women Legislative Day at the State Capitol.

HR 882 (by Wu), Commemorating the Houston CPA Society's 2013 Denim and Diamonds Gala: Boot Scootin' for Scholarships.

HR 884 (by Farney), Congratulating Lee Ann Johnson of Marble Falls on her receipt of the Certified Association Executive credential from the American Society of Association Executives.

HR 885 (by Farney), Congratulating retired county commissioner Dale Jaecks for his service to Milam County.

HR 886 (by Farney), Congratulating Dick and Maxine Anderson of Georgetown on their 60th wedding anniversary.

HR 888 (by Orr), Commemorating the 135th anniversary of the Cleburne Seventh-day Adventist Church.

HR 889 (by Villalba), Congratulating Jennifer Sampson of Dallas on her receipt of a Distinguished Alumni Award from the Baylor Alumni Association.

HR 891 (by Branch), Congratulating the Honorable Jack Pope on the occasion of his 100th birthday.

HR 893 (by D. Miller), Congratulating Kaitlyn Dehaven of Canyon Lake on her selection as a finalist in the 2013 Prudential Spirit of Community Awards.

HR 895 (by D. Miller), Congratulating Madison Albrecht of Boerne on her selection as a finalist in the 2013 Prudential Spirit of Community Awards.

HR 896 (by D. Miller), Congratulating Dick and Kit Froebel of New Braunfels on their 55th wedding anniversary.

HR 897 (by Callegari), Congratulating William F. Fendley on his selection as the Houston Area 2013 Engineer of the Year.

HR 898 (by Callegari and Darby), Congratulating Representative John Zerwas and Cindy Zerwas on their selection as the 2013 Citizens of the Year by the Katy Area Chamber of Commerce.

HR 899 (by Gooden), Congratulating Merle and Imogene Baker of Forney on their 59th wedding anniversary.

HR 900 (by Gooden), Honoring Kaye Blew of Athens on her 100th birthday.

HR 901 (by Gooden), Congratulating Joseph and Bernice Crudden of Cedar Creek Lake on their 60th wedding anniversary.

HR 902 (by Herrero), Recognizing November 3-7, 2014, as Municipal Courts Week in Texas.

HR 903 (by Herrero), Congratulating Tracie Smithwick-Rodriguez of Corpus Christi on her receipt of a Y Women in Careers Award.

HR 904 (by Herrero), Congratulating Dr. Maria Luisa Garza of Corpus Christi on her receipt of a Y Women in Careers Award.

HR 905 (by Herrero), Congratulating Dr. Mary Jane Garza of Corpus Christi on her receipt of a Y Women in Careers Award.

HR 906 (by Herrero), Congratulating Kathryn Funk-Baxter of Corpus Christi on her receipt of a Y Women in Careers Award.

HR 907 (by Herrero), Congratulating Gina Prince Bryant of Corpus Christi on her receipt of a Y Women in Careers Award.

HR 908 (by Herrero), Congratulating Pamela Leming Brower of Corpus Christi on her receipt of a Y Women in Careers Award.

HR 909 (by Herrero), Congratulating Paulette Kluge of Corpus Christi on her receipt of a Y Women in Careers Award.

HR 910 (by Herrero), Congratulating Sharon Kollaja of Corpus Christi on her receipt of a Y Women in Careers Award.

HR 911 (by Herrero), Commemorating the 2013 Wild Horse Desert Round-Up BBQ Cook Off in Bishop.

HR 913 (by Carter), Honoring the administration and faculty of L. V. Berkner High School for their commitment to excellence in education.

HR 914 (by Carter), Recognizing March 20, 2013, as Texas Retired Teachers Association Day at the State Capitol.

HR 915 (by Carter), Honoring the First Republican Women's Club of Dallas County on the 60th anniversary of its founding.

HR 916 (by Carter), Congratulating Dr. Kay Eggleston on her appointment as president of Richland College.

HR 917 (by Carter), Honoring William Sproull for his contributions to the economic development of Richardson.

HR 918 (by Carter), Honoring the Dallas County Sheriff's Department on its contributions to regional emissions enforcement.

HR 919 (by Carter), Honoring the administration and faculty of Richardson High School for their commitment to excellence in education.

HR 920 (by Carter), Honoring the administration and faculty of J. J. Pearce High School for their commitment to excellence in education.

HR 921 (by Larson), Commending the San Antonio Water System on its water preservation initiatives.

HR 922 (by Raymond), Honoring the 100th anniversary of the Eagle Scout rank.

HR 924 (by M. González), Congratulating the mock trial team of Americas High School in El Paso on winning the Region 19 Texas High School Mock Trial Competition for 2013.

HR 926 (by Anderson), Honoring Rosie Knapek for her work in behalf of the students of Axtell ISD.

HR 928 (by Anderson), Congratulating Ivonne Sandoval of Hewitt on her receipt of a Rita H. Lottinville Prize from the University of Oklahoma.

HR 929 (by Anderson), Congratulating Daun Cox on her selection as the February 2013 Teacher of the Month at Lorena Middle School.

HR 930 (by Anderson), Honoring Byron Johnson of Waco on being named the 2013 Big Brother of the Year by Big Brothers Big Sisters Lone Star.

HR 931 (by Anderson), Congratulating Dr. Stephen Garretson of River Valley Intermediate School in McGregor on his selection as a finalist for the Presidential Award for Excellence in Mathematics and Science Teaching.

HR 932 (by Anderson), Congratulating the Crawford High School football players selected for the 2012 Waco Tribune-Herald Super Centex Football Team.

HR 933 (by Anderson), Congratulating Annella Lewis Baker of Waco on her 101st birthday.

HR 936 (by Perez), Commemorating the dedication of a Recorded Texas Historic Landmark plaque at Robert E. Lee High School in Baytown.

HR 937 (by G. Bonnen), Honoring Dr. Ray Eric Santos for his contributions to the U.S. Navy and Navy Reserve and to his community.

HR 939 was previously adopted.

HR 943 (by Villalba), Honoring the Lake Highlands Family YMCA for its contributions to Dallas residents.

HR 944 was previously adopted.

HR 945 (by Sanford), Congratulating Sierra Francis of McKinney on winning the Heifer Superintendent's Beef Challenge at the 2013 Fort Worth Stock Show and Rodeo.

HR 947 (by Gonzales), Congratulating U.S. Army Sergeant First Class Stephen Douglas Barthelme on his retirement.

HR 949 (by Toth, Creighton, Bell, Fletcher, Riddle, et al.), Commending Dr. Walter D. Wilkerson, Jr., for his efforts in behalf of his fellow citizens.

HR 950 (by Farney), Congratulating the Ford Elementary School Library in Georgetown on earning first place in the Fall 2012 Scholastic Book Fairs National Elementary School Contest.

HR 951 (by Farney), Congratulating educator Wendy Sierra of East View High School in Georgetown on being named a Fulbright-Hays Fellow.

HR 952 (by Farney), Congratulating Chase Parker Heffernan of Georgetown on attaining the rank of Eagle Scout.

HR 953 (by Farney), Congratulating Cayman Friedrich Ward of Georgetown on attaining the rank of Eagle Scout.

HR 954 (by Farney), Congratulating Colin Hunter Paul of Georgetown on attaining the rank of Eagle Scout.

HR 955 (by Farney), Congratulating Tyler Anthony Zreet of Georgetown on attaining the rank of Eagle Scout.

HR 956 (by Farney), Congratulating Mike Stovall on his appointment as principal of Jarrell High School.

HR 957 (by Farney), Congratulating Keith Arthur Bryant of Georgetown on attaining the rank of Eagle Scout.

HR 958 (by Farney), Honoring Wesleyan Homes in Georgetown on the 50th anniversary of the opening of its first facility.

HR 959 (by Farney), Congratulating Adam Assaker on being named the 2013 Rockdale Police Department Officer of the Year.

HR 960 (by Farney), Congratulating Donna Klaeger on being reappointed to the Texas Commission on Jail Standards.

HR 961 (by Farney), Congratulating Cody Dalton Stephens of Georgetown on attaining the rank of Eagle Scout.

HR 962 (by Farney), Congratulating Chuck Balch of Cameron on his appointment to the Precinct 1 seat on the Milam County Commissioners Court.

HR 969 (by Dutton), Congratulating Agnes Fontenette Green of Houston on the occasion of her 100th birthday.

HR 970 (by Dutton), Honoring the Julia C. Hester House in Houston on its 70th anniversary.

HR 972 (by R. Miller), Commemorating the Memorial Day Event at Constellation Field in Sugar Land on May 28, 2013.

HR 980 (by Vo), Congratulating Prithvi and Kanta Seth of Houston on their 50th wedding anniversary.

HR 981 (by Martinez), Commending students and advisors from Weslaco and Weslaco East High Schools for participating in Texas SkillsUSA Day.

HR 982 (by Deshotel), Recognizing April 9, 2013, as REALTOR Appreciation Day at the State Capitol.

HR 983 (by Larson), Honoring Larry Coker, head football coach of The University of Texas at San Antonio.

HR 984 (by White), Commemorating the 160th anniversary of Dixie Missionary Baptist Church in Jasper.

HR 985 was previously adopted.

HR 988 (by Longoria), Commemorating Teach For America Week in the Rio Grande Valley March 18-22, 2013.

HR 990 (by Guillen), Commemorating the 60th anniversary of the Texas Historical Commission.

HR 991 (by Farney), Congratulating Dr. Edward B. Burger on his appointment as president of Southwestern University.

HR 992 (by Farney), Congratulating Bill Gravell on his appointment as justice of the peace for Williamson County Precinct 3.

HR 994 (by Stickland), Congratulating the members of the 1957 and 1958 baseball teams of L. D. Bell High School on being inducted into the Hurst-Euleless-Bedford Sports Hall of Fame.

HR 995 (by Stickland), Congratulating the members of the 2005 state champion Trinity High School football team on their induction into the Hurst-Euleless-Bedford Sports Hall of Fame.

HR 996 (by Stickland), Congratulating Kendra Donnelly on her induction into the Hurst-Euleless-Bedford Sports Hall of Fame.

HR 997 (by Stickland), Congratulating Dennis Allen on his induction into the Hurst-Eules-Bedford Sports Hall of Fame.

HR 998 (by Stickland), Congratulating Ray Wright on his induction into the Hurst-Eules-Bedford Sports Hall of Fame.

HR 999 (by Stickland), Congratulating Junior Filikitonga on his induction into the Hurst-Eules-Bedford Sports Hall of Fame.

HR 1001 (by Stickland), Commemorating the posthumous induction of M. A. Dodson into the Hurst-Eules-Bedford Sports Hall of Fame.

HR 1002 (by Stickland), Congratulating David Alan Jarzynka, Jr., of Bedford on attaining the rank of Eagle Scout.

HR 1004 (by Moody and Márquez), Honoring the Franklin High School and Coronado High School basketball teams for their act of sportsmanship in a game on February 12, 2013.

HR 1005 (by Moody), Congratulating James F. Scherr of El Paso on his 60th birthday.

HR 1008 (by Craddick), Congratulating Anna James of Midland High School on winning the UIL 5A one-meter diving state championship.

HR 1009 (by Collier), Honoring Ruby Cole Session for her contributions as an educator and as an advocate for criminal justice reform.

HR 1011 (by Patrick), Recognizing the Texas Rangers baseball club for its successful 2012 season.

HR 1013 (by Hughes), Congratulating John and Wanda Noe of Quitman on their 50th wedding anniversary.

HR 1015 (by Orr), Commemorating the dedication of a Texas Historical Marker at Grandview Masonic Lodge No. 266.

HR 1016 (by Burkett), Commemorating the 10th anniversary of the Rowlett Citizen Corps Council.

HR 1025 (by Hilderbran), Commemorating the centennial of Real County.

HR 1028 (by Márquez), Congratulating Jennifer Wilhite of Chapin High School in El Paso on being named the Region 19 Education Service Center Secondary Teacher of the Year.

HR 1029 (by Márquez), Commending Ulises Prado, Mario Banuelos-Valenzuela, Hector Rodriguez, Irving Martinez, Jose Luna, and Hugo Uribe for rescuing a toddler from an attempted kidnapping.

HR 1030 (by Márquez), Congratulating Sean Kugler on being named head football coach at The University of Texas at El Paso.

HR 1031 (by Márquez), Congratulating Martha Corral of El Paso on her retirement from 63 years of waitressing in establishments owned by the Heins family.

HR 1032 (by Márquez), Congratulating the Housing Authority of the City of El Paso on its 75th anniversary.

HR 1033 (by Márquez), Commemorating the 165th anniversary of the founding of Fort Bliss.

HR 1034 (by Márquez), Honoring Staff Sergeant Juan D. Carbajal III of El Paso for his receipt of the Purple Heart.

HR 1035 (by Márquez), Honoring El Paso City Council Representative Susie Byrd for her service to the citizens of District 2.

HR 1036 (by Márquez), Congratulating Marielo Arazoza Morales of Coronado High School in El Paso on being named the Region 19 Principal of the Year by the Texas Association of Secondary School Principals.

HR 1037 (by Márquez), Congratulating Bob Hoy of El Paso on his receipt of the Texas Automobile Dealers Association's Legend Award.

HR 1038 (by Márquez), Paying tribute to Jones Stadium at El Paso High School on the event of its recognition as one of the top 10 high school football facilities in the country.

HR 1040 (by Menéndez), Recognizing May 12-18, 2013, as Harmony Science Academy–San Antonio Community Service Week.

HR 1041 (by Anderson), Congratulating Sue Melton of Waco on her election to the Texas State Board of Education.

HR 1042 (by Anderson), Congratulating the Lorena Middle School eighth-grade football team on winning the District 17-AAA championship.

HR 1043 (by Anderson), Congratulating Shana Perez of Waco on her selection as the 2013 Division 4 Young Marine of the Year.

HR 1044 (by Anderson), Congratulating Midway High School students Abby Bennett, Hannah Burnett, Katherine Burns, Natalie Guess, Kasie Meek, and Elaine Sury on their success in the 2013 Texas Music Educators Association All-State competition.

HR 1046 (by Wu), Congratulating Courtney Zubowski and Dr. Eric Haas on the occasion of their wedding.

HR 1047 (by Wu), Commending the ESCAPE Family Resource Center for its work to support at-risk families and children in the greater Houston area.

HR 1049 (by Villalba), Honoring the Dallas County Council of Republican Women for their exceptional service to Dallas County.

HR 1050 (by Guillen), Honoring the Raymondville Chamber of Commerce for its service to Willacy County.

HR 1052 (by Farias), Honoring David Sosa for his contributions to the Harlandale Independent School District in San Antonio.

HR 1054 (by J. Sheffield), Congratulating Ally Smith of Stephenville High School on her selection as a member of the 2013 Texas Music Educators Association All-State Choir.

HR 1055 (by Strama), Congratulating Joan Eleanor Turman of Austin on her 80th birthday.

HR 1056 (by Strama), Welcoming Dutch ambassador Rudolf Bekink to the State Capitol and recognizing the importance of the trade relationship between the United States and the Netherlands.

HR 1057 (by White), Congratulating Andrew and Minnie Lee Womack on their 79th wedding anniversary.

HR 1059 (by Miles), Honoring nurse practitioner Tim Flynn for his 20 years of service to the Capitol Complex community.

HR 1060 (by Guillen), Honoring Elma Chavez for her contributions to Willacy County as executive director of the Raymondville Chamber of Commerce.

HR 1061 (by Guillen), Commemorating the 30th anniversary of the establishment of the State Preservation Board.

HR 1064 (by Clardy), Congratulating Judy Sewell on her retirement as executive director of the Henderson Area Chamber of Commerce.

HR 1065 (by Sheets), Congratulating Elizabeth Moreland and Grace Cardenas on qualifying for the 2012 Amateur Athletic Union West Coast Junior Olympic Games beach volleyball tournament.

HR 1066 (by S. Davis), Recognizing May 2013 as Building Safety Month.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HR 855 (by Herrero), In memory of Abelardo Leyva of Alpine.

HR 856 (by Herrero), In memory of Marcos Antonio Bazaldua of Corpus Christi.

HR 867 (by Sheets), In memory of George D. Thurman, Jr., of Dallas.

HR 871 (by Martinez), In memory of Maria G. Aguirre of Weslaco.

HR 879 (by Guillen), In memory of Tommy Dean Shearrer of Pleasanton.

HR 883 (by Geren), In memory of Elijah Matthew Anderson of Fort Worth.

HR 912 (by Riddle and Harless), In memory of Emma Catherine Grace Thompson.

HR 925 (by Goldman), In memory of Scott G. Sherman of Fort Worth.

HR 927 (by Anderson), In memory of Lynn D. Pack of Woodway.

HR 938 (by Kacal and Raney), In memory of Lieutenant Gregory Wade Pickard of the Bryan Fire Department.

HR 942 (by Kacal and Raney), In memory of Lieutenant Eric D. Wallace of the Bryan Fire Department.

HR 946 (by Craddick), In memory of Captain Robert Lee Wise, Jr., of the Midland Fire Department.

HR 973 (by Patrick), In memory of Tommy Cantrell of Arlington.

HR 974 (by Patrick), In memory of Rebecca Watson Carroll of Arlington.

HR 975 (by Patrick), In memory of former Arlington city council member Gene Patrick.

HR 976 (by Patrick), In memory of Janice Thompson of Arlington.

HR 977 (by Patrick), In memory of Medal of Honor recipient Colonel James L. Stone of Arlington.

HR 978 (by Patrick), In memory of Lynne Ann Pennington of Arlington.

HR 979 (by Patrick), In memory of Robert H. Korman of Arlington.

HR 986 (by Larson), In memory of Kali Gorzell of San Antonio.

HR 1006 (by Flynn), In memory of Clifford Roy Wherley of Greenville.

HR 1019 (by Martinez), In memory of Richard C. Hawkins of Weslaco.

HR 1023 (by Hilderbran), In memory of Houston McCoy, one of the two officers responsible for stopping the UT Tower sniper in 1966.

HR 1024 (by Hilderbran), In memory of Herta B. Sokolyk of New Braunfels.

HR 1026 (by Hilderbran), In memory of Henry Earl Kilgore, Jr., of Kerrville.

HR 1027 (by Hilderbran), In memory of James Carroll.

HR 1039 (by Sheets), In memory of Dr. Ralph Harris Poteet, the former superintendent of the Mesquite Independent School District.

HR 1051 was withdrawn.

HR 1053 (by Hunter), In memory of Rodolfo Roque Gaona, Sr., of Corpus Christi.

HR 1062 (by Keffer), In memory of Chief Eugene Steven Perdue of the Mineral Wells Fire Department.

HR 1063 (by Keffer), In memory of Eastland firefighter Gregory Mack Simmons, who died in the line of duty.

The resolutions were unanimously adopted by a rising vote.

HR 1051 - ADOPTED
(by Burnam)

Representative Burnam moved to suspend all necessary rules to take up and consider at this time **HR 1051**.

The motion prevailed.

The following resolution was laid before the house:

HR 1051, In memory of Richard Cervantes Alvarado of San Antonio.

HR 1051 was unanimously adopted by a rising vote.

(Speaker in the chair)

**HR 1067 - ADOPTED
(by Aycock)**

Representative Aycock moved to suspend all necessary rules to take up and consider at this time **HR 1067**.

The motion prevailed.

The following resolution was laid before the house:

HR 1067, Recognizing March 25-30, 2013, as Early College High School Week.

HR 1067 was adopted.

On motion of Representative Allen, the names of all the members of the house were added to **HR 1067** as signers thereof.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 5 ON THIRD READING
(by Aycock, Deshotel, J. Davis, Villarreal, Callegari, et al.)**

HB 5, A bill to be entitled An Act relating to public school accountability, including assessment, and curriculum requirements.

Amendment No. 1

Representative Aycock offered the following amendment to **HB 5**:

Amend **HB 5** on third reading as follows:

(1) In the recital for the SECTION of the bill amending Section 39.023, Education Code, strike "(e-3), and (e-4)" and substitute "and (e-3)".

(2) In amended Section 39.023, Education Code, strike amended Subsection (e) and substitute the following:

(e) Under rules adopted by the State Board of Education, every third year, the agency shall release the questions and answer keys to each assessment instrument administered under Subsection (a), (b), (c), (c-2), (d), or (l), excluding any assessment instrument administered to a student for the purpose of retaking the assessment instrument, after the last time the instrument is administered for that school year. To ensure a valid bank of questions for use each year, the agency is not required to release a question that is being field-tested and was not used to compute the student's score on the instrument. The agency shall also release, under board rule, each question that is no longer being field-tested and

that was not used to compute a student's score. During the 2014-2015 and 2015-2016 school years, the agency shall release the questions and answer keys to assessment instruments as described by this subsection each year.

(3) In amended Section 39.023, Education Code, strike added Subsection (e-4) and the text designated as Subsection (e-4).

Amendment No. 1 was adopted.

Amendment No. 2

Representative Branch offered the following amendment to **HB 5**:

Amend **HB 5** on third reading as follows:

(1) In the recital to the SECTION amending Section 28.025, Education Code, between "(b-17)," and "(c-1)", insert "(b-18),".

(2) After added Section 28.025(b-17), Education Code, insert the following:

(b-18) In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with curriculum requirements for the world geography or world history credit under Subsection (b-1)(4) by successfully completing a combined world history and world geography course developed by the State Board of Education.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Patrick offered the following amendment to **HB 5**:

Amend **HB 5** on third reading as follows:

(1) Add the following appropriately numbered SECTION to the bill:

SECTION _____. (a) Section 33.0812(a), Education Code, is amended to read as follows:

(a) The State Board of Education by rule shall prohibit participation in a University Interscholastic League area, regional, or state competition:

(1) on Monday through Thursday of the school week in which the primary administration of assessment instruments under Section 39.023(a), (c), (c-2), or (l) occurs; or

(2) if the primary administration of the assessment instruments is completed before Thursday of the school week, beginning on Monday and ending on the last school day on which the assessment instruments are administered.

(b) This section applies beginning with the 2013-2014 school year.

(2) In the recital to amended Section 39.023, Education Code, between "(c)" and "(c-3)", insert "(c-2)".

(3) In amended Section 39.023(c), Education Code, strike the last sentence of the subsection and substitute the following:

The State Board of Education shall adopt a schedule for the administration of end-of-course assessment instruments specified in this subsection and Subsection (c-2) that complies with the requirements of Subsection (c-3).

(4) In amended Section 39.023, Education Code, after Subsection (c), insert the following:

(c-2) The agency shall also adopt end-of-course assessment instruments for secondary-level courses in Algebra II and English III, which shall be administered to a student at the student's option. The Algebra II end-of-course assessment instrument must be administered with the aid of technology. A school district shall comply with State Board of Education rules regarding administration of the Algebra II and English III end-of-course assessment instruments. ~~The agency may adopt end-of-course assessment instruments for courses not listed in Subsection (c).~~ A student's performance on an end-of-course assessment instrument adopted under this subsection is not subject to the performance requirements established under Subsection (c) or Section 39.025.

(5) Strike amended Section 39.023(c-3), Education Code, and substitute the following:

(c-3) In adopting a schedule for the administration of assessment instruments under this section, the State Board of Education ~~shall require~~:

(1) shall require assessment instruments administered under Subsection (a) to be administered on a schedule so that the first assessment instrument is administered at least two weeks later than the date on which the first assessment instrument was administered under Subsection (a) during the 2006-2007 school year; ~~and~~

(2) shall require the spring administration of end-of-course assessment instruments under Subsection (c) or the end-of-course assessment instrument in Algebra II under Subsection (c-2) to occur in each school district during the latest practicable ~~[not earlier than the first full]~~ week as determined by the commissioner, but not earlier than the third full week in May, except that the spring administration of the end-of-course assessment instruments in ~~[English I,]~~ English II Writing, ~~and English III~~ must be permitted to occur at an earlier date; and

(3) shall permit the spring administration of the end-of-course assessment instruments in English III Writing under Subsection (c-2) to occur earlier than the third full week in May.

(6) In the recital to amended Section 39.0233, Education Code, strike "Section 39.0233(a), Education Code, is amended" and substitute "Sections 39.0233(a) and (b), Education Code, are amended".

(7) In amended Section 39.0233, Education Code, strike Subsections (a) and substitute the following:

(a) The agency, in coordination with the Texas Higher Education Coordinating Board, shall adopt a series of questions to be included in an end-of-course assessment instrument administered under Sections ~~[Section]~~ 39.023(c) and (c-2) to be used for purposes of Section 51.3062. The questions adopted under this subsection must be developed in a manner consistent with any college readiness standards adopted under Sections 39.233 ~~[39.113]~~ and 51.3062.

(b) In addition to the questions adopted under Subsection (a), the agency shall adopt a series of questions to be included in an end-of-course assessment instrument administered under Sections ~~[Section]~~ 39.023(c) and (c-2) to be used for purposes of identifying students who are likely to succeed in an advanced high school course. A school district shall notify a student who performs at a high

level on the questions adopted under this subsection and the student's parent or guardian of the student's performance and potential to succeed in an advanced high school course. A school district may not require a student to perform at a particular level on the questions adopted under this subsection in order to be eligible to enroll in an advanced high school course.

(8) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. (a) Section 39.024(b), Education Code, is amended to read as follows:

(b) The agency and the Texas Higher Education Coordinating Board shall ensure that the Algebra II and English III end-of-course assessment instruments adopted ~~required~~ under Section 39.023(c-2) ~~[39.023(e)]~~ are developed to be capable of, beginning with the 2011-2012 school year, measuring college readiness.

(b) This section applies beginning with the 2013-2014 school year.

SECTION _____. (a) Section 39.0241(a-2), Education Code, is amended to read as follows:

(a-2) For the purpose of establishing performance across grade levels, the commissioner shall establish:

(1) the performance standards for the Algebra II and English III end-of-course assessment instruments, as provided under Section 39.024(b) and under Subsection (a);

(2) the performance standards for the Algebra I and English II end-of-course assessment instruments, as determined based on studies under Section 39.0242 that correlate student performance on the Algebra I and English II end-of-course assessment instruments with student performance on the Algebra II and English III assessment instruments;

~~(3) [the performance standards for the English I end of course assessment instrument, as determined based on studies under Section 39.0242 that correlate student performance on the English I end of course assessment instrument with student performance on the English II assessment instrument;~~

~~[(4)]~~ the performance standards for the grade eight assessment instruments, as determined based on studies under Section 39.0242 that correlate student performance on the grade eight assessment instruments with student performance on the Algebra I and English II ~~[4]~~ end-of-course assessment instruments in the same content area; and

~~(4) [(5)]~~ the performance standards on the assessment instruments in each of grades three through seven, as determined based on studies under Section 39.0242 that correlate student performance in the same content area on the assessment instrument for each grade with student performance on the assessment instrument in the succeeding grade.

(b) This section applies beginning with the 2013-2014 school year.

SECTION _____. (a) Section 39.0242(b), Education Code, is amended to read as follows:

(b) Before the beginning of the 2011-2012 school year, the agency shall analyze the data collected under Subsection (a) to substantiate:

(1) the correlation between satisfactory student performance for each performance standard under Section 39.0241 on the grade three, four, five, six, or seven assessment instruments with satisfactory performance under the same performance standard on the assessment instruments in the same content area for the next grade level;

(2) the correlation between satisfactory student performance for each performance standard under Section 39.0241 on the grade eight assessment instruments with satisfactory performance under the same performance standard on the Algebra I and English II [F] end-of-course assessment instruments in the same content area;

~~(3) [the correlation between satisfactory student performance for each performance standard under Section 39.0241 on the English I end-of-course assessment instrument with satisfactory performance under the same performance standard on the English II end-of-course assessment instrument];~~

[~~(4)~~] the correlation between satisfactory student performance for each performance standard under Section 39.0241 on the English II end-of-course assessment instrument with satisfactory performance under the same performance standard on the English III end-of-course assessment instrument; and

(4) [~~(5)~~] the correlation between satisfactory student performance for each performance standard under Section 39.0241 on the Algebra I end-of-course assessment instrument with satisfactory performance under the same performance standard on the Algebra II end-of-course assessment instrument.

(b) This section applies beginning with the 2013-2014 school year.

(9) Strike amended Section 39.025(b), Education Code, and substitute the following:

(b) Each time an end-of-course assessment instrument adopted under Section 39.023(c) is administered, a student who failed to achieve a [~~minimum~~] score requirement under Subsection (a) may [~~shall~~] retake the assessment instrument. A student who fails to perform satisfactorily on an Algebra II or English III end-of-course assessment instrument under the college readiness performance standard, as provided under Section 39.024(b), may retake the assessment instrument. [~~Any other student may retake an end-of-course assessment instrument for any reason.~~] A student is not required to retake a course as a condition of retaking an end-of-course assessment instrument.

(10) Strike added Section 39.02611, Education Code.

(11) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. (a) Sections 39.034(a) and (c), Education Code, are amended to read as follows:

(a) The commissioner shall determine a method by which the agency may measure annual improvement in student achievement from one school year to the next on an assessment instrument required under this subchapter or on an end-of-course assessment instrument adopted under Section 39.023(c-2).

(c) The agency shall use a student's previous years' performance data on an assessment instrument described by Subsection (a) [~~required under this subchapter~~] to determine the student's expected annual improvement. The agency

shall report that expected level of annual improvement and the actual level of annual improvement achieved to the district. The report must state whether the student fell below, met, or exceeded the agency's expectation for improvement.

(b) This section takes effect beginning with the 2013-2014 school year.

SECTION _____. (a) Section 39.035(a), Education Code, is amended to read as follows:

(a) Subject to Subsection (b), the agency may conduct field testing of questions for any assessment instrument administered under Section 39.023(a), (b), (c), (c-2), (d), or (l) that is separate from the administration of the assessment instrument not more frequently than every other school year.

(b) This section applies beginning with the 2013-2014 school year.

(12) Strike added Section 39.202, Education Code, and substitute the following:

Sec. 39.202. ACADEMIC [EXCELLENCE] DISTINCTION DESIGNATION FOR DISTRICTS AND CAMPUSES. The commissioner by rule shall establish [a recognized and exemplary rating for awarding districts and campuses] an academic distinction designation for districts and campuses for outstanding performance in attainment of postsecondary readiness [under this subchapter]. The [In establishing the recognized and exemplary ratings, the] commissioner shall adopt criteria for the designation under this section [ratings], including:

(1) percentages of students who:

(A) performed satisfactorily, as determined under the college readiness performance standard under Section 39.0241, on assessment instruments required under Section 39.023(a), (b), (c), or (l) or on end-of-course assessment instruments adopted under Section 39.023(c-2), aggregated across grade levels by subject area; or

(B) met the standard for annual improvement, as determined by the agency under Section 39.034, on assessment instruments required under Section 39.023(a), (b), (c), or (l) or on end-of-course assessment instruments adopted under Section 39.023(c-2), aggregated across grade levels by subject area, for students who did not perform satisfactorily as described by Paragraph (A);

(2) percentages of:

(A) students who earned a nationally or internationally recognized business or industry certification or license;

(B) students who completed a coherent sequence of career and technical courses;

(C) students who completed a dual credit course or an articulated postsecondary course provided for local credit;

(D) students who achieved applicable College Readiness Benchmarks or the equivalent on the Preliminary Scholastic Assessment Test (PSAT), the Scholastic Assessment Test (SAT), the American College Test (ACT), or the ACT-Plan assessment program; and

(E) students who received a score on either an advanced placement test or an international baccalaureate examination to be awarded college credit;
and

(3)~~(2)~~ other factors for determining sufficient student attainment of postsecondary readiness.

(b) This section applies beginning with the 2013-2014 school year.

(13) In the recital to amended Section 51.3062, Education Code, and strike "by amending Subsection (i) and adding Subsections (q-2) and (q-3)" and substitute "by adding Subsection (q-3)".

(14) Strike amended Section 51.3062(i), Education Code.

(15) Strike added Section 51.3062(q-2), Education Code.

(16) In amended Section 56.3041(a)(2)(A)(ii), Education Code, strike "Section 51.3062(p) or^[s] (q)~~[- or (q-1)]~~" and substitute "Section 51.3062(p), (q), or (q-1)".

(17) Add the following appropriately numbered SECTION to read as follows:

SECTION _____. (a) Effective September 1, 2013, the following provisions of the Education Code are repealed:

(1) Sections 29.190(b) and (e); and

(2) Section 39.025(a-3).

(b) Effective September 1, 2014, the following provisions of the Education Code are repealed:

(1) Section 28.002(q);

(2) Section 28.0212(e) and (g);

(3) Sections 28.025(b-6), (b-8), and (g);

(4) Section 39.0822; and

(5) Sections 39.0823(b) and (c).

Amendment No. 3 was adopted.

HB 5 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HERRERO: I supported **HB 5** yesterday, and I intend to do that today, as well, on third reading. In knowing that there are certain implementations, if you will, through **HB 5** that affect public schools, I think that's part of the equation, if you will, in helping improve our public schools and our neighborhood schools. The other part, in my opinion, deals with the funding for our public schools. And so, when we look at today's calendar, for example, we have, obviously, **HB 5** that deals with accountability and assessment with respect to public schools, and then, we also have **HB 4**, then, that deals with water and the funding structure for water projects. And so, my question is, when will we, as a body, be able to discuss public school finance, where we, as a body, can do what we can to advocate for our constituents and our neighborhood schools, our children, our teachers, that are faced with circumstances, where, because of cuts that were made last legislative session, are having now overcrowded classrooms, student-teacher ratios that are not what we would want under ideal circumstances. And my question to you is, will we, and, if so, when will we have the opportunity to address school finance as a body?

REPRESENTATIVE AYCOCK: I think there are two parts to your question, actually. The first deals with the amount of money we will put into the system. I think that discussion will occur very quickly. As we come to the budget, I think

people will have an opportunity, as always, to discuss that amount of money and move money around within that budget. We'll have a long day, as you know, that day that discusses that amount. I think the harder question is what I call the distribution model, some people call it the formula, but it's really a distribution model of which schools get the money, how it's distributed. Thus far, it's my understanding, and I'm not on the Appropriations Committee, but it's my understanding that the amount of money that has been put in, so far, is substantial, perhaps not adequate in many people's minds, but substantial. And that money has been directed to, at first, removing that RPAF. I think when we come to the budget, you will see that RPAF goes back to 1, is the plan, and that is my understanding, as I understand it presently. I'm not going to speak for the Appropriations Committee. I might not ought to be having this discussion even, but I think the question will be, do we restore that and where does the rest of the money go? And I think most of it will go to raise the lower tier of schools, and I hope that the body will, in fact, move the bottom up, as we say, and try to move that bottom up.

HERRERO: And I think that is a step in the right direction, and I guess, the first part of your answer was, how much money. And I think we heard yesterday, if I understood correctly, Chairman Pitts, in answering questions from Representative Burnam, that the budget in 2014-15 does not restore the \$5.4 billion cuts to public education, and that the amount in the supplemental budget also would not fully restore the cuts that were made to public education. And so, there's that discussion, and I know that you indicated that it depends on what we think is adequate, and it may depend on who we're talking about, and the districts that we each respectively represent, but that's part of why I'm bringing this up, because we each have different opinions on what that amount may be and how we think we can better structure a school-funding formula that allows for there to be equality, if you will, across the state. And, to your knowledge, is there a time when we, as a body, will be able to address public school funding on the house floor during this regular session?

AYCOCK: My committee does not have a bill before it that we are considering to that end, and beyond that, I do not know of a vehicle that is likely to be considered, at this time, regarding that distribution formula. Quite candidly, when the legislature has attempted, in the past, to model and craft a distribution formula ahead of a court order, it has not been very successful, historically. It has always had to come back and say, "Well, the court didn't like what we did." To that end, I think many in the body will probably propose that we wait for that court order, and say, "Judge, what do you want us to do, with the distribution model in particular?" That court case will also, as you well know, address adequacy; it will address equity; it will address a number of issues that are before the court, and there will be litigation in that issue. And I understand the argument about, we need to decide the issue independent of the courts, but historically, that has not been a real successful operation. And so, I'm one of those guys that would probably say, "Let's get a court order before we know what we're going to do, before we do the distribution model." To that end, I will also be one of those guys that say, "If there's money available, we need to put it in public schools."

HERRERO: And thank you for saying that, and I respectfully disagree with the approach on waiting for the judicial branch to dictate to the legislature something which, by constitution, is a responsibility of the legislative body.

AYCOCK: I understand the frustration.

HERRERO: And part of the frustration that compounds it is the fact that we're not, at this point, instead of addressing the issue up front and funding public education first, as a priority, as I think it should be, the monies that we do have, that we obviously know are limited, but the monies that we do have, we're spending it elsewhere, not in public education. And that's where the frustration, in my opinion, gets compounded, because, let's assume that the court comes back and tells us, "You need some X amount of money," but we've already appropriated it somewhere else. And I think we're digging ourselves in a hole that we may not be able to get ourselves out of, and this is where I think the priorities of the legislature should be such that we make public education the number one priority, and that we fully restore the cuts to public education so that teachers are in better circumstances to ensure that our children, no matter who they are, are able to achieve the highest potential that they can, whether it be going into a trade or a four-year university. And this is where I think it is creating a situation where we may want there to be success in public education through these assessments and accountability standards, but unless we provide the resources and the tools to accomplish that goal, we may fall short. And it's not due to any direct result of your efforts, because, as I mentioned before, you've done an outstanding job as it pertains to accountability and assessment, but I would urge you, as well as the speaker and every member here, to make sure that we make public education a priority. Because we have to make sure that we meet our constitutional obligation and that we provide an equal education to every student, so that, no matter what their dreams are, that they are achieved and we have success when it comes to public education.

AYCOCK: And I pledge to join you on trying to find adequate resources for all our children, in every program, in every district in the state, and I will join you in that effort.

PARLIAMENTARY INQUIRY

HERRERO: Mr. Speaker, if I'm an individual that wishes to make public education a priority, specifically, public school finance a priority, and given that there isn't currently a bill within the public education committee, what would be the avenue for me, as a member, to bring public education—public school finance to the forefront, so that we as members can decide where public education falls within the spending priorities of the state?

SPEAKER STRAUS: Mr. Herrero, you can either introduce another bill or you can speak with the chairman of Appropriations.

HERRERO: In order to file the bill, would I need to get permission from the body to file the bill after the filing deadline?

SPEAKER: That's correct.

HERRERO: And would that be—would that request require recognition from the speaker or would it be a motion that I'm able to make pursuant to the rules?

SPEAKER: Mr. Herrero, the chair has recognized everyone who has made that request.

REMARKS ORDERED PRINTED

Representative Herrero moved to print remarks between Representative Aycock and Representative Herrero and between Speaker Straus and Representative Herrero.

The motion prevailed.

HB 5, as amended, was passed by (Record 116): 147 Yeas, 2 Nays, 1 Present, not voting.

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

Nays — Gonzalez, N.; Strama.

Present, not voting — Mr. Speaker(C).

HB 281 ON THIRD READING (by Lucio, Carter, and Alvarado)

HB 281, A bill to be entitled An Act relating to the right of one immediate family member of certain deceased peace officers to make an oral statement regarding the terms of a plea bargain agreement.

HB 281 was passed by (Record 117): 149 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel;

Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

HB 677 ON THIRD READING

(by Geren, Frullo, Price, Orr, Kuempel, et al.)

HB 677, A bill to be entitled An Act relating to the regulation and enforcement of dam safety by the Texas Commission on Environmental Quality.

Amendment No. 1

Representative Hughes offered the following amendment to **HB 677**:

Amend **HB 677** on third reading in amended Section 12.052(e-1), Water Code, by striking Subdivision (1) and substituting the following:

(1) at maximum capacity impounds less than 600 [~~500~~] acre-feet;

Amendment No. 1 failed of adoption (not receiving the necessary two-thirds vote) by (Record 118): 81 Yeas, 63 Nays, 2 Present, not voting.

Yeas — Allen; Anderson; Ashby; Aycok; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Clardy; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Deshotel; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Goldman; Guerra; Guillen; Harless; Harper-Brown; Huberty; Hughes; Hunter; Kacal; Keffer; King, K.; King, P.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Longoria; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Phillips; Price; Raney; Riddle; Ritter; Sanford; Schaefer; Simmons; Simpson; Smithee; Stephenson; Stickland; Taylor; Thompson, S.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Canales; Carter; Coleman; Collier; Dale; Davis, J.; Davis, Y.; Dukes; Dutton; Farias; Farrar; Giddings; Gonzales; González, M.; Gonzalez, N.; Gooden; Gutierrez; Hernandez Luna; Herrero; Hilderbran; Howard; Isaac; Johnson; King, S.; Lewis; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz;

Naishtat; Nevárez; Oliveira; Perez; Perry; Pickett; Pitts; Ratliff; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheets; Sheffield, J.; Sheffield, R.; Smith; Strama; Thompson, E.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

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

Absent — Cortez; Eiland; King, T.; Springer.

STATEMENTS OF VOTE

When Record No. 118 was taken, my vote failed to register. I would have voted no.

Cortez

I was shown voting yes on Record No. 118. I intended to vote no.

Guerra

I was shown voting no on Record No. 118. I intended to vote yes.

S. King

HB 677 was passed by (Record 119): 147 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Ratliff.

Present, not voting — Mr. Speaker(C).

Absent — Zedler.

STATEMENT OF VOTE

When Record No. 119 was taken, I was in the house but away from my desk. I would have voted yes.

Zedler

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 4 ON SECOND READING
(by Ritter, Price, Johnson, D. Miller, Lucio, et al.)**

CSHB 4, A bill to be entitled An Act relating to the funding of certain water-related projects by the Texas Water Development Board; authorizing the issuance of revenue bonds.

Amendment No. 1

Representative Ritter offered the following amendment to **CSHB 4**:

Floor Packet Page No. 2

Amend **CSHB 4** (house committee printing) as follows:

- (1) On page 2, line 18, strike "in escrow and in trust".
- (2) On page 4, strike lines 5 and 6 and substitute the following:
 - (d) The trust company may charge fees to cover its costs incurred in managing and investing the fund. The fees must be consistent with the fees the trust company charges other state and local governmental entities for which it provides investment management services. The trust company may recover fees it charges under this subsection only from the earnings of the fund.
- (3) On page 4, line 7, between "shall" and "report", insert "provide a written".
- (4) On page 4, line 15, strike "an" and substitute "a written".
- (5) On page 5, strike lines 18 through 21 and substitute the following:
 - (1) 10 percent to support projects included in the state water plan that are designed to serve rural areas; and
 - (2) 20 percent to support projects included in the state water plan that are for water conservation or reuse.
- (6) On page 5, strike lines 24 through 27 and substitute the following:

agreement for professional services. A bond enhancement agreement must contain terms that are consistent with Section 15.433(h), and the agreement, including the period covered by the agreement and all other terms and conditions of the agreement, must be approved by the board. An obligation to disburse money from the fund in accordance with a bond enhancement agreement is a special obligation of the board payable solely from designated income and receipts of the fund or an account in the fund established by the board, as determined by the board. An obligation to disburse money from the fund in accordance with a bond enhancement agreement does not constitute indebtedness of the state.

(b) To facilitate the use of the fund for the purposes of this subchapter, the board may direct the trust company to enter into

(7) On page 6, line 3, between "obligation bonds" and "or", insert "including bonds issued under Section 49-d-9 or 49-d-11, Article III, Texas Constitution,".

(8) Strike page 6, line 7, through page 7, line 1, and substitute the following:

(1) the state water implementation revenue fund for Texas;

(2) the water infrastructure fund;

(3) the rural water assistance fund;

(4) the Texas Water Development Fund II state participation account; or

(5) the agricultural water conservation fund.

(c) If the trust company enters into a bond enhancement agreement under Subsection (b), the board may direct the trust company to make disbursements from the fund to another fund or account for the support of bonds the proceeds of which are used to provide financial assistance in the form of:

(9) On page 8, line 4, strike "has been appropriated" and substitute "of the state was appropriated before September 1, 2013,".

(10) On page 8, strike lines 19 through 26 and substitute the following: assistance to an applicant if at the time of the request the applicant has failed to:

(1) submit or implement a water conservation plan in accordance with Section 11.1271; or

(2) satisfactorily complete a request by the executive administrator or a regional water planning group for information relevant to the project for which the financial assistance is sought, including a water infrastructure financing survey under Section 16.053(q).

(11) On page 8, line 27, strike "(i)" and substitute "(h)".

(12) On page 9, line 14, strike "(j)" and substitute "(i)".

(13) On page 9, line 14, strike "(i)(1)" and substitute "(h)(1)".

(14) On page 9, line 22, strike "acquired facilities" and substitute "an acquired facility".

(15) On page 9, line 23, strike "the acquired facilities" and substitute "an acquired facility".

(16) On page 9, strike line 25 and substitute the following:

pay debt service on the bonds and any other amounts specified in the resolution or other proceedings authorizing the bonds and any related obligations, as those payments are due and owing.

(17) On page 9, line 26, strike "(k) The board may submit a" and substitute "(j) The board shall submit each".

(18) On page 10, line 6, strike "(l)" and substitute "(k)".

(19) On page 10, line 7, strike "(k)" and substitute "(j)".

(20) On page 10, strike lines 9 through 12.

(21) On page 10, line 13, strike "15.437" and substitute "15.436".

(22) On page 11, line 15, between "submit" and "the", insert "to the board".

(23) On page 11, line 19, strike "15.438" and substitute "15.437".

(24) On page 12, line 7, strike "or".

(25) On page 12, line 8, between "regionalization" and the period, insert the following:

; or

(4) meet a high percentage of the water supply needs of the water users to be served by the project

(26) On page 13, line 20, strike "15.437" and substitute "15.436".

(27) On page 13, line 21, strike "15.439" and substitute "15.438".

(28) On page 14, strike lines 17 through 22 and substitute the following:
who is responsible for water science and conservation or a person who holds an equivalent position at the agency, or a person designated by that person;

(2) the deputy executive administrator of the board who is responsible for water resources planning and information or a person who holds an equivalent position at the agency, or a person designated by that person; and

(3) the chief financial officer of the board, or a person who holds an equivalent position at the agency.

(29) On page 15, line 10, strike "A" and substitute "Except as otherwise provided by this subsection, a".

(30) On page 15, at the end of line 13, add the following:
Service on the advisory committee by a member of the senate or house of representatives is considered legislative service for which the member is entitled to reimbursement and other benefits in the same manner and to the same extent as for other legislative service.

(31) On page 15, line 16, strike "15.440" and substitute "15.439".

(32) On page 15, lines 20 and 21, strike "15.437 and 15.438" and substitute "15.436 and 15.437".

(33) On page 16, strike line 14 and substitute the following:
other than by competitive bidding for the purposes of promoting

(34) On page 17, line 5, strike "15.440" and substitute "15.439".

(35) On page 17, line 11, strike "15.438" and substitute "15.437".

(36) On page 17, line 15, strike "15.441" and substitute "15.440".

(37) On page 17, strike lines 19 and 20 and substitute the following:
of the fund, including the use of the fund to support projects that are designed to serve rural areas or that are for water conservation or reuse as required by Section 15.434(b).

(38) On page 18, line 19, strike "and".

(39) On page 18, line 23, between "fund" and the period, insert the following:

; and

(6) money disbursed to the fund from the state water implementation fund for Texas as authorized by Section 15.434

(40) On page 19, line 4, strike "in escrow and in trust".

(41) On page 19, line 5, between "comptroller" and "for", insert "or a corporate trustee that is a trust company or a bank that has the powers of a trust company".

(42) On page 19, line 8, between "comptroller" and the comma, insert "or corporate trustee".

(43) On page 20, strike lines 8 through 11 and substitute the following:

(1) as a source of revenue or security for:

(A) the payment of the principal of and interest on:

(i) revenue bonds issued by the board under this subchapter; or

(ii) other bonds issued by the board if the proceeds of the bonds will be deposited in the fund; or

(B) a bond enhancement agreement; or

(44) Strike page 20, line 15, through page 21, line 9.

(45) On page 21, line 10, strike "15.476" and substitute "15.475".

(46) On page 21, line 16, between "payable" and "from", insert "only".

(47) On page 22, following line 27, insert the following:

(h) Section 17.955 applies to revenue bonds issued under this subchapter in the same manner as that section applies to water financial assistance bonds.

(48) On page 23, line 1, strike "(h)" and substitute "(i)".

(49) On page 23, line 10, strike "(i)" and substitute "(j)".

(50) On page 23, line 12, strike "the obligations" and substitute "such investments".

(51) On page 23, between lines 17 and 18, insert the following:

Sec. 15.476. SUBCHAPTER CUMULATIVE OF OTHER LAWS. (a) This subchapter is cumulative of other laws on the subject, and the board may use provisions of other applicable laws in the issuance of bonds and other obligations and the execution of bond enhancement agreements, but this subchapter is wholly sufficient authority for the issuance of bonds and other obligations, the execution of bond enhancement agreements, and the performance of all other acts and procedures authorized by this subchapter.

(b) In addition to other authority granted by this subchapter, the board may exercise the authority granted to the governing body of an issuer with regard to the issuance of obligations under Chapter 1371, Government Code.

(52) On page 30, line 11, strike "transferred" and substitute "disbursed to the fund".

(53) On page 30, line 24, strike "15.439" and substitute "15.438".

(54) On page 31, line 1, strike "15.440(a)(1)" and substitute "15.439(a)(1)".

(55) On page 31, line 6, strike "15.440" and substitute "15.439".

(56) On page 31, strike lines 8 through 15.

(57) On page 31, line 18, strike "15.437" and substitute "15.436".

(58) On page 31, line 22, strike "15.437(d)" and substitute "15.436(d)".

(59) Add the following appropriately numbered SECTION to the bill:

SECTION _____. Section 17.853(c), Water Code, is amended to read as follows:

(c) The board may use the fund only:

(1) to provide state matching funds for federal funds provided to the state water pollution control revolving fund or to any additional state revolving fund created under Subchapter J, Chapter 15;

(2) to provide financial assistance from the proceeds of taxable bond issues to water supply corporations organized under Chapter 67, and other participants;

(3) to provide financial assistance to participants for the construction of water supply projects and treatment works;

(4) to provide financial assistance for an interim construction period to participants for projects for which the board will provide long-term financing through the water development fund;

(5) to provide financial assistance for water supply and sewer service projects in economically distressed areas as provided by Subchapter K, Chapter 17, to the extent the board can make that assistance without adversely affecting the current or future integrity of the fund or of any other financial assistance program of the board; ~~and~~

(6) to provide funds to the water infrastructure fund created under Section 15.973; and

(7) to provide funds to the state water implementation revenue fund for Texas created under Section 15.472.

(60) Renumber the SECTIONS of the bill accordingly.

Amendment No. 2

Representative P. King offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 to **CSHB 4** by Ritter as follows:

(1) On page 1 of the amendment, line 15, strike "18 through 21" and substitute "14 through 21".

(2) On page 1 of the amendment, strike lines 17 through 19 and substitute the following:

(b) Of the money disbursed from the fund during the five-year period between the adoption of a state water plan and the adoption of a new plan, the board:

(1) shall undertake to apply not less than 10 percent to support projects described by Section 15.435 that are for:

(A) a rural political subdivision as defined by Section 15.992; or

(B) agricultural water conservation in:

(i) a metropolitan statistical area with a population of 325,000 or less; or

(ii) a county that is outside the boundaries of a metropolitan statistical area; and

(2) may undertake to apply not less than 20 percent to support projects described by Section 15.435 that are for water conservation or reuse.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative P. King offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 to **CSHB 4** by Ritter as follows:

(1) On page 1 of the amendment, line 15, strike "18 through 21" and substitute "14 through 21".

(2) On page 1 of the amendment, strike lines 17 through 19 and substitute the following:

(b) Of the money disbursed from the fund during the five-year period between the adoption of a state water plan and the adoption of a new plan, the board:

(1) shall undertake to apply not less than 10 percent to support projects described by Section 15.435 that are designed to serve rural areas; and

(2) may undertake to apply not less than 20 percent to support projects described by Section 15.435 that are for water conservation or reuse.

Representative D. Miller moved to table Amendment No. 3.

The motion to table prevailed by (Record 120): 104 Yeas, 42 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bonnen, D.; Branch; Burkett; Burnam; Button; Callegari; Canales; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farney; Farrar; Frullo; Geren; Giddings; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hunter; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Kuempel; Larson; Lavender; Lewis; Longoria; Lucio; Márquez; Martínez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Patrick; Perez; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheets; Sheffield, J.; Sheffield, R.; Smith; Stephenson; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Anderson; Bohac; Bonnen, G.; Capriglione; Elkins; Fallon; Fletcher; Flynn; Frank; Goldman; Gonzales; Gooden; Harper-Brown; Hughes; Isaac; King, P.; Kleinschmidt; Klick; Kolkhorst; Krause; Laubenberg; Leach; Lozano; Miller, R.; Parker; Perry; Phillips; Riddle; Sanford; Schaefer; Simmons; Simpson; Smithee; Springer; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Zedler.

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

Absent — Deshotel; Morrison.

STATEMENTS OF VOTE

I was shown voting present, not voting on Record No. 120. I intended to vote yes.

Bell

When Record No. 120 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. 120. I intended to vote no.

Huberty

I was shown voting no on Record No. 120. I intended to vote yes.

Isaac

Amendment No. 1 was adopted.

Amendment No. 4

Representatives Dutton and Johnson offered the following amendment to **CSHB 4**:

Floor Packet Page No. 10

Amend **CSHB 4** (house committee printing) as follows:

(1) On page 2, between lines 9 and 10, insert the following:

(3) "Historically underutilized business" has the meaning assigned by Section 2161.001, Government Code.

(2) On page 2, line 10, strike "(3)" and substitute "(4)".

(3) On page 5, between lines 21 and 22, insert the following:

(c) The board shall undertake to use money from the fund to provide financing to projects that prioritize using historically underutilized businesses in compliance with statewide annual goals adopted under Chapter 2161, Government Code. Projects that receive financing may satisfy the statewide annual goals by contracting directly or indirectly through subcontracts with historically underutilized businesses.

(4) On page 16, line 23, strike "may" and substitute "shall".

(5) On page 16, line 25, between "responsibilities" and the period, insert the following:

, including rules to:

(1) ensure compliance with statewide annual goals relating to historically underutilized businesses; and

(2) require that the advisory committee report to the executive director at least annually regarding the participation level of historically underutilized businesses in projects in the state water plan that receive funding related to a bond enhancement agreement under this subchapter.

(i-1) If the level of participation by historically underutilized businesses in projects in the state water plan that receive funding related to a bond enhancement agreement under this subchapter does not meet statewide annual goals adopted under Chapter 2161, Government Code, the advisory committee shall make recommendations to the board to improve the participation level

(6) On page 17, between lines 14 and 15, insert the following:

(c) Rules adopted under Subsection (a)(2) must provide for giving a higher priority to projects that will:

(1) comply with rules relating to historically underutilized businesses; and

(2) create significant opportunities for historically underutilized businesses.

Amendment No. 5

Representative Ritter offered the following amendment to Amendment No. 4:

Amend Amendment No. 4 to **CSHB 4** by Dutton (page 10 of the pre-filed amendments packet) by inserting the following on page 2 of the amendment after line 11:

(7) On page 8, between lines 26 and 27, insert the following:

(i) The board may not direct the trust company to enter into a bond enhancement agreement with respect to bonds issued by the board the proceeds of which may be used to provide financial assistance to an applicant unless at the time of the request the applicant is in compliance with any applicable requirements of:

(1) federal law relating to contracting with disadvantaged business enterprises; and

(2) state law relating to contracting with historically underutilized businesses.

(8) Reletter the subsequent subsections of Section 15.435, Water Code, as added by the bill, and cross-references to those subsections.

Amendment No. 5 was adopted.

Amendment No. 4, as amended, was adopted. (Hunter, Krause, Phillips, Stickland, and White recorded voting no.)

Amendment No. 6

Representative Simmons offered the following amendment to **CSHB 4**:
Floor Packet Page No. 12

Amend **CSHB 4** (house committee printing) as follows:

(1) On page 2 of the bill, at the end of line 21, add:

It is the intent of the legislature that the fund remain outside the state treasury in perpetuity and that the fund will never be used:

(1) for a purpose other than the support of water infrastructure projects;

or

(2) to certify appropriations from the treasury are within the amount estimated to be available in a fund of the treasury affected by the appropriation.

(2) On page 18 of the bill, at the end of line 5, add:

It is the intent of the legislature that the fund remain outside the state treasury in perpetuity and that the fund will never be used:

(1) for a purpose other than the support of water infrastructure projects;

or

(2) to certify appropriations from the treasury are within the amount estimated to be available in a fund of the treasury affected by the appropriation.

Amendment No. 7

Representative Simmons offered the following amendment to Amendment No. 6:

Amend Floor Amendment No. 6 to **CSHB 4** by Simmons (page 12 of the amendment packet) as follows:

(1) Lines 5 through 6 strike "water infrastructure projects," replace with "projects in the state water plan."

(2) Lines 13 through 14 strike "water infrastructure projects," replace with "projects in the state water plan."

Amendment No. 7 was adopted.

Amendment No. 6, as amended, was adopted.

Amendment No. 8

Representative Taylor offered the following amendment to **CSHB 4**:
Floor Packet Page No. 13

Amend **CSHB 4** (house committee printing) on page 2 of the bill, at the end of line 21, by adding:

Notwithstanding any other law, the fund may not receive or contain any money appropriated from the economic stabilization fund. An appropriation from the economic stabilization fund for the purpose of depositing money to the credit of the fund is ineffective, regardless of the relative dates of enactment of the legislative Act enacting this subchapter and the legislative Act authorizing the appropriation.

Amendment No. 8 - Point of Order

Representative Lucio raised a point of order against further consideration of Amendment No. 8 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.

Representative Ritter moved to table Amendment No. 8.

The motion to table prevailed by (Record 121): 129 Yeas, 15 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Callegari; Canales; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farney; Farrar; Fletcher; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford;

Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Strama; Thompson, E.; Thompson, S.; Turner, C.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zerwas.

Nays — Capriglione; Carter; Elkins; Fallon; Flynn; Klick; Laubenberg; Phillips; Schaefer; Simpson; Stickland; Taylor; Toth; Turner, E.S.; Zedler.

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

Absent — Burnam; Button; Krause; Sheets.

STATEMENTS OF VOTE

When Record No. 121 was taken, I was in the house but away from my desk. I would have voted no.

Krause

When Record No. 121 was taken, I was temporarily out of the house chamber. I would have voted yes.

Sheets

(Harper-Brown in the chair)

Amendment No. 9

Representative Taylor offered the following amendment to **CSHB 4**:

Floor Packet Page No. 14

Amend **CSHB 4** (house committee printing) on page 3, line 20, by striking "purchasing power of the fund" and substituting "original purchasing power of the fund, adjusted for inflation".

Representative Ritter moved to table Amendment No. 9.

The motion to table prevailed by (Record 122): 127 Yeas, 18 Nays, 2 Present, not voting.

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

Nays — Bohac; Capriglione; Elkins; Fallon; Fletcher; Hughes; Klick; Krause; Laubenberg; Lozano; Schaefer; Simpson; Stickland; Taylor; Toth; Turner, E.S.; White; Zedler.

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

Absent — Burnam; Button; Sheets.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 122. I intended to vote no.

Hilderbran

I was shown voting yes on Record No. 122. I intended to vote no.

Huberty

When Record No. 122 was taken, I was temporarily out of the house chamber. I would have voted yes.

Sheets

Amendment No. 10

Representative Taylor offered the following amendment to **CSHB 4**:
Floor Packet Page No. 15

Amend **CSHB 4** (house committee printing) on page 3, line 21, by striking "any power" and substituting "all powers".

CSHB 4 - POINT OF ORDER

Representative Taylor raised a point of order against further consideration of **CSHB 4** under Rule 4, Section 11 of the House Rules on the grounds that proper notice of the committee meeting was not given.

(Speaker pro tempore in the chair)

The chair overruled the point of order and submitted the following statement:

Representative Taylor raised a point of order against further consideration of **CSHB 4** under Rule 4, Section 11(a) of the House Rules, specifically arguing that the notice of a public hearing on **CSHB 4**, posted at 4:28 p.m. February 14, 2013 (five calendar days—the 14th, 15th, 16th, 17th, and 18th of February—before the date of the hearing at 7:30 a.m. February 19, 2013) was insufficient to comply with the Rule 4, Section 11(a) requirement that a posting for a public hearing during a regular session, absent a rules suspension, must be posted "at least five calendar days in advance of the hearing." The point of order is overruled.

In this case, Rule 4, Section 11(a) of the House Rules was complied with. The proponents argument on the point of order is that the Rule 4, Section 11(a)'s five-calendar-day requirement really means that 120 hours' notice (5 days x 24 hours) of the posting is required, rather than a requirement that the posting must be available for five consecutive days. However, the terms "calendar day" and "day of 24 hours" are not synonymous. See Tex. Atty. Gen. Op. No. WW-372 (1958). Nor is the phrase "calendar day" unique and indefinite in meaning

requiring reference back to a dictionary definition. It is used on over 38 separate occasions in state law and it appears in 21 sections of the House Rules. Further, the House Rules reflect the house is able to express when it wishes to base the passage of time by the measurement of hours. *E.g.*, Rule 4, Section 11(a) of the House Rules, (requiring public hearings in special sessions to be posted "at least 24 hours in advance of the meeting").

Amendment No. 10 was withdrawn.

Amendment No. 11

Representative Herrero offered the following amendment to **CSHB 4**:
Floor Packet Page No. 17

Amend **CSHB 4** (house committee printing) on page 5 by striking lines 18-19 and substituting the following:

(1) 10 percent to support projects described by Section 15.435 that are for:

(A) A rural political subdivision as defined by Section 15.992; or

(B) a colonia as defined by Section 2306.581, Government Code

AMENDMENT NO. 11 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE LUCIO: Chairman Herrero, we've discussed this offline, and I, too, share your concern when it comes to colonias, and I think this body and many members who have been here a few sessions now have taken tough votes to assist in bringing standards of quality of life to colonias. Your specific issue is even more concerning, because not only does it affect Hispanic communities, but it affects rural Texas, is that correct?

REPRESENTATIVE HERRERO: That's exactly right.

LUCIO: So, not just Hispanics along the border. I think we've done a lot to address those issues, but we're talking about rural Texans, in rural Texas—not only in South Texas, but central, west, all over—that live in areas that aren't urbanized. However, given the structure of this program that you and I have discussed, I think the best way to approach addressing this problem is through working at the local planning group level to bring some attention to this need and to have them work with entities which are eligible to borrow, under this program, to make it a priority to service these very needy individuals in economically distressed areas that traditionally we've called EDAP, is that correct?

HERRERO: That's exactly right, and I think the situation that we have here specifically is that you have individuals in unincorporated areas, not just along the border, not just Hispanics, but people in rural Texas throughout our respective districts that are relying on water that in some cases isn't up to acceptable levels. You know, arsenic and other chemicals that exist naturally in the environment on the earth, but the point here is this, that in Nueces County, for example, even though there may be water supply corporations that are in that area, it's not economically feasible for them to extend the water line to an area that is economically disadvantaged, if you will, and even though the state has some programs, none of the existing programs in statute or in Water Code provide

assistance to these individuals. And unless we bring attention and realize that, as representatives, we each have constituents living in conditions that they shouldn't be living in. And before we direct the funds in other places, let's not forget that there are individuals living in substandard conditions, and these are citizens of the United States that are living in conditions that are not acceptable. And for that reason, I wanted to make sure that we not forget those individuals—the residents that live in Cindy Park, for example, in Nueces County, which is the district that Todd Hunter and I represent—and obviously, each one of us, I'm sure, if we talk one-on-one, would know that there are areas within our respective communities, areas, and districts that need potable water.

LUCIO: And representative, I want to applaud you for advocating on behalf of rural Texans. I think that you and I are sending a message today that, let the planning groups be on notice, that we expect them to address the concerns of rural Texans for, especially, when there are conditions that are below quality-of-life standards, and that we find creative ways through the planning process, through entities who are eligible to access these funds to address that need. That's the message you and I are sending today, and it might not be through this bill directly, via your amendment, which I think you and I discussed that you might withdraw, but we are going to be keeping an eye on this issue.

HERRERO: Yes, and thank you, Representative Lucio, because I think it is important, obviously, that we are bringing attention to this issue. I want to thank Chairman Ritter, as well, for his willingness to address this issue, and I want to thank you, as well, Representative Lucio. This is a growing concern with the growing population that we obviously need to address, and we need to look at how we can better fix the situation so that individuals in our districts are not living in substandard conditions, and that we provide through programs or statutes the assistance that they so drastically need.

Amendment No. 11 was withdrawn.

(Harper-Brown in the chair)

Amendment No. 12

Representative T. King offered the following amendment to **CSHB 4**:
Floor Packet Page No. 18

Amend **CSHB 4** (house committee printing) on page 5 by striking lines 18 and 19 and substituting the following:

(1) 10 percent to support projects described by Section 15.435 that are for:

(A) a rural political subdivision as defined by Section 15.992; or

(B) agricultural water conservation in:

(i) a metropolitan statistical area with a population of 325,000

or less; or

(ii) a county that is outside the boundaries of a metropolitan statistical area; and

Amendment No. 13

Representative Perry offered the following amendment to Amendment No. 12:

Amend Floor Amendment No. 12 to **CSHB 4** by T. King (page 18 of the pre-filed amendments packet) by adding the following appropriately numbered item and renumbering subsequent items accordingly:

() In added Section 15.438, Water Code, immediately after added Subsection (c) of that section, insert the following:

(c-1) For purposes of Subsection (c)(2), a project in which two or more political subdivisions participate is considered to provide assistance to a rural population if a majority of the population of the area to be served by the project resides in a rural area.

Amendment No. 13 was withdrawn.

Amendment No. 12 was withdrawn.

Amendment No. 14

Representative Herrero offered the following amendment to **CSHB 4**:
Floor Packet Page No. 19

Amend **CSHB 4** (house committee printing) on page 5 by adding subsection (j) as follows:

"(j) The trust company must publicly post required disclosure of political contributions, placement agents & fees for the fund on its website in a timely fashion."

(Speaker pro tempore in the chair)

Amendment No. 14 was adopted.

Amendment No. 15

Representative C. Turner offered the following amendment to **CSHB 4**:
Floor Packet Page No. 20

Amend **CSHB 4** (house committee printing) as follows:

(1) On page 5, line 19, strike "and".

(2) On page 5, line 21, between "reuse" and the period, insert the following:
; and

(3) one percent to support projects that award grants to residential property owners for the installation of drought-resistant landscaping or water-conserving natural turf

(3) On page 7, line 19, strike "or".

(4) On page 7, line 21, between "(1)-(4)" and the period, insert the following:

; or

(6) a project that awards grants as described by Section 15.434(b)(3)

(5) On page 8, line 12, strike "The" and substitute "Except as provided by Sections 15.434(b)(3) and 15.435(c)(6), the".

Amendment No. 15 was withdrawn.

REMARKS ORDERED PRINTED

Representative Lucio moved to print remarks between Representative Herrero and Representative Lucio on Amendment No. 11.

The motion prevailed.

Amendment No. 16

Representative Lucio offered the following amendment to **CSHB 4**:
Floor Packet Page No. 21

Amend **CSHB 4** (house committee printing) as follows:

- (1) On page 6, line 10, between "J" and the comma, insert "or K".
- (2) On page 6, line 21, strike "or".
- (3) On page 6, line 24, between "17" and the period, insert the following:

; or

(6) the Texas Water Development Fund II economically distressed areas program account to be used to provide financing for projects included in the state water plan as authorized under Subchapter K, Chapter 17

- (4) On page 7, between lines 21 and 22, insert the following:

(c-1) The trust company shall set aside an amount in the fund equal to one-half of the portion of the investment earnings and interest earned during a state fiscal year on amounts credited to the fund that exceeds an annual rate of eight percent. Amounts set aside under this subsection may be used only for the purposes provided by Subsection (b)(6). The trust company shall determine the amount dedicated under this subsection, if any, as soon as practicable after the end of each state fiscal year. Notwithstanding the other provisions of this subchapter, money in the fund may be used for those purposes only to the extent that the money is dedicated under this subsection. Notwithstanding Subsections (c) and (f), to the extent that money is dedicated under this subsection, the board may direct the trust company to use the money for the purposes of a bond enhancement agreement with respect to bonds issued by the board the proceeds of which have been or are to be used to make grants under Section 17.933. Any money transferred back to the fund under Section 17.958(d) is dedicated for the purposes provided by this subsection.

- (5) On page 16, line 3, between "J" and the comma, insert "or K".
- (6) On page 18, line 2, between "J" and the comma, insert "or K".
- (7) On page 19, line 16, between "J" and the comma, insert "or K".
- (8) On page 20, line 27, strike "or".
- (9) On page 21, line 4, between "plan" and the period, insert the following:

; or

(5) the Texas Water Development Fund II economically distressed areas program account to be used under Subchapter K, Chapter 17, for the purposes provided by Section 15.434 related to projects included in the state water plan

(10) On page 30, between lines 19 and 20, insert the following appropriately numbered SECTION and renumber the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 17.958, Water Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) The economically distressed areas program account is composed of:

(1) money and assets attributable to water financial assistance bonds designated by the board as issued for projects described in Subchapter K;

(2) money provided by the federal government, the state, political subdivisions, and private entities for the purpose of paying debt service on water financial assistance bonds issued for purposes provided by Subchapter K;

(3) payments received under a bond enhancement agreement with respect to water financial assistance bonds designated by the board as issued for purposes provided by Subchapter K;

(4) investment income earned on money on deposit in the economically distressed areas program account;

(4-a) money disbursed to the economically distressed areas program account from the state water implementation fund for Texas as authorized by Section 15.434; and

(5) any other funds, regardless of their source, that the board directs be deposited to the credit of the economically distressed areas program account.

(d) The board shall transfer back to the state water implementation fund for Texas any money disbursed to the economically distressed areas program account as described by Subsection (b)(4-a) of this section if the requirements of Section 15.435 are satisfied.

Amendment No. 17

Representatives Lucio and Walle offered the following amendment to Amendment No. 16:

Amend Amendment No. 16 to **CSHB 4** by Lucio (pages 21 through 23 of the pre-filed amendments packet) by striking the text of the amendment and substituting the following:

Amend **CSHB 4** (house committee printing) as follows:

(1) On page 16, line 16, strike "and".

(2) On page 16, strike line 18 and substitute the following:
and structure of the fund; and

(9) an evaluation of the Texas Water Development Fund II economically distressed areas program account, and whether funding should be provided to finance projects included in the state water plan as authorized under Subchapter K, Chapter 17.

(3) On page 16, between lines 18 and 19, insert the following:

(g-1) The advisory committee shall make a recommendation to the board to set aside a dollar amount in the fund to provide financing under Subsection (g)(9) if:

(1) the investment income of the fund, including earnings and interest, exceeds an amount equal to the rate of inflation plus five percent (hurdle rate) in a state fiscal year; and

(2) the advisory committee finds it appropriate to use for the purpose provided by Subsection (g)(9) an amount of money in the fund equal to not more than one-half of the portion of that income plus capital appreciation (total return), where both the total return and hurdle rate are calculated on a twelve calendar quarter rolling average basis.

(g-2) Notwithstanding the other provisions of this subchapter, if the board accepts the recommendation of the advisory committee under Subsection (g-1), the board may direct the trust company to use an amount of money not to exceed the amount provided by Subsection (g-1)(2) for the purposes of bond enhancement agreements to provide a source of revenue or security for the payment of the principal of and interest on general obligation bonds or revenue bonds issued by the board to finance or refinance projects included in the state water plan the proceeds of the sale of which have been or will be deposited to the credit of the economically distressed program account. The limitation provided by Section 15.435(f) does not apply to a bond enhancement agreement authorized under this subsection.

Amendment No. 17 was adopted.

Amendment No. 16, as amended, was adopted.

Amendment No. 18

Representative Taylor offered the following amendment to **CSHB 4**:

Floor Packet Page No. 25

Amend **CSHB 4** (house committee printing) on page 7 by striking lines 2 through 4 and substituting the following:

(1) a loan bearing an interest rate of not less than the highest monthly rate of inflation for the 12 months preceding the month in which the loan is made, as measured by the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the United States Department of Labor or, if that index is not available, another index adopted by board rule;

Amendment No. 19

Representative Taylor offered the following amendment to Amendment No. 18:

Amend Amendment No. 18 to **CSHB 4** by Taylor (page 25 of the pre-filed amendments packet) by striking the text of the amendment and substituting the following:

Amend **CSHB 4** (house committee printing) on page 7 by striking lines 2 through 4 and substituting the following:

(1) a loan bearing an interest rate of not less than the higher of:
(A) 50 percent of the then-current market rate of interest available to the board; or

(B) the highest monthly rate of inflation for the 12 months preceding the month in which the loan is made, as measured by the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the United States Department of Labor or, if that index is not available, another index adopted by board rule;

Amendment No. 19 was adopted.

Representative Ritter moved to table Amendment No. 18, as amended.

The motion to table prevailed by (Record 123): 122 Yeas, 22 Nays, 2 Present, not voting.

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

Nays — Burnam; Capriglione; Carter; Elkins; Fallon; Goldman; Gonzalez, N.; Gooden; Kleinschmidt; Krause; Laubenberg; Leach; Perry; Schaefer; Sheets; Simpson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; White.

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

Absent — Branch; Button; Márquez; Ratliff.

STATEMENTS OF VOTE

When Record No. 123 was taken, my vote failed to register. I would have voted yes.

Branch

I was shown voting yes on Record No. 123. I intended to vote no.

P. King

When Record No. 123 was taken, I was in the house but away from my desk. I would have voted yes.

Márquez

When Record No. 123 was taken, my vote failed to register. I would have voted yes.

Ratliff

Amendment No. 20

Representative Taylor offered the following amendment to **CSHB 4**:
Floor Packet Page No. 26

Amend **CSHB 4** (house committee printing) on page 8, at the end of line 15, by adding the following:

If the trust company enters into a bond enhancement agreement in violation of this subsection, the recipient of a grant described by this subsection shall repay the board for deposit to the credit of the fund the amount of the grant received, together with any applicable accrued interest as necessary to ensure compliance with Section 15.433(b).

(Speaker in the chair)

Amendment No. 20 was withdrawn.

Amendment No. 21

Representative Howard offered the following amendment to **CSHB 4**:
Floor Packet Page No. 27

Amend **CSHB 4** (house committee report) on pages 10 and 11 as follows:

On page 10, line 26, strike the word "and"

On page 11, line 2, strike the period and insert ":" after the word project

On page 11, between lines 2 and 3, insert the following:

(6) the environmental impacts and environmental benefits of the project, if any.

Representative Lucio moved to table Amendment No. 21.

The motion to table prevailed.

Amendment No. 22

Representative Herrero offered the following amendment to **CSHB 4**:
Floor Packet Page No. 28

Amend **CSHB 4** (house committee printing) as follows:

(1) On page 11, line 1, between "consideration" and "the" insert, "to the extent possible,".

Amendment No. 22 was withdrawn.

Amendment No. 23

Representative Nevárez offered the following amendment to **CSHB 4**:

Floor Packet Page No. 29

Amend **CSHB 4** (house committee report) on page 11, line 2, between "project" and "._" by inserting: "or the upgrading or purchasing of existing infrastructure".

Amendment No. 23 was withdrawn.

Amendment No. 24

Representative T. King offered the following amendment to **CSHB 4**:

Floor Packet Page No. 30

Amend **CSHB 4** (house committee printing) on page 12 by striking lines 2 through 8 and substituting the following:

(c) The board shall give the highest consideration in awarding points to projects that:

(1) will have a substantial effect, including projects that:

(A) serve a large population;

(B) provide assistance to a diverse urban and rural population; or

(C) provide regionalization; or

(2) have been given a high priority by the applicable regional water planning group under Section 15.437.

Amendment No. 24 was withdrawn.

Amendment No. 25

Representative Herrero offered the following amendment to **CSHB 4**:

Floor Packet Page No. 31

Amend **CSHB 4** (house committee printing) on page 13 by adding subsection (8) as follows:

"(8) whether the project serves an existing population."

Amendment No. 25 was withdrawn.

Amendment No. 26

Representative Smith offered the following amendment to **CSHB 4**:

Floor Packet Page No. 32

Amend **CSHB 4** on page 16 by striking lines 13 through 16 and substituting the following:

(7) an evaluation of methods for encouraging participation in the procurement process by companies domiciled in this state.

Amendment No. 26 was adopted.

Amendment No. 27

Representative Simmons offered the following amendment to **CSHB 4**:

Floor Packet Page No. 33

Amend **CSHB 4** (house committee printing) as follows:

(1) On page 17, between lines 4 and 5, insert the following:

(1) The advisory committee shall make recommendations to the board regarding information to be posted on the board's Internet website under Section 15.441(b).

(2) On page 17, line 15, strike "REPORT." and substitute "REPORTING AND TRANSPARENCY REQUIREMENTS. (a)".

(3) On page 17, between lines 20 and 21, insert the following:

(b) The board shall post the following information on the board's Internet website regarding the use of the fund and regularly update the information posted:

(1) the progress made in developing needed water supply statewide and for the benefit of each regional water planning area;

(2) for each regional water planning area, a description of each project funded through bonds supported by a bond enhancement agreement entered into under Section 15.435, including:

(A) the amount of bonds issued and the terms of the bonds;

(B) a summary of the terms of the bond enhancement agreement;

(C) the status of repayment of any loan provided in connection with the project, including an assessment of the risk of default based on a standard risk rating system;

(D) the check register for the project;

(E) the expected date of completion of the project; and

(F) the current status of the project;

(3) a description of the investment portfolio of the fund;

(4) the expenses incurred in investing money in the fund;

(5) the rate of return on the investment of money in the fund;

(6) a description of the point system for prioritizing projects established as well as the points awarded for each funded project by the board under Section 15.438(b);

(7) any non-confidential application information submitted on approved projects for funding by the board;

(8) the administrative and operating expenses incurred by the board in developing the state water plan and providing financial assistance for projects included in the plan; and

(9) any other information required by board rule.

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

SECTION _____. The Texas Water Development Board shall post the information described by Section 15.441(b), Water Code, as added by this Act, on the board's Internet website not later than March 1, 2014.

Amendment No. 27 was adopted.

Amendment No. 28

Representative Larson offered the following amendment to **CSHB 4**:

Floor Packet Page No. 36

Amend **CSHB 4** (house committee printing) on page 17, between lines 20 and 21, by inserting the following:

Sec. 15.442. MONEY USED CONSIDERED TO BE SUITABLE AS MATCHING FUNDS. Money used for a project funded by bonds supported by a bond enhancement agreement entered into under this subchapter is considered to be suitable as matching funds or for use in addition to any federal grant, loan, bond, or tax credit that is offered for a technology being installed on, at, or near the project if the installation will reduce the overall operating cost of the project or if the installation reduces the aggregate consumption of water by the project either directly or indirectly.

Amendment No. 28 was withdrawn.

Amendment No. 29

Representative C. Turner offered the following amendment to **CSHB 4**:
Floor Packet Page No. 37

Amend **CSHB 4** (house committee printing) on page 17, between lines 20 and 21, by inserting the following:

Sec. 15.442. CONTRACT REQUIREMENTS. (a) In this section, "political contribution" has the meaning assigned by Section 251.001, Election Code.

(b) The governing body of a political subdivision shall include in each contract for a project for which financial assistance is received under this subchapter the requirement that the contractor may not make a political contribution for the duration of the contract.

Amendment No. 30

Representative C. Turner offered the following amendment to Amendment No. 29:

Amend Floor Amendment No. 29 by C. Turner (page 37 of the pre-filed amendments packet) by striking lines 6-10 of the amendment and substituting the following:

(b) Each contract for a project for which financial assistance is received under this subchapter must include a requirement that:

(1) the contractor conform to all state and federal laws relating to the subject of the contract; and

(2) for the duration of the project, prohibits the making of a political contribution from the personal or business funds of an individual or sole proprietor of a business that is a party to the contract.

(b-1) The prohibition required by Subsection (b)(2) does not apply to a political contribution made:

(1) by an employee, partner, shareholder, or officer of a business that is a party to the contract; or

(2) from a separate, segregated fund established by a business or labor organization.

Amendment No. 30 was adopted. (Phillips recorded voting no.)

Amendment No. 29, as amended, was withdrawn.

Amendment No. 31

Representative Taylor offered the following amendment to **CSHB 4**:

Floor Packet Page No. 38

Amend **CSHB 4** (house committee printing) on page 20, between lines 14 and 15, by inserting the following:

(d) Money in the fund may be used by the board to provide financing or refinancing for a project of an entity only if:

(1) the entity does not have a credit rating and the board determines that the entity would have a credit rating described by Subdivision (2) if the entity applied for a credit rating during the period the board considers an application for financial assistance received from the entity; or

(2) in the five-year period preceding the date the board receives an application for financial assistance from the entity, the entity had a credit rating of less than:

(A) A issued by Standard & Poor's Financial Services LLC;

(B) A2 issued by Moody's Investors Service, Inc.;

(C) A issued by Fitch Ratings Ltd.; or

(D) 1 issued by the National Association of Insurance

Commissioners Securities Valuation Office.

Amendment No. 31 was withdrawn.

Amendment No. 32

Representatives Y. Davis and Geren offered the following amendment to **CSHB 4**:

Floor Packet Page No. 40

Amend **CSHB 4** (house committee printing) as follows:

(1) On page 27, line 6, strike "and" and substitute "[~~and~~"]".

(2) On page 27, line 9, between "possible" and the period, insert the following:

; and

(8) that the contract include a requirement that iron and steel products and manufactured goods used in the project be produced in the United States, unless:

(A) such products or goods are not:

(i) available in sufficient quantities;

(ii) readily available; or

(iii) of a satisfactory quality; or

(B) the use of such products or goods will increase the total cost of the project by more than 20 percent

(3) On page 27, between lines 14 and 15, insert the following:

(c) For the purposes of Subsections (a)(8) and (d):

(1) "Component" means any article, material, or supply, whether a manufactured good or raw material, that is directly incorporated into a manufactured good.

(2) "Manufactured good" means an item produced as the result of a manufacturing process.

(3) "Manufacturing process" means the application of a process to alter the form or function of materials or elements of a product in a manner that adds value and transforms the materials or elements so that a new end product is produced that is functionally different from the product that would result from simple assembly of the materials or elements.

(4) "Produced in the United States" means:

(A) in the case of iron and steel products, products for which all manufacturing processes, from initial melting through application of coatings, take place in the United States, except metallurgical processes that involve the refinement of steel additives; and

(B) in the case of a manufactured good, a good for which:

(i) all of the manufacturing process that produced the manufactured good takes place in the United States; and

(ii) more than 60 percent of the components of the manufactured good, by cost, originate in the United States.

(d) For the purposes of Subsection (c)(4)(B)(ii), if a component originates in the United States, the entire cost of that component contributes to the determination of the percentage of the components of the manufactured good that originate in the United States.

(e) This section shall be applied in a manner consistent with this state's obligations under any international agreement.

Amendment No. 32 was adopted. (Goldman, Hunter, Krause, Phillips, Sanford, and Springer recorded voting no.)

Amendment No. 33

Representative Bell offered the following amendment to **CSHB 4**:
Floor Packet Page No. 42

Amend **CSHB 4** on page 27 by striking lines 10 through 14 and substituting the following:

(b) Plans and specifications submitted to the board in connection with an application for financial assistance must include a seal by a licensed engineer affirming that the plans and specifications are consistent with and conform to current industry design and construction standards. The engineer for a project may not serve, alone or in combination with another person as the contractor. This subsection does not prohibit the governmental entity's architect or engineer's original professional service agreement in accordance with applicable licensing laws.

Amendment No. 33 was withdrawn.

HR 1140 - ADOPTED
(by Y. Davis)

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 1140**.

The motion prevailed.

The following resolution was laid before the house:

HR 1140, Congratulating the Duncanville High School girls' basketball team on winning the 2013 UIL 5A state championship.

HR 1140 was adopted.

CSHB 4 - (consideration continued)

Amendment No. 34

Representative Callegari offered the following amendment to **CSHB 4**:
Floor Packet Page No. 43

Amend **CSHB 4** (house committee report) as follows:

On page 31, between lines 15 and 16, add the following appropriately numbered SECTION to the bill:

SECTION _____. (a) Section 49.181, Water Code, is amended to read as follows:

Sec. 49.181. AUTHORITY OF COMMISSION OVER ISSUANCE OF DISTRICT BONDS. (a) A district may not issue bonds unless the commission determines that the project to be financed by the bonds is feasible and issues an order approving the issuance of the bonds. This section does not apply to:

(1) refunding bonds if the commission issued an order approving the issuance of the bonds or notes that originally financed the project;

(2) refunding bonds that are issued by a district under an agreement between the district and a municipality allowing the issuance of the district's bonds to refund bonds issued by the municipality to pay the cost of financing facilities;

(3) bonds issued to and approved by the Farmers Home Administration, the United States Department of Agriculture, the North American Development Bank, ~~or~~ the Texas Water Development Board~~;~~, or a federally chartered instrumentality of the United States authorized under 12 U.S.C. 2128(f) to finance such projects;

(4) refunding bonds issued to refund bonds described by Subdivision (3); or

(5) bonds issued by a public utility agency created under Chapter 572, Local Government Code, any of the public entities participating in which are districts if at least one of those districts is a district described by Subsection (h)(1)(E).

(b) A district may submit to the commission a written application for investigation of feasibility. An engineer's report describing the project, including the data, profiles, maps, plans, and specifications prepared in connection with the report, must be submitted with the application.

(c) The executive director shall examine the application and the report and shall inspect the project area. The district shall, on request, supply the executive director with additional data and information necessary for an investigation of the application, the engineer's report, and the project.

(d) The executive director shall prepare a written report on the project and include suggestions, if any, for changes or improvements in the project. The executive director shall retain a copy of the report and send a copy of the report to both the commission and the district.

(e) The commission shall consider the application, the engineer's report, the executive director's report, and any other evidence allowed by commission rule to be considered in determining the feasibility of the project.

(f) The commission shall determine whether the project to be financed by the bonds is feasible and issue an order either approving or disapproving, as appropriate, the issuance of the bonds. The commission shall retain a copy of the order and send a copy of the order to the district.

(g) Notwithstanding any provision of this code to the contrary, the commission may approve the issuance of bonds of a district without the submission of plans and specifications of the improvements to be financed with the bonds. The commission may condition the approval on any terms or conditions considered appropriate by the commission.

SECTION _____. (a) Section 49.153, Water Code, is amended to read as follows:

Sec. 49.153. REVENUE NOTES. (a) The board, without the necessity of an election, may borrow money on negotiable or nonnegotiable notes of the district to be paid solely from the revenues derived from the ownership of all or any designated part of the district's works, plants, improvements, facilities, or equipment after deduction of the reasonable cost of maintaining and operating the facilities.

(b) The notes may be first or subordinate lien notes within the discretion of the board, but no obligation may ever be a charge on the property of the district or on taxes levied or collected by the district but shall be solely a charge on the revenues pledged for the payment of the obligation. No part of the obligation may ever be paid from taxes levied or collected by the district.

(c) Except as provided by Subsection (e), a district may not execute a note for a term longer than three years unless the commission issues an order approving the note.

(d) This section does not apply to special water authorities.

(e) Subsection (c) does not apply to:

(1) a note issued to and approved by the:

- (A) Farmers Home Administration;
- (B) United States Department of Agriculture;
- (C) Texas Water Development Board; or
- (D) North American Development Bank; or

(E) a Federally chartered instrumentality of the United States authorized under 12 U.S.C. 2128(f) to provide financing for water and waste disposal facilities; or

(2) a district described by Section 49.181(h).

Amendment No. 34 was withdrawn.

Amendment No. 35

Representative Taylor offered the following amendment to **CSHB 4**:

Floor Packet Page No. 46

Amend **CSHB 4** (house committee printing) on page 31 by striking line 26 and substituting the following:

SECTION 19. The Texas Water Development Board shall publish notice in the Texas Register after the first date on which the aggregate principal amount of the bonds issued by the board under Section 49-d-11, Article III, Texas Constitution, that are outstanding is at least \$5.5 billion.

SECTION 20. (a) Except as provided by Subsection (b) of this section, this Act takes effect on the later of:

(1) September 1, 2013; or

(2) the date the notice is published under Section 19 of this Act.

(b) This section and Section 19 of this Act take effect September 1, 2013.

Representative Ritter moved to table Amendment No. 35.

The motion to table prevailed by (Record 124): 136 Yeas, 7 Nays, 1 Present, not voting.

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

Nays — Burnam; Elkins; Herrero; Phillips; Simpson; Taylor; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Creighton; Gutierrez; Hughes; Isaac; King, T.; Stephenson.

STATEMENT OF VOTE

When Record No. 124 was taken, my vote failed to register. I would have voted yes.

Isaac

Amendment No. 36

Representative Taylor offered the following amendment to **CSHB 4**:
Floor Packet Page No. 54

Amend **CSHB 4** (house committee report) by adding the following appropriately numbered SECTIONS and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Sections 6.052(a) and (b), Water Code, are amended to read as follows:

(a) The board is composed of seven [~~six~~] members who are appointed by the governor with the advice and consent of the senate.

(b) The governor shall make the appointments in such a manner that:
(1) each member is from a different section of the state and has no conflict of interest prohibited by state or federal law; and

(2) at least two of the members have expertise in the field of finance.

SECTION _____. Section 6.056, Water Code, is amended to read as follows:

Sec. 6.056. TERMS OF OFFICE. The members of the board hold office for staggered terms of six years, with the terms of two or three members expiring every two years. Each member holds office until the member's [~~his~~] successor is appointed and has qualified.

SECTION _____. Subchapter C, Chapter 6, Water Code, is amended by adding Section 6.063 to read as follows:

Sec. 6.063. FINANCIAL COMMITTEE. (a) At the board's first meeting each calendar year, the board shall elect from its members three members to serve on the financial committee. At least two of the members of the committee must have expertise in the field of finance.

(b) The financial committee shall evaluate applications for financial assistance submitted to the board before the full board considers the applications. The board by rule shall designate the types of applications the committee will evaluate under this subsection and may classify the applications for that purpose by the amount of money requested in the application.

(c) The financial committee shall submit to the board recommendations on whether the board should approve or deny the applications. The board shall consider the recommendations when evaluating the applications.

(d) The financial committee shall meet in person at least six times each year.

(e) Chapter 551, Government Code, does not apply to a meeting of the committee.

SECTION _____. (a) As soon as practicable after the effective date of this Act, the governor shall appoint one additional member to the Texas Water Development Board, as required under Section 6.052, Water Code, as amended by this Act, for a term beginning January 1, 2014.

(b) The Texas Water Development Board shall appoint the initial members of the financial committee under Section 6.063, Water Code, as added by this Act, at the board's first meeting in 2014.

Amendment No. 36 - Point of Order

Representative Geren raised a point of order against further consideration of Amendment No. 36 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The speaker sustained the point of order and submitted the following statement:

Representative Geren raised a point of order under Rule 11, Section 2 of the House Rules that Amendment No. 36, offered by Representative Taylor, was not germane to the proposition under consideration (**CSHB 4**). The point of order is sustained. In this case, the amendment, which would have increased the size of the governing body of the Texas Water Development Board and created an additional governance structure within the board, was not germane to **CSHB 4**, which dealt with funding of certain water projects and did not deal with the Texas Water Development Boards size or governance structure. See Rule 11, Section 2 of the House Rules, explanatory notes and house precedents, note 3.

The ruling precluded further consideration of Amendment No. 36.

Amendment No. 37

Representative Flynn offered the following amendment to **CSHB 4**:
Floor Packet Page No. 58

Amend **CSHB 4** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 16.053(c), Water Code, is amended to read as follows:

(c) No later than 60 days after the designation of the regions under Subsection (b), the board shall designate representatives within each regional water planning area to serve as the initial coordinating body for planning. The initial coordinating body may then designate additional representatives to serve on the regional water planning group. The initial coordinating body shall designate additional representatives if necessary to ensure adequate representation from the interests comprising that region, including the public, counties, municipalities, industries, agricultural interests, environmental interests, small businesses, electric generating utilities, river authorities, water districts, and water utilities. The regional water planning group shall maintain adequate representation from those interests. In addition, the groundwater conservation districts located in each management area, as defined by Section 36.001, located

in the regional water planning area shall appoint one representative of a groundwater conservation district located in the management area and in the regional water planning area to serve on the regional water planning group. In addition, the commissioners court of each county located in Regional Water Planning Area D, as the area's boundaries existed on September 1, 2013, may appoint one representative of the county to the regional water planning group in that area. In addition, representatives of the board, the Parks and Wildlife Department, and the Department of Agriculture shall serve as ex officio members of each regional water planning group.

Amendment No. 37 was withdrawn.

Amendment No. 38

Representative Schaefer offered the following amendment to **CSHB 4**:
Floor Packet Page No. 60

Amend **CSHB 4** (house committee printing) by adding the following appropriately numbered SECTIONS and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 504.103, Local Government Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) The Texas Water Development Board may provide funding to a Type A corporation for a project the primary purpose of which is to provide a facility described by Subsection (a)(3) or (4) if money is appropriated for that purpose. The corporation may undertake the project using the funds provided.

(e) A Type A corporation may undertake a project the primary purpose of which is to provide a facility described by Subsection (a)(3) or (4) if money is not appropriated for that purpose and the project is included in the regional water plan approved by the Texas Water Development Board for the regional water planning area in which the authorizing municipality is located.

SECTION _____. Section 505.304, Local Government Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding Subsection (a):

(1) the Texas Water Development Board may provide funding to a Type B corporation for a project described by Section 505.154 if money is appropriated for that purpose, and the corporation may undertake the project using the funds provided; or

(2) a Type B corporation may undertake a project described by Section 505.154 if money is not appropriated for that purpose and the project is included in the regional water plan approved by the Texas Water Development Board for the regional water planning area in which the authorizing municipality is located.

(Speaker pro tempore in the chair)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

CSHB 4 - (consideration continued)**Amendment No. 38 - Point of Order**

Representative Martinez Fischer raised a point of order against further consideration of Amendment No. 38 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair overruled the point of order and submitted the following statement:

Representative Martinez Fischer raised a point of order under Rule 11, Section 2 of the House Rules that Amendment No. 38 was not germane to **CSHB 4** because it amends the Local Government Code and does not mention the state water implementation fund for Texas or the state water implementation revenue fund for Texas. The point of order is respectfully overruled.

The amendment, which allows the Texas Water Development Board (TWDB) to provide funds to certain entities for certain water-related projects, is germane to the bill, which relates to TWDB's funding of those and other water-related projects. See Rule 11, Section 2 of the House Rules and accompanying explanatory notes and house precedents.

Representative Lucio moved to table Amendment No. 38.

The motion to table prevailed.

(Speaker in the chair)

Amendment No. 39

Representative C. Turner offered the following amendment to **CSHB 4**:
Floor Packet Page No. 37

Amend **CSHB 4** (house committee printing) on page 17, between lines 20 and 21, by inserting the following:

Sec. 15.442. CONTRACT REQUIREMENTS. (a) In this section, "political contribution" has the meaning assigned by Section 251.001, Election Code.

(b) The governing body of a political subdivision shall include in each contract for a project for which financial assistance is received under this subchapter the requirement that the contractor may not make a political contribution for the duration of the contract.

Amendment No. 40

Representative C. Turner offered the following amendment to Amendment No. 39:

Amend Floor Amendment No. 39 by C. Turner (page 37 of the pre-filed amendments packet) by striking lines 6-10 of the amendment and substituting the following:

(b) Each contract for a project for which financial assistance is received under this subchapter must include a requirement that:

(1) the contractor conform to all state and federal laws relating to the subject of the contract; and

(2) for the duration of the project, prohibits the making of a political contribution from the personal or business funds of an individual or sole proprietor of a business that is a party to the contract to a candidate for a:

(A) state office; or

(B) local office that has direct responsibility for awarding the

contract.

(b-1) The prohibition required by Subsection (b)(2) does not apply to a political contribution made:

(1) by an employee, partner, shareholder, or officer of a business that is a party to the contract; or

(2) from a separate, segregated fund established by a business or labor organization.

Amendment No. 40 was adopted. (Phillips recorded voting no.)

Representative Ashby moved to table Amendment No. 39, as amended.

The motion to table prevailed by (Record 125): 97 Yeas, 40 Nays, 3 Present, not voting.

Yeas — Allen; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Dukes; Dutton; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Giddings; Goldman; Gonzales; Gooden; Guerra; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Patrick; Perez; Perry; Phillips; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smithee; Springer; Stickland; Thompson, E.; Toth; Turner, E.S.; Villalba; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Canales; Capriglione; Coleman; Collier; Cortez; Davis, Y.; Eiland; Farias; González, M.; Gonzalez, N.; Guillen; Gutierrez; Hernandez Luna; Herrero; Howard; Johnson; King, T.; Longoria; Márquez; Martínez; Martínez Fischer; Moody; Naishtat; Nevárez; Oliveira; Rodriguez, E.; Rodriguez, J.; Rose; Simpson; Strama; Taylor; Thompson, S.; Turner, C.; Villarreal; Vo; White; Wu.

Present, not voting — Mr. Speaker(C); Lucio; Turner, S.

Absent — Anderson; Burnam; Farrar; Geren; Muñoz; Parker; Pickett; Smith; Stephenson; Walle.

STATEMENTS OF VOTE

When Record No. 125 was taken, I was in the house but away from my desk. I would have voted no.

Burnam

I was shown voting yes on Record No. 125. I intended to vote no.

Giddings

I was shown voting yes on Record No. 125. I intended to vote no.

Menéndez

When Record No. 125 was taken, my vote failed to register. I would have voted no.

Muñoz

When Record No. 125 was taken, my vote failed to register. I would have voted yes.

Parker

I was shown voting yes on Record No. 125. I intended to vote no.

Perez

When Record No. 125 was taken, my vote failed to register. I would have voted no.

Walle

CSHB 4 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE PERRY: Representative Ritter, I, too, want to concur with all the work that you've put into it, this is an awesome process that you went through. Specifically, I just need to hear the intent—I don't think it's in here, but just for record purposes, there's nowhere in this process through your bill, through **HB 4**, that would intend to transfer ownership of water, property rights, or anything in the process of implementation of rural, through the process of the advisory committee, there's nothing in there that would undo what we did in the last session with respect to—I believe it was 330—but there's nowhere intended in here with implementation of that. There's nothing in your mind that would transfer groundwater rights.

REPRESENTATIVE RITTER: Let me answer that simply: absolutely not. No, no, no.

REMARKS ORDERED PRINTED

Representative Perry moved to print remarks between Representative Ritter and Representative Perry.

The motion prevailed.

CSHB 4, as amended, was passed to engrossment by (Record 126): 144 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn;

Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Strama; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zerwas.

Nays — Simpson; Taylor; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Coleman; Stickland.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 126. I intended to vote present, not voting.

Martinez

When Record No. 126 was taken, my vote failed to register. I would have voted yes.

Stickland

GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

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

CSHB 144 ON SECOND READING (by Raymond)

CSHB 144, A bill to be entitled An Act relating to a mental examination of a child subject to the juvenile justice system.

CSHB 144 was passed to engrossment.

HB 812 ON SECOND READING (by Cook and Orr)

HB 812, A bill to be entitled An Act relating to the sunset review of the board of trustees of the Employees Retirement System of Texas.

HB 812 was passed to engrossment.

CONSTITUTIONAL RULE SUSPENDED

Representative Y. Davis moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 4**, **HB 144**, and **HB 812** on their third reading and final passage.

The motion prevailed by (Record 127): 148 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent — Deshotel.

HB 4 ON THIRD READING

(by Ritter, Price, Johnson, D. Miller, Lucio, et al.)

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

HB 4, A bill to be entitled An Act relating to the funding of certain water-related projects by the Texas Water Development Board; authorizing the issuance of revenue bonds.

HB 4 was read third time and was passed by (Record 128): 146 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hunter; Isaac; Johnson; Kacal;

Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Simpson; Taylor.

Present, not voting — Mr. Speaker(C).

Absent — Hughes.

STATEMENT OF VOTE

When Record No. 128 was taken, I was in the house but away from my desk. I would have voted yes.

Hughes

HB 144 ON THIRD READING

(by Raymond)

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

HB 144, A bill to be entitled An Act relating to a mental examination of a child subject to the juvenile justice system.

HB 144 was read third time and was passed by (Record 129): 149 Yeas, 0 Nays, 1 Present, not voting.

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

Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

HB 812 ON THIRD READING

(by Cook and Orr)

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

HB 812, A bill to be entitled An Act relating to the sunset review of the board of trustees of the Employees Retirement System of Texas.

HB 812 was read third time and was passed by (Record 130): 149 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

SCR 32 - ADOPTED

(Dutton - House Sponsor)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **SCR 32**.

The motion prevailed.

The following resolution was laid before the house:

SCR 32, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, March 27, 2013, and ending on Tuesday, April 2, 2013.

SCR 32 was adopted by (Record 131): 148 Yeas, 0 Nays, 2 Present, not voting.

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

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

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Pensions, upon adjournment today, Desk 109, for a formal meeting, to consider pending business.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES CORRECTIONS IN REFERRAL

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

Representative P. King moved that the house adjourn until 2 p.m. Monday, April 1 in memory of Jim Thorp of Parker County.

The motion prevailed.

The house accordingly, at 4:38 p.m., adjourned until 2 p.m. Monday, April 1.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 3898 (By Hilderbran), Relating to water districts in Bandera County.
To Natural Resources.

HB 3899 (By Lavender), Relating to the Texarkana College District.
To Higher Education.

HB 3900 (By Geren), Relating to the board of directors of the Tarrant Regional Water District.
To Natural Resources.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

HB 3189 (By Otto), Relating to the qualifications of certain electric generation projects for programs designed to encourage the capture and utilization of carbon dioxide for use in enhanced oil recovery.
To Energy Resources.

HB 3652 (By Vo), Relating to an exemption from certain drainage or stormwater control assessments, charges, or fees.
To Natural Resources.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 12

HCR 93

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, March 27, 2013 - 1

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SCR 32

Whitmire

SPONSOR: Dutton

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, March 27, 2013, and ending on Tuesday, April 2, 2013.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 26

Corrections - **HB 694**

Investments and Financial Services - **HB 1664, HB 2134**

Land and Resource Management - **HB 397**

Licensing and Administrative Procedures - **HB 232**

Technology - **HB 768, HB 1271**

Ways and Means - **HB 1478**

RECOMMENDATIONS FILED WITH THE SPEAKER

March 26 - HB 187, HB 436, HB 518, HB 589, HB 776, HB 890, HB 907, HB 935, HB 964, HB 971, HB 995, HB 1034, HB 1157, HB 1218, HB 1260, HB 1276, HB 1277, HB 1301, HB 1330, HB 1354, HB 1355, HB 1356, HB 1378, HB 1385, HB 1386, HB 1387, HB 1481, HB 1492, HB 1506, HB 1547, HB 1571, HB 1572, HB 1586, HB 1587, HB 1588, HB 1593, HB 1594, HB 1619, HB 1800, HB 1801, HB 1895, HB 1941, HB 1942, HB 2055, HB 2138, HB 2139, HB 2149, HB 2193, HB 2200, HB 2213, HB 2214, HB 2215, HB 2216, HB 2248, HB 2282, HB 2283, HB 2284, HB 2285, HB 2286, HB 2287, HB 2307, HB 2341, HB 2617, HB 2640, HB 2750, HB 2832, HB 2833, HB 2834, HB 3614, HB 3707, HB 3858, HB 3859, HB 3860

