

HOUSE JOURNAL

EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-NINTH DAY — THURSDAY, MAY 23, 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 1130).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; 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.

The speaker recognized Representative Lavender who introduced Dr. Bruce Hargrave, Bruce Hargrave Ministries and Charities, Rowlett, who offered the invocation as follows:

O God, we humble ourselves gathered in the people's house to acknowledge that you are our creator and we are the created. As such, we do our best every day but in all honesty, our best isn't good enough. We need to be better. We need to do better. We cannot do either without your notice and your help.

O God, help us to be the servants of the people of Texas who put their faith and trust in us to come and do their work. O God, give us your grace and guidance. O God, grant us wisdom and knowledge beyond our experience and education. O God, help us to bring justice to injustice, compassion for those who hurt, help to those who are helpless, hope for those depressed and downtrodden,

and friendship to those in our state who feel no one listens, cares, or is concerned for them. O God, give us your light to light our paths. We pray in the name of Jesus the Christ. Amen.

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

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

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

(Kuempel in the chair)

INTRODUCTION OF GUEST

The chair recognized Representative Canales who introduced the Honorable Aaron Peña, Jr.

HR 2459 - ADOPTED (by Canales)

Representative Canales moved to suspend all necessary rules to take up and consider at this time **HR 2459**.

The motion prevailed.

The following resolution was laid before the house:

HR 2459, Honoring former State Representative Aaron Pena, Jr., for his legislative service.

HR 2459 was adopted.

On motion of Representative Alonzo, the names of all the members of the house were added to **HR 2459** as signers thereof.

HR 983 - PREVIOUSLY ADOPTED (by Larson)

The chair laid out the following previously adopted resolution:

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

On motion of Representative Larson, the names of all the members of the house were added to **HR 983** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Larson who introduced Larry Coker and representatives of The University of Texas at San Antonio.

HR 2005 - PREVIOUSLY ADOPTED (by Naishtat)

The chair laid out the following previously adopted resolution:

HR 2005, Recognizing the importance of postsecondary education for persons with intellectual disabilities.

On motion of Representatives Anderson, Krause, Moody, Naishtat, Ratliff, and Rose, the names of all the members of the house were added to **HR 2005** as signers thereof.

HR 1969 - PREVIOUSLY ADOPTED (by J. Rodriguez)

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

HR 1969, In memory of education advocate Demetrio Rodriguez of San Antonio.

On motion of Representative Cortez, the names of all the members of the house were added to **HR 1969** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative J. Rodriguez who introduced family members of Demetrio Rodriguez.

LEAVE OF ABSENCE GRANTED

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

Laubenberg on motion of Sheets.

HR 2643 - ADOPTED (by Martinez Fischer, Farias, Cortez, Gutierrez, and McClendon)

Representative Martinez Fischer moved to suspend all necessary rules to take up and consider at this time **HR 2643**.

The motion prevailed.

The following resolution was laid before the house:

HR 2643, Recognizing Toyota Motor Manufacturing, Texas, Inc., in San Antonio.

HR 2643 was read and was adopted.

On motion of Representative Larson, the names of all the members of the house were added to **HR 2643** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Martinez Fischer who introduced representatives of Toyota Motor Manufacturing, Texas, Inc., speaking as follows:

Members, you heard the resolution, and what we're doing today essentially is we are celebrating the 10-year birthday of Toyota manufacturing. And for lots of people that means lots of different things, but let me just tell you a few of them. This is a company that will be producing their 1,000,000th truck this fall, right here in Texas, and that's something to be very proud of. This is a company that, in the two times in the history of Toyota manufacturing when production came to an absolute halt because of the economy and because of natural disasters in Japan—never did Toyota ever stop working. I'll say that again, never did Toyota ever stop working. They did not lose a single employee. They put them to work in training in what we know as Kaizen, and they also sent them to go participate in our community—and they were paid to do community service for our community. And you cannot thank a better corporate citizen for that.

And lastly, as you know, when we debate economic development programs and we talk about the virtue of making investments with companies that come to Texas, Toyota is always the gold standard. Toyota is always the example that is given as to why development agreements work. And so, with us today we have some wonderful officials from Toyota on the dais, and we also have some family members in the east gallery, beginning with our president, Chris Nielsen; we have Kurt Onoue; we have David Crouch; we have Mario Lozoya; we have Monica Flores. In our east gallery, we have the Onoue family, some of whom have come from as far as Japan. I want them also to stand up, and let's give these guests a round of applause and our congratulations.

REMARKS ORDERED PRINTED

Representative Workman moved to print remarks by Representative Martinez Fischer.

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. 40).

HR 1785 - PREVIOUSLY ADOPTED (by D. Bonnen)

The chair laid out the following previously adopted resolution:

HR 1785, Congratulating the Sunset Advisory Commission on its receipt of the National Conference of State Legislatures 2012 Excellence in Evaluation Award.

On motion of Representatives Anchia, Cook, Dutton, and Price, the names of all the members of the house were added to **HR 1785** as signers thereof.

HR 2685 - ADOPTED
(by Riddle)

Representative Riddle moved to suspend all necessary rules to take up and consider at this time **HR 2685**.

The motion prevailed.

The following resolution was laid before the house:

HR 2685, Congratulating Jonathan and Melissa English on the birth of their daughter, Sarah Rose English.

HR 2685 was adopted.

HR 2684 - ADOPTED
(by Farney)

Representative Farney moved to suspend all necessary rules to take up and consider at this time **HR 2684**.

The motion prevailed.

The following resolution was laid before the house:

HR 2684, Honoring Andrea Bruti for her service as a legislative intern in the office of State Representative Marsha Farney.

HR 2684 was adopted.

HR 2560 - ADOPTED
(by Geren)

The following privileged resolution was laid before the house:

HR 2560

BE IT RESOLVED by the House of Representatives of the State of Texas, 83rd Legislature, Regular Session, 2013, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 1160** (the transfer of a certificate of convenience and necessity in certain municipalities) to consider and take action on the following matter:

House Rule 13, Section 9(a)(1), is suspended to permit the committee to change text not in disagreement in proposed Section 1 of the bill, in added Section 552.024(a), Local Government Code, to read as follows:

(a) This section applies to:

(1) a municipality that:

(A) has a population of not more than 2,500;

(B) is located in a county that:

(i) has a population of 1.7 million or more; and

(ii) has two municipalities with a population of 300,000 or

more; and

(C) is served by a public utility that:

(i) provides service to the entire municipality; and

(ii) charges rates for 5,000 gallons of water for residential customers that are at least 50 percent higher than the rates charged by a municipally owned utility that serves another part of the county in which the municipality is located; and

(2) a municipality:

(A) with a population of more than 95,000;

(B) located in a county that:

(i) borders Lake Palestine; and

(ii) has a population of more than 200,000;

(C) that owns and operates a utility that provides sewer service;

and

(D) that has an area within the boundaries of the municipality that is certificated to another retail public utility that provides sewer service.

Explanation: The change is necessary to specify the municipalities to which the added section will apply.

HR 2560 was adopted.

HB 1160 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Geren submitted the following conference committee report on **HB 1160**:

Austin, Texas, May 21, 2013

The Honorable David Dewhurst
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1160** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Nelson
Eltife
Watson
Deuell
Nichols

Geren
Frullo
Kuempel
Paddie
Schaefer

On the part of the senate

On the part of the house

HB 1160, A bill to be entitled An Act relating to the transfer of a certificate of convenience and necessity in certain municipalities.

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

SECTION 1. Subchapter B, Chapter 552, Local Government Code, is amended by adding Section 552.024 to read as follows:

Sec. 552.024. TRANSFER OF CERTIFICATE OF CONVENIENCE AND NECESSITY IN CERTAIN MUNICIPALITIES. (a) This section applies to:

(1) a municipality that:

(A) has a population of not more than 2,500;

(B) is located in a county that:

(i) has a population of 1.7 million or more; and
(ii) has two municipalities with a population of 300,000 or
more; and

(C) is served by a public utility that:

(i) provides service to the entire municipality; and
(ii) charges rates for 5,000 gallons of water for residential
customers that are at least 50 percent higher than the rates charged by a
municipally owned utility that serves another part of the county in which the
municipality is located; and

(2) a municipality:

(A) with a population of more than 95,000;

(B) located in a county that:

(i) borders Lake Palestine; and

(ii) has a population of more than 200,000;

(C) that owns and operates a utility that provides sewer service;

and

(D) that has an area within the boundaries of the municipality that
is certificated to another retail public utility that provides sewer service.

(b) Notwithstanding any other law, on application by a municipality
described by Subsection (a), the agency with authority over certificates of
convenience and necessity for water and sewer service shall transfer at such time
and under such circumstances as specified by a trial court a certificate of
convenience and necessity for water and sewer service from a public utility to the
municipality for the public utility's service area located in the municipality's
corporate limits, if the municipality:

(1) has instituted a condemnation proceeding under Chapter 21,
Property Code, to acquire the property of the public utility's water and sewer
system in the municipality's corporate limits; and

(2) will possess the financial, managerial, and technical capability to
provide continuous and adequate water and sewer service to the area to the
satisfaction of or in accordance with the orders of a trial court at the time of
transfer.

(c) The transfer of the certificate shall not be effective unless:

(1) a judgment that transfers the real property of the public utility to the
municipality becomes final and is not subject to further appeal; and

(2) the municipality has paid to the public utility the fair market value
compensation due, as set by agreement or as ordered by a court judgment, for that
taking of real property.

(d) This section does not expand, restrict, or otherwise alter the law with
regard to a municipality's right to exercise the power of eminent domain under
Chapter 21, Property Code.

SECTION 2. Section 552.024, Local Government Code, as added by this Act, applies only to a condemnation proceeding in which the petition is filed on or after September 1, 2011. A condemnation proceeding in which the petition is filed before September 1, 2011, is governed by the law in effect on the date the petition was filed, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Representative Geren moved to adopt the conference committee report on **HB 1160**.

The motion to adopt the conference committee report on **HB 1160** prevailed by (Record 1131): 139 Yeas, 1 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, S.; Deshotel; Dukes; Dutton; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Harless; Harper-Brown; Hernandez Luna; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; 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; 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; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; White; Workman; Wu; Zedler; Zerwas.

Nays — Simpson.

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

Absent, Excused — Laubenberg.

Absent — Davis, Y.; Eiland; Farias; Farrar; Gutierrez; Herrero; Walle.

STATEMENT OF VOTE

I was shown voting no on Record No. 1131. I intended to vote yes.

Simpson

RESOLUTIONS ADOPTED

Representative Geren moved to suspend all necessary rules to take up and consider at this time the following memorial resolutions:

HCR 199 (by Menéndez), In memory of U.S. Army Staff Sergeant Omar L. Aceves of El Paso.

HCR 200 (by Menéndez), In memory of U.S. Army Sergeant Zainah C. Creamer of Texarkana.

HCR 201 (by Menéndez), In memory of U.S. Army Private First Class Ira B. Laningham IV of Zapata.

HCR 202 (by Menéndez), In memory of U.S. Army Specialist Omar Soltero of San Antonio.

HCR 203 (by Menéndez), In memory of U.S. Army Staff Sergeant Chauncy R. Mays of Cookville.

HCR 204 (by Menéndez), In memory of U.S. Air Force Airman First Class Corey C. Owens of San Antonio.

The motion to suspend all necessary rules prevailed, and the resolutions were unanimously adopted by a rising vote.

On motion of Representative Geren, the names of all the members of the house were added to the resolutions as signers thereof.

**HB 2152 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 2152, A bill to be entitled An Act relating to fees charged to certain recreational vehicle parks.

Representative Callegari moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2152**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2152**: Callegari, chair; Frullo, Dutton, Lucio, and Orr.

(R. Sheffield in the chair)

**HB 2197 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2197, A bill to be entitled An Act relating to the continuation and functions of the Texas Lottery Commission; providing penalties; imposing and changing fees.

HB 2197 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ANCHIA: The senate made two changes to the lottery sunset bill. The first change removed the requirement for charities to dedicate five percent of their bingo revenue to charitable programs—I think Chairman Cook is going to speak on that issue. While that seems to be a reasonable request from the house, many charities dedicate far less to their programs and argued vociferously that they would no longer be able to participate in bingo if the change took place. So, instead, the second change the senate made was to require

the Legislative Review Committee—the one that was set up in the Villarreal amendment—that was bolstered to include bingo. So, the two-year study from both the house and the senate—Representative Sanford, as you and I discussed yesterday—that's been beefed up. So, it's going to be a study on the potential phase-out of the lottery, but it's also going to be a study of bingo to see if we can increase the yield to charities from bingo. And I think that's a conversation, Representative Sanford, that we had yesterday. So, I'd prefer more concrete action that makes charitable bingo in this state more charitable, as Chairman Cook is often telling us, and is correct, I believe. This study is at least a step in the right direction, and as a result, I move to concur.

REPRESENTATIVE COOK: I'm going to speak on this. As you remember, I put on an amendment which would require charitable bingos to actually pay out at least five percent of their gross to charity. We tried to negotiate with the senate on this issue, and I'm here to tell you that there is very little charitable charity in charitable bingo. Right now, over 40 percent of the charitable bingos pay out less than three percent. There are many, many charitable bingos that pay zero—once again, they pay zero. My personal opinion is that this study is going to do very little in advancing this. Charitable bingo has a very skilled lobbyist who I think has been very effective in thwarting moving us forward with respect to charitable bingo. I think the charities are, at this time, so pleased to get whatever crumbs that they receive that they don't really recognize that if we put some teeth in this, they would get millions more dollars to actually make sure that—once again—we have charitable bingo. I think we ought to take the word charitable bingo out and just name it for what it is: this is for profit. I'm hoping that the charitable bingo people are listening because they could go a long way to actually fixing this. I am not going to speak against, in deference to my colleague who has spent so much time, but, once again, I don't believe a study is going to do much good. I think charitable bingo is going to continue to be a noncharitable enterprise, primarily across most of this state.

ANCHIA: I want to thank Chairman Cook for his leadership on the issue of charitable bingo. It's an issue we discussed in Sunset; it's an issue that we acted on on the house floor. I think the language that will be in this bill will allow us to study this issue—how to increase the yield to charities on charitable bingo is a good path forward. It's going to let Chairman Cook, and the other members who are interested in this issue, lead on charitable bingo and make sure we increase the money that goes to charities during the interim. I think that will be a good solution. It will focus this body on that issue during the upcoming two years.

REPRESENTATIVE SHEETS: Mr. Anchia, I just want to clarify a few things. The Villarreal amendment that we put onto this, about the study—the senate left that in there?

ANCHIA: Yes, the Villarreal amendment. And just by way of recap, Representative Sheets, the Villarreal amendment said we are going to study the possible phase-out of the lottery, including—and this is important—how to replace the revenue that is currently yielded by the lottery, which was the big sticking point. You recall that there was a great deal of concern about how we

fund public education through the lottery. This is going to let us work alongside the senate during the interim to look at the lottery and how it relates to our funding public education—to the extent we want to do something on the lottery and phase it out, how we replace that revenue over time. So that's the Villarreal amendment. The senate amended the Villarreal amendment to include a study on bingo and how to increase the yield to charities from charitable bingo. That is the senate's impact on the Villarreal amendment, but the underlying Villarreal amendment and what we sent out of here remains intact.

SHEETS: Okay, and I appreciate that. Because, as you know, I was one of the many members that opposed the original bill just because of the lottery provision. I do appreciate the fact that we are leaving the amendment in there about the study of the phase-out of the lottery. I think that's really important for the members to hear.

REPRESENTATIVE CAPRIGLIONE: Representative, I just want to make sure that we put this in, and one of the things that we had talked about when we were discussing the lottery issue was, if we do manage to get a study in there, also to take the time to look at the possibility of privatizing the lottery system. Maybe using it as a license to go and sell to a firm, as opposed to the way, it's not necessarily state-controlled, maybe regulated in some way, but that it would be private. So, I'm wondering if you are still amenable to doing that as part of the study?

ANCHIA: I think the study is going to be very broad and very open. There are going to be five members of the house and five members of the senate, and I believe that that body—it'll be appointed by the speaker and the lieutenant governor—will have quite a bit of space to operate and look at a number of different options about what to do with the lottery. And I anticipate it would include a discussion on the very issues you talk about today.

REPRESENTATIVE STEPHENSON: I'm looking at this report Mr. Cook gave to me just yesterday, so I've not exactly got it all. But I do know that if our requirements for a nonprofit for five percent of the gross receipts, which could be defined as net receipts, being my opinion, and they don't do it, then there's no penalty to not do it. So, in your study, please put a penalty. You could call it a UBI—that's unrelated business income under 990s—and make them pay a tax of 20 percent. They might actually give it to charity. So, consider those things as a penalty, because if we don't have a penalty for five percent, or one percent, or anything, they won't do it. I'm just making a comment more than a question.

ANCHIA: Well, I'll take it as a question, and what I would respond back, Representative Stephenson, is that within the scope of this study, I believe that whatever remedies and recommendations we offer up should have teeth and penalties, as you discuss. If a number is arrived at after working with all the stakeholders, including the charities, by the way, that were concerned about the way we sent this bill out with the Cook amendment—I got a lot of calls from charities that were worried about their yield. We want to make sure, whatever

number we come up with, there have to be penalties if you don't meet that number. And so, I think we're in agreement on this issue, and it should be a part of the study.

Representative Anchia moved to concur in the senate amendments to **HB 2197**.

The motion to concur in the senate amendments to **HB 2197** prevailed by (Record 1132): 87 Yeas, 58 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Bonnen, D.; Burnam; Callegari; Canales; Coleman; Collier; Cortez; Craddick; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Geren; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Howard; Huberty; Hunter; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Kuempel; Larson; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Moody; Morrison; Muñoz; Naishtat; Nevárez; Oliveira; Otto; Patrick; Perez; Pickett; Pitts; Price; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheets; Sheffield, J.; Smith; Stephenson; Strama; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Wu; Zerwas.

Nays — Anderson; Ashby; Bell; Bohac; Bonnen, G.; Branch; Burkett; Button; Capriglione; Carter; Clardy; Cook; Creighton; Crownover; Dale; Darby; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Goldman; Gooden; Harper-Brown; Hughes; Isaac; King, P.; Kleinschmidt; Klick; Kolkhorst; Krause; Lavender; Leach; Lewis; Miller, R.; Murphy; Orr; Paddie; Parker; Perry; Phillips; Raney; Ratliff; Riddle; Schaefer; Simmons; Simpson; Smithee; Springer; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; White; Workman; Zedler.

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

Absent, Excused — Laubenberg.

Absent — Hilderbran; Sanford.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1132. I intended to vote no.

Callegari

I was shown voting yes on Record No. 1132. I intended to vote no.

Harless

When Record No. 1132 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

Senate Committee Substitute

CSHB 2197, A bill to be entitled An Act relating to the continuation and functions of the Texas Lottery Commission; providing penalties; imposing and changing fees.

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

SECTION 1. Section 466.014, Government Code, is amended by adding Subsection (d) to read as follows:

(d) A contract between the division and a lottery operator under Subsection (b) must contain a provision allowing the contract to be terminated without penalty if the division is abolished.

SECTION 2. Subchapter B, Chapter 466, Government Code, is amended by adding Section 466.028 to read as follows:

Sec. 466.028. COMPREHENSIVE BUSINESS PLAN. (a) The commission shall develop a comprehensive business plan to guide the commission's major initiatives. The plan must at a minimum include:

(1) specific goals for the agency; and

(2) an evaluation of:

(A) the agency's overall performance;

(B) the effectiveness of specific programs and initiatives;

(C) the ongoing efficiency of agency operations;

(D) the amount of lottery revenue that is generated for state purposes other than the payment of prizes; and

(E) the factors affecting the amount of lottery revenue received and disbursed, including ticket sales and administrative efficiency.

(b) The commission as frequently as the commission determines appropriate shall review the comprehensive business plan and at least annually hold a public meeting to discuss the plan or updates to the plan.

SECTION 3. Subchapter C, Chapter 466, Government Code, is amended by adding Section 466.1005 to read as follows:

Sec. 466.1005. PROCUREMENTS. (a) The commission may purchase or lease facilities, goods, and services and make any purchases, leases, or contracts necessary for carrying out the purposes of this chapter.

(b) The commission shall review and must approve all major procurements as provided by commission rule. The commission by rule shall establish a procedure to determine what constitutes a major procurement based on the cumulative value of a contract and other relevant factors. This subsection does not require a commission member to sign the contract.

(c) The commission may delegate to the executive director the authority to approve procurements other than major procurements.

SECTION 4. Sections 466.101(a) and (b), Government Code, are amended to read as follows:

(a) The commission and executive director may establish procedures for the purchase or lease of facilities, goods, and services and make any purchases, leases, or contracts that are necessary for carrying out the purposes of this chapter. The procedures must, as determined feasible and appropriate by the commission and executive director, promote competition to the maximum extent possible.

(b) In all procurement decisions, the commission and executive director shall take into account the particularly sensitive nature of the lottery and shall act to promote and ensure integrity, security, honesty, and fairness in the operation and administration of the lottery and the objective of producing revenues for the state treasury.

SECTION 5. Section 466.155, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) A hearing under this section must be conducted by the State Office of Administrative Hearings and is subject to Section 2001.058(e).

SECTION 6. Sections 466.160(b) and (c), Government Code, are amended to read as follows:

(b) The commission may summarily suspend a sales agent's license if proceedings for a preliminary hearing before the State Office of Administrative Hearings [~~commission or the commission's representative~~] are initiated simultaneously with the summary suspension. The preliminary hearing shall be set for a date not later than 10 days after the date of the summary suspension, unless the parties agree to a later date.

(c) At the preliminary hearing, the sales agent must show cause why the license should not remain suspended pending a final hearing on suspension or revocation. [~~Chapter 2001 does not apply in the administration and enforcement of the summary suspension of a license under this section.~~] The rules governing a hearing on any other license suspension or revocation under this chapter govern a final administrative hearing under this subsection. A hearing under this section is subject to Section 2001.058(e).

SECTION 7. Section 466.252, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The commission by rule shall require that a ticket that contains a number of words, as determined by commission rule, in a language other than English must include disclosures in that language.

SECTION 8. Section 466.408, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) If a claim is not made for prize money on or before the 180th day after the date on which the winner was selected, the prize money shall be used in the following order of priority:

(1) subject to legislative appropriation, not more than \$20 million in prize money each year may be deposited to [~~or appropriated from~~] the [~~Texas~~] Department of State Health Services state-owned multicategorical teaching hospital account, which is an account in the general revenue fund, or appropriated from that account to provide indigent health care services as specified in Chapter 61, Health and Safety Code;

(2) not more than \$5 million in prize money each year may be appropriated to the Health and Human Services Commission and shall be used to support the provision of inpatient hospital services in hospitals located in the 15 counties that comprise the Texas-Mexico border area, with payment for those

services to be not less than the amount established under the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) cost reimbursement methodology for the hospital providing the services;

(3) the remaining amount, not to exceed \$5 million in prize money in each state fiscal year less any amount deposited in the fund in that year attributable to the lottery game operated under Section 466.027, shall be deposited to the fund for veterans' assistance; and

(4) all prize money subject to this section and not deposited or appropriated in accordance with ~~[from the Texas Department of Health state owned multicategorical teaching hospital account, not appropriated to the Health and Human Services Commission for the purpose specified in]~~ Subdivision (1), (2), or ~~[and not deposited under Subdivision]~~ (3)^[5] shall be deposited to the credit of the foundation school ~~[in the general revenue] fund [and may be appropriated for any purpose as determined by the legislature, including the provision of indigent health care services as specified in Chapter 61, Health and Safety Code].~~

(b-1) Notwithstanding Subsection (b), if the legislature appropriates money from the general revenue fund to the programs described by Subsection (b) in an amount equal to the maximum amount of money that could be appropriated from unclaimed prize money to those programs under that subsection, all unclaimed prize money must be deposited to the credit of the foundation school fund.

SECTION 9. Section 467.002, Government Code, is amended to read as follows:

Sec. 467.002. APPLICATION OF SUNSET ACT. The commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter, Chapter 466 of this code, and Chapter 2001, Occupations Code, expire September 1, 2025 ~~[2013]~~.

SECTION 10. Subchapter A, Chapter 467, Government Code, is amended by adding Section 467.0021 to read as follows:

Sec. 467.0021. LEGISLATIVE REVIEW. (a) The Legislative Committee to Review the Texas Lottery and Texas Lottery Commission is composed of 10 members as follows:

(1) five members of the senate appointed by the lieutenant governor;
and

(2) five members of the house of representatives appointed by the speaker of the house of representatives.

(b) The lieutenant governor and speaker shall each name a co-chair of the committee from the members appointed by each officer.

(c) The committee shall study:

(1) charitable bingo authorized under Chapter 2001, Occupations Code, and the distribution of charitable bingo revenue, including:

(A) the portion of the total amount of charitable bingo revenue collected by a licensed authorized organization that the organization should be required to use for the charitable purposes of the organization;

(B) any detrimental impact to the organization, or other policy considerations, related to the establishment of mandatory distribution requirements for charitable bingo revenue; and

(C) market-based approaches to conducting and administering bingo operations and revenues that maximize the availability of funds to be used for charitable purposes; and

(2) the elimination of the state lottery, including:

(A) development of a proposed schedule and process for phasing out the state lottery;

(B) any potential consequences detrimental to this state of phasing out the state lottery or of the proposed schedule and process;

(C) the potential impact of eliminating the state lottery on this state's biennial budget and on any programs funded by the state lottery; and

(D) any other concerns identified by the committee related to eliminating the state lottery.

(d) The committee has all the powers provided by resolution adopted by the 82nd or 83rd Legislature for a joint interim study committee.

(e) The committee shall make any finding and recommendations the committee determines appropriate and shall report its finding and recommendations to the legislature. As part of its findings and recommendations, the committee may recommend that the commission audit specific licensed authorized organizations conducting bingo in this state. The committee shall make its initial report not later than December 1, 2014, and may make any supplemental reports the committee considers appropriate.

(f) This section expires September 1, 2015.

SECTION 11. Section 467.021(a), Government Code, is amended to read as follows:

(a) The commission is composed of ~~five~~ ~~three~~ members appointed by the governor with the advice and consent of the senate.

SECTION 12. Section 467.022, Government Code, is amended to read as follows:

Sec. 467.022. TERM OF OFFICE. Members hold office for staggered terms of six years, with the terms of either one or two members ~~[member's term]~~ expiring February 1 of each odd-numbered year.

SECTION 13. Section 467.024, Government Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) An individual is not eligible to be an appointed member of the commission if the individual:

(1) is registered, certified, or licensed by a regulatory agency in the field of bingo or lottery;

(2) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by the commission or receiving funds from the commission;

(3) ~~(2)~~ is employed by or participates in the management of a business entity or other organization regulated by ~~[the commission]~~ or receiving funds from the commission;

(4) [~~(3)~~] uses or receives a substantial amount of tangible goods, services, or funds from the commission, other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses;

(5) [~~(4)~~] is an officer, employee, or paid consultant of a Texas trade association in the field of bingo or lottery;

(6) [~~(5)~~] is required to register as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf of a profession related to the operation of the commission;

(7) [~~(6)~~] is married to an individual described by Subdivisions (2)-(6) [Subdivision (1)-(5)];

(8) [~~(7)~~] has been convicted of a felony or of any crime involving moral turpitude; or

(9) [~~(8)~~] is not a citizen of the United States.

(c) A person may not be a commission employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of bingo or lottery; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of bingo or lottery.

(d) A person may not act as the general counsel to the commission if the person is required to register as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf of a profession related to the operation of the commission.

SECTION 14. Subchapter B, Chapter 467, Government Code, is amended by adding Section 467.0255 to read as follows:

Sec. 467.0255. TRAINING. (a) A person who is appointed to and qualifies for office as a member of the commission may not vote, deliberate, or be counted as a member in attendance at a meeting of the commission until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) the legislation that created the commission;

(2) the programs, functions, rules, and budget of the commission;

(3) the results of the most recent formal audit of the commission;

(4) the requirements of laws relating to open meetings, public information, administrative procedure, and conflicts of interest; and

(5) any applicable ethics policies adopted by the commission or the Texas Ethics Commission.

(c) A person appointed to the commission is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

SECTION 15. Sections 467.026(a) and (c), Government Code, are amended to read as follows:

(a) It is a ground for removal from the commission ~~that a member~~ ~~[if the member]~~: ~~[The governor may remove a]~~

(1) does not have at the time of taking office ~~[appointment]~~ the qualifications required by Sections 467.023 and 467.024 ~~[for appointment to the commission]~~;

(2) does not maintain during service on the commission the qualifications required by Sections 467.023 and 467.024 ~~[for appointment to the commission]~~;

(3) is ineligible for membership under ~~[violates a prohibition established by]~~ Section 467.023, 467.024, or 467.025;

(4) cannot discharge the member's duties for a substantial part of the member's term ~~[for which the member is appointed]~~ because of illness or disability; or

(5) is absent from more than half of the regularly scheduled commission meetings that the member is eligible to attend during a calendar year without an excuse approved ~~[unless the absence is excused]~~ by majority vote of the commission.

(c) If the executive director ~~[presiding officer]~~ has knowledge that a potential ground for removal exists, the executive director ~~[presiding officer]~~ shall notify the presiding officer of the commission of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the commission, who shall then notify the governor and the attorney general that a potential ground for removal exists.

SECTION 16. Subchapter B, Chapter 467, Government Code, is amended by adding Section 467.037 to read as follows:

Sec. 467.037. DIVISION OF RESPONSIBILITIES. The commission shall develop and implement policies that clearly separate the policymaking responsibilities of the commission and the management responsibilities of the executive director and the staff of the commission.

SECTION 17. Subchapter C, Chapter 467, Government Code, is amended by adding Sections 467.109, 467.110, and 467.111 to read as follows:

Sec. 467.109. NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE RESOLUTION POLICY. (a) The commission shall develop and implement a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008 for the adoption of commission rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009 to assist in the resolution of internal and external disputes under the commission's jurisdiction.

(b) The commission's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The commission shall:

(1) coordinate the implementation of the policy adopted under Subsection (a);

(2) provide training as needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures.

Sec. 467.110. PUBLIC PARTICIPATION. The commission shall develop and implement policies that provide the public with a reasonable opportunity to appear before the commission and to speak on any issue under the jurisdiction of the commission.

Sec. 467.111. COMPLAINTS. (a) The commission shall maintain a system to promptly and efficiently act on each complaint filed with the commission. The commission shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b) The commission shall make information available to the public describing the commission's procedures for complaint investigation and resolution.

(c) The commission shall periodically notify the complaint parties of the status of the complaint until final disposition.

(d) The commission by rule shall adopt and publish procedures governing the entire complaint process from submission to disposition.

(e) The commission shall analyze the complaints filed with the commission to identify any trends or issues related to violations of state laws under the commission's jurisdiction. The analysis must:

(1) categorize complaints based on the type of violation alleged;

(2) track each complaint from submission to disposition;

(3) evaluate the effectiveness of the commission's enforcement process;

and

(4) include any additional information the commission considers necessary.

(f) The commission shall prepare a report on the trends and issues identified under Subsection (e) and make the report available to the public. The commission shall address the identified trends and issues, including trends and issues related to the regulation of lottery operations under Chapter 466 and of bingo under Chapter 2001, Occupations Code.

SECTION 18. Subchapter B, Chapter 2001, Occupations Code, is amended by adding Section 2001.0541 to read as follows:

Sec. 2001.0541. RULES ON CONSEQUENCES OF CRIMINAL CONVICTION. The commission shall adopt rules and guidelines as necessary to comply with Chapter 53 when using criminal history record information under this chapter to issue or renew a bingo license or to list or renew the listing of an individual in the registry of approved bingo workers.

SECTION 19. Subchapter B, Chapter 2001, Occupations Code, is amended by adding Section 2001.061 to read as follows:

Sec. 2001.061. LICENSE RENEWAL PROCESS. The commission shall adopt rules governing each part of the license renewal process for all licenses issued under this chapter, from application submission to completion of the renewal process. The process must require a license holder renewing a license to submit to the commission the information required in the initial license application.

SECTION 20. Section 2001.104(d), Occupations Code, is amended to read as follows:

(d) An applicant shall pay the fees established under Subsection (a) annually. An applicant for a license or renewal of a license may obtain a license that is effective for two years by paying an amount equal to two times the amount of the annual license fee ~~[, or by paying the license fee for the first year at the time the applicant submits the application and the fee for the second year not later than the first anniversary of the date the license becomes effective].~~

SECTION 21. Sections 2001.105(a) and (b), Occupations Code, are amended to read as follows:

(a) The commission shall issue or renew a license to conduct bingo on payment of the license fee provided by Section 2001.104 if the commission determines that:

(1) the member or members of the applicant designated in the application to conduct bingo are active members of the applicant;

(2) the bingo is to be conducted in accordance with this chapter;

(3) the proceeds of the bingo are to be disposed in accordance with this chapter;

(4) the applicant has made and can demonstrate significant progress toward the accomplishment of the purposes of the organization during the 12 months preceding the date of application for a license or license renewal;

(5) all persons who will conduct, promote, or administer the proposed bingo are active members of the applicant organization and all other persons who will assist in conducting, promoting, or administering the proposed bingo games are persons authorized to do so by Section 2001.411; and

(6) no person under whose name bingo will be conducted and no person working at the proposed bingo has been convicted of ~~[a felony,] a gambling offense or [;] criminal fraud[, or a crime of moral turpitude if less than 10 years has elapsed since the termination of a sentence, parole, mandatory supervision, or community supervision served for the offense].~~

(b) The commission may not issue a license to an authorized organization to conduct bingo if an officer or member of the board of directors of the organization has been convicted of ~~[a felony,] criminal fraud or [;] a gambling or~~

gambling-related offense~~[, or a crime of moral turpitude if less than 10 years has elapsed since the termination of a sentence, parole, mandatory supervision, or community supervision served for the offense].~~

SECTION 22. Section 2001.154(a), Occupations Code, is amended to read as follows:

(a) The commission may not issue a commercial lessor license to or renew a commercial lessor license of:

(1) a person convicted of ~~[a felony,]~~ criminal fraud ~~or~~^{or} a gambling or gambling-related offense~~[, or a crime of moral turpitude if less than 10 years has elapsed since termination of a sentence, parole, mandatory supervision, or community supervision served for the offense];~~

(2) a public officer who receives any consideration, direct or indirect, as owner or lessor of premises offered for conducting bingo;

(3) a person who extends credit to, loans money to, or pays or provides for the payment of license fees for an authorized organization;

(4) a distributor or manufacturer;

(5) a person in which a person covered by Subdivision (1), (2), (3), or (4) or a person married or related in the first degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to one of those persons has greater than a 10 percent proprietary, equitable, or credit interest or in which one of those persons is active or employed;

(6) a foreign corporation or other foreign legal entity;

(7) an individual who is not a resident of this state;

(8) a corporation or other legal entity owned or controlled by:

(A) a foreign corporation; or

(B) an individual who is not a resident of this state; or

(9) a corporation or other legal entity:

(A) whose shares are publicly traded; or

(B) owned or controlled by a corporation whose shares are publicly

traded.

SECTION 23. Section 2001.158(d), Occupations Code, is amended to read as follows:

(d) An applicant for a commercial lessor license shall pay the fees established under Subsection (a) annually. An applicant for a license or renewal of a license may obtain a license that is effective for two years by paying an amount equal to two times the amount of the annual license fee~~[, or by paying the license fee for the first year at the time the applicant submits the application and the license fee for the second year not later than the first anniversary of the date the license becomes effective].~~

SECTION 24. Section 2001.202, Occupations Code, is amended to read as follows:

Sec. 2001.202. ELIGIBILITY FOR MANUFACTURER'S LICENSE. The following persons are not eligible for a manufacturer's license:

(1) a person convicted of [~~a felony,~~] criminal fraud or[~~;~~] a gambling or gambling-related offense[~~, or a crime of moral turpitude if less than 10 years has elapsed since the termination of a sentence, parole, mandatory supervision, or community supervision served for the offense~~];

(2) a person who is or has been a professional gambler or gambling promoter;

(3) an elected or appointed public officer or a public employee;

(4) an owner, officer, director, shareholder, agent, or employee of a licensed commercial lessor;

(5) a person who conducts, promotes, or administers, or assists in conducting, promoting, or administering, bingo for which a license is required by this chapter;

(6) a distributor required to be licensed under this chapter;

(7) a person who has had a license to manufacture, distribute, or supply bingo equipment or supplies revoked within the preceding year by another state;

(8) an owner, officer, director, or shareholder of, or a person holding an equitable or credit interest in, another manufacturer or distributor licensed or required to be licensed under this chapter; or

(9) a person:

(A) in which a person described by Subdivision (1), (2), (3), (4), (5), (6), (7), or (8) or in which a person married or related in the first degree by consanguinity or affinity to one of those persons has greater than a 10 percent proprietary, equitable, or credit interest or in which one of those persons is active or employed; or

(B) in whose application for a manufacturer's license a person described by Subdivision (1), (2), (3), (4), (5), (6), (7), or (8) is required to be named.

SECTION 25. Section 2001.203(b), Occupations Code, is amended to read as follows:

(b) The application must include:

(1) the name and address of the applicant and the name and address of each of its locations where bingo supplies or equipment are manufactured;

(2) a full description of each type of bingo supply or equipment that the applicant intends to manufacture or market in this state and the brand name, if any, under which each item will be sold;

(3) if the applicant:

(A) is not a corporation, the name and home address of each owner; or

(B) is a corporation, the name and home address of each officer and director and each person owning more than 10 percent of a class of stock in the corporation;

(4) if the applicant is a foreign corporation or other foreign legal entity, the name, business name and address, and address of its registered agent for service in this state;

(5) the name and address of each manufacturer, supplier, and distributor in which the applicant has a financial interest and the details of that financial interest, including any indebtedness between the applicant and the manufacturer, supplier, or distributor of \$5,000 or more;

(6) information regarding whether the applicant or a person required to be named in the application has been convicted in this state or another state of [~~a felony,~~] criminal fraud or [~~;~~] a gambling or gambling-related offense[~~;~~ ~~or a crime of moral turpitude~~];

(7) information regarding whether the applicant or a person required to be named in the application is an owner, officer, director, shareholder, agent, or employee of a licensed commercial lessor or conducts, promotes, administers, or assists in conducting, promoting, or administering bingo for which a license is required by this chapter;

(8) information regarding whether the applicant or a person required to be named in the application is a public officer or public employee in this state;

(9) the name of each state in which the applicant is or has been licensed to manufacture, distribute, or supply bingo equipment or supplies, each license number, the period of time licensed under each license, and whether a license has been revoked, suspended, withdrawn, canceled, or surrendered and, if so, the reasons for the action taken;

(10) information regarding whether the applicant or a person required to be named in the application is or has been a professional gambler or gambling promoter;

(11) the names and addresses of each manufacturer, supplier, or distributor of bingo equipment or supplies in which the applicant or a person required to be named in the application is an owner, officer, shareholder, director, agent, or employee; and

(12) any other information the commission requests.

SECTION 26. Section 2001.205(a), Occupations Code, is amended to read as follows:

(a) The commission by rule shall set the annual manufacturer's license fee in an amount reasonable to defray administrative costs [~~is \$3,000~~].

SECTION 27. Section 2001.207, Occupations Code, is amended to read as follows:

Sec. 2001.207. ELIGIBILITY FOR DISTRIBUTOR'S LICENSE. The following persons are not eligible for a distributor's license:

(1) a person convicted of [~~a felony,~~] criminal fraud or [~~;~~] a gambling or gambling-related offense[~~;~~ ~~or a crime of moral turpitude if less than 10 years has elapsed since the termination of a sentence, parole, community supervision, or mandatory supervision served for the offense~~];

(2) a person who is or has been a professional gambler or gambling promoter;

(3) an elected or appointed public officer or a public employee;

(4) an owner, officer, director, shareholder, agent, or employee of a licensed commercial lessor;

(5) a person who conducts, promotes, or administers, or assists in conducting, promoting, or administering bingo for which a license is required by this chapter;

(6) a manufacturer required to be licensed under this chapter;

(7) a person who has had a license to manufacture, distribute, or supply bingo equipment or supplies revoked within the preceding year by another state;

(8) an owner, officer, director, or shareholder of, or a person having an equitable or credit interest in, another manufacturer or distributor licensed or required to be licensed under this chapter; or

(9) a person:

(A) in which a person described by Subdivision (1), (2), (3), (4), (5), (6), (7), or (8) or in which a person married or related in the first degree by consanguinity or affinity, as determined under Subchapter B, Chapter 573, Government Code, to one of those persons has greater than a 10 percent proprietary, equitable, or credit interest or in which one of those persons is active or employed; or

(B) in whose application a person described by Subdivision (1), (2), (3), (4), (5), (6), (7), or (8) is required to be named.

SECTION 28. Section 2001.208(b), Occupations Code, is amended to read as follows:

(b) The application must include:

(1) the full name and address of the applicant;

(2) the name and address of each location operated by the distributor from which bingo supplies or equipment are distributed or at which bingo supplies or equipment are stored;

(3) if a noncorporate distributor, the name and home address of each owner;

(4) if a corporate distributor, the name and home address of each officer or director and of each person owning more than 10 percent of a class of stock in the corporation;

(5) if a foreign corporation or other foreign legal entity, the name, business name and address, and address of its registered agent for service in this state;

(6) a full description of the type of bingo supply or equipment that the applicant intends to store or distribute in this state and the name of the manufacturer of each item and the brand name, if any, under which the item will be sold or marketed;

(7) the name and address of a manufacturer, supplier, or distributor in which the applicant has a financial interest and the details of that financial interest, including an indebtedness between the applicant and the manufacturer, supplier, or distributor of \$5,000 or more;

(8) information regarding whether the applicant or a person required to be named in the application has been convicted in this state or another state of [~~a felony,~~] criminal fraud or [~~;~~] a gambling or gambling-related offense, ~~or a crime of moral turpitude~~];

(9) information regarding whether the applicant or a person required to be named in the application is an owner, officer, director, shareholder, agent, or employee of a licensed commercial lessor or conducts, promotes, administers, or assists in conducting, promoting, or administering bingo for which a license is required under this chapter;

(10) information regarding whether the applicant or a person required to be named in the application is a public officer or public employee in this state;

(11) the name of each state in which the applicant is or has been licensed to manufacture, distribute, or supply bingo equipment or supplies, each license number, the period of time licensed under each license, and whether a license was revoked, suspended, withdrawn, canceled, or surrendered and, if so, the reasons for the action taken;

(12) information regarding whether the applicant or a person required to be named in the application is or has been a professional gambler or gambling promoter;

(13) the name and address of each manufacturer, supplier, or distributor of bingo equipment or supplies in which the applicant or a person required to be named in the application is an owner, officer, shareholder, director, agent, or employee; and

(14) any other information the commission requests.

SECTION 29. Section 2001.209(a), Occupations Code, is amended to read as follows:

(a) The commission by rule shall set the annual distributor's license fee in an amount reasonable to defray administrative costs ~~is \$1,000~~.

SECTION 30. Section 2001.214(b), Occupations Code, is amended to read as follows:

(b) A manufacturer or distributor may obtain a license that is effective for two years by paying an amount equal to two times the amount of the annual license fee ~~plus \$1,000~~.

SECTION 31. Section 2001.306, Occupations Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A license issued under this chapter may be amended on application to the commission and on payment of a ~~[\$10]~~ fee in the amount required by the commission if the subject matter of the proposed amendment could properly have been included in the original license.

(a-1) The commission by rule shall establish an amendment fee schedule. The amount of a fee charged by the commission may vary based on the complexity of the proposed license amendment.

SECTION 32. Section 2001.313, Occupations Code, is amended by adding Subsection (b-2) to read as follows:

(b-2) The commission by rule may impose a fee for an initial registration application and renewal application submitted under this section. The commission shall set the fee in an amount sufficient to cover the application processing costs, including a criminal history background check, identification card, and other administrative costs the commission considers appropriate.

SECTION 33. Section 2001.352, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) A hearing under this section must be conducted by the State Office of Administrative Hearings and is subject to Section 2001.058(e), Government Code.

SECTION 34. Section 2001.353, Occupations Code, is amended to read as follows:

Sec. 2001.353. DISCIPLINE [SUSPENSION OR REVOCATION] OF LICENSE AND REGISTRATION HOLDERS. (a) After a hearing, the commission may suspend, ~~or~~ revoke, or refuse to renew a license or registration issued under this chapter for:

(1) failure to comply with this chapter or a commission rule; or

(2) a reason that would allow or require the commission to refuse to issue or renew a license or registration of the same class.

(b) The commission may place on probation a person whose license or registration is suspended. If a license or registration suspension is probated, the commission may require the person:

(1) to report regularly to the commission on the matters that are the basis of the probation;

(2) to limit the person's activities under the license or registration in the manner prescribed by the commission; or

(3) to take any other reasonable action prescribed by the commission to address the matters that are the basis of the probation.

(c) If the person fails to comply with the conditions of probation, the commission may suspend or revoke the person's license or registration.

(d) The commission by rule shall:

(1) adopt written guidelines to ensure that probation is administered consistently; and

(2) develop a system to track compliance with probation requirements.

SECTION 35. Section 2001.354, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) A hearing under this section must be conducted by the State Office of Administrative Hearings and is subject to Section 2001.058(e), Government Code.

SECTION 36. Section 2001.355, Occupations Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) Before temporarily suspending a license, the director of bingo operations must follow any prehearing rules adopted by the commission to determine if the license holder's continued operation may constitute:

(1) an immediate threat to the health, safety, morals, or welfare of the public; or

(2) a financial loss to this state, which includes a license holder's failure to remit taxes under Section 2001.501 or prize fee payments under Section 2001.502 to the commission as required by those sections.

(d) The commission shall adopt rules to govern the temporary suspension of a license under this section.

SECTION 37. Subchapter H, Chapter 2001, Occupations Code, is amended by adding Section 2001.358 to read as follows:

Sec. 2001.358. SCHEDULE OF SANCTIONS. (a) The commission by rule shall adopt a schedule of sanctions that defines and summarizes violations of this chapter or commission rules adopted under this chapter to ensure that the sanctions imposed are appropriate to the violation.

(b) The schedule must:

(1) allow deviations from the schedule for mitigating circumstances clearly established by the commission;

(2) include a list of the most common violations and the sanctions assessed for those violations, including revocation, suspension, and denial of license or registration renewal; and

(3) establish the sanctions in accordance with the seriousness or frequency of each type of violation.

SECTION 38. Sections 2001.437(d) and (g), Occupations Code, are amended to read as follows:

(d) An applicant for a unit manager license must file with the commission a written application on a form prescribed by the commission that includes:

(1) the name and address of the applicant;

(2) information regarding whether the applicant, or any officer, director, or employee of the applicant, has been convicted of ~~[a felony,] criminal fraud or a[.] gambling or gambling-related offense[., or crime of moral turpitude]~~; and

(3) any other information required by commission rule.

(g) A person is not eligible for a unit manager license under this subchapter if the person, or any officer, director, or employee of the person:

(1) has been convicted of ~~[a felony,] criminal fraud or [.] a gambling or gambling-related offense[., or crime of moral turpitude, if less than 10 years has elapsed since the termination of a sentence, parole, or community supervision served for the offense]~~;

(2) is an owner, officer, or director of a licensed commercial lessor, is employed by a licensed commercial lessor, or is related to a licensed commercial lessor within the second degree by consanguinity or affinity, unless the holder of the license is a licensed authorized organization or an association of licensed authorized organizations; or

(3) holds or is listed on another license under this chapter, unless the holder of the license is a licensed authorized organization or an association of licensed authorized organizations.

SECTION 39. Section 2001.557, Occupations Code, is amended to read as follows:

Sec. 2001.557. INSPECTION OF PREMISES. (a) The commission, its officers or agents, or a state, municipal, or county peace officer may enter and inspect the contents of premises where:

(1) bingo is being conducted or intended to be conducted; or

(2) equipment used or intended for use in bingo is found.

(b) The commission by rule shall develop and implement policies and procedures to:

(1) prioritize the inspection of premises where bingo is being conducted or is intended to be conducted in accordance with the risk factors the commission considers important, including:

(A) the amount of money derived from the conduct of bingo at the premises;

(B) the compliance history of the premises; and

(C) the amount of time that has elapsed since the date of the immediately preceding commission inspection of the premises; and

(2) inspect premises where bingo is being conducted or is intended to be conducted in accordance with the priorities established under Subdivision (1).

SECTION 40. Section 2001.560, Occupations Code, is amended by adding Subsections (c-1) and (c-2) to read as follows:

(c-1) The commission by rule shall develop a policy for auditing license holders. The bingo division shall use audit risk analysis procedures established by the commission to:

(1) annually identify which license holders are most at risk of violating this chapter or rules adopted under this chapter; and

(2) develop a plan for auditing the identified license holders that includes:

(A) a schedule for the audits of the identified license holders;

(B) procedures to annually update the plan based on successive risk analyses; and

(C) a completion date for each audit that is not later than the fifth anniversary of the date the license holder was identified as a candidate for audit.

(c-2) The bingo division shall provide to the commission a copy of the auditing plan developed under Subsection (c-1).

SECTION 41. Section 2001.605, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) A hearing under this section must be conducted by the State Office of Administrative Hearings and is subject to Section 2001.058(e), Government Code.

SECTION 42. The following provisions are repealed:

(1) Sections 466.003 and 466.025, Government Code; and

(2) Section 2001.002(8-a), Occupations Code.

SECTION 43. Section 466.252(c), Government Code, as added by this Act, applies only to a lottery game ticket that is initially offered on or after January 1, 2014.

SECTION 44. Section 466.408(b), Government Code, as amended by this Act, applies only to a prize for which the winner is selected on or after September 1, 2013. A prize for which the winner was selected before September 1, 2013, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 45. (a) Not later than January 1, 2014, the Texas Lottery Commission shall adopt all rules, policies, and procedures required by the changes in law made by this Act.

(b) Not later than September 1, 2014, the Texas Lottery Commission shall adopt the comprehensive business plan required by Section 466.028, Government Code, as added by this Act.

SECTION 46. (a) The changes in law made by this Act in the prohibitions or qualifications applying to a member of the Texas Lottery Commission do not affect the entitlement of a member serving on the Texas Lottery Commission immediately before September 1, 2013, to continue to serve and function as a member of the Texas Lottery Commission for the remainder of the member's term. Those changes in law apply only to a member appointed on or after September 1, 2013.

(b) As soon as practicable after the effective date of this Act, the governor shall appoint two additional members to the Texas Lottery Commission. In appointing those members, the governor shall appoint one person to a term expiring February 1, 2017, and one to a term expiring February 1, 2019.

(c) The change in law made by this Act to Chapter 467, Government Code, relating to the investigation of a complaint applies only to a complaint filed with the Texas Lottery Commission on or after September 1, 2013. A complaint filed with the commission or a division of the commission before September 1, 2013, is governed by the law as it existed immediately before that date, and the former law is continued in effect for that purpose.

(d) The change in law made by this Act requiring the Texas Lottery Commission to approve a procurement applies only to a procurement or a contract for a procurement made on or after the effective date of this Act. A procurement or procurement contract made before the effective date of this Act is governed by the law in effect when the procurement or contract was made, and the former law is continued in effect for that purpose.

(e) The changes in law made by this Act governing eligibility of a person for a license apply only to the issuance or renewal of a license by the Texas Lottery Commission under Chapter 466, Government Code, as amended by this Act, or Chapter 2001, Occupations Code, as amended by this Act, on or after the effective date of this Act. A license issued by the Texas Lottery Commission under either of those laws before the effective date of this Act is governed by the applicable licensing requirements in effect when the license was last issued or renewed until the license expires or is renewed as provided by Chapter 466, Government Code, as amended by this Act, or Chapter 2001, Occupations Code, as amended by this Act.

SECTION 47. The Texas Lottery Commission shall, to the extent practicable and as authorized by law, make every effort to implement the findings and recommendations of the Legislative Committee to Review the Texas Lottery and Texas Lottery Commission.

SECTION 48. This Act takes effect September 1, 2013.

REMARKS ORDERED PRINTED

Representative Toth moved to print all remarks on **HB 2197**.

The motion prevailed.

(Kuempel in the chair)

**HB 474 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 474, A bill to be entitled An Act relating to an optional procedure for the issuance of a permit by certain governmental entities for the movement of oversize or overweight vehicles carrying agricultural products; authorizing a fee.

Representative Muñoz moved to concur in the senate amendments to **HB 474**.

The motion to concur in the senate amendments to **HB 474** prevailed by (Record 1133): 142 Yeas, 4 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, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; 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; Klick; Kolkhorst; Krause; Larson; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; 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; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zerwas.

Nays — Flynn; Simpson; Stickland; Zedler.

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

Absent, Excused — Laubenberg.

Absent — Murphy.

Senate Committee Substitute

CSHB 474, A bill to be entitled An Act relating to an optional procedure for the issuance of a permit by a certain regional mobility authority for the movement of oversize or overweight vehicles carrying cargo; authorizing a fee.

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

SECTION 1. Chapter 623, Transportation Code, is amended by adding Subchapter Q to read as follows:

SUBCHAPTER Q. REGIONAL MOBILITY AUTHORITY PERMITS

Sec. 623.320. OPTIONAL PROCEDURE. This subchapter provides an optional procedure for the issuance of a permit by a regional mobility authority for the movement of oversize or overweight vehicles carrying cargo on certain roads located in Hidalgo County.

Sec. 623.321. DEFINITION. In this subchapter, "authority" means the regional mobility authority authorized to issue permits under Section 623.322.

Sec. 623.322. ISSUANCE OF PERMITS. (a) The commission may authorize a regional mobility authority to issue permits for the movement of oversize or overweight vehicles carrying cargo in Hidalgo County on:

(1) the following roads:

(A) U.S. Highway 281 between its intersection with the Pharr-Reynosa International Bridge and its intersection with State Highway 336;

(B) State Highway 336 between its intersection with U.S. Highway 281 and its intersection with Farm-to-Market Road 1016;

(C) Farm-to-Market Road 1016 between its intersection with State Highway 336 and its intersection with Trinity Road;

(D) Trinity Road between its intersection with Farm-to-Market Road 1016 and its intersection with Farm-to-Market Road 396;

(E) Farm-to-Market Road 396 between its intersection with Trinity Road and its intersection with the Anzalduas International Bridge;

(F) Farm-to-Market Road 2061 between its intersection with Farm-to-Market Road 3072 and its intersection with U.S. Highway 281;

(G) U.S. Highway 281 between its intersection with the Pharr-Reynosa International Bridge and its intersection with Spur 29;

(H) Spur 29 between its intersection with U.S. Highway 281 and its intersection with Doffin Canal Road; and

(I) Doffin Canal Road between its intersection with the Pharr-Reynosa International Bridge and its intersection with Spur 29; or

(2) another route designated by the commission in consultation with the authority.

(b) The authority authorized under this section must serve the same geographic location as the roads over which the permit is valid.

Sec. 623.323. PERMIT FEES. (a) The authority may collect a fee for permits issued under this subchapter. Beginning September 1, 2013, the maximum amount of the fee may not exceed \$80 per trip. On September 1 of each subsequent year, the authority may adjust the maximum fee amount as necessary to reflect the percentage change during the preceding year in the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, published monthly by the United States Bureau of Labor Statistics or its successor in function.

(b) Fees collected under Subsection (a) shall be used only for the construction and maintenance of the roads described by or designated under Section 623.322 and for the authority's administrative costs, which may not

exceed 15 percent of the fees collected. The authority shall make payments to the Texas Department of Transportation to provide funds for the maintenance of roads and highways subject to this subchapter.

Sec. 623.324. PERMIT REQUIREMENTS. (a) A permit issued under this subchapter must include:

(1) the name of the applicant;
(2) the date of issuance;
(3) the signature of the designated agent for the authority;
(4) a statement of the kind of cargo being transported, the maximum weight and dimensions of the equipment, and the kind and weight of each commodity to be transported;

(5) a statement:
(A) that the gross weight of the vehicle for which a permit is issued may not exceed 125,000 pounds; and

(B) of any other condition on which the permit is issued;
(6) a statement that the cargo may be transported in Hidalgo County only over the roads described by or designated under Section 623.322; and

(7) the location where the cargo was loaded.
(b) The authority shall report to the department all permits issued under this subchapter.

Sec. 623.325. TIME OF MOVEMENT. A permit issued under this subchapter must specify the time during which movement authorized by the permit is allowed.

Sec. 623.326. SPEED LIMIT. Movement authorized by a permit issued under this subchapter may not exceed the posted speed limit or 55 miles per hour, whichever is less. A violation of this provision constitutes a moving violation.

Sec. 623.327. ENFORCEMENT. The Department of Public Safety has authority to enforce this subchapter.

Sec. 623.328. RULES. The commission may adopt rules necessary to implement this subchapter.

SECTION 2. This Act takes effect September 1, 2013.

HB 3279 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3279, A bill to be entitled An Act relating to the uprooting of seagrass plants; creating an offense.

Representative Morrison moved to concur in the senate amendments to **HB 3279**.

The motion to concur in the senate amendments to **HB 3279** prevailed by (Record 1134): 118 Yeas, 28 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Bell; Bohac; Burkett; Burnam; Button; Callegari; Canales; Carter; Coleman; Collier; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.;

Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Fletcher; Flynn; Frank; Frullo; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Hughes; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Larson; Lavender; Leach; Lewis; Longoria; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Parker; Patrick; Perez; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheets; Sheffield, J.; Sheffield, R.; Smith; Smithee; Springer; Stephenson; Strama; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Ashby; Bonnen, D.; Bonnen, G.; Branch; Capriglione; Clardy; Cook; Fallon; Farney; Geren; Goldman; Gooden; Huberty; Hunter; Klick; Krause; Lozano; Paddie; Perry; Phillips; Sanford; Schaefer; Simmons; Simpson; Stickland; Taylor; Turner, E.S.; White.

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

Absent, Excused — Laubenberg.

Absent — Miles.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1134. I intended to vote no.

Callegari

I was shown voting yes on Record No. 1134. I intended to vote no.

Leach

I was shown voting yes on Record No. 1134. I intended to vote no.

Springer

Senate Committee Substitute

CSHB 3279, A bill to be entitled An Act relating to the uprooting of seagrass plants; creating an offense.

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

SECTION 1. Subchapter A, Chapter 66, Parks and Wildlife Code, is amended by adding Section 66.024 to read as follows:

Sec. 66.024. SEAGRASS PLANTS. (a) In this section, "seagrass plant" means a flowering marine plant of the species:

(1) Cymodocea filiformis, known as manatee grass;

(2) Halodule beaudettei or Halodule wrightii, known as shoal grass;

(3) Halophila engelmannii, known as star grass or Engelmann's

seagrass;

(4) Ruppia maritima, known as widgeon grass; or

(5) Thalassia testudinum, known as turtle grass.

(b) A person may not uproot or dig out any rooted seagrass plant from a bay bottom or other saltwater bottom area in the jurisdiction of this state by means of a propeller, except as that uprooting or digging out may be authorized by a commercial license or permit issued by the department.

(c) It is a defense to prosecution under this section that a person:

(1) anchors a vessel within an area containing seagrass plants and uproots a seagrass plant;

(2) uses an electric trolling motor within an area containing seagrass plants and uproots a seagrass plant; or

(3) operates a vessel in a manner consistent with the acceleration required to reach and stay on plane.

(d) A person who violates this section or a proclamation of the commission under this section commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

SECTION 2. This Act takes effect September 1, 2013.

HB 2318 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2318, A bill to be entitled An Act relating to public school educator preparation and alternative certification programs.

Representative Farney moved to concur in the senate amendments to **HB 2318**.

The motion to concur in the senate amendments to **HB 2318** prevailed by (Record 1135): 145 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, 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; Larson; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; 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; 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; Kuempel(C).

Absent, Excused — Laubenberg.

Absent — Morrison; Sanford.

Senate Committee Substitute

CSHB 2318, A bill to be entitled An Act relating to public school educator preparation and alternative certification programs.

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

SECTION 1. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.0453 to read as follows:

Sec. 21.0453. INFORMATION FOR CANDIDATES FOR TEACHER CERTIFICATION. (a) The board shall require an educator preparation program to provide candidates for teacher certification with information concerning the following:

- (1) skills and responsibilities required of teachers;
- (2) expectations for student performance based on state standards;
- (3) the current supply of and demand for teachers in this state;
- (4) the importance of developing classroom management skills; and
- (5) the state's framework for appraisal of teachers and principals.

(b) The board may propose rules as necessary for administration of this section, including rules to ensure that accurate and consistent information is provided by all educator preparation programs.

SECTION 2. Section 21.048(a), Education Code, is amended to read as follows:

Sec. 21.048. CERTIFICATION EXAMINATIONS. (a) The board shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board. The commissioner shall determine the satisfactory level of performance required for each certification examination. For the issuance of a generalist certificate, the commissioner shall require a satisfactory level of examination performance in each core subject covered by the examination.

SECTION 3. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.061 to read as follows:

Sec. 21.061. REVIEW AND UPDATING OF EDUCATOR PREPARATION PROGRAMS. The board shall, after consulting with appropriate higher education faculty and public school teachers and administrators and soliciting advice from other interested persons with relevant knowledge and experience, develop and carry out a process for reviewing and, as necessary, updating standards and requirements for educator preparation programs.

SECTION 4. The State Board for Educator Certification shall complete an initial review of and implement any updated standards and requirements for educator preparation and alternative certification programs as required by Section 21.061, Education Code, as added by this Act, not later than September 1, 2014.

SECTION 5. Not later than January 1, 2014, the commissioner of education shall determine performance levels for certification examinations as provided by Section 21.048(a), Education Code, as amended by this Act.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**HB 1605 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1605, A bill to be entitled An Act relating to the establishment of a pilot program in Harris County to provide maternity care management to certain women enrolled in the Medicaid managed care program.

Representative S. Davis moved to concur in the senate amendments to **HB 1605**.

The motion to concur in the senate amendments to **HB 1605** prevailed by (Record 1136): 132 Yeas, 12 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; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; 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; 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; Paddie; Parker; Patrick; Perez; Perry; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Smith; Smithee; Springer; Stephenson; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Wu; Zerwas.

Nays — Capriglione; Fallon; Goldman; Klick; Krause; Phillips; Schaefer; Simmons; Simpson; Stickland; Toth; Zedler.

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

Absent, Excused — Laubenberg.

Absent — Otto; Strama; Workman.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1136. I intended to vote no.

Flynn

Senate Committee Substitute

CSHB 1605, A bill to be entitled An Act relating to the establishment of a pilot program in Harris County to provide maternity care management to certain women enrolled in the Medicaid managed care program.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0996 to read as follows:

Sec. 531.0996. PREGNANCY MEDICAL HOME PILOT PROGRAM. (a) The commission shall develop and implement a pilot program in Harris County to create pregnancy medical homes that provide coordinated evidence-based maternity care management to women who reside in the pilot program area and are recipients of medical assistance through a Medicaid managed care model or arrangement under Chapter 533.

(b) In developing the pilot program, the commission shall ensure that each pregnancy medical home created for the program provides a maternity management team that:

(1) consists of health care providers, including obstetricians, gynecologists, family physicians or primary care providers, physician assistants, certified nurse midwives, advanced practice registered nurses, and social workers, in a single location;

(2) conducts a risk-classification assessment for each pilot program participant on entry into the program to determine whether her pregnancy is considered high- or low-risk;

(3) based on the assessment under Subdivision (2), establishes an individual pregnancy care plan for each participant; and

(4) follows the participant throughout her pregnancy in order to reduce poor birth outcomes.

(c) The commission may incorporate financial incentives to health care providers who participate in a maternity management team as a component of the pilot program.

(d) Not later than January 1, 2015, the commission shall report to the legislature on the progress of the pilot program. The report must include:

(1) an evaluation of the pilot program's success in reducing poor birth outcomes; and

(2) a recommendation as to whether the pilot program should be continued, expanded, or terminated.

(e) The executive commissioner may adopt rules to implement this section.

(f) This section expires September 1, 2017.

SECTION 2. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 3. This Act takes effect September 1, 2013.

**HB 699 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 699, A bill to be entitled An Act relating to the location of certain public sales of real property.

Representative J. Davis moved to concur in the senate amendments to **HB 699**.

The motion to concur in the senate amendments to **HB 699** prevailed by (Record 1137): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; 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; 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; 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.

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

Absent, Excused — Laubenberg.

Absent — Bohac; Bonnen, D.; Strama.

Senate Committee Substitute

CSHB 699, A bill to be entitled An Act relating to the location of certain public sales of real property.

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

SECTION 1. Section 34.041, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 34.041. SALE AT PLACE OTHER THAN COURTHOUSE DOOR.

(a) If the public sale of real property ~~land~~ is required by court order or other law to be made at a place other than the courthouse door, sales under this chapter shall be made at the place designated by that court order or other law.

(b) The commissioners court of a county may designate an area other than an area at the county courthouse where public sales of real property under this chapter will take place that is in a public place within a reasonable proximity of the county courthouse as determined by the commissioners court and in a location as accessible to the public as the courthouse door. The commissioners court shall record that designation in the real property records of the county. A designation by a commissioners court under this section is not a ground for challenging or invalidating any sale. Except for a sale under Subsection (a), a sale must be held at an area designated under this subsection if the sale is held on or after the 90th day after the date the designation is recorded. The commissioners court may by order authorize a county official or employee to identify separate locations within the designated area for the conduct of sales under this section and for the conduct of sales by peace officers under other laws.

SECTION 2. Subsection (h), Section 51.002, Property Code, is amended to read as follows:

(h) For the purposes of Subsection (a), the commissioners court of a county may designate an area other than an area at the county courthouse where public sales of real property under this section will take place that is in a public place within a reasonable proximity of the county courthouse as determined by the commissioners court and in a location as accessible to the public as the courthouse door. The commissioners court shall record that designation in the real property records of the county. A designation by a commissioners court under this section is not a ground for challenging or invalidating any sale. A sale must ~~may not~~ be held at an area designated under this subsection if the sale is held on or after ~~before~~ the 90th day after the date the designation is recorded. The posting of the notice required by Subsection (b)(1) of a sale designated under this subsection to take place at an area other than an area of the courthouse remains at the courthouse door of the appropriate county.

SECTION 3. Subsection (r), Section 34.01, Tax Code, is amended to read as follows:

(r) Except as provided by this subsection, a sale of real property under this section must take place at the county courthouse in the county in which the land is located. The commissioners court of the county may designate an area other than an area at ~~in~~ the county courthouse ~~[or another location in the county]~~ where sales under this section will ~~must~~ take place that is in a public place within a reasonable proximity of the county courthouse as determined by the commissioners court and in a location as accessible to the public as the courthouse door. The commissioners court ~~and~~ shall record that designation ~~[any designated area or other location]~~ in the real property records of the county. A designation by a commissioners court under this section is not a ground for challenging or invalidating any sale. A sale must be held at an area designated under this subsection if the sale is held on or after the 90th day after the date the designation is recorded ~~[If the commissioners court designates an area in the courthouse or another location in the county for sales, a sale must occur in that area or at that location. If the commissioners court does not designate an area in~~

~~the courthouse or another location in the county for sales, a sale must occur in the same area in the courthouse that is designated by the commissioners court for the sale of real property under Section 51.002, Property Code].~~

SECTION 4. This Act takes effect October 1, 2013.

**HB 3253 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3253, A bill to be entitled An Act relating to the notation of death on a birth certificate.

Representative Zerwas moved to concur in the senate amendments to **HB 3253**.

The motion to concur in the senate amendments to **HB 3253** prevailed by (Record 1138): 144 Yeas, 1 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, S.; 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; 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; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simmons; 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.

Nays — Simpson.

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

Absent, Excused — Laubenberg.

Absent — Davis, Y.; Schaefer.

Senate Committee Substitute

CSHB 3253, A bill to be entitled An Act relating to the notation of death on a birth certificate and the release of birth certificate information for certain purposes.

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

SECTION 1. Section 191.034, Health and Safety Code, is amended to read as follows:

Sec. 191.034. NOTATION OF DEATH ON BIRTH CERTIFICATE. (a) On receipt of the death certificate of a person [~~younger than 55 years of age~~] whose birth is registered in this state, the state registrar shall conspicuously note the person's date of death [~~make a conspicuous notation~~] on the person's [decedent's] birth certificate [~~that the person is dead~~].

(b) The state registrar shall notify [~~provide computer generated abstracts, transcripts, or copies of the death certificate to~~] the county clerk of the county in which the person [decedent] was born and [~~to~~] the local registrar of the registration district in which the person [decedent] was born of the person's death. On receipt of the notification of death, the county clerk or local registrar shall conspicuously note the person's date of death [~~make a conspicuous notation~~] on the person's [decedent's] birth certificate [~~that the person is dead~~].

SECTION 2. Section 192.002(b), Health and Safety Code, is amended to read as follows:

(b) The section of the birth certificate entitled "For Medical and Health Use Only" is not part of the legal birth certificate. Information held by the department under that section of the certificate is confidential. That information may not be released or made public on subpoena or otherwise, except that release may be made for statistical purposes only so that no person, patient, or facility is identified, or to medical personnel of a health care entity, as that term is defined in Subtitle B, Title 3, Occupations Code, or to a faculty member at a medical school, as that term is defined in Section 61.501, Education Code, for statistical or medical research, or to appropriate state or federal agencies for statistical research. The board may adopt rules to implement this subsection.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HB 3483 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3483, A bill to be entitled An Act relating to requirements for a driver education course and the eligibility of persons under 18 years of age to operate a motor vehicle at certain times.

Representative Fletcher moved to concur in the senate amendments to **HB 3483**.

The motion to concur in the senate amendments to **HB 3483** prevailed by (Record 1139): 137 Yeas, 8 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; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farnely; 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; Larson; Lavender; Leach; Lewis; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; 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; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Capriglione; Fallon; Krause; Lozano; Simpson; Springer; Stickland; White.

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

Absent, Excused — Laubenberg.

Absent — Oliveira; Stephenson.

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

Amend **HB 3483** (senate committee printing) by adding the appropriately number SECTIONS of the bill and renumbering the existing SECTIONS of the bill accordingly:

SECTION _____. The heading to Section 521.1655, Transportation Code, is amended to read as follows:

Sec. 521.1655. TESTING BY DRIVER EDUCATION SCHOOL AND CERTAIN DRIVER EDUCATION COURSE PROVIDERS.

SECTION _____. Section 521.1655, Transportation Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A driver education course provider approved under Section 521.205 may administer to a student of that course the highway sign and traffic law parts of the examination required by Section 521.161.

SECTION _____. Section 521.205(c), Transportation Code, is amended to read as follows:

(c) The rules must provide a method by which:

(1) approval of a course is obtained;

(2) an applicant submits proof of completion of the course; ~~and~~

(3) approval for delivering course materials by an alternative method, including electronic means, is obtained;

(4) a provider of a course approved under this section may administer to an applicant the highway sign and traffic law parts of the examination as provided by Section 521.1655(a-1) through electronic means; and

(5) an applicant submits proof of passage of an examination administered under Subdivision (4).

SECTION _____. The Department of Public Safety shall adopt the rules required by Section 521.205, Transportation Code, as amended by this Act, not later than January 1, 2014.

HB 3813 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3813, A bill to be entitled An Act relating to municipal fire suppression standards in certain municipalities.

Representative Howard moved to concur in the senate amendments to **HB 3813**.

The motion to concur in the senate amendments to **HB 3813** prevailed by (Record 1140): 146 Yeas, 1 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, 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; 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; 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, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Thompson, E.

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

Absent, Excused — Laubenberg.

Senate Committee Substitute

CSHB 3813, A bill to be entitled An Act relating to municipal fire suppression standards in certain municipalities.

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

SECTION 1. Chapter 342, Local Government Code, is amended by adding Subchapter Z to read as follows:

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

Sec. 342.901. FIRE SUPPRESSION STANDARDS IN CERTAIN MUNICIPALITIES. (a) This section applies to a general law municipality that:

(1) has a population of less than 4,000;

(2) is located in a county that:

(A) has a population of more than one million; and

(B) is adjacent to a county with a population of more than 420,000;

and

(3) is served by a district governed by Chapter 51, Water Code.

(b) Notwithstanding any other law, the governing body of a municipality may by ordinance establish water flow and water pressure standards sufficient to provide adequate pressure to fire suppression systems and require a district described by Subsection (a)(3) that provides water service in the municipality to take reasonable measures to comply with those standards.

(c) Before a municipality adopts an ordinance under this section, the municipality shall, in consultation with the district described by Subsection (a)(3) that is subject to the proposed ordinance, estimate the costs associated with the proposed ordinance.

(d) A district described by Subsection (a)(3) may recover the costs associated with complying with an ordinance adopted under this section through a surcharge assessed only to customers served in the municipality to the extent that:

(1) complying with the ordinance results in additional costs for the district; and

(2) the ordinance establishes water flow and water pressure standards inside municipal boundaries that are different than water flow and water pressure standards required outside municipal boundaries.

(e) To the extent of a conflict between this section and any other law, this section controls.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

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

Amend **CSHB 3813** (senate committee printing) in SECTION 1 of the bill as follows:

(1) Strike added Section 342.901(c), Local Government Code (page 1, lines 47-51), and substitute the following:

(c) Before a municipality adopts an ordinance under this section, the municipality and the district described by Subsection (a)(3) that is subject to the proposed ordinance shall establish the scope of and estimate the costs associated with any capital improvements necessary to comply with the proposed ordinance.

(2) In added Section 342.901(d)(1), Local Government Code (page 1, line 56), after "additional", insert "capital improvement".

(3) In added Section 342.901(d)(2), Local Government Code (page 1, line 59), strike "different" and substitute "more stringent".

HB 1487 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

Representative Harper-Brown called up with senate amendments for consideration at this time,

HB 1487, A bill to be entitled An Act relating to the searchable state expenditure database maintained by the comptroller.

Representative Harper-Brown moved to concur in the senate amendments to **HB 1487**.

The motion to concur in the senate amendments to **HB 1487** prevailed by (Record 1141): 140 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, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; 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; Larson; Lavender; Leach; 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; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Zedler; Zerwas.

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

Absent, Excused — Laubenberg.

Absent — Elkins; Fallon; Geren; Gonzalez, N.; Lewis; Stickland; Wu.

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

Amend **HB 1487** (senate committee printing) by striking SECTION 1 of the bill and substituting the following:

SECTION 1. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.0245 to read as follows:

Sec. 403.0245. AVAILABILITY ON INTERNET OF CERTAIN INFORMATION ON STATE GRANTS. (a) In this section, "state agency" has the meaning assigned by Section 403.013.

(b) A state agency that awards a state grant in an amount greater than \$25,000 shall make available to the public on the agency's generally accessible Internet website the purposes for which the grant was awarded. The agency shall provide to the comptroller a link to the information in order for the comptroller to maintain the information on the comptroller's Internet website through a central Internet portal.

HB 2294 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2294. A bill to be entitled An Act relating to an exemption from air conditioning and refrigeration contracting regulation for installation of a thermostat.

Representative Geren moved to concur in the senate amendments to **HB 2294**.

The motion to concur in the senate amendments to **HB 2294** prevailed by (Record 1142): 146 Yeas, 1 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, 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; 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; 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.

Nays — Perry.

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

Absent, Excused — Laubenberg.

Senate Committee Substitute

CSHB 2294, A bill to be entitled An Act relating to an exemption from air conditioning and refrigeration contracting regulation for installation of a thermostat.

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

SECTION 1. Section 1302.002(2), Occupations Code, is amended to read as follows:

(2) "Air conditioning and refrigeration contracting" means performing or offering to perform the design, installation, construction, repair, maintenance, service, or modification of equipment or a product in an environmental air conditioning system, a commercial refrigeration system, or a process cooling or heating system. Notwithstanding any other provision of this chapter, the term "air conditioning and refrigeration contracting" does not include the installation, repair, replacement, or modification of a thermostat or other temperature control interface by a person licensed or registered under Chapter 1702 of this code.

SECTION 2. This Act takes effect September 1, 2013.

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

Amend **CSHB 2294** (senate committee report) in SECTION 1 of the bill, in amended Section 1302.002(2), Occupations Code (page 1, lines 31 through 35), by striking the underlined text and substituting the following:

Notwithstanding any other provision of this chapter, the term does not include the performance of or an offer to perform the installation, repair, replacement, or modification of a thermostat or other temperature control interface by a person licensed or registered under Chapter 1702.

HB 2690 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2690, A bill to be entitled An Act relating to the sale of a vehicle by an unlicensed seller; creating an offense.

Representative Elkins moved to concur in the senate amendments to **HB 2690**.

The motion to concur in the senate amendments to **HB 2690** prevailed by (Record 1143): 109 Yeas, 37 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycok; Bohac; Burnam; Callegari; Canales; Carter; Coleman; Collier; Cook; Cortez; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Fletcher; Frullo; Geren; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kolkhorst; Larson; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Moody; Morrison; Muñoz; Naishtat; Nevárez;

Oliveira; Orr; Otto; Paddie; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Smith; Smithee; Stephenson; Strama; Taylor; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Ashby; Bell; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Capriglione; Craddick; Creighton; Fallon; Flynn; Frank; Goldman; Gooden; Huberty; Kleinschmidt; Klick; Krause; Lavender; Leach; Miller, R.; Murphy; Parker; Riddle; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Springer; Stickland; Thompson, E.; Toth; White; Zedler.

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

Absent, Excused — Laubenberg.

Absent — Clardy.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1143. I intended to vote no.

Callegari

When Record No. 1143 was taken, I was in the house but away from my desk. I would have voted no.

Clardy

I was shown voting no on Record No. 1143. I intended to vote yes.

Flynn

I was shown voting yes on Record No. 1143. I intended to vote no.

Hilderbran

I was shown voting yes on Record No. 1143. I intended to vote no.

Nevárez

I was shown voting yes on Record No. 1143. I intended to vote no.

Perry

I was shown voting yes on Record No. 1143. I intended to vote no.

J. Rodriguez

I was shown voting yes on Record No. 1143. I intended to vote no.

E. S. Turner

I was shown voting no on Record No. 1143. I intended to vote yes.

Zedler

I was shown voting yes on Record No. 1143. I intended to vote no.

Zerwas

Senate Committee Substitute

CSHB 2690, A bill to be entitled An Act relating to the sale of a vehicle by an unlicensed seller; creating an offense.

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

SECTION 1. Subchapter D, Chapter 503, Transportation Code, is amended by adding Section 503.096 to read as follows:

Sec. 503.096. TOWING OF VEHICLES. (a) If a person is engaged in business as a dealer in violation of Section 503.021, a peace officer may cause a vehicle that is being offered for sale by the person to be towed from the location where the vehicle is being offered for sale and stored at a vehicle storage facility, as defined by Section 2308.002, Occupations Code.

(b) A peace officer may cause the vehicle to be towed under Subsection (a) only if:

(1) the peace officer has a probable cause that the vehicle is being offered for sale by a person engaged in business as a dealer in violation of Section 503.021;

(2) the peace officer has complied with the notice requirements under Subsection (c); and

(3) the notice under Subsection (c) was attached to the vehicle not less than two hours before the vehicle is caused to be towed.

(c) Before a vehicle may be towed under Subsection (a), a peace officer, an appropriate local government employee, or an investigator employed by the department must attach a conspicuous notice to the vehicle's front windshield or, if the vehicle has no front windshield, to a conspicuous part of the vehicle stating:

(1) the make and model of the vehicle and the license plate number and vehicle identification number of the vehicle, if any;

(2) the date and time that the notice was affixed to the vehicle;

(3) that the vehicle is being offered for sale in violation of Section 503.021;

(4) that the vehicle and any property on or in the vehicle may be towed and stored at the expense of the owner of the vehicle not less than two hours after the notice is attached to the vehicle if the vehicle remains parked at the location; and

(5) the name, address, and telephone number of the vehicle storage facility where the vehicle will be towed.

(d) Once notice has been attached to a vehicle under Subsection (c), a peace officer may prevent the vehicle from being removed by a person unless the person provides evidence of ownership in the person's name or written authorization from the owner of the vehicle for the person to offer the vehicle for sale in a manner other than by consignment.

SECTION 2. This Act takes effect September 1, 2013.

**HB 1302 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1302, A bill to be entitled An Act relating to the imposition of a sentence of life without parole on certain repeat sex offenders and to certain restrictions on employment for certain sex offenders.

Representative Clardy moved to concur in the senate amendments to **HB 1302**.

The motion to concur in the senate amendments to **HB 1302** prevailed by (Record 1144): 144 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, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; 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; Larson; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; 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; Kuempel(C).

Absent, Excused — Laubenberg.

Absent — Elkins; Fallon; Martinez Fischer.

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

Amend **HB 1302** (senate committee printing) as follows:

(1) In SECTION 6 of the bill, in proposed Article 62.063, Code of Criminal Procedure (page 2, line 65), strike "section" and substitute "article".

(2) In SECTION 8 of the bill, in amended Section 12.42(c)(4), Penal Code (page 3, line 42), immediately after "sexually violent offense", add ", committed by the defendant on or after the defendant's 18th birthday,".

(3) In SECTION 9 of the bill, in proposed Section 12.42(h)(1), Penal Code (page 3, line 55), strike "defined by Article 62.001" and substitute "described by Article 62.001(6)".

(4) In SECTION 9 of the bill, in proposed Section 12.42(h)(2), Penal Code, on page 3, strike lines 59 through 61 and substitute the following:
Criminal Procedure, for an offense other than an offense under Section 21.02 or 22.021.

**HB 1513 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1513, A bill to be entitled An Act relating to increases in the records archive fees and the records management and preservation fees charged by district and county clerks.

Representative Lewis moved to concur in the senate amendments to **HB 1513**.

The motion to concur in the senate amendments to **HB 1513** prevailed by (Record 1145): 143 Yeas, 1 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, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; 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; 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; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Stickland.

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

Absent, Excused — Laubenberg.

Absent — Farney; Krause; Sanford.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1145. I intended to vote no.

E. S. Turner

Senate Committee Substitute

CSHB 1513, A bill to be entitled An Act relating to temporary increases in the records archive fees and the records management and preservation fees charged by district and county clerks.

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

ARTICLE 1. FEES EFFECTIVE SEPTEMBER 1, 2013

SECTION 1.01. Section 51.305(b), Government Code, is amended to read as follows:

(b) The commissioners court of a county may adopt a district court records archive fee of not more than \$10 [~~\$5~~] for the filing of a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, in a district court in the county as part of the county's annual budget. The fee must be set and itemized in the county's budget as part of the budget preparation process and must be approved in a public meeting. The fee is for preservation and restoration services performed in connection with maintaining a district court records archive.

SECTION 1.02. Section 51.317(b), Government Code, is amended to read as follows:

(b) The fees are:

(1) except as provided by Subsection (b-1), for filing a suit, including an appeal from an inferior court, \$50;

(2) for filing a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, \$15;

(3) for issuing a citation or other writ or process not otherwise provided for, including one copy, when requested at the time a suit or action is filed, \$8;

(4) for records management and preservation, \$10; and

(5) in addition to the other fees imposed under this section, for filing a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, the amount adopted by the county commissioners court, not to exceed \$10 [~~\$5~~], for court records archiving.

SECTION 1.03. Section 101.0611, Government Code, is amended to read as follows:

Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT CODE. The clerk of a district court shall collect fees and costs under the Government Code as follows:

(1) appellate judicial system filing fees for:

(A) First or Fourteenth Court of Appeals District (Sec. 22.2021, Government Code) . . . not more than \$5;

(B) Second Court of Appeals District (Sec. 22.2031, Government Code) . . . not more than \$5;

(C) Third Court of Appeals District (Sec. 22.2041, Government Code) . . . \$5;

(D) Fourth Court of Appeals District (Sec. 22.2051, Government Code) . . . not more than \$5;

(E) Fifth Court of Appeals District (Sec. 22.2061, Government Code) . . . not more than \$5;

(E-1) Sixth Court of Appeals District (Sec. 22.2071, Government Code) . . . \$5;

(E-2) Seventh Court of Appeals District (Sec. 22.2081, Government Code) . . . \$5;

(F) Ninth Court of Appeals District (Sec. 22.2101, Government Code) . . . \$5;

(G) Eleventh Court of Appeals District (Sec. 22.2121, Government Code) . . . \$5;

(G-1) Twelfth Court of Appeals District (Sec. 22.2131, Government Code) . . . \$5; and

(H) Thirteenth Court of Appeals District (Sec. 22.2141, Government Code) . . . not more than \$5;

(2) when administering a case for the Rockwall County Court at Law (Sec. 25.2012, Government Code) . . . civil fees and court costs as if the case had been filed in district court;

(3) additional filing fees:

(A) for each suit filed for insurance contingency fund, if authorized by the county commissioners court (Sec. 51.302, Government Code) . . . not to exceed \$5;

(B) to fund the improvement of Dallas County civil court facilities, if authorized by the county commissioners court (Sec. 51.705, Government Code) . . . not more than \$15;

(B-1) to fund the improvement of Bexar County court facilities, if authorized by the county commissioners court (Sec. 51.706, Government Code) . . . not more than \$15;

(C) to fund the improvement of Hays County court facilities, if authorized by the county commissioners court (Sec. 51.707, Government Code) . . . not more than \$15; and

(D) to fund the preservation of court records (Sec. 51.708, Government Code) . . . not more than \$10;

(4) for filing a suit, including an appeal from an inferior court:

(A) for a suit with 10 or fewer plaintiffs (Sec. 51.317, Government Code) . . . \$50;

(B) for a suit with at least 11 but not more than 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

(C) for a suit with at least 26 but not more than 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

(D) for a suit with at least 101 but not more than 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

(E) for a suit with at least 501 but not more than 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

(F) for a suit with more than 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$200;

(5) for filing a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition (Sec. 51.317, Government Code) . . . \$15;

(6) for issuing a citation or other writ or process not otherwise provided for, including one copy, when requested at the time a suit or action is filed (Sec. 51.317, Government Code) . . . \$8;

(7) for records management and preservation (Sec. 51.317, Government Code) . . . \$10;

(7-a) for district court records archiving, if adopted by the county commissioners court (Sec. 51.317(b)(5), Government Code) . . . not more than \$10 [~~\$5~~];

(8) for issuing a subpoena, including one copy (Sec. 51.318, Government Code) . . . \$8;

(9) for issuing a citation, commission for deposition, writ of execution, order of sale, writ of execution and order of sale, writ of injunction, writ of garnishment, writ of attachment, or writ of sequestration not provided for in Section 51.317, or any other writ or process not otherwise provided for, including one copy if required by law (Sec. 51.318, Government Code) . . . \$8;

(10) for searching files or records to locate a cause when the docket number is not provided (Sec. 51.318, Government Code) . . . \$5;

(11) for searching files or records to ascertain the existence of an instrument or record in the district clerk's office (Sec. 51.318, Government Code) . . . \$5;

(12) for abstracting a judgment (Sec. 51.318, Government Code) . . . \$8;

(13) for approving a bond (Sec. 51.318, Government Code) . . . \$4;

(14) for a certified copy of a record, judgment, order, pleading, or paper on file or of record in the district clerk's office, including certificate and seal, for each page or part of a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

(15) for a noncertified copy, for each page or part of a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

(16) fee for performing a service:

(A) related to the matter of the estate of a deceased person (Sec. 51.319, Government Code) . . . the same fee allowed the county clerk for those services;

(B) related to the matter of a minor (Sec. 51.319, Government Code) . . . the same fee allowed the county clerk for the service;

(C) of serving process by certified or registered mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or constable is authorized to charge for the service under Section 118.131, Local Government Code; and

(D) prescribed or authorized by law but for which no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;

(17) jury fee (Sec. 51.604, Government Code) . . . \$30;

(18) additional filing fee for family protection on filing a suit for dissolution of a marriage under Chapter 6, Family Code (Sec. 51.961, Government Code) . . . not to exceed \$15;

(19) at a hearing held by an associate judge in Dallas County, a court cost to preserve the record, in the absence of a court reporter, by other means (Sec. 54.509, Government Code) . . . as assessed by the referring court or associate judge; and

(20) at a hearing held by an associate judge in Duval County, a court cost to preserve the record (Sec. 54.1151, Government Code) . . . as imposed by the referring court or associate judge.

SECTION 1.04. Sections 118.011(b) and (f), Local Government Code, are amended to read as follows:

(b) The county clerk may set and collect the following fee from any person:

(1) Returned Check (Sec. 118.0215) not less than \$15 or more than \$30

(2) Records Management and Preservation Fee (Sec. 118.0216) . . . not more than \$10 [~~\$5~~]

(3) Mental Health Background Check for License to Carry a Concealed Weapon (Sec. 118.0217) not more than \$2

(f) The county clerk of a county shall, if the commissioners court of the county adopts the fee as part of the county's annual budget, collect the following fee from any person:

Records Archive Fee (Sec. 118.025) not more than \$10 [~~\$5~~]

SECTION 1.05. The changes in law made by this article apply only to a fee that becomes payable on or after September 1, 2013. A fee that becomes payable before September 1, 2013, is governed by the law in effect when the fee became payable, and the former law is continued in effect for that purpose.

SECTION 1.06. This article takes effect September 1, 2013.

ARTICLE 2. FEES EFFECTIVE SEPTEMBER 1, 2019

SECTION 2.01. Section 51.305(b), Government Code, is amended to read as follows:

(b) The commissioners court of a county may adopt a district court records archive fee of not more than \$5 for the filing of a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, in a district court in the county as part of the county's annual budget. The fee must be set and itemized in the county's budget as part of the budget preparation process and must be approved in a public meeting. The fee is for preservation and restoration services performed in connection with maintaining a district court records archive.

SECTION 2.02. Section 51.317(b), Government Code, is amended to read as follows:

(b) The fees are:

(1) except as provided by Subsection (b-1), for filing a suit, including an appeal from an inferior court, \$50;

(2) for filing a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, \$15;

(3) for issuing a citation or other writ or process not otherwise provided for, including one copy, when requested at the time a suit or action is filed, \$8;

(4) for records management and preservation, \$10; and

(5) in addition to the other fees imposed under this section, for filing a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, the amount adopted by the county commissioners court, not to exceed \$5, for court records archiving.

SECTION 2.03. Section 101.0611, Government Code, is amended to read as follows:

Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT CODE. The clerk of a district court shall collect fees and costs under the Government Code as follows:

(1) appellate judicial system filing fees for:

(A) First or Fourteenth Court of Appeals District (Sec. 22.2021, Government Code) . . . not more than \$5;

(B) Second Court of Appeals District (Sec. 22.2031, Government Code) . . . not more than \$5;

(C) Third Court of Appeals District (Sec. 22.2041, Government Code) . . . \$5;

(D) Fourth Court of Appeals District (Sec. 22.2051, Government Code) . . . not more than \$5;

(E) Fifth Court of Appeals District (Sec. 22.2061, Government Code) . . . not more than \$5;

(E-1) Sixth Court of Appeals District (Sec. 22.2071, Government Code) . . . \$5;

(E-2) Seventh Court of Appeals District (Sec. 22.2081, Government Code) . . . \$5;

(F) Ninth Court of Appeals District (Sec. 22.2101, Government Code) . . . \$5;

(G) Eleventh Court of Appeals District (Sec. 22.2121, Government Code) . . . \$5;

(G-1) Twelfth Court of Appeals District (Sec. 22.2131, Government Code) . . . \$5; and

(H) Thirteenth Court of Appeals District (Sec. 22.2141, Government Code) . . . not more than \$5;

(2) when administering a case for the Rockwall County Court at Law (Sec. 25.2012, Government Code) . . . civil fees and court costs as if the case had been filed in district court;

(3) additional filing fees:

(A) for each suit filed for insurance contingency fund, if authorized by the county commissioners court (Sec. 51.302, Government Code) . . . not to exceed \$5;

(B) to fund the improvement of Dallas County civil court facilities, if authorized by the county commissioners court (Sec. 51.705, Government Code) . . . not more than \$15;

(B-1) to fund the improvement of Bexar County court facilities, if authorized by the county commissioners court (Sec. 51.706, Government Code) . . . not more than \$15;

(C) to fund the improvement of Hays County court facilities, if authorized by the county commissioners court (Sec. 51.707, Government Code) . . . not more than \$15; and

(D) to fund the preservation of court records (Sec. 51.708, Government Code) . . . not more than \$10;

(4) for filing a suit, including an appeal from an inferior court:

(A) for a suit with 10 or fewer plaintiffs (Sec. 51.317, Government Code) . . . \$50;

(B) for a suit with at least 11 but not more than 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

(C) for a suit with at least 26 but not more than 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

(D) for a suit with at least 101 but not more than 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

(E) for a suit with at least 501 but not more than 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

(F) for a suit with more than 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$200;

(5) for filing a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition (Sec. 51.317, Government Code) . . . \$15;

(6) for issuing a citation or other writ or process not otherwise provided for, including one copy, when requested at the time a suit or action is filed (Sec. 51.317, Government Code) . . . \$8;

(7) for records management and preservation (Sec. 51.317, Government Code) . . . \$10;

(7-a) for district court records archiving, if adopted by the county commissioners court (Sec. 51.317(b)(5), Government Code) . . . not more than \$5;

(8) for issuing a subpoena, including one copy (Sec. 51.318, Government Code) . . . \$8;

(9) for issuing a citation, commission for deposition, writ of execution, order of sale, writ of execution and order of sale, writ of injunction, writ of garnishment, writ of attachment, or writ of sequestration not provided for in Section 51.317, or any other writ or process not otherwise provided for, including one copy if required by law (Sec. 51.318, Government Code) . . . \$8;

(10) for searching files or records to locate a cause when the docket number is not provided (Sec. 51.318, Government Code) . . . \$5;

(11) for searching files or records to ascertain the existence of an instrument or record in the district clerk's office (Sec. 51.318, Government Code) . . . \$5;

(12) for abstracting a judgment (Sec. 51.318, Government Code) . . . \$8;

(13) for approving a bond (Sec. 51.318, Government Code) . . . \$4;

(14) for a certified copy of a record, judgment, order, pleading, or paper on file or of record in the district clerk's office, including certificate and seal, for each page or part of a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

(15) for a noncertified copy, for each page or part of a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

(16) fee for performing a service:

(A) related to the matter of the estate of a deceased person (Sec. 51.319, Government Code) . . . the same fee allowed the county clerk for those services;

(B) related to the matter of a minor (Sec. 51.319, Government Code) . . . the same fee allowed the county clerk for the service;

(C) of serving process by certified or registered mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or constable is authorized to charge for the service under Section 118.131, Local Government Code; and

(D) prescribed or authorized by law but for which no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;

(17) jury fee (Sec. 51.604, Government Code) . . . \$30;

(18) additional filing fee for family protection on filing a suit for dissolution of a marriage under Chapter 6, Family Code (Sec. 51.961, Government Code) . . . not to exceed \$15;

(19) at a hearing held by an associate judge in Dallas County, a court cost to preserve the record, in the absence of a court reporter, by other means (Sec. 54.509, Government Code) . . . as assessed by the referring court or associate judge; and

(20) at a hearing held by an associate judge in Duval County, a court cost to preserve the record (Sec. 54.1151, Government Code) . . . as imposed by the referring court or associate judge.

SECTION 2.04. Sections 118.011(b) and (f), Local Government Code, are amended to read as follows:

(b) The county clerk may set and collect the following fee from any person:

(1) Returned Check (Sec. 118.0215) . . . not less than \$15 or more than \$30

(2) Records Management and Preservation Fee (Sec. 118.0216) . . . not more than \$5

(3) Mental Health Background Check for License to Carry a Concealed Weapon (Sec. 118.0217) . . . not more than \$2

(f) The county clerk of a county shall, if the commissioners court of the county adopts the fee as part of the county's annual budget, collect the following fee from any person:

Records Archive Fee (Sec. 118.025) . . . not more than \$5

SECTION 2.05. The changes in law made by this article apply only to a fee that becomes payable on or after September 1, 2019. A fee that becomes payable before September 1, 2019, is governed by the law in effect when the fee became payable, and the former law is continued in effect for that purpose.

SECTION 2.06. This article takes effect September 1, 2019.

ARTICLE 3. CONFLICT WITH OTHER LEGISLATION

SECTION 3.01. To the extent of any conflict, this Act prevails over another Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes.

**HB 3436 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3436, A bill to be entitled An Act relating to formal action of responsible governmental entities on certain proposals or bids for certain projects.

Representative Cook moved to concur in the senate amendments to **HB 3436**.

The motion to concur in the senate amendments to **HB 3436** prevailed by (Record 1146): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; 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; 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; 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; 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; Kuempel(C).

Absent, Excused — Laubenberg.

Absent — Burkett; Burnam; González, M.; Lozano; Raney.

STATEMENT OF VOTE

When Record No. 1146 was taken, I was in the house but away from my desk. I would have voted yes.

M. González

Senate Committee Substitute

CSHB 3436, A bill to be entitled An Act relating to the use and development of state property, including real property within the Capitol complex.

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

SECTION 1. Subchapter F, Chapter 2165, Government Code, is amended by adding Section 2165.259 to read as follows:

Sec. 2165.259. CAPITOL COMPLEX. (a) In this section, "Capitol complex" has the meaning assigned by Section 443.0071.

(b) Notwithstanding Subchapter D, the commission may not lease, sell, or otherwise dispose of real property or an interest in real property located in the Capitol complex.

(c) This section does not affect the commission's authority under Subchapter E to lease space in state office buildings and parking garages.

SECTION 2. Subchapter A, Chapter 2267, Government Code, as added by Chapter 1334 (**SB 1048**), Acts of the 82nd Legislature, Regular Session, 2011, is amended by adding Section 2267.005 to read as follows:

Sec. 2267.005. QUALIFYING PROJECTS IN CAPITOL COMPLEX. The Texas Facilities Commission may develop or operate a qualifying project located in the Capitol complex, as defined by Section 443.0071, as provided by this chapter only if specifically granted the authority by the legislature.

SECTION 3. Subchapter B, Chapter 2267, Government Code, as added by Chapter 1334 (**SB 1048**), Acts of the 82nd Legislature, Regular Session, 2011, is amended by adding Section 2267.0531 to read as follows:

Sec. 2267.0531. COMPREHENSIVE AGREEMENT DELAYED. (a) The responsible governmental entity, as defined by Government Code Chapter 2267.001(5)(A) excluding institutions of higher education, may not enter into a comprehensive agreement under this chapter before September 1, 2014.

(b) This section expires September 2, 2014.

SECTION 4. Section 31.155(d), Natural Resources Code, is amended to read as follows:

(d) The duty under this subchapter of the division to review and verify real property records and to make recommendations regarding real property and of the commissioner to prepare a report involving real property does not apply to:

- (1) the real property of an institution of higher education;
- (2) the real property that is part of a fund created or specifically authorized by the constitution of this state and that is administered by or with the assistance of the land office;
- (3) the real property of the Employees Retirement System of Texas;

[and]

- (4) the real property of the Teacher Retirement System of Texas; and
- (5) the real property located in the Capitol complex, as defined by Section 443.0071, Government Code.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

HB 2414 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 2414, A bill to be entitled An Act relating to requirements for open meetings held by videoconference call.

Representative Button moved to concur in the senate amendments to **HB 2414**.

The motion to concur in the senate amendments to **HB 2414** prevailed by (Record 1147): 145 Yeas, 1 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, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; 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; Krause; 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; 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.

Nays — Kolkhorst.

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

Absent, Excused — Laubenberg.

Absent — Fallon.

STATEMENT OF VOTE

I was shown voting no on Record No. 1147. I intended to vote yes.

Kolkhorst

Senate Committee Substitute

CSHB 2414, A bill to be entitled An Act relating to requirements for open meetings held by videoconference call.

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

SECTION 1. Section 551.001, Government Code, is amended by adding Subdivision (7) to read as follows:

(7) "Videoconference call" means a communication conducted between two or more persons in which one or more of the participants communicate with the other participants through duplex audio and video signals transmitted over a telephone network, a data network, or the Internet.

SECTION 2. Section 551.127, Government Code, is amended by adding Subsections (a-1) and (a-2) and amending Subsections (c), (e), (h), and (j) to read as follows:

(a-1) A member or employee of a governmental body may participate remotely in a meeting of the governmental body by means of a videoconference call if the video and audio feed of the member's or employee's participation, as applicable, is broadcast live at the meeting and complies with the provisions of this section.

(a-2) A member of a governmental body who participates in a meeting as provided by Subsection (a-1) shall be counted as present at the meeting for all purposes.

(c) A meeting of a [state] governmental body [~~or a governmental body that extends into three or more counties~~] may be held by videoconference call only if:

(1) the governmental body makes available to the public at least one suitable physical space located in or within a reasonable distance of the geographic jurisdiction, if any, of the governmental body that is equipped with videoconference equipment that provides an audio and video display, as well as a camera and microphone by which a member of the public can provide testimony or otherwise actively participate in the meeting;

(2) the member of the governmental body presiding over the meeting is present at that physical space; and

(3) any member of the public present at that physical space is provided the opportunity to participate in the meeting by means of a videoconference call in the same manner as a person who is physically present at a meeting of the governmental body that is not conducted by videoconference call [~~a majority of the quorum of the governmental body is physically present at one location of the meeting~~].

(e) The notice of a meeting to be held by videoconference call must specify as a location of the meeting the location of the physical space described by Subsection (c)(1) [~~where a quorum of the governmental body will be physically present and specify the intent to have a quorum present at that location, except that the notice of a meeting to be held by videoconference call under Subsection (e) must specify as a location of the meeting each location where a majority of the quorum of the governmental body will be physically present and specify the intent to have a majority of the quorum of the governmental body present at that location. In addition, the notice of the meeting must specify as a location of the~~

~~meeting each other location where a member of the governmental body who will participate in the meeting will be physically present during the meeting. Each of the locations shall be open to the public during the open portions of the meeting].~~

(h) The physical [Each] location specified under Subsection (e) shall have two-way audio and video communication with each member who is participating by videoconference call [other location] during the entire meeting. Each participant in the videoconference call, while speaking, shall be clearly visible and audible to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the physical location described by Subsection (e) and at any other [a] location of the meeting that is open to the public.

(j) ~~The [quality of the] audio and video signals perceptible by members of the public at each location of the meeting described by Subsection (h) must[:~~

~~(1) meet or exceed the quality of the audio and video signals perceptible by the members of the governmental body participating in the meeting; and~~

~~(2) be of sufficient quality so that members of the public at each location [of the meeting] can observe the demeanor and hear the voice of each participant in the open portion of the meeting.~~

SECTION 3. The changes in law made by this Act apply only to an open meeting held on or after the effective date of this Act. An open meeting that is held before the effective date of this Act is governed by the law in effect on the date of the open meeting, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

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

Amend **CSHB 2414** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS appropriately:

SECTION _____. Subchapter A, Chapter 551, Government Code, is amended by adding Section 551.006 to read as follows:

Sec. 551.006. WRITTEN ELECTRONIC COMMUNICATIONS ACCESSIBLE TO PUBLIC. (a) A communication or exchange of information between members of a governmental body about public business or public policy over which the governmental body has supervision or control does not constitute a meeting or deliberation for purposes of this chapter if:

(1) the communication is in writing;

(2) the writing is posted to an online message board or similar Internet application that is viewable and searchable by the public; and

(3) the communication is displayed in real time and displayed on the online message board or similar Internet application for no less than 30 days after the communication is first posted.

(b) A governmental body may have no more than one online message board or similar Internet application to be used for the purposes described in Subsection (a). The online message board or similar Internet application must be owned or controlled by the governmental body, prominently displayed on the governmental body's primary Internet web page, and no more than one click away from the governmental body's primary Internet web page.

(c) The online message board or similar Internet application described in Subsection (a) may only be used by members of the governmental body or staff members of the governmental body who have received specific authorization from a member of the governmental body. In the event that a staff member posts a communication to the online message board or similar Internet application, the name and title of the staff member must be posted along with the communication.

(d) If a governmental body removes from the online message board or similar Internet application a communication that has been posted for at least 30 days, the governmental body shall maintain the posting for a period of six years. This communication is public information and must be disclosed in accordance with Chapter 552.

(e) The governmental body may not vote or take any action that is required to be taken at a meeting under this chapter of the governmental body by posting a communication to the online message board or similar Internet application. In no event shall a communication or posting to the online message board or similar Internet application be construed to be an action of the governmental body.

HB 3838 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3838, A bill to be entitled An Act relating to motorcycle equipment and training requirements.

Representative Phillips moved to concur in the senate amendments to **HB 3838**.

The motion to concur in the senate amendments to **HB 3838** prevailed by (Record 1148): 136 Yeas, 6 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; 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; Isaac; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; 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; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, R.; Simmons; Smith; Smithee; Springer; Strama; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — King, P.; Schaefer; Simpson; Stephenson; Stickland; Toth.

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

Absent, Excused — Laubenberg.

Absent — Burkett; Hunter; Sheffield, J.; White; Zedler.

STATEMENTS OF VOTE

When Record No. 1148 was taken, my vote failed to register. I would have voted yes.

Burkett

When Record No. 1148 was taken, I was in the house but away from my desk. I would have voted yes.

Hunter

Senate Committee Substitute

CSHB 3838, A bill to be entitled An Act relating to motorcycle equipment and training and the license requirements for a three-wheeled motorcycle; creating an offense.

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

SECTION 1. This Act shall be known as Malorie's Law.

SECTION 2. Section 521.148(a), Transportation Code, is amended to read as follows:

(a) An applicant for an original Class M license or Class A, B, or C driver's license that includes an authorization to operate a motorcycle must furnish to the department evidence satisfactory to the department that the applicant has successfully completed a ~~basic~~ motorcycle operator training course approved by the department under Chapter 662. The department shall issue a Class M license that is restricted to the operation of a three-wheeled motorcycle if the motorcycle operator training course completed by the applicant is specific to the operation of a three-wheeled motorcycle.

SECTION 3. Section 545.416(b), Transportation Code, is amended to read as follows:

(b) An operator may not carry another person on the motorcycle, and a person who is not operating the motorcycle may not ride on the motorcycle, unless the motorcycle is:

(1) designed to carry more than one person; and

(2) equipped with footrests and handholds for use by the passenger.

SECTION 4. Effective January 1, 2015, Subchapter K, Chapter 547, Transportation Code, is amended by adding Section 547.617 to read as follows:

Sec. 547.617. MOTORCYCLE FOOTRESTS AND HANDHOLDS REQUIRED. A motorcycle that is designed to carry more than one person must be equipped with footrests and handholds for use by the passenger.

SECTION 5. Section 662.002(b), Transportation Code, is amended to read as follows:

(b) The program:

(1) shall contain information regarding operating a motorcycle while carrying a passenger; and

(2) may ~~shall~~ include curricula developed by the Motorcycle Safety Foundation.

SECTION 6. Section 662.006, Transportation Code, is amended to read as follows:

Sec. 662.006. UNAUTHORIZED TRAINING PROHIBITED. (a) A person may not offer or conduct training in motorcycle operation for [a] consideration unless the person is licensed by or contracts with the designated state agency.

(b) A person who violates Subsection (a) commits an offense. An offense under this subsection is a Class B misdemeanor, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this section.

SECTION 7. Section 662.008(b), Transportation Code, is amended to read as follows:

(b) Following denial, suspension, or cancellation of ~~[Before the designated state agency may deny, suspend, or cancel]~~ the approval of a program sponsor or an instructor, notice and opportunity for a hearing must be given as provided by:

(1) Chapter 2001, Government Code; and

(2) Chapter 53, Occupations Code.

SECTION 8. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 9. Except as otherwise provided by this Act, this Act takes effect September 1, 2013.

HB 899 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 899, A bill to be entitled An Act relating to certain rights of victims, guardians of victims, and close relatives of deceased victims in the criminal justice system.

Representative Perry moved to concur in the senate amendments to **HB 899**.

The motion to concur in the senate amendments to **HB 899** prevailed by (Record 1149): 145 Yeas, 0 Nays, 3 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; Lavender; Leach; Lewis; 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; Kuempel(C); Longoria.

Absent, Excused — Laubenberg.

Absent — Larson.

Senate Committee Substitute

CSHB 899, A bill to be entitled An Act relating to certain rights of victims, guardians of victims, and close relatives of deceased victims in the criminal justice system.

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

SECTION 1. Articles 56.02(a) and (c), Code of Criminal Procedure, are amended to read as follows:

(a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

(1) the right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;

(2) the right to have the magistrate take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;

(3) the right, if requested, to be informed:

(A) by the attorney representing the state of relevant court proceedings, including appellate proceedings, and to be informed if those proceedings have been canceled or rescheduled prior to the event; and

(B) by an appellate court of decisions of the court, after the decisions are entered but before the decisions are made public;

(4) the right to be informed, when requested, by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations and by the district attorney's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process;

(5) the right to provide pertinent information to a probation department conducting a presentencing investigation concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to any sentencing of the offender;

(6) the right to receive information regarding compensation to victims of crime as provided by Subchapter B, including information related to the costs that may be compensated under that subchapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that subchapter, the payment for a medical examination under Article 56.06 for a victim of a sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance;

(7) the right to be informed, upon request, of parole procedures, to participate in the parole process, to be notified, if requested, of parole proceedings concerning a defendant in the victim's case, to provide to the Board of Pardons and Paroles for inclusion in the defendant's file information to be considered by the board prior to the parole of any defendant convicted of any crime subject to this subchapter, and to be notified, if requested, of the defendant's release;

(8) the right to be provided with a waiting area, separate or secure from other witnesses, including the offender and relatives of the offender, before testifying in any proceeding concerning the offender; if a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the offender and the offender's relatives and witnesses, before and during court proceedings;

(9) the right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose;

(10) the right to have the attorney for the state notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for good cause;

(11) the right to counseling, on request, regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection and testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS, if the offense is an offense under Section 21.02, 21.11(a)(1), 22.011, or 22.021, Penal Code;

(12) the right to request victim-offender mediation coordinated by the victim services division of the Texas Department of Criminal Justice;

(13) the right to be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system, to complete the victim impact statement, and to have the victim impact statement considered:

(A) by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; and

(B) by the Board of Pardons and Paroles before an inmate is released on parole;

(14) to the extent provided by Articles 56.06 and 56.065, for a victim of a sexual assault, the right to a forensic medical examination if, within 96 hours of the sexual assault, the assault is reported to a law enforcement agency or a forensic medical examination is otherwise conducted at a health care facility; ~~[and]~~

(15) for a victim of an assault or sexual assault who is younger than 17 years of age or whose case involves family violence, as defined by Section 71.004, Family Code, the right to have the court consider the impact on the victim of a continuance requested by the defendant; if requested by the attorney representing the state or by counsel for the defendant, the court shall state on the record the reason for granting or denying the continuance; and

(16) if the offense is a capital felony, the right to:

(A) receive by mail from the court a written explanation of defense-initiated victim outreach if the court has authorized expenditures for a defense-initiated victim outreach specialist;

(B) not be contacted by the victim outreach specialist unless the victim, guardian, or relative has consented to the contact by providing a written notice to the court; and

(C) designate a victim service provider to receive all communications from a victim outreach specialist acting on behalf of any person.

(c) The office of the attorney representing the state, and the sheriff, police, and other law enforcement agencies shall ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights granted by ~~[Subsection (a) of]~~ this article and, on request, an explanation of those rights.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**HB 3093 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 3093, A bill to be entitled An Act relating to the powers and duties of the Department of Information Resources and the Legislative Budget Board regarding information resources technologies of state agencies.

Representative Elkins moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3093**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3093**: Elkins, chair; Button, Reynolds, Gonzales, and Laubenberg.

HB 506 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 506, A bill to be entitled An Act relating to the location of early voting polling places for elections held on the November uniform election date by a political subdivision.

Representative Lozano moved to concur in the senate amendments to **HB 506**.

The motion to concur in the senate amendments to **HB 506** prevailed by (Record 1150): 138 Yeas, 4 Nays, 3 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; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Larson; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Muñoz; Murphy; Naishtat; 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; Simpson; Smith; Smithee; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Goldman; Nevárez; Springer; White.

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

Absent, Excused — Laubenberg.

Absent — Elkins; Hernandez Luna; Morrison; Phillips.

STATEMENT OF VOTE

I was shown voting no on Record No. 1150. I intended to vote yes.

Goldman

Senate Committee Substitute

CSHB 506, A bill to be entitled An Act relating to the location of early voting polling places for elections held on the November uniform election date by a political subdivision.

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

SECTION 1. Subchapter A, Chapter 85, Election Code, is amended by adding Section 85.010 to read as follows:

Sec. 85.010. EARLY VOTING POLLING PLACE FOR CERTAIN ELECTIONS HELD BY POLITICAL SUBDIVISIONS. (a) This section applies to an election held by a political subdivision, other than a county, on the November uniform election date in which the political subdivision:

(1) is not holding a joint election with a county in accordance with Chapter 271; and

(2) has not executed a contract with a county elections officer under which the political subdivision and the county share early voting polling places for the election.

(b) A political subdivision that holds an election described by Subsection (a) shall designate as an early voting polling place for the election any early voting polling place, other than a polling place established under Section 85.062(e), established by the county and located in a county election precinct that contains territory from the political subdivision.

(c) A shared polling place established under Subsection (b) that is designated as a main early voting polling place by any political subdivision must be open for voting for all political subdivisions the polling place serves for at least the days and hours required of a main early voting polling place under Section 85.002 for the political subdivision making the designation.

SECTION 2. This Act takes effect September 1, 2013.

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

Amend **CSHB 506** (senate committee report) in SECTION 1 of the bill, in added Section 85.010(b), Election Code (lines 41-42), by striking "a county election precinct that contains territory from".

**HB 1741 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1741, A bill to be entitled An Act relating to requiring child safety alarms in certain vehicles used by child-care facilities to transport children.

Representative Naishtat moved to concur in the senate amendments to **HB 1741**.

The motion to concur in the senate amendments to **HB 1741** prevailed by (Record 1151): 118 Yeas, 27 Nays, 2 Present, not voting.

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

Nays — Ashby; Bell; Capriglione; Clardy; Creighton; Fletcher; Flynn; Goldman; Gooden; Hilderbran; Isaac; King, P.; Klick; Krause; Lavender; Leach; Phillips; Price; Schaefer; Sheffield, R.; Simpson; Springer; Stickland; Taylor; Toth; Turner, E.S.; Zedler.

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

Absent, Excused — Laubenberg.

Absent — Fallon; Martinez Fischer.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1151. I intended to vote yes.

Fletcher

I was shown voting yes on Record No. 1151. I intended to vote no.

Hunter

I was shown voting yes on Record No. 1151. I intended to vote no.

Perry

Senate Committee Substitute

CSHB 1741, A bill to be entitled An Act relating to requiring child safety alarms in certain vehicles used by child-care facilities to transport children.

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

SECTION 1. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0424 to read as follows:

Sec. 42.0424. CHILD SAFETY ALARMS IN VEHICLES. (a) In this section, "electronic child safety alarm" means an alarm system that prompts the driver of a vehicle to inspect the vehicle to determine whether children are in the vehicle before the driver exits the vehicle.

(b) A licensed day-care center shall equip each vehicle owned or leased by the facility with an electronic child safety alarm if the vehicle is:

(1) designed to seat eight or more persons; and

(2) used to transport children under the care of the facility.

(c) The licensed day-care center shall ensure that the electronic child safety alarm is properly maintained and used when transporting children.

(d) The department shall adopt rules to implement this section.

(e) This section applies only to a vehicle purchased or leased on or after December 31, 2013.

SECTION 2. Section 42.0424, Human Resources Code, as added by this Act, applies to a vehicle purchased or leased on or after the effective date of this Act. A vehicle purchased or leased before the effective date of this Act shall comply with the requirements of Section 42.0424, Human Resources Code, as added by this Act, not later than December 31, 2014.

SECTION 3. This Act takes effect December 31, 2013.

PROVIDING FOR RECESS

At 12:15 p.m., the chair announced that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the signing of bills and resolutions, and the receipt of messages from the senate, the house recess until 2 p.m. today.

The motion prevailed.

(Crownover in the chair)

RESOLUTIONS REFERRED TO COMMITTEES

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

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

RECESS

In accordance with a previous motion, the house, at 1:59 p.m., recessed until 2 p.m. today.

AFTERNOON SESSION

The house met at 2 p.m. and was called to order by Representative Kuempel.

HB 2532 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2532, A bill to be entitled An Act relating to the regulation of propane distribution system retailers; authorizing a fee.

Representative Workman moved to concur in the senate amendments to **HB 2532**.

The motion to concur in the senate amendments to **HB 2532** prevailed by (Record 1152): 116 Yeas, 24 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bohac; Burkett; Burnam; Callegari; Canales; Carter; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Larson; 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; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, J.; Rose; Sheets; Sheffield, J.; Sheffield, R.; Smith; Smithee; Stephenson; Strama; Taylor; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zerwas.

Nays — Bell; Bonnen, D.; Bonnen, G.; Branch; Button; Capriglione; Creighton; Fallon; Geren; Goldman; Krause; Lavender; Leach; Perry; Phillips; Sanford; Schaefer; Simmons; Simpson; Springer; Stickland; Thompson, E.; Turner, E.S.; Zedler.

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

Absent, Excused — Laubenberg.

Absent — Anderson; Cortez; Davis, Y.; Gooden; Johnson; Rodriguez, E.; Thompson, S.

STATEMENTS OF VOTE

When Record No. 1152 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

I was shown voting no on Record No. 1152. I intended to vote yes.

Bell

When Record No. 1152 was taken, I was in the house but away from my desk. I would have voted yes.

Cortez

I was shown voting yes on Record No. 1152. I intended to vote no.

White

HB 2532 - STATEMENT OF LEGISLATIVE INTENT

HB 2532 is an agreed to bill developed with input from both customer and industry stakeholders. Its intent is to provide oversight of community propane system gas rate pricing and other fees charged for services rendered by community propane system retailers to system gas customers, protect system customers from periods of extended outage, and provide certain standards of service. The bill is not intended to affect or interfere with existing property rights and not affect or interfere with recorded deed restrictions or property development rules. The bill does provide notice to purchasers of real property that they are buying property located within an area served by a community propane system.

Workman

Senate Committee Substitute

CSHB 2532, A bill to be entitled An Act relating to the regulation of propane distribution system retailers; authorizing a fee.

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

SECTION 1. Title 3, Utilities Code, is amended by adding Subtitle C to read as follows:

SUBTITLE C. PROPANE GAS DISTRIBUTION SYSTEMS

CHAPTER 141. STANDARDS FOR DISTRIBUTION SYSTEM RETAILERS

Sec. 141.001. DEFINITIONS. In this chapter:

(1) "Allowable markup" means the two-calendar-year rolling average of the differences between the monthly E.I.A. retail prices per gallon reported during the two calendar years immediately preceding the calendar year in which a billing month occurs and the corresponding spot prices per gallon reported for the same month an E.I.A. retail price was reported during those two calendar years. As an example of the calculated allowable markup, for 2013, the allowable markup is \$1.48 per gallon.

(2) "Allowable spot price" means the average of the spot prices for the two months preceding the billing month. As an example of the calculated allowable spot price, for the billing month of January 2013, the allowable spot price was \$0.844 per gallon. The commission shall identify the allowable spot price each month and publish that price on the commission's website.

(3) "Commission" means the Railroad Commission of Texas or its successor agency.

(4) "Customer" means a retail customer of propane gas purchased from and delivered by a distribution system retailer through a propane gas system.

(5) "Distribution system retailer":

(A) means a retail propane dealer that:

(i) owns or operates for compensation in this state a propane gas system; and

(ii) has a Category E or K license issued by the applicable license and permit section of the commission; and

(B) does not include a person that furnishes propane gas only to the person, to the person's employees, or to the person's tenants as an incident of employment or tenancy, if the service is not resold to customers.

(6) "E.I.A. retail price" means the monthly U.S. Propane Residential Price as reported by the United States Energy Information Administration or its successor agency in dollars per gallon. As an example of the calculated E.I.A. retail price, for January 2013, the E.I.A. retail price was \$2.449 per gallon.

(7) "Propane gas" means a normally gaseous hydrocarbon defined as propane by the United States Energy Information Administration or its successor agency.

(8) "Propane gas system" means one or more propane storage containers, equipment, and facilities connected to a contiguous piping system through which propane gas is supplied by a distribution system retailer to at least 10 customers.

(9) "Rate" means the price per cubic foot of gas passing through the meter levied, charged, or collected by a distribution system retailer from a customer for propane gas provided through a propane gas system to the customer exclusive of any fees, taxes, or other charges. A conversion factor of 36.4 cubic feet of propane gas per gallon shall be used for purposes of determining a rate.

(10) "Spot price" means the Mont Belvieu, TX monthly Propane Spot Price FOB per gallon as reported by the United States Energy Information Administration or its successor agency in dollars per gallon. In January 2013, the spot price was \$0.838 per gallon.

Sec. 141.002. APPLICABILITY. This chapter applies only to the retail sale of propane gas made by a distribution system retailer through a propane gas system. This chapter does not apply to any other retail or wholesale sale of propane gas.

Sec. 141.003. RATE AND FEE CEILINGS. (a) In each billing month, a distribution system retailer shall charge a customer a just and reasonable rate for propane gas provided through a propane gas system to the customer. For the purposes of this section, a just and reasonable rate charged monthly for propane gas is a rate for propane gas provided through a propane gas system to the customer if it is less than or equal to the allowable spot price plus the allowable markup. For a customer's bill that contains days in more than one month, the month with the most days covered by the bill shall be considered the billing month. The price per gallon shall be converted to the cubic foot rate by dividing the price per gallon by 36.4.

(b) In addition to the rate authorized by Subsection (a), a distribution system retailer may charge customers special fees for services, including a connection fee, a disconnection fee, a monthly account fee to maintain an active account, a late payment fee, a disconnect or termination fee, a reconnection fee, an accelerated reconnection fee, a dishonored or canceled payment fee, a service initiation fee, and a tampering fee or an unauthorized gas consumption or diversion fee, if the fees are reasonable and customary. For purposes of this section, the fees described above that were charged or adopted by a distribution

system retailer as of January 1, 2013, as adjusted pursuant to Subsection (c), are deemed reasonable and customary for that distribution system retailer and its successors regarding any systems owned or operated currently or in the future.

(c) The distribution system retailer may adjust the fees described by Subsection (b) up or down based on the 12-month changes in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, CPI-U, Not Seasonally Adjusted, published by the Bureau of Labor Statistics of the United States Department of Labor or a similar index if that index is unavailable. For calculation purposes, the beginning base month is December 2012.

(d) Nothing in this section limits a distribution system retailer's ability to pass through to a customer as a separate charge on a pro rata actual-cost basis:

(1) a tax, other than a tax assessed on the basis of income, gross income, property, or margins;

(2) an assessment, surcharge, levy, fee, or other charge imposed by a governmental entity, any one of which begins or is increased on or after January 1, 2013, either:

(A) directly on a propane gas system or any portion; or

(B) on a distribution system retailer by virtue of its ownership or operation of a propane gas system; or

(3) a sales tax or franchise fee.

(e) A fee passed through to a customer under Subsection (d) shall be:

(1) passed through without any additional markup; and

(2) identified as a separate item on a customer's bill.

(f) Notwithstanding any other provision in this section, this subtitle does not apply to a new gas line construction charge, a gas line repair charge, or an appliance repair charge.

(g) In the event either or both the E.I.A. retail price or the Mont Belvieu, TX monthly Propane Spot Price FOB per gallon cease to be available, the commission shall designate a reasonably similar available substitute index or indices as necessary for purposes of calculation of the rate deemed just and reasonable for purposes of this section. Until the commission publishes an order designating the substitute index or indices, distribution system retailers shall charge a rate not to exceed the most recent available allowable markup plus the most recent available Mont Belvieu, TX monthly Propane Spot Price FOB per gallon. If the Mont Belvieu, TX monthly Propane Spot Price FOB per gallon is not available from the United States Energy Information Administration, the distribution system retailer, for the purpose of defining the spot price, may identify and use the Mont Belvieu, TX monthly Propane Spot Price FOB per gallon as reported by an alternative publicly available published source.

Sec. 141.004. DISCONNECTION OF PROPANE GAS SERVICE. (a) A distribution system retailer may not disconnect propane gas service to a residential customer on a weekend day or holiday officially observed by the State of Texas unless personnel of the distribution system retailer are available on that day to receive payments and reconnect service.

(b) A distribution system retailer may not disconnect propane gas service to a residential customer during an extreme weather emergency, as defined by Section 104.258. The distribution system retailer shall defer collection of the full payment of bills that are due during an extreme weather emergency, as defined by Section 104.258, until after the emergency is over.

Sec. 141.005. CONTINUITY OF SERVICE. (a) A distribution system retailer shall make all reasonable efforts to prevent interruptions of service. When an interruption occurs, the distribution system retailer shall reestablish service within the shortest possible time consistent with prudent operating principles so that the smallest number of customers are affected.

(b) Excluding service interruptions under Section 141.006, a distribution system retailer shall keep complete records of all emergency and scheduled service interruptions lasting more than six hours and affecting more than two customers. The records must describe the cause, date, length, and location of each interruption, the approximate number of customers affected by the interruption, and, in the case of an emergency interruption, the remedy and steps taken to prevent a recurrence, if applicable. The distribution system retailer shall submit copies of the service interruption records to the commission quarterly.

(c) The distribution system retailer shall notify the commission in writing not later than 48 hours after an interruption in service that affects the entire propane gas system, lasts more than four hours, represents an existing or probable hazard to persons or property, and requires immediate repair or continuous action until the conditions are no longer hazardous. The notice shall include the distribution system report of a service interruption. A written report of a service interruption in another form, including a part of a safety report, is sufficient to comply with this subsection.

(d) The commission shall establish and maintain a toll-free telephone number to enable a customer to notify the commission of a service interruption that does not involve a refusal to serve under Section 141.006. The commission shall immediately investigate the notification. A distribution system retailer shall notify the customer of the commission phone number on each billing statement.

(e) To restore and maintain service, the commission may assume temporary operational control of a propane gas system that experiences a service interruption that affects the entire propane gas system and that:

(1) continues to affect the entire propane gas system after the distribution system retailer has had direct access to and control of the system for more than 48 hours after the service interruption began;

(2) occurs more than three times in one month; or

(3) is the result of the distribution system retailer's failure or refusal to replenish the primary propane tank for a reason other than a general local market disruption, a restriction on wholesale propane supplies, mechanical failure, criminal activity, or an act of God.

(f) The commission may draw down all or part of the financial surety posted under Section 141.009, as required, to restore and maintain service under Subsection (e).

(g) At the request of the commission, the attorney general shall bring suit for the appointment of a receiver to collect the assets and carry on the business of a distribution system retailer that:

- (1) has abandoned operation of its facilities;
- (2) informs the commission that the owner is abandoning the system; or
- (3) experiences a service interruption as described under Subsection (e).

(h) The court shall appoint a receiver if an appointment is necessary to guarantee:

- (1) the collection of assessments, fees, penalties, or interest; or
- (2) continuous and adequate service to the customers of the utility.

(i) The receiver shall execute a bond to assure the proper performance of the receiver's duties in an amount to be set by the court.

(j) After appointment and execution of bond, the receiver shall take possession of the assets of the utility specified by the court. Until discharged by the court, the receiver shall perform the duties that the court directs to preserve the assets and carry on the business of the utility and shall strictly observe the final order involved.

(k) On a showing of good cause by the distribution system retailer, the court may dissolve the receivership and order the assets and control of the business returned to the distribution system retailer.

(l) Notwithstanding Section 64.021, Civil Practice and Remedies Code, a receiver appointed under this section may seek commission approval to acquire the distribution system retailer's facilities.

(m) Subject to the approval of the court and after giving notice to all interested parties, the receiver may sell or otherwise dispose of all or part of the real or personal property of a propane gas system against which a proceeding has been brought under this subchapter to pay the costs incurred in the operation of the receivership. The costs include:

- (1) payment of fees to the receiver for the receiver's services;
- (2) payment of fees to attorneys, accountants, engineers, or any other persons or entities that provide goods or services necessary to the operation of the receivership; and

(3) payment of costs incurred ensuring that any property owned or controlled by a distribution system retailer is not used in violation of a final order of the court.

Sec. 141.006. GROUNDS FOR REFUSAL TO SERVE. (a) A distribution system retailer may refuse service to an applicant for new service or to an existing customer for continued service or reconnection if:

- (1) an applicant or customer fails to pay fees, advances, contributions, or deposits required for service under the distribution system retailer's policies;
- (2) an applicant or customer fails to furnish a service or meter location specified for service by the distribution system retailer;

(3) the existence or repeated creation of an unsafe condition, such as impaired meter access or a leak in the applicant's piping system, may potentially create bodily harm or endanger life or property in the distribution system retailer's opinion;

(4) an applicant, customer, or service location owner is delinquent in payment for services provided by a distribution system retailer service location owner; or

(5) a current resident or occupant of the premises to receive service is delinquent in payment for services provided by a distribution system retailer.

(b) The right to refuse service ends when the cause for the refusal to serve is corrected.

Sec. 141.007. REASONABLE TIME TO BEGIN SERVICE. A distribution system retailer may delay providing service following an application or execution of an agreement for service for a reasonable amount of time considering required approvals, inspections, or permits, the extent of the facilities to be built, and the distribution system retailer's workload at the time.

Sec. 141.008. CUSTOMER COMPLAINTS. (a) A distribution system retailer that receives a written complaint shall promptly and suitably investigate the complaint and advise the complainant of the results of the investigation. A distribution system retailer shall keep for at least three years after the final disposition of each complaint a record that includes each complainant's name and address, the date and nature of the complaint, and the adjustment or disposition of the complaint. A distribution system retailer is not required to keep a record of a complaint that does not require the distribution system retailer to take specific further action. A distribution system retailer shall notify each complainant of the right to file a complaint with the commission if the complainant is not satisfied by the distribution system retailer's resolution of the matter.

(b) On receipt of a written complaint from the commission on behalf of a customer, a distribution system retailer promptly and suitably shall investigate and notify the commission and complainant of the results of the investigation. An initial response must be made not later than the third business day after the date the distribution system retailer receives the complaint electronically delivered to a minimum of two electronic addresses designated by the distribution system retailer. A distribution system retailer shall send a final and complete response to the commission and complainant not later than the 15th day after the date the complaint was received, unless the commission grants additional time before the expiration of the 15-day period.

(c) The commission may impose sanctions on a distribution system retailer if, after an investigation, the commission determines that the distribution system retailer has violated Section 141.003. Sanctions may include:

(1) adopting an order requiring a distribution system retailer to refund the amounts of any overcharges to the distribution system retailer's customers;

(2) drawing down all or a portion of the financial surety for the purpose of refunding the amounts of any overcharges to the distribution system retailer's customers not refunded before the 61st day after the date the commission orders a refund; or

(3) adopting an order setting rates and fees for the distribution system retailer in accordance with Section 141.003.

Sec. 141.009. PERFORMANCE GUARANTEE. A distribution system retailer shall post, in favor of the commission, financial surety in the form of a letter of credit, bond, or other acceptable form of financial surety with the commission in an amount equal to the lesser of \$3 multiplied by the number of gallons of aggregate storage capacity in all of the propane gas systems operated by the distribution system retailer or \$50,000. The issuer of the financial surety used to meet this requirement shall honor the financial surety if the issuer receives from the commission notice that the financial surety is due and payable. The commission may draw down all or a portion of the financial surety. The distribution system retailer shall provide the commission with verification of the adequacy of the financial surety, and the commission may order the distribution system retailer to adjust the amount of the financial surety annually.

Sec. 141.010. DISCLOSURE TO HOMEOWNERS. (a) A distribution system retailer shall record in the real property records of each county in which the distribution system retailer owns or operates a propane gas system a notice of disclosure of the existence of the propane gas system and the service the retailer provides. The notice shall include:

(1) a service map reflecting the location of the subdivisions or areas the distribution system retailer serves in the county;

(2) a copy of this chapter or a summary of the customer's rights under this chapter; and

(3) for development agreements entered into after September 1, 2013, a statement disclosing the existence of any financial interest held by a homeowners' association, municipal utility district, or developer in the propane gas system.

(b) If a person proposes to sell or convey real property located in a propane gas system service area owned by a distribution system retailer, the person must give to the purchaser written notice as prescribed by this subsection. The notice must include a copy of the notice recorded in the real property records as required by Subsection (a), must be executed by the seller, and must read as follows: "The real property, described below, that you are about to purchase may be located in a propane gas system service area, which is authorized by law to provide propane gas service to the properties in the area pursuant to Chapter 141, Utilities Code. If your property is located in a propane gas system service area, there may be special costs or charges that you will be required to pay before you can receive propane gas service. There may be a period required to construct lines or other facilities necessary to provide propane gas service to your property. You are advised to determine if the property is in a propane gas system service area and contact the distribution system retailer to determine the cost that you will be required to pay and the period, if any, that is required to provide propane gas service to your property.

"The undersigned purchaser hereby acknowledges receipt of the foregoing notice at or before the execution of a binding contract for the purchase of the real property described in the notice or at closing of purchase of the real property.

Date

Signature of Purchaser"

(c) Each county shall accept and record in its real property records a distribution system retailer's service map presented to the county clerk under this section if the map meets filing requirements, does not exceed 11 inches by 17 inches in size, and is accompanied by the appropriate fee. The recording required by this section must be completed not later than the later of January 1, 2014, or the 90th day after the date a distribution system retailer completes construction of a new propane gas system in the county.

SECTION 2. This Act takes effect September 1, 2013.

**HB 2099 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2099, A bill to be entitled An Act relating to improving access to nursing education programs.

Representative Guillen moved to concur in the senate amendments to **HB 2099**.

The motion to concur in the senate amendments to **HB 2099** prevailed by (Record 1153): 139 Yeas, 2 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; Collier; Cook; 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, T.; Kleinschmidt; Klick; Kolkhorst; Larson; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; 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; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Simpson; Stickland.

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

Absent, Excused — Laubenberg.

Absent — Coleman; Cortez; King, S.; Krause; Naishtat; Nevárez.

STATEMENT OF VOTE

When Record No. 1153 was taken, I was in the house but away from my desk. I would have voted yes.

Cortez

Senate Committee Substitute

CSHB 2099, A bill to be entitled An Act relating to improving access to nursing education programs.

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

SECTION 1. Sections 51.762(a) and (b), Education Code, are amended to read as follows:

(a) The board, with the assistance of an advisory committee composed of representatives of general academic teaching institutions, junior college districts, public state colleges, and public technical institutes, and with the consultation of all institutions of higher education that admit freshman-level students:

(1) shall adopt by rule:

(A) a common admission application form for use by a person seeking admission as a freshman student to a general academic teaching institution; ~~and~~

(B) an electronic common admission application form for use by a person seeking admission as a freshman student to an institution of higher education that admits freshman-level students, other than a general academic teaching institution; and

(C) if the board determines that adoption of the form would be cost-effective for nursing schools, an electronic common admission application form for use by a person seeking admission as a student to an undergraduate nursing education program at an institution of higher education; and

(2) may adopt by rule a printed format common admission application form for use by a person seeking admission as a freshman student to an institution of higher education that admits freshman-level students, other than a general academic teaching institution.

(b) The board, with the assistance of an advisory committee composed of representatives of general academic teaching institutions, junior college districts, public state colleges, and public technical institutes, and with the consultation of all institutions of higher education that admit undergraduate transfer students, may adopt by rule:

(1) a common admission application form for use by a person seeking admission as an undergraduate transfer student to a general academic teaching institution; ~~and~~

(2) an electronic or printed format common admission application form for use by a person seeking admission as an undergraduate transfer student to an institution of higher education that admits undergraduate transfer students, other than a general academic teaching institution; and

(3) if the board determines that adoption of the form would be cost-effective for nursing schools, an electronic common admission application form for use by a person seeking admission as a transfer student to an undergraduate nursing education program at an institution of higher education.

SECTION 2. Section 61.026, Education Code, is amended to read as follows:

Sec. 61.026. COMMITTEES AND ADVISORY COMMITTEES. (a) The chairman may appoint committees from the board's membership as the chairman ~~[he]~~ or the board may find necessary from time to time. The board may appoint advisory committees from outside its membership as it may deem necessary.

(b) If the board directs an advisory committee to assist the board in exercising its authority under Section 61.051(j) regarding an off-campus course in nursing education, including clinical coursework, the board shall require the advisory committee to include or consult with one or more private postsecondary educational institutions or private career schools and colleges in this state that offer degree programs.

SECTION 3. Chapter 61, Education Code, is amended by adding Subchapter II to read as follows:

SUBCHAPTER II. NURSING FACULTY LOAN REPAYMENT ASSISTANCE PROGRAM

Sec. 61.9821. REPAYMENT AUTHORIZED. The board shall establish and administer a program to provide, in accordance with this subchapter and board rules, assistance in the repayment of student loans for nurses who:

(1) are serving on the faculties of nursing degree programs at institutions of higher education or private or independent institutions of higher education in positions that require an advanced degree in professional nursing; and

(2) apply and qualify for the assistance.

Sec. 61.9822. ELIGIBILITY. To be eligible to receive loan repayment assistance under this subchapter, a nurse must:

(1) apply to the board;

(2) at the time of application for repayment assistance have been employed full-time for at least one year as, and be currently employed full-time as, a faculty member of a nursing degree program at an institution of higher education or a private or independent institution of higher education; and

(3) comply with any additional requirements adopted by board rule.

Sec. 61.9823. LIMITATIONS. (a) On qualifying for loan repayment assistance under this subchapter, a nurse may receive repayment assistance for each year of full-time employment as a faculty member of a nursing degree program at an institution of higher education or private or independent institution of higher education, not to exceed five years.

(b) The amount of loan repayment assistance received by a nurse under this subchapter may not exceed \$7,000 in any one year.

(c) The total amount of loan repayment assistance provided under this subchapter may not exceed the total amount of gifts and grants accepted by the board for the repayment assistance and other funds available to the board for the repayment assistance, including any money reallocated under Section 61.9826.

Sec. 61.9824. ELIGIBLE LOANS. (a) The board may provide repayment assistance for the repayment of any student loan for education at any public or private institution of higher education, including a loan for undergraduate education, received by an eligible person through any lender.

(b) The board may not provide repayment assistance for a student loan that is in default at the time of the nurse's application.

Sec. 61.9825. REPAYMENT. (a) The board shall deliver any repayment under this subchapter in a lump sum:

(1) payable to both the lender or other holder of the loan and the nurse;

or

(2) directly to the lender or other holder of the loan on the nurse's behalf.

(b) A repayment under this subchapter may be applied to any amount due in connection with the loan.

Sec. 61.9826. REALLOCATION OF MONEY. (a) In each state fiscal year, the board shall reallocate for loan repayment assistance under this subchapter for a particular year any money in the physician education loan repayment program account established under Section 61.5391 that exceeds the amount necessary in that fiscal year for purposes of repayment assistance under Subchapter J.

(b) Any money reallocated under Subsection (a) in a fiscal year that is not used for loan repayment assistance under this subchapter in that fiscal year is treated as if that unused amount had not been reallocated in that fiscal year.

Sec. 61.9827. GIFTS AND GRANTS. The board may solicit and accept gifts and grants from any source for the purposes of this subchapter.

Sec. 61.9828. RULES. (a) The board shall adopt rules as necessary to administer this subchapter.

(b) The board shall distribute a copy of the rules adopted under this section and pertinent information regarding this subchapter to:

(1) each institution of higher education and private or independent institution of higher education;

(2) any appropriate state agency; and

(3) any appropriate professional association.

SECTION 4. Section 61.5391(b), Education Code, is amended to read as follows:

(b) Money in the account may not be appropriated for any purpose except:

(1) to provide loan repayment assistance to eligible physicians under this subchapter; or

(2) to provide loan repayment assistance under Subchapter II if reallocated under Section 61.9826.

SECTION 5. The Texas Higher Education Coordinating Board shall adopt the rules for loan repayment assistance under Subchapter II, Chapter 61, Education Code, as added by this Act, not later than December 1, 2013.

SECTION 6. Not later than September 1, 2014, the Texas Higher Education Coordinating Board shall make an initial determination regarding whether adopting electronic common admission application forms for undergraduate nursing education programs would be cost-effective as required by Sections 51.762(a) and (b), Education Code, as amended by this Act.

SECTION 7. This Act takes effect September 1, 2013.

**HB 1129 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1129, A bill to be entitled An Act relating to a program allowing certain military voters on active duty overseas to cast a ballot electronically.

Representative White moved to concur in the senate amendments to **HB 1129**.

The motion to concur in the senate amendments to **HB 1129** prevailed by (Record 1154): 140 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; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; 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.; Guerra; Guillen; Gutierrez; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Larson; Lavender; Leach; Lewis; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; 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; Kuempel(C).

Absent, Excused — Laubenberg.

Absent — Callegari; Cortez; Gooden; Harless; Johnson; Lozano; Naishtat.

STATEMENTS OF VOTE

When Record No. 1154 was taken, I was in the house but away from my desk. I would have voted yes.

Cortez

When Record No. 1154 was taken, I was in the house but away from my desk. I would have voted yes.

Harless

When Record No. 1154 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

Senate Committee Substitute

CSHB 1129, A bill to be entitled An Act relating to a program allowing certain military voters on active duty overseas to cast a ballot electronically.

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

SECTION 1. Chapter 105, Election Code, is amended by adding Section 105.004 to read as follows:

Sec. 105.004. E-MAIL BALLOT PROGRAM. (a) The secretary of state shall implement a program to allow a person who is casting an early voting ballot by mail to return the ballot by e-mail if the person is a member of the armed forces of the United States who is on active duty overseas and eligible for hostile fire pay. The secretary of state shall prescribe procedures to provide for a process implemented under this section to require:

(1) the voter to print the ballot, print and sign a voter signature form, and then scan the documents before submitting them by e-mail; and

(2) secure processing of ballots, including requiring the use of a voter's military e-mail address and common access card, or other measures the secretary of state considers appropriate.

(b) The secretary of state shall select to participate in the program one county that:

(1) desires to participate in the program; and

(2) is determined by the secretary of state to have the appropriate technological capabilities.

(c) The secretary of state shall operate the program established under Subsection (a) as a pilot program until September 1, 2015.

(d) Not later than January 1, 2015, the secretary of state shall file a report with the legislature. The report may include the secretary of state's recommendations on the future use of e-mail ballot submission by members of the armed forces of the United States and suggestions for permanent statutory authority regarding e-mail ballot submission by members of the armed forces of the United States.

(e) This section expires September 1, 2015.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**HB 1035 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1035, A bill to be entitled An Act relating to the filing of reports of political contributions and expenditures and of personal financial statements by certain officeholders and candidates.

Representative Huberty moved to concur in the senate amendments to **HB 1035**.

The motion to concur in the senate amendments to **HB 1035** prevailed by (Record 1155): 140 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; 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.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, T.; Kleinschmidt; Kolkhorst; Krause; Larson; Lavender; Leach; Lewis; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; 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; 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; Kuempel(C).

Absent, Excused — Laubenberg.

Absent — Cortez; Gooden; King, S.; Klick; Lozano; Naishtat; Springer.

STATEMENTS OF VOTE

When Record No. 1155 was taken, I was in the house but away from my desk. I would have voted yes.

Cortez

When Record No. 1155 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

Senate Committee Substitute

CSHB 1035, A bill to be entitled An Act relating to the filing of reports of political contributions and expenditures and of personal financial statements by certain officeholders and candidates.

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

SECTION 1. Section 254.036, Election Code, is amended by adding Subsection (f) to read as follows:

(f) In prescribing the format of a report filed under this chapter with an authority other than the commission, the commission shall ensure that:

(1) a report may be filed:

(A) by first class United States mail or common or contract carrier;

(B) by personal delivery; or

(C) by electronic filing, if the authority with whom the report is required to be filed has adopted rules and procedures to provide for the electronic filing of the report and the report is filed in accordance with those rules and procedures; and

(2) an authority with whom a report is electronically filed issues an electronic receipt for the report to the person filing the report.

SECTION 2. Section 145.004, Local Government Code, is amended by amending Subsection (d) and adding Subsection (g) to read as follows:

(d) Except as provided in Subsection (g), the [The] timeliness of the filing is governed by Section 572.029, Government Code.

(g) A person is considered to have timely filed a financial statement under this chapter if:

(1) the statement is personally delivered not later than 5 p.m. of the last day for filing the statement; or

(2) the clerk or secretary of the municipality with whom the statement is required to be filed has adopted rules and procedures to provide for the electronic filing of the statement and the statement is electronically filed in accordance with those rules and procedures not later than midnight of the last day for filing the statement.

SECTION 3. Section 159.004, Local Government Code, is amended by amending Subsection (b) and adding Subsections (e) and (f) to read as follows:

(b) Except as provided in Subsection (e), the [The] timeliness of the filing is governed by Section 572.029, Government Code.

(e) A person is considered to have timely filed a financial statement under this subchapter if:

(1) the statement is personally delivered not later than 5 p.m. of the last day for filing the statement; or

(2) the county clerk with whom the statement is required to be filed has adopted rules and procedures to provide for the electronic filing of the statement and the statement is electronically filed in accordance with those rules and procedures not later than midnight of the last day for filing the statement.

(f) A county clerk may adopt rules and procedures under this section relating only to the manner in which a person must electronically file a financial statement and the required format of an electronically filed statement.

SECTION 4. Subchapter B, Chapter 159, Local Government Code, is amended by adding Section 159.0341 to read as follows:

Sec. 159.0341. TIMELINESS OF FILING. (a) A person is considered to have timely filed a report under this subchapter if:

(1) the report is filed in accordance with Section 572.029, Government Code;

(2) the report is personally delivered not later than 5 p.m. of the last day for filing the report; or

(3) the officer with whom the report is required to be filed has adopted rules and procedures to provide for the electronic filing of the report and the report is electronically filed in accordance with those rules and procedures not later than midnight of the last day for filing the report.

(b) An officer with whom a report is required to be filed under this subchapter may adopt rules and procedures under this section relating only to the manner in which a person must electronically file a report and the required format of an electronically filed report.

SECTION 5. Section 159.053, Local Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Except as provided in Subsection (c), the [The] timeliness of the filing is governed by Section 572.029, Government Code.

(c) A person is considered to have timely filed a financial statement under this subchapter if:

(1) the statement is personally delivered not later than 5 p.m. of the last day for filing the statement; or

(2) the county clerk with whom the statement is required to be filed has adopted rules and procedures to provide for the electronic filing of the statement and the statement is electronically filed in accordance with those rules and procedures not later than midnight of the last day for filing the statement.

SECTION 6. (a) Section 254.036, Election Code, as amended by this Act, applies only to a report required to be filed under Chapter 254, Election Code, that is due on or after January 1, 2014. A report required to be filed under Chapter 254, Election Code, that is due before January 1, 2014, is governed by the law in effect on the date the report is due, and the former law is continued in effect for that purpose.

(b) Section 145.004, Local Government Code, as amended by this Act, applies only to a financial statement required to be filed under Chapter 145, Local Government Code, that is due on or after January 1, 2014. A financial statement required to be filed under Chapter 145, Local Government Code, that is due before January 1, 2014, is governed by the law in effect on the date the financial statement is due, and the former law is continued in effect for that purpose.

(c) The changes in law made by this Act to Chapter 159, Local Government Code, apply only to a financial statement or report required to be filed under that chapter that is due on or after January 1, 2014. A financial statement or report required to be filed under Chapter 159, Local Government Code, that is due

before January 1, 2014, is governed by the law in effect on the date the financial statement or report is due, and the former law is continued in effect for that purpose.

SECTION 7. This Act takes effect September 1, 2013.

HB 1079 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1079, A bill to be entitled An Act relating to the procedural requirements for action by the Texas Commission on Environmental Quality on applications for production area authorizations.

Representative Smith moved to concur in the senate amendments to **HB 1079**.

The motion to concur in the senate amendments to **HB 1079** prevailed by (Record 1156): 139 Yeas, 1 Nays, 2 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; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; 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, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Larson; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Muñoz; Murphy; 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, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Morrison.

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

Absent, Excused — Laubenberg.

Absent — Burnam; Cortez; Dukes; King, S.; Naishtat; Thompson, E.; White.

STATEMENT OF VOTE

When Record No. 1156 was taken, I was in the house but away from my desk. I would have voted yes.

Cortez

Senate Committee Substitute

CSHB 1079, A bill to be entitled An Act relating to procedural requirements for action by the Texas Commission on Environmental Quality on applications for production area authorizations.

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

SECTION 1. Sections 27.0513, Water Code, is amended by amending Subsections (a), (c), (d), (e), and (f) and adding Subsection (g) to read as follows:

(a) The commission may issue a permit pursuant to Section 27.011 that authorizes the construction and operation of two or more similar injection wells within a specified area for mining of uranium. An application for a new permit issued pursuant to Section 27.011, a major amendment of such a permit, or a renewal of such a permit for mining of uranium is subject to the public notice requirements and opportunity for contested case hearing provided under Section 27.018. A new, amended, or renewed permit must incorporate a table of pre-mining low and high values representing the range of groundwater quality within the permit boundary and area of review, as provided by commission rule, for each water quality parameter used to measure groundwater restoration in a commission-required restoration table. The values in the permit range table must be established from pre-mining baseline wells and all available wells within the area of review, including those in the existing or proposed permit boundary and any existing or proposed production areas. Wells used for that purpose are limited to those that have documented completion depths and screened intervals that correspond to a uranium production zone aquifer identified within the permit boundary.

(c) The commission may issue a holder of a permit issued pursuant to Section 27.011 for mining of uranium an authorization that allows the permit holder to conduct mining and restoration activities in production zones within the boundary established in the permit. The commission by rule shall establish application requirements, technical requirements, including the methods for determining restoration table values, and procedural requirements for any authorization. If a restoration table value for a proposed or amended authorization exceeds the range listed in the permit range table such that it falls above the upper limit of the range, the value within the permit range table must be used or a major amendment to the permit range table must be obtained, subject to an opportunity for a contested case hearing or the hearing requirements of Chapter 2001, Government Code.

(d) Notwithstanding Sections 5.551, 5.556, 27.011, and 27.018, an application for an authorization [~~submitted after September 1, 2007,~~] is an uncontested matter not subject to a contested case hearing or the hearing requirements of Chapter 2001, Government Code, if:

(1) the authorization is for a production zone located within the boundary of a permit that incorporates a range table of groundwater quality restoration values used to measure groundwater restoration by the commission;

(2) the application includes groundwater quality restoration values falling at or below the upper limit of the range established in Subdivision (1); and

(3) the authorization is for a production zone located within the boundary of a permit that incorporates groundwater baseline characteristics of the wells for the application required by commission rule [unless the authorization seeks any of the following:

[(1) an amendment to a restoration table value;

[(2) the initial establishment of monitoring wells for any area covered by the authorization, including the location, number, depth, spacing, and design of the monitoring wells, unless the executive director uses the recommendation of an independent third party expert chosen by the commission; or

[(3) an amendment to the type or amount of bond required for groundwater restoration or by Section 27.073 to assure that there are sufficient funds available to the state for groundwater restoration or the plugging of abandoned wells in the area by a third party contractor].

(e) The range of restoration values in the range table used for Subsection (d) must be established from baseline wells and all available well sample data collected in the permit boundary and within one-quarter mile of the boundary of the production zone [The executive director may use an independent third party expert if:

[(1) the expert meets the qualifications set by commission rules for such experts;

[(2) the applicant for the authorization agrees to pay the costs for the work of the expert; and

[(3) the applicant for the authorization is not involved in the selection of the expert or the direction of the work of the expert].

(f) As an alternative to Subsection (d), the first application for an authorization issued under Subsection (c) for a production zone located within the boundary of a permit issued under Subsection (a) is subject to the requirements of Chapter 2001, Government Code, relating to an opportunity for a contested case hearing. The first authorization application must contain the following provisions:

(1) a baseline water quality table with a range of groundwater quality restoration values used to measure groundwater restoration by the commission that complies with the same range requirements as a permit described by Subsection (a);

(2) groundwater quality restoration values falling at or below the upper limit of the range established in Subdivision (1); and

(3) groundwater baseline characteristics of the wells for the application required by commission rule.

(g) If a first authorization has previously been issued for a production zone located within the boundary of a permit, that authorization is effective for the purposes of this subsection. A subsequent authorization application for a production zone that is located within the same permit boundary as a production zone for which an authorization was issued under Subsection (f) is not subject to an opportunity for a contested case hearing or the hearing requirements of Chapter 2001, Government Code, unless the subsequent application would authorize the following:

(1) the use of groundwater from a well that was not previously approved in the permit for supplemental production water;

(2) expansion of the permit boundary; or

(3) application monitoring well locations that exceed well spacing requirements or reduce the number of wells required by commission rule [An application seeking approval under Subsections (d)(1) (3) is subject to the public notice and contested hearing requirements provided in Section 27.018].

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

HB 3914 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3914, A bill to be entitled An Act relating to the creation of the Old Celina Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose an assessment or fee.

Representative Sanford moved to concur in the senate amendments to **HB 3914**.

The motion to concur in the senate amendments to **HB 3914** prevailed by (Record 1157): 138 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Larson; Lavender; Leach; Lewis; Longoria; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Nevárez; Oliveira; Orr; Otto; Paddie; 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.

Nays — Farney.

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

Absent, Excused — Laubenberg.

Absent — Bonnen, D.; Cortez; Gooden; King, S.; Lozano; Martinez Fischer; Naishtat; Parker.

STATEMENTS OF VOTE

When Record No. 1157 was taken, I was in the house but away from my desk. I would have voted yes.

Cortez

I was shown voting no on Record No. 1157. I intended to vote yes.

Farney

When Record No. 1157 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

Senate Committee Substitute

CSHB 3914, A bill to be entitled An Act relating to the creation of the Old Celina Municipal Management District No. 1; providing authority to impose an assessment or fee.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3919 to read as follows:

CHAPTER 3919. OLD CELINA MUNICIPAL MANAGEMENT DISTRICT

NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3919.001. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Celina, Texas.

(3) "County" means Collin County, Texas.

(4) "Director" means a board member.

(5) "District" means the Old Celina Municipal Management District

No. 1.

Sec. 3919.002. CREATION AND NATURE OF DISTRICT. The Old Celina Municipal Management District No. 1 is a special district created under Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 3919.003. PURPOSE; LEGISLATIVE FINDINGS. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the city and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(b) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.

(c) This chapter and the creation of the district may not be interpreted to relieve the city or county from providing the level of services provided to the area in the district as of the effective date of the Act enacting this chapter. The district is created to supplement and not to supplant the city and county services provided in the district.

Sec. 3919.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(c) The district is created to accomplish the purposes of a municipal management district as provided by general law and Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

(d) The creation of the district is in the public interest and is essential to:

(1) further the public purposes of developing and diversifying the economy of the state;

(2) eliminate unemployment and underemployment; and

(3) develop or expand transportation and commerce.

(e) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center; and

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty.

(f) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

(g) The district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public.

Sec. 3919.005. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to contract;

(3) authority to borrow money or issue bonds or other obligations described by Section 3919.203 or to pay the principal and interest of the bonds or other obligations;

(4) right to impose or collect an assessment or collect other revenue; or

(5) legality or operation.

Sec. 3919.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

(a) All or any part of the area of the district is eligible to be included in:

(1) a tax increment reinvestment zone created under Chapter 311, Tax Code;

(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code; or

(3) an enterprise zone created under Chapter 2303, Government Code.

(b) If the city creates a tax increment reinvestment zone described by Subsection (a), the city and the board of directors of the zone, by contract with the district, may grant money deposited in the tax increment fund to the district to be used by the district for:

(1) the purposes permitted for money granted to a corporation under Section 380.002(b), Local Government Code; and

(2) any other district purpose, including the right to pledge the money as security for any bonds or other obligations issued by the district under Section 3919.203.

(c) If the city creates a tax increment reinvestment zone described by Subsection (a), the city may determine the percentage of the property in the zone that may be used for residential purposes and is not subject to the limitations provided by Section 311.006, Tax Code.

Sec. 3919.007. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICT LAW. Except as provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3919.008. FORM OF CITY APPROVAL. (a) A statutory requirement relating to the duty of the district to obtain the approval or consent of the city in a manner other than the manner described by Subsection (b) before the district takes an action, including a requirement prescribed by Section 42.042 or Chapter 375, Local Government Code, or Chapter 54, Water Code, does not apply to the district.

(b) If a statute, including this chapter, requires the district to obtain the city's approval or consent before taking an action, the district may not take that action unless the action is authorized by a city resolution or ordinance approved by a majority of the governing body of the city.

Sec. 3919.009. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3919.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five directors composed of:

(1) three directors appointed by the governing body of the city;

(2) the city manager; and

(3) the city's chief financial officer.

(b) Appointed directors serve staggered terms of four years, with one or two directors' terms expiring May 31 of each even-numbered year.

Sec. 3919.052. QUALIFICATIONS OF DIRECTOR. (a) Sections 375.063 and 375.072(a) and (c), Local Government Code, do not apply to a director.

(b) Section 49.052, Water Code, does not apply to the district.

(c) Notwithstanding any other law:

(1) an officer or employee of the city may serve as a director of the district;

(2) a member of the governing body of the city may serve as a director of the district; and

(3) a person who qualifies to serve as a director is qualified to participate in all votes pertaining to the business of the district.

Sec. 3919.053. VACANCY. The governing body of the city shall appoint a director to fill a vacancy on the board for the remainder of the unexpired term.

Sec. 3919.054. DIRECTOR'S OATH OR AFFIRMATION. A director shall file the director's oath or affirmation of office with the district, and the district shall retain the oath or affirmation in the district records.

Sec. 3919.055. OFFICERS. The board shall elect from among the directors a chair, a vice chair, and a secretary.

Sec. 3919.056. COMPENSATION; EXPENSES. (a) The district shall compensate as provided by Section 49.060, Water Code, each director who is not a member of the governing body of the city or an employee of the city.

(b) A director is entitled to reimbursement for necessary and reasonable expenses incurred in carrying out the duties and responsibilities of a director.

Sec. 3919.057. LIABILITY INSURANCE. The district may obtain and pay for comprehensive general liability insurance coverage from a commercial insurance company or other source that protects and insures the directors against personal liability and from all claims for actions taken as directors or actions and activities taken by the district or by others acting on its behalf.

Sec. 3919.058. BOARD MEETINGS. The board shall hold meetings at a place accessible to the public.

Sec. 3919.059. REMOVAL OF DIRECTORS. The governing body of the city may remove a director appointed under Section 3919.051(a)(1).

Sec. 3919.060. INITIAL DIRECTORS. (a) The initial board consists of the following directors:

(1) Mike Forman, city manager;

(2) Jay Toutounchian, city chief financial officer; and

(3) three directors appointed by the governing body of the city.

(b) Of the initial directors, the term of one director appointed under Subsection (a)(3) expires May 31, 2016, and the terms of the other two directors appointed under Subsection (a)(3) expire May 31, 2014.

(c) The governing body of the city shall determine which director's term expires May 31, 2016, and which directors' terms expire May 31, 2014.

(d) This section expires September 1, 2016.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3919.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3919.102. IMPROVEMENT PROJECTS. The district may provide, or it may enter into contracts with a governmental or private entity to provide, the improvement projects described by Subchapter C-1 or activities in support of or incidental to those projects.

Sec. 3919.103. WATER DISTRICT POWERS. (a) Except as provided by Subsection (b), the district has the powers provided by the general laws relating to conservation and reclamation districts created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 54, Water Code.

(b) The district may not provide wholesale or retail water or wastewater service.

(c) The district shall display a design selected by the city on a water tower or tank the district constructs or finances. The district may not display the name or logo of the district or of any other entity on the water tower or tank.

Sec. 3919.104. ROAD PROJECT POWERS; LIMITATION. The district has the road project powers provided by Chapter 375, Local Government Code, except that the district may not impose an ad valorem tax under Section 375.0921, Local Government Code.

Sec. 3919.105. PUBLIC IMPROVEMENT DISTRICT POWERS. The district has the powers provided by Chapter 372, Local Government Code, to a municipality or county.

Sec. 3919.106. CONTRACT POWERS. The district may contract with a governmental or private entity, on terms determined by the board, to carry out a power or duty authorized by this chapter or to accomplish a purpose for which the district is created.

Sec. 3919.107. LIMITATIONS ON EMERGENCY SERVICES POWERS. Sections 49.216 and 49.351, Water Code, do not apply to the district.

Sec. 3919.108. ECONOMIC DEVELOPMENT. The district may engage in activities that accomplish the economic development purposes of the district.

Sec. 3919.109. ADDING OR REMOVING TERRITORY. As provided by Subchapter J, Chapter 49, Water Code, the board may add territory inside the boundaries of the city or the extraterritorial jurisdiction of the city to the district or remove territory inside the boundaries of the city or the extraterritorial jurisdiction of the city from the district, except that:

(1) the addition or removal of the territory must be approved by the city;

(2) the addition or removal may not occur without petition by the owners of the territory being added or removed; and

(3) territory may not be removed from the district if bonds or other obligations of the district payable wholly or partly from assessments assessed on the territory are outstanding.

Sec. 3919.110. NO TOLL ROADS OR MASS TRANSIT. The district may not construct, acquire, maintain, or operate a toll road or mass transit system.

Sec. 3919.111. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

SUBCHAPTER C-1. IMPROVEMENT PROJECTS AND SERVICES

Sec. 3919.151. IMPROVEMENT PROJECTS AND SERVICES. Except as otherwise provided by this chapter, the district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using any money available to the district, or contract with a governmental or private entity to provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 372 or 375, Local Government Code.

Sec. 3919.152. BOARD DETERMINATION REQUIRED. The district may not undertake an improvement project unless the board determines the project is necessary to accomplish a public purpose of the district.

Sec. 3919.153. LOCATION OF IMPROVEMENT PROJECT. An improvement project may be located or provide service inside or outside the district.

Sec. 3919.154. CITY REQUIREMENTS. (a) An improvement project in the city must comply with any applicable requirements of the city, including codes and ordinances.

(b) The district may not provide, conduct, or authorize any improvement project on the city's streets, highways, rights-of-way, or easements without the consent of the city.

Sec. 3919.155. ADDITIONAL CITY POWERS REGARDING IMPROVEMENT PROJECTS. (a) The city may:

(1) by ordinance or resolution require that title to all or any portion of an improvement project vest in the city; or

(2) by ordinance or resolution authorize the district to own, encumber, maintain, and operate an improvement project or convey the project to the city at a later date.

(b) The district shall immediately comply with any city ordinance or resolution adopted under this section.

Sec. 3919.156. IMPROVEMENT PROJECT AND SERVICE IN DEFINABLE AREA. The district may undertake an improvement project or service that confers a special benefit on a definable area in the district and levy and collect a special assessment on benefited property in the district in accordance with:

(1) Chapter 372, Local Government Code; or

(2) Chapter 375, Local Government Code.

Sec. 3919.157. CONTRACTS. A contract to design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project is considered a contract for a good or service under Subchapter I, Chapter 271, Local Government Code.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. 3919.201. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of the district's money.

Sec. 3919.202. MONEY USED FOR IMPROVEMENTS OR SERVICES.

The district may undertake and provide an improvement project or service authorized by this chapter using any money available to the district.

Sec. 3919.203. BORROWING MONEY; OBLIGATIONS. (a) The district may borrow money for a district purpose, including the acquisition or construction of improvement projects authorized by this chapter and the reimbursement of a person who develops or owns an improvement project authorized by this chapter, without holding an election by issuing bonds, notes, time warrants, or other obligations, or by entering into a contract or other agreement payable wholly or partly from an assessment, a contract payment, a grant, other district revenue, or a combination of these sources.

(b) An obligation described by Subsection (a):

(1) may bear interest at a rate determined by the board; and

(2) may include a term or condition as determined by the board.

Sec. 3919.204. ASSESSMENTS. (a) Except as provided by Subsection (b), the district may impose an assessment on property in the district to pay for an obligation described by Section 3919.203 in the manner provided for:

(1) a district under Subchapter F, Chapter 375, Local Government Code; or

(2) a municipality or county under Subchapter A, Chapter 372, Local Government Code.

(b) The district may not impose an assessment on a municipality, county, or other political subdivision.

Sec. 3919.205. NOTICE OF ASSESSMENTS. (a) The board shall annually file written notice with the secretary of the city that specifies the assessments the district will impose in the district's next fiscal year in sufficient clarity to describe the assessments for the operation and maintenance of the district and the assessments for the payment of debt service of obligations issued or incurred by the district.

(b) The board shall annually record in the deed records of the county a current assessment roll approved by the city.

(c) The assessment roll must clearly state that the assessments in the assessment roll are in addition to the ad valorem taxes imposed by other political subdivisions that tax real property in the district.

(d) The district shall generate and implement a program to provide notice modeled on the notice described by Section 49.452(c), Water Code, to a prospective purchaser of property in the district of the assessments that have been approved and are imposed by the district.

Sec. 3919.206. RESIDENTIAL PROPERTY NOT EXEMPT. Section 375.161, Local Government Code, does not apply to the district.

Sec. 3919.207. NO IMPACT FEES. The district may not impose an impact fee.

Sec. 3919.208. NO AD VALOREM TAX. The district may not impose an ad valorem tax.

SUBCHAPTER E. DISSOLUTION

Sec. 3919.251. DISSOLUTION BY CITY. (a) The city may dissolve the district by ordinance.

(b) The city may not dissolve the district until:

(1) the district's outstanding debt or contractual obligations have been repaid or discharged; or

(2) the city agrees to succeed to the rights and obligations of the district.

Sec. 3919.252. COLLECTION OF ASSESSMENTS AND OTHER REVENUE. (a) If the dissolved district has bonds or other obligations outstanding secured by and payable from assessments or other revenue, the city succeeds to the rights and obligations of the district regarding enforcement and collection of the assessments or other revenue.

(b) The city shall have and exercise all district powers to enforce and collect the assessments or other revenue to pay:

(1) the bonds or other obligations when due and payable according to their terms; or

(2) special revenue or assessment bonds or other obligations issued by the city to refund the outstanding bonds or obligations of the district.

Sec. 3919.253. ASSUMPTION OF ASSETS AND LIABILITIES. (a) After the city dissolves the district, the city assumes the obligations of the district, including any bonds or other debt payable from assessments or other district revenue.

(b) If the city dissolves the district, the board shall transfer ownership of all district property to the city.

SECTION 2. The Old Celina Municipal Management District No. 1 initially includes all the territory contained in the following area:

TRACT 1 (40.233 ACRES):

All that certain tract or parcel of land situated in the Henry Bentley Survey, Abstract Number 124 and the B.B.B. & C.R.R. Survey, Abstract Number 132, County of Collin, State of Texas, said tract being all of a called 30.45 acre tract as described in deed to Dorothea Cornelius, filed 24 April 2007, and recorded in county clerks number 07-000549120 of the deed records of the County of Collin, State of Texas, and said tract being part of a called 11.13 acre tract as described in deed to Cornelius Family Revocable Trust, filed 24 April 2007, and recorded In county clerks number 07-000549090 of said deed records, and being more fully described as follows;

Beginning for the southwest corner of the tract being described herein at a found 1/2 inch rebar, said rebar being the southwest corner of said Cornelius 30 acre tract, some being the southeast corner of a called 99.028 acre tract as described in deed to Old Celina, Ltd filed 11 June 2002, and recorded in volume 5208 page 3408 of said deed records, said rebar also being on the north line of a called 73.558 acre tract as described in deed to Old Celina, Ltd, filed 11 June 2002, and recorded in volume 5208 page 3382 of said deed records;

Thence: North 00 degrees 28 minutes 22 seconds West, with the west line of said Cornelius 30 acre tract, and with the east line of said Old Celina 99 acre tract, a distance of 867.05 feet to a found 3/8 Inch rebar for the northwest corner of said Cornelius 30 acre tract, same being the southwest corner of a called 39.02 acre tract as described in deed to the City of Celina, filed 10 October 2000, and recorded in volume 4770 page 2324 of said deed records;

Thence: North 88 degrees 39 minutes 42 seconds East, with the south line of said City tract, a distance of 1561.03 feet to a set 1/2 inch steel square tubing for the southeast corner of said City tract, some being the southwest corner of a called 0.8024 acre tract as described in deed to the City of Celina; filed 01 September 2004, and recorded in volume 5744 page 4860 of said deed records;

Thence: North 88 degrees 29 minutes, 00 seconds East, with the south line of said City tract, a distance of 224.07 feet to a set 1/2 inch steel square tubing for the northeast corner of this tract, said tubing being on the west right of way line of Farm to Market Road Number 428, and said tubing being in a curve to the left having a central angle of 01 degrees 37 minutes 20 seconds, and a radius of 1190.91 feet and a chord bearing of South 40 degrees 42 minutes 20 seconds fast, and a chord distance of 33.72 feet;

Thence: With said curve to the left and with the west line of said road an arc length of 33.72 feet to a set 1/2 inch steel square tubing for the end of said curve;

Thence: South 41 degrees 31 minutes 00 seconds East, with the west line of said road a distance of 20.40 feet to a set 1/2 inch steel square tubing for the start of a curve to the right having a central angle of 40 degrees 02 minutes 00 seconds, and a radius of 1101.03 feet, and a chord bearing of South 21 degrees 30 minutes 00 seconds fast, and a chord distance- of 753.75 feet;

Thence: With said curve to the right and with the west line of said road an arc length of 769.31 feet to a set 1/2 inch steel square. Tubing for the end of said curve;

Thence: .South 01 degrees 29 minutes 00 seconds East, with the west line of said road, a distance of 129.80 feet to a set 1/2 inch steel square tubing for the southeast corner of this tract, same being the northeast corner of Exhibit "C" a called 28.15 acre tract as described in Partition Deed to Sandra Short Osborne, filed 12 March 1986, and recorded In volume 2325 page 801 of said deed records;

Thence: South 88 degrees 54 minutes 08 seconds West, with the north line of said Osborne tract, a distance of 1332.93 feet to a found 1 inch pipe by a pipe fence corner post for file northwest corner of Tract One a called 15.66 acre tract as described in deed to Jerry L. Moore, filed 24 October 1994; and recorded in county clerks number 94-0095870 of said deed records, same being the northeast corner of a called 16.141 acre tract as described in deed to Old Celina Ltd., filed 11 June 2002, and recorded in volume 5208 page 3366 of said deed records;

Thence: South 89 degrees 05 minutes 50 seconds West, with the north line of said Old Celina 16 acre tract, a distance of 759.97 feet to the POINT OF BEGINNING and containing 40.233 acres of land.

TRACT 2 (0.837 ACRES):

All that certain tract or parcel of land situated in the B.B.B. & C.R.R. Survey, Abstract Number 132, County of Collin, State of Texas, said tract being part of a called 11.13 acre tract as described in deed to Cornelius Family Revocable Trust, filed 24 April 2007, and recorded in county clerks number 07-000549090 of the deed records of the County of Collin, State of Texas, and being more fully described as follows:

Beginning for the southeast corner of the tract being described herein at a set 1/2 inch steel square tubing on the east line of said Cornelius tract in a county road said tubing being a southwest corner of a called 107:207 acre tract as described to deed to Martha Ann King and Peggy Sue Earthman filed 29 December 1992, and recorded in county clerks number 92-0091305 of said deed records, said tubing also being on the east right of way line of Farm to Market Road Number 428,

Thence: South 88 degrees 31 minutes 00 seconds West, with the east line of said road a distance of 45.05 feet to a set 1/2 Inch steel square tubing for the start of a curve to the left having a central angle of 16 degrees 36 minutes 28 seconds, and a radius of 1191.03 feet, and a chord bearing of North 32 degrees 12 minutes 35 seconds attest, and a chord distance of 344.03 feet;

Thence: With-said curve to the left and with the east line of said road, an arc length 345.23 feet to a set 1/2 inch steel square tubing for the northwest corner of this tract, said tubing being in Collin County Road Number 56;

Thence: North 88 degrees 29 minutes 00 seconds East, with the north line of said Cornelius tract, and with said road a distance of 220.82 feet to a set 1/2 inch steel square tubing for the northeast corner of said Cornelius tract, and said tubing being on the west line of said King tract, said tubing also being at this intersection of said county roads;

Thence: South 01 degrees 29 minutes 00 seconds East, with the east line of said Cornelius tract, and with the west line of sold King tract, and with the center of said county road, a distance of 295.86 feet to the POINT OF BEGINNING and containing 0.837 of an acre of land

TRACT 3 (38.545 ACRES):

BEING a tract of land situated in Collin County, Texas and being in the Henry Bentley Survey, Abstract No. 124 and being A part of that certain tract of land known as Tract One, conveyed to Clifford Gee McKnight, as recorded in Volume 2430, Page 665, of the Deed Records of Collin County, Texas. (D.R.C.C.T.) and being more particularly described by metes and bounds as follows:

BEGINNING at a 2 1/2 inch iron pipe found for corner, said corner being in the south, right-of-way line of F.M. Highway No. 455 (a public thoroughfare) and also being the northeast corner of a tract of land conveyed to Rex Glendenning, et ux, as recorded in Volume 4408, Page 1763, D.R.C.C.T.:

THENCE North 88 degrees 23 minutes 45 seconds East along said south right-of-way line, a distance of 885.98 foot to a 3/8-inch iron rod found for corner, said corner being the northwest corner of a tract of land conveyed to Hassan Badii, as recorded in Volume 2031, Page 943, D.R.C.C.T.;

THENCE South 00 degrees 48 minutes 00 seconds East along the weal line of said Badii tract, and along the west line of a tract of land conveyed to Stephen Harold Mills, as recorded in Volume 4987, Page 3011. D.R.C.C.T. and the west

line of a tract of land conveyed to the City of Celina, as recorded in Volume 4770, Page 2324, D.R.C.C.T., a distance of 2150.90 feet to a 5/8-inch iron rod found for an ell comer of said City of Celina tract;

THENCE South 89 degrees 02 minutes 12 seconds West along the most southerly north line of said City of Celina tract, a distance of 881.92 feet to 1/2-inch iron rod with cap stamped "ALLIANCE" found for corner, said corner being on the east line of the aforementioned Glendenning tract;

THENCE North 00 degrees 54 minutes 23 seconds West along the east line of said Glendenning tract, a distance of 2140.98 foot to the POINT OF BEGINNING;

CONTAINING a computed area of 1,896,815 square feet or 43.545 acres of land. SAVE AND EXCEPT the following 5.00 acres to the City of Celina for Park Purposes:

BEING all that certain tract or parcel of land situated in the H. BENTLEY SURVEY, Abstract No. 124 in the City of Celina, Collin County, Texas and being out of a 44.50 acre tract of land described in deed to Clifford Gee McKnight, recorded in Volume 2430, Page 665 of the Deed Records of Collin County, Texas (D.R.C.C.T.), and being more particularly described as follows:

BEGINNING of a 1/2-inch iron rod found at the southeast corner of said McKnight tract of land, being an ell corner for a 39.02 acre tract of land described in deed to the City of Celina, recorded in Volume 4770, Page 2324, D.R.C.C.T.;

THENCE S 89°03'24" W, along the common line of said McKnight and City of Celina tracts, a distance of 881.83 feet to a 1/2-inch iron rod found for a corner on the easterly line of a 99.028 acre tract of land described in deed to Rex Glendenning, recorded In Volume 4408, Page 1763, D.R.C.C.T.;

THENCE N 01°05'22" W, along the common line of said McKnight and Glendenning tracts, a distance of 246.81 feet to a 1/2-inch capped iron rod (stamped "SRA 3225") set for a corner;

THENCE N 89°03'24" E, departing said common line, a distance of 883.07 feet to a 1/2-inch capped iron rod (stamped "SRA 3225") set for a corner on the westerly line of the aforesaid City of Celina tract of land;

THENCE S 00°48'00" E, along the common line of sold McKnight and City of Celina tracts, a distance of 246.81 feet to the POINT OF BEGINNING and containing 217,600 square feet or 5.000 acres of land, more or less.

Leaving a net area of 38.545 acres.

TRACT 4 (99.028 ACRES):

THENCE South 88 degrees 18 minutes 39 seconds West following the north line of said 73.558 acres a distance of 824.02 feet to 2 inch iron pipe found for corner at the northeast corner of said 73.558 acre tract;

THENCE South 88 degrees 30 minutes 52 seconds West a distance of 2900.39 feet to wood fence post in the creek for corner;

THENCE North 00 degrees 59 minutes 11 seconds West a distance of 421.72 feet to 1/2 inch iron rod found for corner at the southwest corner of a 75.0307 acre tract as recorded in County Clerk No. 94-0092806 of Collin County, Texas;

THENCE North 87 degrees 43 minutes 39 seconds East following the south line of said 75.0307 acre tract a distance of 2922.26 feet to a 1 inch iron pipe found for corner at an ell corner of said 75.0307 acre tract;

THENCE North 00 degrees 48 minutes 41 seconds West following the east line of said 75.0307 acre tract a distance of 3339.14 feet to a 60d nail found for corner in County Road No. 8;

THENCE North 88 degrees 19 minutes 00 seconds East following said County Road No. 8 a distance of 75.37 feet to a 60d nail found for corner in the south ROW line of said FM No. 455, said 60d nail also being in a curve to the left with a chord bearing of South 80 degrees 57 minutes 03 seconds East and a chord distance of 241.64 feet;

THENCE along said curve to the left following the south ROW line of said FM No. 455 through a central angle of 21 degrees 27 minutes 53 seconds a radius distance of 648.80 feet and an arc distance of 243.06 feet to a 1/2 inch iron rod set for corner;

THENCE North 88 degrees 19 minutes 00 seconds East following the south ROW line of FM No. 455 a distance of 483.09 feet to the POINT OF BEGINNING and containing 4,313,677 square feet or 99.028 acres of land, more or less.

TRACT 5 (93.523 ACRES):

SITUATED in Collin County, Texas, in the George Wiley Survey, Abstract No. 988, and the Samuel McCullough Survey, Abstract No. 593, being a resurvey of the 73.32 acre FIRST TRACT and the SECOND TRACT as described in a deed from Annie S. Yager to T.S. Yager, et al dated August 7, 1981, recorded in Volume 1421, Page 15 of the Collin County, Deed Records, being described by metes and bounds as follows:

BEGINNING at an iron pipe found in the north R.O.W. line of Farm Road No. 428, at the northeast corner of the 1.622 acres R.O.W., Ref. V. 491, P. 47, at the southwest corner of the Rex Glendenning 73.558 acres, Ref. V. 3968, P. 2169;

Thence westerly with said north R.O.W. line (the north line of said 1.622 acres) as follows:

South 89 degrees 05 minutes west, 17.5 feet;

South 88 degrees 43 minutes west, 1552.31 feet with said north R.O.W. line (the north line of said 1.622 acres) to an iron pin set at the northwest corner of said 1.622 acres, and at the southeast corner of the Robert L. King 86.849 acres, Ref. V. 1560, P. 259;

Thence north 0 degrees 43 minutes 22 seconds west, 2594.58 feet with the west line of said 73.32 acre tract and the east line of said 86.849 acre tract to an iron pin set at the northwest corner of said 73.32 acre tract and the northeast corner of said 86.849 acres, same being in the south line of the Douglas Parker 99.288 acres;

Thence north 88 degrees 40 minutes east, 1569.81 feet with the north line of said 73.32 acre tract and the north line of said SECOND TRACT and with the south line of said 99.288 acres to a 2" iron pipe found at the northeast corner of said SECOND TRACT and the northwest corner of said 73.558 acre tract;

Thence south 0 degrees 43 minutes 23 seconds east, 2596.06 feet with the east line of said SECOND TRACT and the west line of said 73.558 acre tract to the PLACE OF BEGINNING and containing 93.523 acres of land.

TRACT 6 (16.141):

BEING a tract of land situated in the Samuel McCullough Survey, Abstract No, 593, Collin County, Texas and also being all of a 16 acre tract as recorded in County Clerks No. 94-0111727, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod set for corner, said iron rod being in the north Right of Way line of F. M. 428, said iron rod also being the most southwest corner of a tract conveyed to Randall L. & wife Bonnie P. Moore as recorded in Volume 995, Page 219 of the Deed Records of Collin County, Texas;

THENCE North 89 degrees 04 minutes 23 seconds West following the north ROW line of said F.M. No. 428 a distance of 30.53 feet to a 1/2 inch iron rod found;

THENCE North 00 degrees 44 minutes 59 seconds East a distance of 2604.08 feet to a 1/2 inch iron rod found for corner,

THENCE South 89 degrees 26 minutes 08 seconds East a distance of 350.00 feet to a axle found for corner;

THENCE South 00 degrees 43 minutes 06 seconds West a distance of 1947.51 feet to a 1/2 inch iron rod found for corner in the north line of said Moore tract;

THENCE North 89 degrees 19 minutes 15 seconds West following the north line of said Moore tract a distance of 319.00 feet to a 1/2 inch iron rod set for corner;

THENCE South 0 degrees 53 minutes 01 seconds West following the west line of said Moore tract a distance of 657.40 feet to the POINT OF BEGINNING and containing 703,115 square feet or 16.141 acres of land.

TRACT 7 (73.558 ACRES):

BEING a tract of land situated in the Samuel McCullough Survey, Abstract No. 593, Collin County, Texas and also being part of a 73.32 acre tract as recorded in Volume 348, Page 8 of the Deed Records of Collin County, Texas, and also being all of a 21 acre tract as recorded in Volume 577, Page 246 of the Deed Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod set for corner, said iron rod being in the North right of way line of F.M 428, said iron rod also being the most Southwest corner of a 16 acre tract as recorded in County Clerks No. 94-0111727;

THENCE North 89 deg. 04 min. 23 sec. West following the North ROW line of said F.M. No. 428 a distance of 1231.00 feet to a 1/2 inch square iron rod found for corner at the Southeast corner of a tract conveyed to T.S. Yager and wife, Margret Yager in Volume 1231, Page 724, D.R.C.C.T.;

THENCE North 00 deg. 41 min. 20 sec. East following the East line of said Yager tract a distance of 2596.00 feet to a 2 inch iron pipe found for corners

THENCE South 89 deg. 26 min, 56 sec. East a distance of 1233.75 feet to a 1/2 inch iron rod found for corner at the Northwest corner of said 16 acre tract,

THENCE South 0 deg. 44 min. 59 sec. West following the West line of said 16 acres a distance of 2604.08 feet to the POINT OF BEGINNING and containing 3,204,138 square feet or 73.558 acres of land.

TRACT 8 (72.9923 ACRES):

THENCE, continuing along the South line of said 5.1038 acre tract, South 01 degrees 04 minutes 28 seconds East, a distance of 31.35 feet, to a 1/2 inch iron rod with a yellow plastic cap stamped "Pitts 4595" set for corner;

THENCE, continuing along said South line, North 88 degrees 55 minutes 32 seconds East a distance of 366.53 feet, to a 1/2 inch iron rod with a yellow plastic cap stamped "Pitts 4595" set for corner on the West line of a 99.2888 acre tract of land conveyed to Douglas Barker, as recorded in Volume 1343, Page 599, Deed Records, Collin County, Texas;

THENCE, along said West line of a 99.2888 acre tract, South 00 degrees 46 minutes 58 seconds East a distance of 2,099.44 feet, to a 5/8 inch iron pipe found for the Southeast corner of said 99.301 acre tract and being an ell corner of said 99.2888 acre tract;

THENCE, along the North line of said 99.2888 acre tract, South 87 degrees 44 minutes 58 seconds West a distance of 2,922.24 feet, to a 1/2 inch iron rod found for corner;

THENCE, generally along a fence row, North 00 degrees 55 minutes 08 seconds West a distance of 788.48 feet, to a 1/2 inch iron rod found in the crotch of three large Hackberry trees at the junction of the evidence of an old North-South fence and evidence of an old fence from the East, and being on the South line of a 73.047 acre tract as conveyed to Douglas Barker, as recorded in Volume 1159, Page 423, Deed Records, Collin County, Texas;

THENCE, along the South line of said 73.047 acre tract, North 87 degrees 45 minutes 55 seconds East a distance of 2,144.18 feet, to a 5/8 inch iron rod found for the Southeast corner of said 73.047 acre tract;

THENCE, along the East line of said 73.047 acre tract, North 01 degrees 47 minutes 07 seconds West a distance of 437.83 feet, to a 1/2 inch iron rod with a yellow plastic cap stamped "Pitts 4595" set for corner;

THENCE, continuing along the East line of said 73.047 acre tract, North 01 degrees 09 minutes 50 seconds West a distance of 366.97 feet, to a 1/2 inch iron rod with a yellow plastic cap stamped "Pitts 4595" set for the Southwest corner of a 5.0227 acre tract as conveyed to Robert Jake Jones and Virginia C. Jones;

THENCE, along the South line of said 5.0227 acre tract, North 88 degrees 55 minutes 32 seconds East a distance of 365.91 feet, to a 1/2 inch iron rod with a yellow plastic cap stamped "Pitts 4595" set for the Southeast corner of said 5.0227 acre tract;

THENCE, along the East line of said 5.0227 acre tract, North 01 degrees 04 minutes 28 seconds West a distance of 438.70 feet, to the point of curvature of a curve to the left having a central angle of 65 degrees 18 minutes 41 seconds and a radius of 120.00 feet;

THENCE, continuing along said East line and said curve to the left, for an arc length of 136.79 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "Pitts 4595" set for corner;

THENCE, along the North line of said 5.0227 acre tract, North 66 degrees 23 minutes 09 seconds West a distance of 326.99 feet, to the Northernmost corner of said 5.0227 acre tract;

THENCE, North 01 degrees 09 minutes 50 seconds West a distance of 66.08 feet, to the POINT OF BEGINNING and containing 72.9923 acres of land, more or less.

TRACT 9 (28.28 ACRES):

Situated in the Samuel McCullough Survey, Abstract No. 593 and the BBB & CRR Co. Survey, Abstract No. 132 in Collin County, Texas, and being a called 28.15 Acre tract of land that was conveyed to Mildred Graham Short in Partition Deed recorded in Volume 2325, Page 801 of the Land Records of Collin County, Texas, being more particularly described by metes and bounds to-wit.

BEGINNING at an Iron Pin found being the Southwest corner of said tract;

THENCE North 1 degree 05 minutes 30 seconds West with the West line of said tract 1561.28 feet to an Iron Pin set;

THENCE South 69 degrees 51 minutes 27 seconds East with the North line of said tract 1066.72 feet to an Iron Pin set in the West right-of-way line of FM Hwy. 428;

THENCE with said right-of-way line as follows:

South 1 degree 29 minutes East 82.92 feet an Iron Pin set; South 0 degrees 20 minutes West 316.0 feet an Iron Pin set; South 7 degrees 08 minutes West 264.4 feet an Iron Pin set;

South 18 degrees 24 minutes West 94.2 feet to an Iron Pin set, being the P.C. of a curve to the right having a central angle of 64 degrees 08 minutes 34 seconds radius of 773.5 feet and a chord bearing of South 57 degrees 30 minutes 40 seconds West;

THENCE with said curve 865.95 feet to an Iron Pin set;

THENCE South 89 degrees 31 minutes West with said right-of-way line 216.6 feet to the place of beginning, containing 28.28 acres.

TRACT 10 (157.54 ACRES):

SITUATED in the BBB & CPR Co. Survey, Abstract No. 132 in Collin County, Texas, and being a called 158.83 acre tract of land described in Substitute Trustee's Deed recorded in Volume 2998, page 191, of the Land Records of Collin County, Texas, being more particularly described by metes and bounds to-wit:

BEGINNING at a point at the intersection of the South line of the BBB & CRR Co. Survey, and the West R.O.W. line of the St. Louis - San Francisco and Texas Railroad;

THENCE SOUTH 89 degrees 52 minutes West with the South line of said survey, same being the centerline of County Road 55, 951.4 feet to an iron pin;

THENCE NORTH 0 degrees 37 minutes West with an old established fence being the East line of a tract of Land described in Volume 28491 Page 861, 203.4 feet to a corner post;

THENCE SOUTH 89 degrees 39 minutes West with said fence, same being the North line of said tract 206.86 feet to a corner post;

THENCE SOUTH 0 degrees 18 minutes East with said fence 202.63 feet to an iron pin in the centerline of County Road 55;

THENCE SOUTH 89 degrees 52 minutes West with said road 1971.8 feet to an iron pin found;

THENCE NORTH 0 degrees 03 minutes West with said County Road 1196 feet to an iron pin found;

THENCE SOUTH 89 degrees 58 minutes East 45.25 feet to an iron pin found;

THENCE in a Northerly direction with the East R.O.W. line of FM Highway 428 as follows:

NORTH 0 degrees 13 minutes West 183.6 feet a concrete marker;

NORTH 2 degrees 49 minutes East 200.13 feet a concrete marker;

NORTH 1 degree 23 minutes West 468.59 feet to an iron pin found;

THENCE SOUTH 89 degrees 47 minutes 24 seconds East with an established fence 2048.6 feet to an iron pin found;

THENCE SOUTH 1 degrees 02 minutes West with a fence 283.82 feet to an iron pin found;

THENCE EASTERLY with an old fence as follows:

NORTH 89 degrees 43 minutes East 197.4 feet;

NORTH 138 degrees 35 minutes East 324 feet;

SOUTH 68 degrees 25 minutes East 205 feet;

SOUTH 82 degrees 14 minutes East 146.2 feet to an iron pin found.

THENCE NORTH 0 degrees 13 minutes East with a fence 962.42 feet to an iron pin found;

THENCE NORTH 88 degrees 56 minutes East with a fence 533.9 feet to an iron pin found;

THENCE SOUTH 0 degrees 06 minutes East 135.64 feet to an iron pin found;

THENCE SOUTH 87 degrees 45 minutes East 176.4 feet to an iron pin found in the West R.O.W. line of the St. Louis - San Francisco and Texas Railroad,'

THENCE SOUTH 11 degrees 51 minutes West with said R.O.W line 2547 feet to the place of beginning,

CONTAINING 157.54 acres.

TRACT 11 (0.95 ACRES):

SITUATED in the B.B.B. & C. RR. Co. Survey, Abstract No. 132, Collin County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod set for the Southeast corner of the herein described tract, said iron rod is located West 980 feet from the intersection of the middle of a county road and the West line of the S.L.S.F. & T. Railroad Right-of-Way;

THENCE West with the middle of the said county road for a distance of 208.8 feet to an iron rod set for corner;

THENCE North 00 degrees 04 minutes West for a distance of 198.3 feet to a fence corner found for corner;

THENCE South 89 degrees 58 minutes East for a distance of 108.1 feet to a fence corner found for corner;

THENCE 141 South 00 degrees 17 minutes-East for a distance of 198.2 feet to the PLACE OF BEGINNING, CONTAINING 0.95 acres of land, more or less. TRACT 12 (68.112 ACRES):

BEING all that certain tract or parcel of land situated in the B.B.B. & C.R.R. Survey, Abstract No. 132, County of Collin, State of Texas; said tract being part of a called 81.85 acre tract as shown by Deed to E. L. Higgins, dated April 8, 1987, and recorded in Volume 2599, Page 900 of the Deed Records of the County of Collin, State of Texas, and being more fully described as follows:

BEGINNING for the Southwest corner of the tract being described herein at a found 1/2 inch rebar by a fence corner post, said rebar being the Southwest corner of said Higgins tract, and an ell corner of a called 157.83 acre tract as shown by Substitute's Deed and recorded in Volume 2998, Page 196 of said Deed Records; THENCE North 00 degrees 43 minutes 13 seconds East, with the West line of said Higgins tract, a distance of 282.98 feet to a found 1/2 inch rebar for a corner; THENCE North 00 degrees 17 minutes 49 seconds West, with the West line of said Higgins tract, a distance of 2303.19 feet to a found 1/2 inch rebar for a corner in Collin County Road Number 56 (a gravel surfaced public road);

THENCE South 85 degrees 53 minutes 29 seconds East, a distance of 19.49 feet to a found 1/2 inch rebar for a corner;

THENCE North 00 degrees 01 minutes 05 seconds East, with the West line of said Higgins tract, and in said road, a distance of 744.59 feet to a found 1/2 inch rebar for a corner;

THENCE South 87 degrees 53 minutes 54 seconds East, with the North line of said Higgins tract, and along the North line of Cedar Street (an asphalt surfaced public street), a distance of 672.70 feet to a set 1/2 inch steel square tubing for a corner;

THENCE South 00 degrees 01 minutes 29 seconds West, with the West line of a 10 foot wide concrete alley part of the way, a distance of 824.71 feet to a set 1/2 inch steel square tubing for a corner;

THENCE South 87 degrees 14 minutes 21 seconds East, with the South line of a 10 foot wide concrete alley part of the way, a distance 708.19 feet to a set 1/2 inch steel square tubing for a corner on the East line of said Higgins tract, and the West line of a called 22.74 acre tract as shown by Deed to E. L. Higgins dated April 8, 1987; and recorded in Volume 2599, Page 892 of said Deed Records;

THENCE South 00 degrees 00 minutes 40 seconds East, with the East line of said Higgins tract, and the West line of said 22.74 acre tract, a distance of 1562.30 feet to a found 1/2 inch rebar for a corner;

THENCE South 89 degrees 04 minutes 33 seconds West, with an old fence and tree line, a distance of 533.74 feet to a found 1/2 inch rebar for a corner;

THENCE South 00 degrees 06 minutes 14 seconds West, with an old fence and tree line, a distance of 963.27 feet to a set 1/2 inch steel square tubing for a corner;

THENCE North 76 degrees 30 minutes 57 seconds West, a distance of 411.39 feet to a set 1/2 inch steel square tubing for a corner;

THENCE South 87 degrees 43 minutes 31 seconds West, a distance of 186.92 feet to a set 1/2 inch steel square tubing for a corner;

THENCE South 89 degrees 58 minutes 09 seconds West, a distance of 268.63 feet to the POINT OF BEGINNING and containing 81.528 acres of land.

SAVE AND EXCEPT the following tract:

BEING all that certain called 13.416 acre tract of land from Rex Glendenning, etux to Celina Independant School District, by deed recorded in Volume 5086, Page 5064, Deed Records, Collin County, Texas, and being all of Lot 1, Block A, Celina Elementary Addition, an addition to the City of Celina, Collin County, Texas, according to the plat thereof recorded in Cabinet P, Page 144, Map Records, Collin County, Texas.

Leaving a net area of 68.112 acres.

TRACT 13 (22.741 ACRES):

BEING all that certain tract or parcel of land situated in the B.B.B. & C.R.R. Survey, Abstract Number 132, County of Collin, State of Texas; said tract being shown by Deed to E. L. Higgins, dated April 8, 1987, and recorded in Volume 2599, Page 892 of the Deed Records of the County of Collin, State of Texas, and being more fully described as follows:

BEGINNING for the Northeast corner of the tract being described herein at a set 1/2 inch steel square tubing by a fence corner post, said tubing being the Northeast corner of said Higgins tract, and on the West right-of-way line of the St. Louis, San Francisco & Texas Railroad;

THENCE South 11 degrees 58 minutes 12 seconds West, with the East line of said Higgins tract, and the West line of said Railroad right-of-way, a distance of 2313.40 feet to a set 1/2 inch steel square tubing for a corner;

THENCE South 73 degrees 35 minutes 22 seconds West, a distance of 20.00 feet to a set 1/2 inch steel square tubing for a corner;

THENCE South 29 degrees 22 minutes 23 seconds West, a distance of 320.00 feet to a set 1/2 inch steel square tubing for a corner;

THENCE South 88 degrees 37 minutes 53 seconds West, a distance of 62.38 feet to a .fence corner-post for the Southwest corner of said Higgins tract;

THENCE North 00 degrees 01 minutes 25 seconds East, with the West line of said Higgins tract, a distance of 135.91 feet to a found 1/2 inch rebar for .corner;

THENCE North 00 degrees 00 minutes 40 seconds West, with the West line of said Higgins tract, a distance of 1567.31 feet to a found 1/2 inch rebar for a corner;

THENCE North 00 degrees 02 minutes 00 seconds East, with the West line of said Higgins tract, a distance of 421.32 feet to a found 1/2 inch rebar for a corner;

THENCE-North 89 degrees 30 minutes 57 seconds East, a distance of 311.57 feet to a fence corner post for a corner;

THENCE North 00 degrees 03 minutes 04 seconds West, a distance of 416.61 feet to a fence corner post for a corner;

THENCE North 89 degrees 15 minutes 06 seconds East, a distance of 407.15 feet to the POINT OF BEGINNING and containing 22.741 acres of land.

TRACT 14 (46.743 ACRES):

SITUATED in Collin County, Texas, in the Collin County School Land Survey, Abstract No. 167, being a resurvey of the 33.62 acre First Tract and the 6.26 acre Second Tract as described in a deed from B.F. Gearhart and Alice Gearhart to R. L. Willard dated August 9, 1909, recorded in Volume 206, Page 493 of the Collin County Deed Records, and, the land owned and claimed by B.F. Willard and Joe Frank Willard, being described by metes and bounds as follows:

BEGINNING at a 1/2" iron pin set beside a corner post at the southwest corner of said 6.26 acre tract, at an ell corner of the Don Thomas Glendenning Family Trust 77.7100 acres, Ref. V. 4444, P. 2963;

Thence North, with the west line of said 6.26 acre tract, an east line of said 77.7100 acre tract, with an old fence, passing a 1/2" iron pin set on the north side of a corner post at 374.49 feet and continuing in all 419.87 feet to a PK nail set at the northwest corner of said 6.26 acre tract, the northeast corner of said 77.7100 acre tract, in the center of the asphalt paved County Road No. 55 and in the south line of the Rex K. Glendenning 156.54 acres, Ref. V. 3788, P. 205;

Thence North 89 degrees 42 minutes 17 seconds East, 1554.87 feet with the north line of said 6.26 acre tract, the north line of said 33.62 acre tract, the south line of said 156.54 acre tract and with the center of said County Road No. 55 to a PK nail set at the northeast corner of said 33.62 acre tract, the southeast corner of said 156.54 acre tract and in the west R.O.W. line of the Burlington Northern Railroad;

Thence South 11 degrees 43 minutes 44 seconds West, with the east line of said 33.62 acre tract and with said west R.O.W. line, passing a 1/2" iron pin set in said line at 61.35 feet and continuing in all 2810.81 feet to a 1/2" iron pin set in said west R.O.W. line, on the west side of a cross-tie corner post at the southeast corner of said 33.62 acre tract and the northeast corner of the Eugene Stone 4.66 acres, Ref. V. 810, P. 64;

Thence South 89 degrees 38 minutes 16 seconds West, with the south line of said 33.62 acre tract, the north line of said 4.66 acre tract and with the evidence of an old fence, passing a 1/2 inch iron pin set beside an old post at 250.96 feet and continuing in all 359.86 feet to a 1/2" iron pin set at the southwest corner of said 33.62 acre tract, the northwest corner of said 4.66 acre tract, in the east line of said 77.7100 acre tract and on the west side of County Dirt Road No. 1117;

Thence North, with the west line of said 33.62 acre tract, the east line of said 77.7100 acre tract, coming to the center of said Dirt Road at approximately 200 feet and continuing with the center of said County Road No. 1117, in all 2331.25 feet to a 1/2" iron pin set in the center of said Dirt Road at the southeast corner of said 6.26 acre tract and in the west line of said 33.62 acre tract;

Thence South 89 degrees 33 minutes 55 seconds West with the south line of said 6.26 acre tract, with a north line of said 77.7100 acre tract, passing a 1/2" iron pin set beside a corner post at 19.4 feet and continuing with an old fence in all 623.64 feet to the PLACE OF BEGINNING and containing 46.743 acres of land.

TRACT 15 (49.985 ACRES):

BEING all that certain tract or parcel of land lying and being situated in Collin County, Texas; a part of the COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 167, and being and including all that certain tract said to contain 50.00 acres as described in a deed from Charlie Ann Tate Lewis to Shaul C. Baruch, Trustee, recorded in V

BEING all that certain tract or parcel of land lying and being situated in Collin County, Texas, a part of the COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 167, and being and including all that certain tract said to contain 50.00 acres as described in a deed from Charlie Ann Tate Lewis to Shaul C. Baruch, Trustee, recorded in Volume 2751, Page 693 of the Land Records of Collin County, said tract or parcel of land is herein described as follows: to wit:

BEGINNING at an 1/2 inch iron rod found on the West right-of-way line of State Highway No. 289 for the Northeast corner of said called 50.00 acre tract, said corner being on the North line of a called 118 acre tract described:-in a deed to L. L. Lewis recorded .in Volume. 206, Page 196 of the Deed Records of Collin County, said corner also being in the center of a County Road running in'an Easterly and Westerly direction;

THENCE along the West right-of-way line of said State Highway No. 289, South 01: degrees 10 minutes 04 seconds East 831.09 feet to an 1/2 inch .iron rod found for corner;

THENCE South 88 degrees 53 minutes 04 seconds West 208.08 feet to an 1/2 inch-iron rod found-for corner;

THENCE South 01 degrees 05 minutes 21 seconds East 480.06 feet to an 1/2 inch iron rod found for corner, said corner being the Northeast corner of a called 66.115 acre tract described in a deed to Charlie Ann Tate Lewis-as recorded in Volume 3049, Page 833 of the Land Records of :Collin County;

THENCE South 88 degrees 49 minutes 17 seconds West along the South line hereof, common with the North line of said called 66.115 acre tract, a distance of 1667.09 feet to an 1/2 inch iron rod found In the East right-of-way line of the Burlington Northern and Santa Fe Railroad;

THENCE along last named line, North 10 degrees 40 minutes 49. seconds East. 1337.71 feet to an 1 inch iron rod found in the center of said County Road;

THENCE North 88 degrees 45 minutes 30 seconds East a distance of 1601.17 feet to the PLACE OF BEGINNING and containing 49.985 acres of land, more or less.

TRACT 16 (3.305 ACRES):

All that certain tract or parcel of land situated in Lot B of Subdivision number 14 of the Collin County School Land Survey A-167, County of Collin State of Texas as shown on plat recorded in Volume 03, Page 118 of the Deed Records of Collin County, Texas, and said tract being the remaining tract of a called 118 acre tract as described in deed to L.L. Lewis filed 10 November 1916 and recorded in Volume 206, Page 196 of said Deed Records and being more fully described as follows:

Beginning for the northeast corner of the tract being described herein at a found 1/2 inch rebar with a plastic cap marked Alliance, said rebar being the northeast remainder corner of said Lewis tract, same being the most easterly southeast

corner of a called 49.985 acre tract as described in deed to Old Celina. Ltd. filed 11 July 2002 and recorded in Volume 5208, Page 3398 of said Deed Records and said rebar being on the west line of State Highway Number 289;

Thence South 01 degrees 27 minutes 19 seconds East, with the west line of said highway a distance of 30.62 feet to a wood right of way monument for an angle point in the west line of said highway;

Thence South 01 degrees 56 minutes 18 seconds East, with the west line of said highway, a distance of 316.17 feet to a found 1/2 inch rebar with a plastic cap marked Alliance for an angle point in the west line of said highway;

Thence South 00 degrees 23 minutes 33 seconds East, with the west line of said highway a distance of 333.51 feet to a found 1/2 inch rebar with a plastic cap marked Alliance for the southeast remainder corner of said Lewis tract, same being the most easterly northeast corner of a called 66.020 acre tract as described in deed to Old Celina Ltd. filed 31 July 2003, and recorded in Volume 5471, Page 1109 of said Deed Records;

Thence South 88 degrees 49 minutes 36 seconds West, with the north line of said Old Celina 66 acre tract, a distance of 209.37 feet to a found 1/2 inch rebar with a plastic cap marked Alliance for the southwest remainder corner of said Lewis tract; same being an ell corner of said Old Celina 66 acre tract;

Thence North 01 degrees 10 minutes 27 seconds West, with the east line of said Old Celina 66 acre tract and passing the most northerly northeast corner of said Old Celina 66 acre tract, same being the most southerly southeast corner of said Old Celina 49.985 acre tract and continuing on said course with the east line of said Old Celina 49.985 acre tract a distance of 680.17 feet to a found 1/2 inch rebar with a plastic cap marked Alliance for the northwest remainder corner of said Lewis tract, same being an ell corner of said Old Celina 49.985 acre tract

Thence North 88 degrees 48 minutes 36 seconds East, with the south line of said Old Celina 49.985 acre tract a distance of 209.56 feet to the POINT OF BEGINNING and containing 3.305 acres of land, more or less.

TRACT 17 (66.020 ACRES):

Being a tract of land situated in the Collin County School Land Survey, Abstract No. 14, Abstract No. 167, Collin County, Texas, and being the same tract of land as described in the deed to Charlie Ann Tate Lewis according to the deed recorded in Volume 3049, Page 633 of the Deed Records of Collin County, Texas, (D.R.C.C.T.) and being more particularly described as follows:

BEGINNING of a 1/2 inch iron rod found at the northwest corner of said Lewis tract, said iron rod also lying on east right-of-way line of the S.O. & S.F. Railroad;

THENCE North 88 degrees 49 minutes 19 seconds East, along the common line of said Lewis tract, and a tract of land conveyed to Rex Glendenning according to the deed recorded in Volume 4476, Page 280 D.R.C.C.T., (for a distance of 1.6742 feet to a 1/2 inch iron rod found at a common interior corner of same;

THENCE South 01 degrees 10 minutes 41 seconds East to leaving said common line, for a distance of 197.35 feet to a 5/8 inch iron rod with cap stamped R.P.L.S. 5430 set for corner;

THENCE North 88 degrees 48 minutes 28 seconds East for a distance of 206.70 feet to a 5/8 inch iron rod with cap stamped R.L.P.S. 5430 set on the West right-of-way line of State Highway No. 289;

THENCE South 01 degrees 13 minutes 34 seconds East along said West right-of-way line, for a distance of 1,242.72 feet to a 5/8 inch iron rod with cap stamped R.P.L.S. 5420 set at the Southeast corner of the aforementioned Lewis tract;

THENCE South 88 degrees 53 minutes 32 seconds West leaving said west right-of-way line along the south line of said Lewis tract passing at a distance of 538.88 feet a 1/2 inch iron rod found near the intersection of a barbed wire fence, and continuing with said fence passing at a distance of 2,032.87 feet a 3/8 inch iron rod found, and continuing for a total distance of 2,179.17 to a 5/8 inch iron rod with cap stamped R.P.L.S. 5430 set at the southwest corner of said Lewis tract, and also lying on the east right-of-way line of the aforementioned S.L. & S.F. Railroad;

THENCE North 10 degrees 41 minutes 21 seconds East along said East right-of-way line, for a distance of 1,468.61 feet to the PLACE OF BEGINNING, and containing 2,875.811 square feet or 66.020 acres of land.

TRACT 18 (13.50 ACRES):

BEING a 13.50 acre tract of land situated in the COLLIN COUNTY SCHOOL LAND SURVEY NO. 14, ABSTRACT NO. 167, Collin County, Texas, and a portion of a called 38 acre tract of land as conveyed to Dan P. Stone, by deed recorded in Volume 831, Page 82, of the Deed Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for the Northeast corner of said called 38 acre tract, said point also being the Northwest corner of a called 16 acre tract of land as conveyed to Candice Chen, by deed recorded in Volume 5836, Page 545 of the Deed Records of Collin County, Texas, said iron rod also being in the South line of a tract of land conveyed to Old Celina, Ltd., by deed recorded in Volume 5471, Page 1109, of the Deed Records of Collin County, Texas;

THENCE South 00 degrees 58 minutes 32 seconds East, along the common line of said 38 acre tract, and said Chen tract as recorded in Volume 5836, Page 545, a distance of 473.70 feet to a point for corner;

THENCE North 90 degrees 00 minutes 00 seconds West, through the interior of said called 38 acre tract, a distance of 1244.34 feet to a point for corner, said point being in the East line of said called 38 acre tract, same being in the West line of a tract of land conveyed to Ayala Metro Park Properties, Ltd., as recorded in Volume 5431, Page 6738, of the Deed Records of Collin County, Texas;

THENCE North 00 degrees 19 minutes 12 seconds West, along the common line of said called 38 acre tract, and said Ayala Metro Park Properties, a distance of 473.64 feet to a 1/2 inch iron rod found for corner, said point being the Northwest corner of said called 38 acre tract, same being the Northeast corner of said Ayala Metro Park Properties, Ltd. tract, and being in the South line of said Old Celina, Ltd. tract;

THENCE South 90 degrees 00 minutes 00 seconds East, along the common line of said 38 acre tract, and said Old Celina, Ltd. tract, a distance of 1238.92 feet to the POINT OF BEGINNING and containing 588,075 square feet or 13.50 acres of computed land, more or less.

TRACT 19 (5.50 ACRES):

BEING a 5.50 acre tract of land situated in the COLLIN COUNTY SCHOOL LAND SURVEY NO. 14, ABSTRACT NO. 167, Collin County, Texas, and a portion of a called 38 acre tract of land as conveyed to Dan P. Stone by deed recorded in Volume 831, Page 82, of the Deed Records of Collin County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found for the Northeast corner of the said called 38 acre tract, said point also being the Northwest corner of a called 16 acre tract of land as conveyed to Candice Chen, by deed recorded in Volume 5836, Page 545, of the Deed Records of Collin County, Texas, said iron rod also being in the South line of a tract of land conveyed to Old Celina, Ltd., by deed recorded In Volume 5471, Page 1109, of the Deed Records of Collin County, Texas;

THENCE South 00 degrees 58 minutes 32 seconds East, along the common line of said called 38 acre tract, and said Chen tract as recorded in Volume 5836, Page 545, a distance of 473.70 feet to the POINT OF BEGINNING;

THENCE South 00 degrees 58 minutes 32 seconds East, along the common line of said called 38 acre tract, and said Chen tract as recorded in Volume 5836, Page 545, passing a 3/8 inch iron rod found for the Southwest corner of said Chen tract, same being the Northwest corner of a tract of land conveyed to Candice Chen, by deed recorded in Volume 5836, Page 552, of the Deed Records of Collin County, Texas, and continuing along the common line of said called 38 acre tract and said Chen tract as recorded in Volume 5836, Page 552, passing a 3/8 Inch Torn rod found for the Southwest corner of said Chen tract as recorded in Volume 5836, Page 552, same being the Northwest corner of a tract of land conveyed to Candice Chen, by deed recorded In Volume 5836, Page 560, of the Deed Records of Collin County, Texas, and continuing a total distance of 846.30 feet to a 1/2 inch iron rod found for corner, said point being the Southeast corner of said Stone tract, same being the Southwest corner of said Chen tract recorded in Volume 5836, Page 560, said point being in the centerline of County Road No. 53, said point also being in the North line of a called 40 acre tract of land described by the deed recorded in Volume 682, Page 259, of the Deed Records of Collin County, Texas;

THENCE South 89 degrees 43 minutes 40 seconds West, along the common line of said called 38 acre tract, and said called 40 acre tract, and the center line of County Road No. 53, a distance of 287.84 feet to a point for corner;

THENCE North 00 degrees 19 minutes 12 seconds West, through the interior of said called 38 acre tract, a distance of 847.56 feet to a point for corner;

THENCE South 90 degrees 00 minutes 00 seconds East, through the interior of said called 38 acre tract, a distance of 278.16 feet to the POINT OF BEGINNING and containing 239,668 square feet or 5.50 acres of computed land, more or less.

TRACT 20 (9.425 ACRES):

Being a 9.425 acre tract of land situated in the COLLIN COUNTY SCHOOL LAND SURVEY NO. 14, ABSTRACT NO. 167, Collin County, Texas, and a portion of a called 38 acre tract of land as conveyed to Dan P. Stone, by deed recorded in Volume 831, Page 82, of the Deed Records of Collin County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2 Inch iron rod found for the northeast corner of the said called 38 acre tract, said point also being the Northwest corner of a called 16 acre tract of land as conveyed to Candice Chen, by deed recorded In Volume 5836, Page 545, of the Deed Records of Collin County, Texas, said iron rod also being in the south line of a tract of land conveyed to Old Celina, Ltd., by deed recorded in Volume 5471, Page 1109, of the Deed Records of Collin County, Texas;

THENCE South 00 degrees 58 minutes 32 seconds East, along the common line of said Stone tract, and said Chen tract as recorded In Volume 5836, Page 545, a distance of 473.70 feet to a point for corner,

THENCE North 90 degrees 00 minutes 00 seconds West, through the interior of said called 38 acre tract, a distance of 761.90 feet to a point for corner, said point being the POINT OF BEGINNING;

THENCE South 00 degrees 19 minutes 12 seconds East, through the interior of said called 38 acre tract, a distance of 849.86 feet to a point for corner, said point being In the South line of said called 38 acre tract, same being In the center line of County Road No. 53, same being in the North line of a called 40 acre tract of land described by the deed recorded in Volume 682, Page 259, of the Deed Records of Collin County, Texas;

THENCE South 89 degrees 43 minutes 40 seconds West, along the common line of said called 38 acre tract, and said called 40 acre tract, and the center line of County Road No. 53, a distance of 482.43 feet to a 1/2 inch iron rod found for corner, said point being the Southwest corner of said called 38 acre tract;

THENCE North 00 degrees 19 minutes 12 seconds West, along the West line of said called 38 acre tract, passing the Southeast corner of a tract of land conveyed to Ayala Metro Park Properties, Ltd., as recorded in Volume 5431, Page 6738, of the Deed Records of Collin County, Texas, at a distance of 22.29 feet, and continuing along the common line of said called 38 acre tract, and said Ayala Metro Park Properties, Ltd. tract, a total distance of 852.15 feet to a point for corner;

THENCE North 90 degrees 00 minutes 00 seconds East, through the interior of said called 38 acre tract, a distance of 482.44 feet to the POINT OF BEGINNING and containing 410,551 square feet or 9.425 acres of computed land, more or less.

TRACT 21 (0.784 ACRES):

All that certain tract or parcel of land situated in Lot 8 of Subdivision 14 of the Collin County School Lands, Abstract Number 167, County of Collin, State of Texas, according to plat of the same recorded in volume 03 page 118 of the deed records of Collin County, Texas, said tract being part of the monumented tract on the ground of a called 8.772 acre tract as described to deed to Ryno Materials,

Inc., filed 21 April 2006, and recorded in county clerks number 06-000536590 of the deed records of the County of Collin, State of Texas, and being more fully described as follows,

Beginning for the northeast corner of the tract being described herein at a found 3/8 inch rebar, said rebar being the northeast corner of said Ryno tract, same being the northwest corner of a called 7,646 acre tract as described in deed to Ayala Metro Park Properties,, filed 04 July 2003, and recorded in volume 5431 page 6738 of said deed records, said rebar also being on the south line of a caled 66.02 acre tract as described in deed to Old Celina, Ltd, filed 31 July 2005, and recorded in volume 5471 page 1109 of said deed records;

Thence: South 00 degrees 07 minutes 36 seconds West, with the monumented east line of said Ryno tract, a distance of 201.95 feet to a set 1/2 inch steel square tubing, for the southeast corner of this tract;

Thence: North 89 degrees 05 minutes 00 seconds West, a distance of 191.73 feet to a set 1/2 inch steel square tubing for the southwest corner of this tract, said tubing being on the west line of said Ryno tract, same being the east line of the Burlington Northern ,Railroad,

Thence: North 12 degrees 48 minutes 09 seconds East, with the east line of said railroad a distance of 206.40 feet to a set 1/2 inch steel square tubing for the northwest corner of said Ryno tract, same being the southwest corner of said Old Celina tract, and said tubing being South 24 degrees 24 minutes 28 seconds West, a distance of 5.89 feet from a found 1/2 Inch rebar with a plastic cap marked Wisdom 3646;

Thence, South 89 degrees 04 minutes 00 seconds East, with the north line of said Ryno tract, and with the south line of said Old Celina tract, a distance of 146.45 feet to the POINT OF BEGINNING and containing 0.784 of an acre of land TRACT 22 (5.500 ACRES):

All that certain tract or parcel of land situated in Lot 8 of Subdivision 14 of the Collin County School Lands, Abstract Number 167, County of Collin State of Texas, according to plat of the same recorded in volume 03 page 118 of the deed records of Collin County, Texas, sold tract being part of the monumented tract on the ground of a called 8.772 acre tract as described in deed to Ryno .Materials, Inc., filed 21 April 2006, and recorder! in county clerks number 06-000536590 of the deed records of the County of Collin, State of Texas, and being more fully described as follows:

Beginning for the northeast corner of the tract being described herein at a set 1/2 inch steel square tubing, said tubing being an the monumented east line of said Ryno tract, and said tubing being South 00 degrees 07 minutes 36 seconds West, a distance of 651,67 feet from a found 3/8 inch rebar, said rebar being the northeast corner of said Ryno tract, same being the northwest corner of a called 7.646 acre tract as described in deed to Ayala Metro Park Properties, filed 04 June 2003, and recorded in volume 5431 page 6738 of said deed records, said rebar also being on the south line of a caled 66.02 acre tract at described in deed to Old Celina, Ltd, filed 31 July 2003, and recorded In volume 5471 page 1109 of said deed records;

Thence: South 00 degrees 07 minutes 36 seconds West, with the monumented east line of said Ryno tract and passing at 648.22 feet a found 1/2 inch rebar with a plastic cap marked Wisdom 3646 on the north side of Collin County Road Number 53, and continuing on said course a total distance of 674.50 feet to a point for the southeast corner of this tract;

Thence: North 89 degrees 05 minutes 00 seconds West, with the south line of said Ryno tract, and with said road a distance of 393.80 feet to a set railroad spike for the most southerly southwest corner of said Ryno tract;

Thence: North 12 degrees 48 minutes 34 seconds West, with the monumented west line of said Ryno tract, and passing at 24.11 feet a found "X" in a concrete wall on the north side of said road and continuing on said course, a total distance of 178.85 feet to a found 1/2 inch rebar with a plastic cap marked Wisdom 3646 for the monumented ell corner of said Ryno tract;

Thence: North 89 degrees 02 minutes 33 seconds West, with the monumented south line of said Ryno tract, a distance of 50.06 feet to a found 1/2 inch rebar with a plastic cap marked Wisdom 3646 for the monumented most westerly southwest corner of said Ryno tract, said rebar being the east line of the Burlington Northern Railroad.

Thence: North 12 degrees 48 minutes 09 seconds East, with the east line of said railroad a distance of 510.33 feet to a set 1/2 inch steel square tubing for the northwest corner of this tract;

Thence: South 89 degrees 05 minutes 00 seconds East, a distance of 292.60 feet to the POINT OF BEGINNING and containing 5.500 acres of land

TRACT 23 (2.500 ACRES):

All that certain tract or parcel of land situated in Lot 8 of Subdivision 14 of the Collin County School Lands, Abstract Number 167, County of Collin State of Texas, according to plat of the same recorded in volume 03 page 118 of the deed records of Collin County, Texas, said tract being part of the monumented tract on the ground of a called 8.772 acre tract as described in deed to Ryno Materials, Inc., filed 21 April 2006, and recorded in county clerks number 06-000536590 of the deed records of the County of Collin; State of Texas, and being more fully described as follows:

Beginning for the northeast corner of the tract being described herein at a set 1/2 inch steel square tubing, said tubing being on the monumented east line of said Ryno tract, and said tubing being South 00 degrees 07 minutes 36 seconds West, a distance of 201.95 feet from a found 3/8 inch rebar, said rebar being the northeast corner of said Ryno tract, same being the northwest corner of a called 7.646 acre tract as described in deed to Ayala Metro, Park Properties, filed 04 June 2003, and recorded in volume 5431 page 6738 of said deed records, said rebar also being on the south line of a called 66.02 acre tract as described in deed to Old Celina Ltd, filed 31 July 2005, and recorded in volume 547,1 page 1109 of said deed records;

Thence: South 00 degrees 07 minutes 36 seconds West, with the monumented east line of said Ryno tract, a distance of 449.72 feet to a set 1/2 inch steel square tubing for the southeast corner of this tract;

Thence: North 89 degrees 05 minutes 00 seconds West, a distance of 292.60 feet to a set 1/2 inch steel square tubing for the southwest corner of this tract, said tubing being on the west line of said Ryno tract, same being the east line of the Burlington Northern Railroad;

Thence: North 12 degrees 48 minutes 69 seconds East, with the east line of said railroad, a distance of 439.53 feet to a set 1/2 inch steel square tubing for the northwest corner of this tract;

Thence: South 89 degrees 05 minutes 00 seconds East, a distance of 191.75 feet to the POINT OF BEGINNING and containing 2.500 acres of land.

TRACT 24 (50.596 ACRES):

BEING a tract of land situated in the COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 167, Collin County, Texas, and also being part of a 125.871 acre tract as recorded in Volume 1775, Page 454 of the Deed Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod set for corner at the Northeast corner of 70.0 acre tract as recorded in Volume 2868, Page 203, Deed Records, Collin County, Texas, said iron rod also being in the West line of a 72.00 acre tract as recorded in Volume 2532, Page 562, Deed Records, Collin County, Texas;

THENCE South 89 degrees 56 minutes 19 seconds West following the North line of said 70 acre tract a distance of 2266.24 feet to a 1/2 inch iron rod set for corner at the Northwest corner of said 70.00 acre tract, said iron rod also being in the East right of way line of State Highway No. 289 a variable-width ROW;

THENCE following the-East ROW line of State Highway No. 289:

North 18 degrees 10 minutes 56 seconds East, 24.17 feet 1/2 inch iron rod set;

North 19 degrees 19 minutes 00 seconds East, 254.08 feet 1/2 inch iron rod set;

North 89 degrees 46 minutes 00 seconds East, 103.11 feet-1/2 inch iron rod set;

North 02 degrees 20 minutes 00 seconds West, 35.64 feet 1/2 inch iron rod set;

North 04 degrees 18 minutes 00 seconds West, 170.90 feet 1/2 inch iron rod set;

North 18 degrees 11 minutes 00 seconds East, 122.11 feet 1/2 inch iron rod set;

North 12 degrees 28 minutes 00 seconds East, 8.23feet 1/2 inch iron rod set for the southwest corner of Lot 2, Block A, Cattlemans Crossing, an addition to the City of Celina, Collin County, Texas, according to the plat thereof recorded in Cabinet R, Slide 670, Map Records, Collin County, Texas;

THENCE through the interior of said called 125.871 acre tract, and along the south and east lines of said Lot 2 as follows:

North 88 deg. 04 min. 32 sec. West, a distance of 372.79 feet to a point for the southeast corner of said Lot 2;

North 18 deg. 11 min. 00 sec. East, a distance of 602.60 feet to a point for the northeast corner of a right-of-way dedication by said Cattlemans Crossing plat for County Road No. 98, same being in the north line of said called 125.871 acre tract, same being in the South line of a 8.755 acre tract as recorded in Volume 814, Page 808, Deed Records, Collin County, Texas;

THENCE North 88 degrees 04 minutes 32 seconds East following the South line of said 8.755 acre tract a distance of 151.20 feet to a 1/2 inch iron rod found for corner at the Southeast corner of said 8.755 acre tract, said iron rod also being at the Southwest corner of a 117.12 acre tract as recorded in Volume 2532, Page 562, Deed Records, Collin County, Texas;

THENCE North 88 degrees 56 minutes 39 seconds East following the South line of said 117.12 acre tract a distance of 1312.82 feet to a 5/8 inch iron rod found for corner at the Northwest corner of said 72.00 acre tract;

THENCE South 01 degree 01 minute 35 seconds East following the West line of said 72.00 acre tract a distance of 1205.28 feet to the POINT OF BEGINNING and containing 2,203,976 square feet or 50.596 acres of land, more or less.

TRACT 25 (2.54 ACRES):

BEING a 2.54 acre tract of land situated in the Collin County School Land Survey, Abstract No. 167, in the City of Celina, COLLIN County, Texas, and being portion of a tract of a called 125.871 acre tract of land conveyed to Old Celina, Ltd. by deed recorded in Volume 1775, Page 454, of the Deed Records of Collin County, Texas, and being all of Lot 1, Block A, Cattlemans Crossing, an addition to the City of Celina, Collin County, Texas, according to the plat thereof recorded in Cabinet R, Slide 670, Map Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod found for the Southwest corner of a called 8.755 acre tract of land recorded in Volume 814, Page 808, of the Deed Records of COLLIN County, Texas, same being in the East right-of-way line of State Highway No. 289 (a variable width right-of-way), same being the northwest corner of said Lot 1;

THENCE North 88 degrees 04 minutes 32 seconds East, along the South line of said called 8.755 acre tract, and along the north line of said Lot 1, a distance of 340.00 feet to a 1/2 inch iron rod set for the northeast corner of said Lot 1, same being the most northerly northwest corner of Lot 2, of said Cattlemans Crossing;

THENCE South 18 degrees 11 minutes 00 seconds West, along the common line of said Lot 1, and said Lot 2, a distance of 284.12 feet to a point for the southeast corner of said Lot 1;

THENCE South 88 degrees 04 minutes 32 seconds West, continuing along the common line of said Lot 1, and said Lot 2, a distance of 329.74 feet to a point for the southwest corner of said Lot 1 and the most westerly northwest corner of said Lot 2, same being in the east right-of-way line of aforesaid State Highway No. 289;

THENCE North 14 degrees 22 minutes 00 seconds East, along the East right-of-way line of said State Highway No. 289, a distance of 144.72 feet to a 1/2 inch iron rod set for corner;

THENCE North 18 degrees 11 minutes 00 seconds East, along the East right-of-way line of said State Highway No. 289, a distance of 200.09 feet to the POINT OF BEGINNING and CONTAINING 110,400 square feet or 2.54 acres of computed land, more or less.

TRACT 26 (70.802 ACRES):

SITUATED in the State of Texas, County of Collin, being part of the Collin County School Land Survey, Abstract No. 167, being the resurvey of a called 70.00 acre tract of land recorded in Volume 2868, Page 203 of the Collin County Land Records with said premises being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found marking the northeast corner of said 70.00 acre tract, the southeast corner of a 55.718 acre tract surveyed by David Surdukan dated October 4, 1999, said beginning corner also being in the west line of a 74.00 acre tract recorded in Volume 314, Page 534 of the Collin County Deed Records;

THENCE with the east line of said 70.00 acre tract and the west line of said 74.00 acre tract as follows:

South 00 degrees 39 minutes 50 seconds East, 557.47 feet;

South 09 degrees 53 minutes 25 seconds West, 11.80 feet;

South 01 degrees 00 minutes 34 seconds East, 860.79 feet to a railroad spike found in the asphalt of County Road No. 91 marking the southeast corner of said 70.00 acre tract and being in the north line of a 21.970 acre tract recorded under Volume 4388, Page 2079 of the Collin County Land Records;

THENCE along County Road No. 91, the south line of said 70.00 acre tract, the north line of said 21.970 acre tract and the north line of 10.476 acre tract recorded in volume 788, Page 714 of the Collin County Deed Records, South 88 degrees 29 minutes 47 seconds West, 1302.22 feet to a railroad spike found marking the most southerly southeast corner of said 70.00 acre tract;

THENCE with a west line of said 70.00 acre tract and an east line of a 40.886 acre tract recorded under County Clerk No. 93-0018472 of the Collin County Land Records, North 01 degrees 05 minutes 25 seconds West, 428.80 feet to a 5/8-inch iron rod found marking the most northerly northeast corner of said 40.886 acre tract;

THENCE with a south line of said 70.00 acre tract and the north line of said 40.886 acre tract, South 88 degrees 24 minutes 24 seconds West, 777.67 feet to a 1/2 inch iron rod found marking the southeast corner of an abandoned 60-foot road right-of-way;

THENCE with the south line of said abandoned road right-of-way, South 88 degrees 26 minutes 57 seconds West, 544.48 feet to a 3/8-inch iron rod found in the east right-of-way line of State Highway 289 (variable R.O.W.) marking the southwest corner of said road abandonment;

THENCE with the east right-of-way line of State Highway No. 289 and the west line of said 70.00 acre tract as follows:

North 17 degrees 47 minutes 47 seconds East, 63.75 feet to a 1/2-inch iron found;

North 17 degrees 14 minutes 00 seconds East, 284.05 feet to a 1/2-inch iron rod set;

North 18 degrees 11 minutes 00 seconds East, 775.83 feet to a 1/2-inch iron rod found marking the northwest corner of said 70.00 acre tract and the southwest corner of the aforementioned 55.718 acre tract;

THENCE with the north line of said 70.00 acre tract and the south line of said 55.718 acre tract, North 89 degrees 56 minutes 19 seconds East, 2266.24 feet to the point of beginning and containing 70.802 gross acres of land.

TRACT 27 (9.425 ACRES):

BEING a 9.425 acre tract of land situated in the Collin County School Land Survey No. 14, Abstract No. 167, Collin County, Texas, and a portion of a called 38 acre tract of land as conveyed to Don P. Stone, by deed recorded in Volume 831, Page 82, of the Deed Records of Collin County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found for the northeast corner of the said called 38 acre tract, said point also being the Northwest corner of a called 16 acre tract of land as conveyed to Candice Chen, by deed recorded In Volume 5836, Page 545, of the Deed Records of Collin County, Texas, said iron rod also being in the south line of a tract of land conveyed to Old Celina, Ltd. by deed recorded in Volume 5471, Page 1109, of the Deed Records of Collin County, Texas;

THENCE South 00 degrees 58 minutes 32 seconds East, along the common line of said called 38 acre tract., and said Chen tract as recorded in Volume 5836, Page 545, a distance of 473.70 feet to a point for corner;

THENCE North 90 degrees 00 minutes 00 seconds West, 278.16 feet to the POINT OF BEGINNING;

THENCE South 00 degrees 19 minutes 12 seconds East, through the interior of said called 38 acre tract, a distance of 847.56 feet to a point for corner, said point being in the south line of said called 38 acre tract, same being in the center line of County Road No. 53, said point also being in the north line of a called 40 acre tract of land described by the deed recorded in Volume 682, Page 259, of the Deed Records of Collin County, Texas;

THENCE South 89 degrees 43 minutes 40 seconds West, along the common line of said 38 acre tract, and said called 40 acre tract, and the center line of County Road No. 53, a distance of 483.73 feet to a point for corner;

THENCE North 00 degrees 19 minutes 12 seconds West, through the interior of said called 38 acre tract, a distance of 849.86 feet to a point for corner;

THENCE South 90 degrees 00 minutes 00 seconds East, through the interior of said called 38 acre tract, a distance of 483.74 feet to the POINT OF BEGINNING and containing 410,545 square feet or 9.425 acres of computed land.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

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

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

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

SECTION 4. This Act takes effect September 1, 2013.

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

Amend **CSHB 3914** (senate committee printing) as follows:

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

SECTION _____. The Parker County Utility District No. 1 is dissolved.

SECTION _____. The following laws are repealed:

(1) Chapter 7208, Special District Local Laws Code; and

(2) Section 1.04, Chapter 1273, Acts of the 75th Legislature, Regular Session, 1997.

SECTION _____. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3918 to read as follows:

CHAPTER 3918. COMANCHE MUNICIPAL MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3918.001. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Aubrey.

(3) "County" means Denton County.

(4) "Director" means a board member.

(5) "District" means the Comanche Municipal Management District

No. 1.

Sec. 3918.002. NATURE OF DISTRICT. The Comanche Municipal Management District No. 1 is a special district created under Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 3918.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The initial directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 3918.004. CITY CONSENT AND DEVELOPMENT AGREEMENT EXECUTION REQUIRED. (a) The initial directors may not hold an election under Section 3918.003 until the city has:

(1) consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district; and

(2) entered into a development agreement with the owners of the real property in the district under Section 212.172, Local Government Code.

(b) The district is dissolved and this chapter expires September 1, 2017, if:

(1) the city has not consented to the creation of the district and to the inclusion of land in the district under Subsection (a)(1) before that date; or

(2) the development agreement described by Subsection (a)(2) is not entered into before that date.

Sec. 3918.005. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district, and in authorizing the city and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(b) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.

(c) This chapter and the creation of the district may not be interpreted to relieve the city or county from providing the level of services provided as of the effective date of the Act enacting this chapter to the area in the district. The district is created to supplement and not to supplant city and county services provided in the district.

Sec. 3918.006. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(c) The district is created to accomplish the purposes of a municipal management district as provided by general law and Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

(d) The creation of the district is in the public interest and is essential to further the public purposes of:

- (1) developing and diversifying the economy of the state;
- (2) eliminating unemployment and underemployment; and
- (3) developing or expanding transportation and commerce.

(e) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center; and

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas, which are necessary for the restoration, preservation, and enhancement of scenic beauty.

(f) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

(g) The district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public.

Sec. 3918.007. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section ___ of the Act enacting this chapter.

(b) The boundaries and field notes of the district contained in Section ___ of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to borrow money or issue any type of bonds or other obligations described by Section 3918.203 for a purpose for which the district is created or to pay the principal of and interest on the bonds or other obligations;

(3) right to impose or collect an assessment or collect other revenue;

(4) legality or operation; or

(5) right to contract.

Sec. 3918.008. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

(a) All or any part of the area of the district that is not in the city's corporate limits is eligible to be included in:

(1) a tax increment reinvestment zone created under Chapter 311, Tax Code;

(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code;

(3) an enterprise zone created under Chapter 2303, Government Code;

or

(4) an industrial district created under Chapter 42, Local Government Code.

(b) If the city creates a tax increment reinvestment zone described by Subsection (a), the city and the board of directors of the zone, by contract with the district, may grant money deposited in the tax increment fund to the district to be used by the district for:

(1) the purposes permitted for money granted to a corporation under Section 380.002(b), Local Government Code; and

(2) any other district purpose, including the right to pledge the money as security for any bonds or other obligations issued by the district under Section 3918.203.

(c) All or any part of the area of the district that is within the city's corporate limits is eligible to be included in:

(1) a tax increment reinvestment zone created under Chapter 311, Tax Code; or

(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code.

(d) If the city creates a tax increment reinvestment zone described by Subsection (c)(1), the city and the board of directors of the zone, by contract, may allocate money deposited in the tax increment fund between the city and the district to be used by the city and the district for:

(1) the purposes permitted for money granted to a corporation under Section 380.002(b), Local Government Code;

(2) any other district purpose, including the right to pledge the money as security for any bonds or other obligations issued by the district under Section 3918.203; and

(3) funding services provided by the city to the area in the district.

(e) A tax increment reinvestment zone created by the city in the district is not subject to the limitations provided by Section 311.006, Tax Code.

Sec. 3918.009. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3918.010. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3918.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 3918.052, directors serve staggered four-year terms, with two or three directors' terms expiring June 1 of each odd-numbered year.

Sec. 3918.052. INITIAL DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district according to the most recent certified tax appraisal rolls for the county may submit a petition to the city requesting that the city appoint as initial directors the five persons named in the petition. The city shall appoint as initial directors the five persons named in the petition.

(b) Initial directors serve until the earlier of:

(1) the date permanent directors are elected under Section 3918.003; or

(2) the fourth anniversary of the effective date of the Act enacting this

chapter.

(c) If permanent directors have not been elected under Section 3918.003 and the terms of the initial directors have expired, successor initial directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 3918.003; or

(2) the fourth anniversary of the date of the appointment or

reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district according to the most recent certified tax appraisal rolls for the county may submit a petition to the city

requesting that the city appoint as successor initial directors the five persons named in the petition. The city shall appoint as successor initial directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3918.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3918.102. IMPROVEMENT PROJECTS. The district may provide, or it may enter into contracts with a governmental or private entity to provide, the improvement projects described by Subchapter C-1 or activities in support of or incidental to those projects.

Sec. 3918.103. WATER DISTRICT POWERS. The district has the powers provided by the general laws relating to conservation and reclamation districts created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 54, Water Code.

Sec. 3918.104. ROAD DISTRICT POWERS. The district has the powers provided by the general laws relating to road districts and road utility districts created under Section 52(b), Article III, Texas Constitution, including Chapter 441, Transportation Code.

Sec. 3918.105. PUBLIC IMPROVEMENT DISTRICT POWERS. The district has the powers provided by Chapter 372, Local Government Code, to a municipality or county.

Sec. 3918.106. CONTRACT POWERS. The district may contract with a governmental or private entity, on terms determined by the board, to carry out a power or duty authorized by this chapter or to accomplish a purpose for which the district is created.

Sec. 3918.107. EMERGENCY SERVICES. (a) This section applies only to territory in the district:

- (1) that is in the extraterritorial jurisdiction of the city;
- (2) for which a plat has been filed; and
- (3) that includes 100 or more residents.

(b) To protect the public interest, the district shall provide or contract with a qualified party to provide emergency services, including law enforcement, fire, and ambulance services, in the territory described by Subsection (a).

Sec. 3918.108. NO TOLL ROADS. The district may not construct, acquire, maintain, or operate a toll road.

Sec. 3918.109. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

SUBCHAPTER C-1. IMPROVEMENT PROJECTS AND SERVICES

Sec. 3918.151. IMPROVEMENT PROJECTS AND SERVICES. The district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using any money available to the district, or contract with a governmental or private entity to provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

Sec. 3918.152. BOARD DETERMINATION REQUIRED. The district may not undertake an improvement project unless the board determines the project:

- (1) is necessary to accomplish a public purpose of the district; and
- (2) complies with the development agreement entered into under Section 3918.004(a)(2) or the parties to that development agreement agree to the project, in writing.

Sec. 3918.153. LOCATION OF IMPROVEMENT PROJECT. An improvement project may be inside or outside the district.

Sec. 3918.154. CITY REQUIREMENTS. (a) An improvement project in the corporate limits of the city must comply with any applicable requirements of the city, including codes and ordinances, that are consistent with the development agreement entered into under Section 3918.004(a)(2).

(b) The district may not provide, conduct, or authorize any improvement project on the city's streets, highways, rights-of-way, or easements without the consent of the governing body of the city.

Sec. 3918.155. IMPROVEMENT PROJECT AND SERVICE IN DEFINABLE AREA. The district may undertake an improvement project or service that confers a special benefit on a definable area in the district and levy and collect a special assessment on benefited property in the district in accordance with:

- (1) Chapter 372, Local Government Code; or
- (2) Chapter 375, Local Government Code.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. 3918.201. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of the district's money.

Sec. 3918.202. MONEY USED FOR IMPROVEMENTS OR SERVICES. The district may undertake and provide an improvement project or service authorized by this chapter using any money available to the district.

Sec. 3918.203. BORROWING MONEY; OBLIGATIONS. (a) The district may borrow money for a district purpose without holding an election by issuing bonds, notes, time warrants, or other obligations, or by entering into a contract or other agreement payable wholly or partly from an assessment, a contract payment, a grant, revenue from a zone created under Chapter 311 or 312, Tax Code, other district revenue, or a combination of these sources.

- (b) An obligation described by Subsection (a):
 - (1) may bear interest at a rate determined by the board; and
 - (2) may include a term or condition as determined by the board.

Sec. 3918.204. ASSESSMENTS. (a) Except as provided by Subsection (b), the district may impose an assessment on property in the district to pay for an obligation described by Section 3918.203 in the manner provided for:

- (1) a district under Subchapters A, E, and F, Chapter 375, Local Government Code; or
- (2) a municipality or county under Subchapter A, Chapter 372, Local Government Code.

(b) The district may not impose an assessment on a municipality, county, or other political subdivision.

Sec. 3918.205. NOTICE OF ASSESSMENTS. (a) The board shall annually file written notice with the secretary of the city that specifies the assessments the district will impose in the district's next fiscal year in sufficient clarity to describe the assessments for the operation and maintenance of the district and the assessments for the payment of debt service of obligations issued or incurred by the district.

(b) The board shall annually record in the deed records of the county a current assessment roll approved by the governing body of the city.

(c) The assessment roll must clearly state that the assessments in the assessment roll are in addition to the ad valorem taxes imposed by other taxing units that tax real property in the district.

(d) The district shall generate and implement a program to provide notification to a prospective purchaser of property in the district of the assessments that have been approved and are imposed by the district.

Sec. 3918.206. RESIDENTIAL PROPERTY NOT EXEMPT. Section 375.161, Local Government Code, does not apply to the district.

Sec. 3918.207. NO IMPACT FEES. The district may not impose an impact fee.

Sec. 3918.208. NO AD VALOREM TAX. The district may not impose an ad valorem tax.

SUBCHAPTER E. DISSOLUTION

Sec. 3918.251. DISSOLUTION BY CITY. (a) The city may dissolve the district by ordinance after the city annexes the district.

(b) Notwithstanding Subsection (a), the city may not dissolve the district until:

(1) the district's outstanding debt or contractual obligations have been repaid or discharged; or

(2) the city agrees to succeed to the rights and obligations of the district.

Sec. 3918.252. COLLECTION OF ASSESSMENTS AND OTHER REVENUE. (a) If the dissolved district has bonds or other obligations outstanding secured by and payable from assessments or other revenue, the city succeeds to the rights and obligations of the district regarding enforcement and collection of the assessments or other revenue.

(b) The city shall have and exercise all district powers to enforce and collect the assessments or other revenue to pay:

(1) the bonds or other obligations when due and payable according to their terms; or

(2) special revenue or assessment bonds or other obligations issued by the city to refund the outstanding bonds or obligations of the district.

Sec. 3918.253. ASSUMPTION OF ASSETS AND LIABILITIES. (a) After the city dissolves the district, the city assumes the obligations of the district, including any bonds or other debt payable from assessments or other district revenue.

(b) If the city dissolves the district, the board shall transfer ownership of all district property to the city.

SECTION _____. The Comanche Municipal Management District No. 1 initially includes all the territory contained in the following area:

TRACT 1

248.67 ACRE

BEING a tract of land situated in the William Lumpkin Survey Abstract No. 730, Denton County, Texas, and also being all of a 173.545 acre tract as recorded in Volume 5347, Page 4702 of the Deed Records of Denton County, Texas, also being all of a 75.125 acre tract as recorded in Volume 4895, Page 1900 D.R.D.C.T. and being more particularly described by metes and bounds as follows:

BEGINNING at a capped 1/2 inch iron rod found for corner (controlling monument) at the northeast corner of said 173.545-acre tract;

THENCE South 1 degree 53 minutes 56 seconds West a distance of 2221.22 feet to a 1/2 inch iron rod set for corner in Bryan Road (gravel surface);

THENCE North 88 degrees 04 minutes 11 seconds West following Bryan Road a distance of 1267.37 feet to a 1/2 inch iron rod found for corner in the east line of a 75.125-acre tract;

THENCE South 02 degrees 13 minutes 34 seconds West a distance of 900.51 feet to a 1/2 inch iron rod found for corner at the northeast corner of a 52.63 acre tract as recorded in Volume 2261, Page 53, D.R.D.C.T.;

THENCE North 89 degrees 19 minutes 31 seconds West following the north line of said 52.63 acres tract a distance of 3578.05 feet to a 5/8 inch iron rod (bent) found for corner in the east line of a tract conveyed to the United States of America as recorded in Volume 2585, Page 305, D.R.D.C.T.;

THENCE North 02 degrees 15 minutes 46 seconds East following the USA tract a distance of 243.40 feet to concrete monument stamped 1033-4 for corner;

THENCE North 02 degrees 18 minutes 26 seconds East following the USA tract a distance of 349.95 feet to concrete monument stamped 1033-5 for corner;

THENCE North 36 degrees 42 minutes 11 seconds West following the USA tract a distance of 396.06 feet to concrete monument stamped 1033-6 for corner on the east bank of a dry creek;

THENCE South 89 degrees 12 minutes 38 seconds East a distance of 201.16 feet to 1/2 inch iron rod found for corner;

THENCE North 00 degrees 47 minutes 22 seconds East a distance of 131.81 feet to a point for corner in a creek;

THENCE up said creek the following calls:

N 09°28'51" E 13.38'

N 07°11'52" E 163.03'

N 72°07'15" E 37.14'

S 63°04'41" E 103.03'

S 88°21'20" E 52.55'

N 04°13'19" E 21.33'

N 11°19'26" W 59.51'

N 18°42'11" E 87.30'

N 17°43'03" W 81.64'
N 74°51'43" E 136.16'
N 31°30'01" E 64.83'
S 88°00'53" E 66.68'
S 35°42'40" E 58.03'
S 82°36'34" E 31.64'
N 17°26'44" E 95.82'
S 42°05'36" E 150.73'
N 83°20'18" E 36.07'
N 05°26'09" E 107.43'
N 31°37'22" W 51.38'
N 20°57'03" E 66.43'
N 28°51'15" W 102.21'
N 71°19'55" E 53.49'
S 53°48'09" E 44.26'
N 85°29'09" E 65.70'
N 40°30'41" E 86.41'
N 78°32'11" E 40.09'
N 24°32'25" E 53.98'
N 77°19'49" E 92.67'
N 58°04'48" E 80.57'
S 32°29'24" E 38.45'
N 48°05'23" E 47.84'
N 25°13'19" E 47.92'
S 89°41'30" E 57.89'
S 78°26'24" E 91.22'
N 67°15'30" E 29.70'
S 23°35'53" E 132.38'
S 87°07'12" E 40.32'
N 00°43'32" W 44.48'
N 56°26'03" E 92.01'
S 51°37'41" E 87.66'
S 01°35'49" w 42.96'
S 59°48'32" E 8.73'
N 60°27'41" E 125.92'
N 44°01'02" E 75.88'
N 01°26'58" E 82.39'
N 73°27'50" E 73.60'
N 54°29'34" E 46.92'
N 81°58'33" E 46.29'
N 49°14'37" E 44.19'
N 53°45'54" W 113.00'
N 18°22'20" W 130.69'
N 29°43'26" E 28.51'
N 50°28'25" W 43.10'
N 17°32'30" W 68.50'

N 88°47'34" E 108.29'
 S 55°53'19" E 47.42'
 S 45°21'21" E 32.24'
 N 52°55'59" E 49.96'
 S 35°25'53" E 72.10'
 N 24°00'28" E 43.50'
 N 49°35'12" W 52.21'
 N 07°23'52" E 54.05'
 N 01°09'32" E 45.90'
 N 84°16'29" E 94.67'
 N 86°33'49" E 67.50'
 S 74°49'52" E 56.94'
 N 51°27'10" E 21.10'
 N 21°28'46" W 35.20'
 N 67°07'22" E 44.39'
 S 30°10'20" E 49.02'
 S 85°45'43" E 39.09'
 N 18°14'15" E 39.69'
 N 69°16'16" E 39.39'
 S 49°20'27" E 59.65'
 N 55°13'09" E 41.34'
 N 40°35'34" W 70.10'
 N 33°06'50" E 69.98'
 N 66°20'41" E 42.96'
 N 01°12'16" E 3.53'

THENCE North 86 degrees 41 minutes 34 seconds East a distance of 401.38 feet to a 1/2 inch iron rod set for comer;

THENCE South 88 degrees 18 minutes 26 seconds East a distance of 2105.22 feet to the POINT OF BEGINNING and containing 10,832,069 square feet or 248.67 acres of land, more or less.

RELEASE TRACT

100.582 ACRE TRACT

BEING a tract of land situated in the William Lumpkin Survey Abstract No. 730, Denton County, Texas, and also being part of a 173.545 acre tract as recorded in Volume 5347, Page 4702 of the Deed Records of Denton County, Texas, also being part of a 75.125 acre tract as recorded in Volume 4895, Page 1900 D.R.D.C.T. and being more particularly described by metes and bounds as follows:

BEGINNING at a capped 1/2 inch iron rod found for corner (controlling monument) at the northeast corner of said 173.545-acre tract;

THENCE South 1 degree 53 minutes 56 seconds West a distance of 2221.22 feet to a 1/2 inch iron rod set for comer in Bryan Road (gravel surface);

THENCE North 88 degrees 04 minutes 11 seconds West following Bryan Road a distance of 1267.37 feet to a 1/2 inch iron rod found for corner in the east line of a 75.125-acre tract;

THENCE South 02 degrees 13 minutes 34 seconds West a distance of 528.88 feet to a 1/2 inch iron rod found for corner at the northeast corner of a 52.63 acre tract as recorded in Volume 2261, Page 53, D.R.D.C.T.;

THENCE North 89 degrees 19 minutes 31 seconds West following the north line of said 52.63 acres tract a distance of 653.67 feet to a point;

THENCE North 02 degrees 10 minutes 14 seconds East a distance of 769.82.40 feet to the beginning of a tangent curve to the right;

THENCE Northerly, along said tangent curve to the right which has a chord that bears North 11 degrees 39 minutes 21 seconds East for 2017.05 feet, a central angle of 18 degrees 58 minutes 13 seconds and a radius of 6120.00 feet, for an arc distance of 2026.29 feet to the end of said curve;

THENCE South 88 degrees 18 minutes 26 seconds East a distance of 1578.43 feet to the POINT OF BEGINNING and containing 4,381,338 square feet or 100.582 acres of land.

TRACT 2

52.631 ACRE TRACT

All that certain tract or parcel of land situated in the WILLIAM LUMPKIN SURVEY, ABSTRACT NUMBER 73, County of DENTON, State of Texas, said tract being all of a called 52.630 acre tract as described in Deed 2261, Page 53 of the Real Property Records of the County of DENTON, State of Texas, and being more fully described as follows:

Beginning for the Northeast corner of the tract described herein at a found 1/2 inch rebar said rebar being the Northeast corner of said Layman tract, same being the Southeast corner of a called 75.125 acre tract as described in deed to Denton County 250 LP, filed 29 June 2004, and recorded in County Clerk's Number 2004-85167 of said Real Property Records, and said rebar being on the West line of a called 166.48 acre tract as described in deed to Jos. A. I. Worsham, Trustee, filed 24 December 2003, and recorded in County Clerk's Number 2003-205831 of said deed records, said rebar also being in Bryan Road;

Thence: South 02 degrees 07 minutes 23 seconds West, with the East line of said Layman tract, and with the West line of said Worsham tract, and with said road, a distance of 616.86 feet to a found 1/2 inch rebar for the Southeast corner of said Layman tract, same being the Northeast corner of Lot No. 2, a called 139.76 acre tract as described in partition, dated 18 September 1899, and recorded in Volume L, Page 587 of the District Court Minutes of DENTON County, Texas, and further described in Boundary Agreement, filed 22 May 1985, and recorded in Volume 1640, Page 779 of said Real Property Records;

Thence: North 89 degrees 19 minutes 30 seconds West, with the South line of said Layman tract, and with the North line of said Lot 2, and with the line as described in said Boundary Agreement, a distance of 3950.80 feet to a found Corps of Engineers concrete monument with a brass cap marked 1033-1, 1034-5, dated 1966 for the Southwest corner of said Layman tract, said monument being the East line of USA Tract L-1033 (Lake Lewisville);

Thence: North 40 degrees 32 minutes 30 seconds East, with the West line of said Layman tract, and with the East line of said USA tract, and with a barbed wire fence, a distance of 299.74 feet to a found Corps of Engineers concrete monument remains for an angle point in the West line of said Layman tract;

Thence: North 40 degrees 28 minutes 28 seconds East, with the West line of said Layman tract, and with the East line of said USA tract, and with a barbed wire fence, a distance of 299.71 feet to a found Corps of Engineers concrete monument with a brass cap marked 1033-3, dated 1966 for an angle point in the West line of said Layman tract, same being an angle point in the East line of said USA tract;

Thence: North 02 degrees 16 minutes 40 seconds East, with the West line of said Layman tract, and with the East line of said USA tract, and with a barbed wire fence, a distance of 156.12 feet to a found I inch rebar by a pipe fence corner post for the Northwest corner of said Layman tract, same being the Southwest corner of said Denton County 250 tract;

Thence: South 89 degrees 19 minutes 46 seconds East, with the North line of said Layman tract, and with the South line of said Denton County 250 tract, and with a barbed wire fence, and passing at 3550.64 feet a pipe fence corner post on the West side of said road, and continuing on said course a total distance of 3578.04 feet to a POINT OF BEGINNING and CONTAINING 52.613 acres of land.

RELEASE TRACT

9.257 ACRE TRACT

All that certain tract or parcel of land situated in the WILLIAM LUMPKIN SURVEY, ABSTRACT NUMBER 73, County of DENTON, State of Texas, said tract being part of a called 52.630 acre tract as described in Deed 2261, Page 53 of the Real Property Records of the County of DENTON, State of Texas, and being more fully described as follows:

Beginning for the Northeast corner of the tract described herein at a found 1/2 inch rebar said rebar being the Northeast corner of said Layman tract, same being the Southeast corner of a called 75.125 acre tract as described in deed to Denton County 250 LP, filed 29 June 2004, and recorded in County Clerk's Number 2004-85167 of said Real Property Records, and said rebar being on the West line of a called 166.48 acre tract as described in deed to Jos. A. I. Worsham, Trustee, filed 24 December 2003, and recorded in County Clerk's Number 2003-205831 of said deed records, said rebar also being in Bryan Road;

Thence: South 02 degrees 07 minutes 23 seconds West, with the East line of said Layman tract, and with the West line of said Worsham tract, and with said road, a distance of 616.86 feet to a found 1/2 inch rebar for the Southeast corner of said Layman tract, same being the Northeast corner of Lot No.2, a called 139.76 acre tract as described in partition, dated 18 September 1899, and recorded in Volume L, Page 587 of the District Court Minutes of DENTON County, Texas, and further described in Boundary Agreement, filed 22 May 1985, and recorded in Volume 1640, Page 779 of said Real Property Records;

Thence: North 89 degrees 19 minutes 30 seconds West, with the South line of said Layman tract, and with the North line of said Lot 2, and with the line as described in said Boundary Agreement, a distance of 654.18 feet a point;

Thence: North 02 degrees 10 minutes 14 seconds East, a distance of 616.82 feet to a point;

Thence: South 89 degrees 19 minutes 46 seconds East, with the North line of said Layman tract, and with the South line of said Denton County 250 tract, and with a barbed wire fence, a distance of 653.67 feet to a POINT OF BEGINNING and CONTAINING 9.257 acres of land.

SECTION _____. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8469 to read as follows:

CHAPTER 8469. VENABLE RANCH MUNICIPAL UTILITY DISTRICT
NO. 1 OF DENTON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8469.001. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Aubrey, Texas.

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

Quality.

(4) "Director" means a board member.

(5) "District" means the Venable Ranch Municipal Utility District No. 1 of Denton County.

Sec. 8469.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8469.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8469.004. CONSENT OF CITY REQUIRED. The temporary directors may not hold an election under Section 8469.003 until:

(1) the city has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district; and

(2) the city and an owner or owners of land in the district have entered into a development agreement under Section 212.172, Local Government Code.

Sec. 8469.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.
(a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8469.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section ____ of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section ____ of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

- (1) organization, existence, or validity;
- (2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;
- (3) right to impose a tax; or
- (4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8469.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8469.052, directors serve staggered four-year terms.

Sec. 8469.052. TEMPORARY DIRECTORS. (a) On or after September 1, 2013, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

- (1) the date permanent directors are elected under Section 8469.003; or
- (2) September 1, 2017.

(c) If permanent directors have not been elected under Section 8469.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

- (1) the date permanent directors are elected under Section 8469.003; or
- (2) the fourth anniversary of the date of the appointment or

reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8469.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8469.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8469.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8469.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 8469.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 8469.106. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

(1) has no outstanding bonded debt; and

(2) is not imposing ad valorem taxes.

(b) This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.

(c) Any new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section _____ of the Act creating this chapter.

(d) The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section 8469.151 to authorize the issuance of bonds.

(f) An order dividing the district must:

(1) name each new district;

(2) include the metes and bounds description of the territory of each new district;

(3) appoint temporary directors for each new district; and

(4) provide for the division of assets and liabilities between or among the new districts.

(g) On or before the 30th day after the date of adoption of an order dividing the district, the district shall file the order with the commission and record the order in the real property records of each county in which the district is located.

(h) Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 8469.003.

(i) Any new district created by the division of the district must hold an election as required by this chapter to obtain voter approval before the district may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes.

(j) If the creation of the new district is confirmed, the new district shall provide the election date and results to the commission.

Sec. 8469.107. FIREFIGHTING SERVICES. Notwithstanding Section 49.351(a), Water Code, the district may, as authorized by Section 59(f), Article XVI, Texas Constitution, and Section 49.351, Water Code:

(1) establish, operate, and maintain a fire department;

(2) contract with another political subdivision for the joint operation of a fire department; or

(3) contract with any other person to perform firefighting services in the district and may issue bonds and impose taxes to pay for the department and the activities.

Sec. 8469.108. FEES AND CHARGES. (a) The district may adopt and enforce all necessary charges, mandatory fees, or rentals, in addition to taxes, for providing or making available any district facility or service, including firefighting activities provided under Section 8469.107.

(b) To enforce payment of an unpaid fee or charge due to the district, on the request of the district, a retail public utility, as defined by Section 13.002, Water Code, providing water or sewer service to a customer in the district shall terminate the service.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8469.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 8469.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 8469.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8469.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 8469.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8469.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8469.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8469.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SUBCHAPTER F. ANNEXATION BY CITY

Sec. 8469.251. EFFECT OF ANNEXATION BY CITY.

(a) Notwithstanding any other law, if all of the territory of the district is annexed by the city into the corporate limits of the city before the date of the election held to confirm the creation of the district and the district is confirmed at that election, the district may not be dissolved and continues in existence following annexation until:

(1) water, sanitary sewer, and drainage improvements and roads have been constructed to serve at least 90 percent of the territory of the district capable of development; or

(2) the board adopts a resolution consenting to the dissolution of the district.

(b) Notwithstanding Section 54.016(f)(2), Water Code, an allocation agreement between the city and the district that provides for the allocation of the taxes or revenues of the district and the city following the date of inclusion of the district's territory in the corporate limits of the city may provide that the total annual ad valorem taxes collected by the city and the district from taxable property within the city's corporate limits may exceed the city's ad valorem tax on that property.

SECTION ____. The Venable Ranch Municipal Utility District No. 1 of Denton County initially includes all the territory contained in the following area:

VENABLE PROPERTY DESCRIPTION:

TRACT 1

Being a tract of land situated in the George Smith Survey, Abstract No. 1219, the S. Williams Survey, Abstract No. 1333, the M. McBride Survey, Abstract No. 804, the N. McMillan Survey, Abstract No. 841, the J. Cantwell Survey, Abstract No. 282, the T. Chambers Survey, Abstract No. 223, the J. Moses Survey, Abstract No. 894, the J. Wells Survey, Abstract No. 1426, the J. Wilburn Survey, Abstract No. 1427, and the W. Boydston Survey, Abstract No. 117, Denton County, Texas and being all of the following tracts of land conveyed to Venable Royalty, LTD.; a called 10.69 acre tract by deed recorded in Volume 5128, Page

563 of the Real Property Records of Denton County, Texas (R.P.R.D.C.T.); a called 11.00 acre tract by deed recorded in Volume 5144, Page 2973, R.P.R.D.C.T.; a called a called 29.089 acre tract by deed recorded in Volume 4077, Page 1372, R.P.R.D.C.T.; a called 27.20 acre tract by deed recorded in Volume 5076, Page 822, R.P.R.D.C.T. (50% interest); a called 54.08 acre tract by deed recorded in Volume 4867, Page 3255, R.P.R.D.C.T.; a called 7.000 acre tract, called Parcel One, Tract I, a called 0.228 acre tract, called Parcel One, Tract II, and a called 14.586 acre tract, called Parcel Two by deed recorded in Volume 4506, Page 1340 of the Deed Records of Denton County, Texas (D.R.D.C.T.); all of Lots 16 and 17 of Scenic Acres by deed recorded in Volume 4399, Page 1845, R.P.R.D.C.T., said Scenic Acres being an addition to Denton County, Texas according to the plat recorded in Cabinet B, Page 379 of the Map Records of Denton County, Texas (M.R.D.C.T.); all of the following tracts of land conveyed to Venable Estate, LTD.; a called 4.02 acre tract by deed recorded in Instrument No. 2008-41088 of the Official Records of Denton County, Texas (O.R.D.C.T.); a called 27.20 acre tract by deed recorded in Instrument No. 2004-101157, O.R.D.C.T. (50% interest); all of the following recorded in Instrument No. 2005-43578, O.R.D.C.T.; of Exhibit "A-1"; a called 48.9 acre tract, called First Tract; a called 70 acre tract, called Second Tract; a called 40 acre tract, called Third Tract; a called 30 acre tract, called Fourth Tract; a called 70.80 acre tract, called Fifth Tract; a called 70.62 acre tract, called Sixth Tract; a called 53.83 acre tract, called Seventh Tract; a called 88 acre tract, called Eighth Tract; a called 40 acre tract, called Ninth Tract; a called 40 acre tract, called Tenth Tract; a called 54 acre tract, called Eleventh Tract; a called 63 acre tract, called Twelfth Tract; a called 55 acre tract, called Thirteenth Tract; a called 50 acre tract, called Fourteenth Tract; a called 3 acre tract, called Fifteenth Tract; a called 6 acre tract, called Sixteenth Tract; a called 100 acre tract, called Seventeenth Tract; a called 58 acre tract, called Eighteenth Tract; a called 29.37 acre tract, called Nineteenth Tract; the remainder of a called 20 acre tract, called Twentieth Tract; a called 80 acre tract, called Twenty-First Tract; a called 3.5 acre tract, called Twenty-Second Tract; a called 114.8 acre tract, called Twenty-Third Tract; a called 412 acre tract, called Twenty-Fourth Tract; a called 40 acre tract, called Twenty-Fifth Tract; a called 40 acre tract, called Twenty-Sixth Tract; a called 65.93 acre tract, called Twenty-Seventh Tract; of Exhibit "A-2"; First Tract; Second Tract; and a called 118.3 acre tract, called Third Tract; all of Exhibit "A-3", called 24 acres; all of Exhibit "A-6", called 70 acres; of Exhibit "A-7"; a called 63 acre tract, called First Tract; and a called 80 acre tract, called Second Tract; and all of Exhibit "A-8", called 54.089 acres, and being more particularly described as follows: BEGINNING at a 1/2 inch iron rod found for the northeast corner of said Venable 10.69 acre tract, said corner being in the west line of the Texas and Pacific Railway Company right-of-way (80 foot wide right-of-way); THENCE along the west line of said Texas and Pacific Railway Company right-of-way the following courses and distances:

South 07°41'12" West, a distance of 3421.85 feet to the beginning of a tangent curve to the right;

Southwesterly along said tangent curve to the right having a central angle of $18^{\circ}23'37''$, a radius of 5679.58 feet, a chord bearing of South $16^{\circ}53'01''$ West, a chord distance of 1815.49 feet, and an arc length of 1823.31 feet to a point at the end of said curve;

South $26^{\circ}04'49''$ West, a distance of 3713.98 feet to the southeast corner of said Venable Exhibit "A-1" Twenty-Fourth Tract, said point being in the approximate centerline of Black Jack Road;

THENCE with the approximate centerline of Black Jack Road and along the south lines of said Venable Exhibit "A-1" Twenty-Fourth Tract and Twentieth Tract, the following courses and distances:

North $89^{\circ}23'03''$ West, passing at a distance of 88.61 feet the northeast corner of Quail Ridge Estates, an addition to the City of Aubrey, Texas according to the plat recorded in Cabinet T, Page 40, M.R.D.C.T., and continuing for a total distance of 1122.68 feet to the most northerly northwest corner of said Quail Ridge Estates;

North $89^{\circ}59'13''$ West, a distance of 2643.79 feet to the northwest corner of a called 15.000 acre tract of land, called Tract Eight, conveyed to Old south Royalty Company by deed recorded in Volume 2138, Page 809, R.P.R.D.C.T. and the northeast corner of a called 15.28 Acre tract of land conveyed to Robert A. Foster and Etta J. Luongo, by deed recorded in Document No. 2007-88559, O.R.D.C.T.;

South $89^{\circ}49'29''$ West, passing at a distance of 39.40 feet a mag nail found, and continuing for a total distance of 368.29 feet to the southwest corner of said Venable Exhibit "A-1" Twentieth Tract, said point being in the west line of Wilson Cemetery Road;

THENCE North $01^{\circ}18'58''$ West, along the west line of said Venable Exhibit "A-1" Twentieth Tract and the west line of said Wilson Cemetery Road, passing at a distance of 8.98 feet a mag nail found for the southeast corner of a called 25.196 acre tract of land conveyed to Russell W. Streng and Truly W. Streng, by deed recorded in Volume 4326, Page 1990, R.P.R.D.C.T., and continuing along said west lines and the east line of said 25.196 acre tract for a total distance of 224.04 feet to a point in a fence line at the southerly corner of a called 0.100 acre tract of land conveyed to Russell W. Streng and Truly W. Streng by deed recorded in Document No. 2012-53458, O.R.D.C.T.;

THENCE North $00^{\circ}08'42''$ West, with said fence line along the west line of said Wilson Cemetery Road, and along the east line of said 0.100 acre tract, a distance of 653.39 feet to the northeast corner of said 0.100 acre tract and the southeast corner of a called 0.422 acre tract of land conveyed to Rodney Ivan Streng and Judith Ann Streng, Trustees, or Their Successor Trustees Under The Rodney I. Streng and Judith A. Streng Living Trust, by deed recorded in Document No. 2012-53328, O.R.D.C.T.;

THENCE continuing along said fence line along the west line of said Wilson Cemetery Road, and along the east line of said 0.422 acre tract, the following courses and distances:

North $00^{\circ}10'08''$ West, a distance of 816.15 feet to a point for corner;

North $15^{\circ}07'16''$ West, a distance of 23.99 feet to a point for corner;

North 54°47'59" West, a distance of 29.83 feet to the most northerly corner of said 0.422 acre tract, said point being in the west line of said Venable Exhibit "A-1" Twentieth Tract and east line of a called 25.196 acre tract of land conveyed to Rodney I. Streng and Judith A. Streng Family Trust, by deed recorded in Instrument Number 2010-59229, O.R.D.C.T.;

THENCE North 01°18'58" West, a distance of 12.03 feet to a mag nail found for the northwest corner of said Venable Exhibit "A-1" Twentieth Tract and the northeast corner of said Streng Family Trust 25.196 acre tract, said corner being in the south line of said Venable Exhibit "A-1" Eighth Tract;

THENCE North 89°45'07" West, with said Wilson Cemetery Road, and along the south line of said Venable Exhibit "A-1" Eighth Tract and the north line of said Streng Family Trust 25.196 acre tract, a distance of 1254.71 feet to a 1/2 inch iron rod found for the southwest corner of said Venable Exhibit "A-1" Eighth Tract and the northwest corner of said Streng Family Trust 25.196 acre tract, said corner being in the east line of a called 5.30 acre tract of land, called Tract Three, conveyed to Cedars Development, Inc. by deed recorded in Instrument Number 2011-95252, O.R.D.C.T.;

THENCE North 01°20'47" West, with said Wilson Cemetery Road, and along the west line of said Venable Exhibit "A-1" Eighth Tract and the east line of said 5.30 acre tract, a distance of 573.91 feet to a 1/2 inch iron rod found for the northeast corner of said 5.30 acre tract and the southeast corner of said Venable Exhibit "A-1" Fourteenth Tract, said corner being at the intersection of Wilson Cemetery Road with Grubbs Road;

THENCE North 88°33'37" West, with said Grubbs Road, and along the south lines of said Venable Exhibit "A-1" Fourteenth Tract and Fifteenth Tract, a distance of 1429.54 feet to a mag nail found for the southwest corner of said Venable Exhibit "A-1" Fifteenth Tract, and the southeast corner of a called 0.743 acre tract of land, called Tract One, conveyed to Old South Royalty Company by deed recorded in Volume 2138, Page 809, R.P.R.D.C.T.;

THENCE North 00°16'29" East, along the west line of said Venable Exhibit "A-1" Fifteenth Tract and the east line of said 0.743 acre tract, passing at a distance of 1078.75 feet the northeast corner of said 0.743 acre tract and the most southerly southeast corner of a called 352.393 acre tract of land, called Tract Three, conveyed to Old South Royalty Company by deed recorded in Volume 2138, Page 809, R.P.R.D.C.T., and continuing along said west line and the east line of said 352.393 acre tract, for a total distance of 2079.16 feet to a 1/2 inch iron rod with plastic cap stamped "J E Smith 3700" found for the northwest corner of said Venable Exhibit "A-1" Fifteenth Tract and an ell corner of said 352.393 acre tract;

THENCE South 89°57'36" East, along the north line of said Venable Exhibit "A-1" Fifteenth Tract and a south line of said 352.393 acre tract, a distance of 69.55 feet to a 1/2 inch iron rod with plastic cap stamped "J E Smith 3700" found for the northeast corner of said Venable Exhibit "A-1" Fifteenth Tract, the northwest corner of said Venable Exhibit "A-1" Fourteenth Tract, the southwest corner of said Venable Exhibit "A-1" Twelfth Tract, and the most easterly southeast corner of said 352.393 acre tract;

THENCE North $00^{\circ}07'55''$ West, along the west line of said Venable Exhibit "A-1" Twelfth Tract and the east line of said 352.393 acre tract, a distance of 1866.24 feet to a 1/2 inch iron rod with plastic cap stamped "J E Smith 3700" found for the northeast corner of said 352.393 acre tract and the southeast corner of said Venable Exhibit "A-1" Nineteenth Tract;

THENCE along the south line of said Venable Exhibit "A-1" Nineteenth Tract and the north line of said 352.393 acre tract the following courses and distances:

South $84^{\circ}01'58''$ West, a distance of 569.60 feet to a point for corner;

South $89^{\circ}43'26''$ West, a distance of 841.22 feet to a 1/2 inch iron rod with plastic cap stamped "J E Smith 3700" found for the corner;

South $51^{\circ}33'10''$ West, a distance of 179.90 feet to a 1/2 inch iron rod with plastic cap stamped "J E Smith 3700" found for corner;

South $87^{\circ}42'24''$ West, a distance of 225.93 feet to a 1/2 inch iron rod with plastic cap stamped "J E Smith 3700" found for corner;

South $62^{\circ}36'29''$ West, a distance of 502.48 feet to a 1/2 inch iron rod with plastic cap stamped "J E Smith 3700" found the southwest corner of said Venable Exhibit "A-1" Nineteenth Tract and the southeast corner of said Venable Exhibit "A-1" Fifth Tract;

THENCE North $89^{\circ}55'15''$ West, continuing along the north line of said 352.393 acre tract and the south lines of said Venable Exhibit "A-1" Fifth Tract and Seventh Tract, passing at a distance of 4118.63 feet a Corps. of Engineers concrete monument with brass disk found for the northeast corner of Tract No. 2512E, conveyed to the United States of America by deed recorded in County Clerk's File No. 95-R0068092, D.R.D.C.T., and continuing along the south line of said Venable Exhibit "A-1" Seventh Tract and the north line of said Tract No. 2512E, for a total distance of 4768.62 feet to a 5/8 inch iron rod found for the northwest corner of said Tract No. 2512E, said corner being in the east line of Tract No. 2512, conveyed to the United States of America by deed recorded in County Clerk's File No. 95-R0068092, D.R.D.C.T.;

THENCE North $14^{\circ}20'32''$ East, along the east line of said Tract No. 2512, a distance of 116.96 feet to a 5/8 inch iron rod found for the northeast corner of said Tract No. 2512;

THENCE South $89^{\circ}21'47''$ West, along the north line of said Tract No. 2512, passing at a distance of 63.04 feet the northwest corner of said Tract No. 2512 and a northeast corner of Tract No. 2510, conveyed to the United States of America by deed recorded in County Clerk's File No. 97-R0083048, D.R.D.C.T., and continuing along a north line of said Tract No. 2510, for a total distance of 325.98 feet to a 5/8 inch iron rod found for an ell corner of said Tract No. 2510, said corner being in the west line of said Venable Exhibit "A-1" Sixth Tract and the east line of a called 2.73 acre tract of land conveyed to Venable Estate, LTD., by deed recorded in Instrument No. 2005-43578, O.R.D.C.T.;

THENCE North $00^{\circ}37'33''$ West, along the east lines of said Tract No. 2510 and said Venable Exhibit "A-4", 2.73 acre tract and the west line of said Venable Exhibit "A-1" Sixth Tract, a distance of 2548.77 feet to a Corps. of Engineers concrete monument with brass disk found for the northeast corners of said Tract No. 2510 and said Venable Exhibit "A-4", 2.73 acre tract, the Northwest corner of

said Venable Exhibit "A-1" Sixth Tract, the southwest corner of said Venable Exhibit "A-1" Fourth Tract, and the southeast corner of a called 331.388 acre tract of land conveyed to Robert G. McGraw and Helen McGraw, by deed recorded in County Clerk's File No. 97-R0089771, D.R.D.C.T.;

THENCE North $00^{\circ}44'14''$ West, along the west line of said Venable Exhibit "A-1" Fourth Tract and the east line of said 331.388 acre tract, a distance of 750.63 feet to a Corps. of Engineers concrete monument with brass disk found for the northwest corner of said Venable Exhibit "A-1" Fourth Tract and a northeast corner of said 331.388 acre tract, being in the south line of a called 119.83 acre tract of land conveyed to Helen McGraw, by deed recorded in Volume 4407, Page 1179, R.P.R.D.C.T.;

THENCE South $89^{\circ}47'07''$ East, along the north lines of said Venable Exhibit "A-1" Fourth Tract and Third Tract, and the south line of said 119.83 acre tract, a distance of 1787.66 feet to a 1/2 inch iron rod found for a southeast corner of said 119.83 acre tract and the southwest corner of said Venable Parcel Two, 14.586 acre tract, said corner being in the approximate centerline of McKinney Bridge Road;

THENCE with the approximate centerline of McKinney Bridge Road, and with the northwesterly line of said Venable Parcel Two, 14.586 acre tract, and the southeasterly line of said 119.83 acre tract, the following courses and distances:

North $67^{\circ}10'55''$ East, a distance of 1377.39 feet to a 1/2 inch iron rod found for corner;

North $36^{\circ}16'40''$ East, a distance of 261.33 feet to a 1/2 inch iron rod with yellow plastic cap stamped "THROUGH CAP" found for corner;

North $49^{\circ}01'29''$ East, passing at a distance of 270.75 feet a 1/2 inch iron rod found, and continuing for a total distance of 273.58 feet to the most northerly corner of said Venable Parcel Two, 14.586 acre tract, and the most easterly southeast corner of said 119.83 acre tract, said corner being in the west line of the aforesaid Scenic Acres;

THENCE South $00^{\circ}22'24''$ West, along the east line of said Venable Parcel Two, 14.586 acre tract, and the west line of said Scenic Acres, a distance of 714.48 feet to the northwest corner of Lot 17 of said Scenic Acres;

THENCE South $89^{\circ}37'31''$ East, along the north line of said Lot 17, a distance of 206.82 feet to the most northerly northeast corner of said Lot 17, said corner being in a 60 foot radius cul-de-sac right-of-way line of Scenic Drive and being at the beginning of a non-tangent curve to the left;

THENCE, southeasterly along said cul-de-sac right-of-way line and with said non-tangent curve to the left having a central angle of $165^{\circ}08'50''$, a radius of 60.00 feet, a chord bearing of South $82^{\circ}18'25''$ East, a chord distance of 118.99 feet, passing at an arc length of 72.26 feet the most easterly northeast corner of said Lot 17 and the most westerly northwest corner of Lot 16 of said Scenic Acres, and continuing for a total arc length of 172.94 feet to the most easterly northwest corner of said Lot 16, being in the south right-of-way line of Scenic Drive (a 60 foot wide right-of-way);

THENCE North $74^{\circ}55'19''$ East, along the south right-of-way line of said Scenic Drive, a distance of 18.10 feet to the northeast corner of said Lot 16;

THENCE South 05°05'59" West, along the east line of said Lot 16, a distance of 422.16 feet to the southeast corner of said Lot 16, said corner being in the south line of said Scenic Acres and the north line of said Venable Exhibit "A-1" Third Tract;

THENCE South 89°37'50" East, along the south line of said Scenic Acres and the north lines of said Venable Exhibit "A-1" Third Tract and Second Tract, a distance of 667.01 feet to a 1/2 inch iron rod found for the southeast corner of said Scenic Acres and the southwest corner of a called 39.04 acre tract of land conveyed to Pete Kenny, by deed recorded in Instrument No. 2010-28786, O.R.D.C.T.;

THENCE North 89°55'56" East, along the north lines of said Venable Exhibit "A-1" Second Tract and Seventeenth Tract, and the south line of said 39.04 acre tract, a distance of 958.70 feet to a wood corner post found for the southeast corner of said 39.04 acre tract and an ell corner of said Venable Exhibit "A-1" Seventeenth Tract;

THENCE North 00°47'57" West, along the east line of said 39.04 acre tract and the west lines of said Venable Exhibit "A-1" Seventeenth Tract and Venable Exhibit "A-7" First Tract, a distance of 1748.72 feet to a 1/2 inch iron rod found for the northeast corner of said 39.04 acre tract and the southeast corner of said Venable Parcel One, Tract I, 7.000 acre tract;

THENCE South 89°17'34" West, along the south line of said Venable Parcel One, Tract I, and the north line of said 39.04 acre tract, a distance of 72.46 feet to a 1/2 inch iron rod found for the southwest corner of said Venable Parcel One, Tract I, and the southeast corner of a called 7.000 acre tract of land conveyed to Ronald G. Johnson and Wife, Hester L. Johnson, by deed recorded in Volume 1191, Page 694, D.R.D.C.T.;

THENCE North 52°27'48" West, along the southwesterly line of said Venable Parcel One, Tract I and the northeasterly line of said Johnson 7.000 acre tract, a distance of 989.37 feet to the northwest corner of said Venable Parcel One, Tract I, the southwest corner of said Venable Parcel One, Tract II, 0.228 acre tract, the northeast corner of said Johnson 7.000 acre tract, and the southeast corner of a called 0.110 acre tract of land conveyed to Ronald G. Johnson et ux, Hester L. Johnson, by deed recorded in Volume 1197, Page 860, D.R.D.C.T.;

THENCE North 04°02'10" West, along the west line of said Venable Parcel One, Tract II and the east line of said 0.110 acre tract, a distance of 104.40 feet to the northwest corner of said Venable Parcel One, Tract II and the northeast corner of said 0.110 acre tract, said point being in the approximate centerline of McKinney Bridge Road;

THENCE with the approximate centerline of said McKinney Bridge Road, and along the northwesterly line of said Venable Parcel One, Tract II the following courses and distances:

North 39°51'20" East, a distance of 56.10 feet to a point for corner;

North 20°28'10" East, a distance of 132.92 feet to the northeast corner of said Venable Parcel One, Tract II, said corner being in the west line of a called 103.4117 acre tract of land conveyed to E E Ranches of Texas, Inc., by deed recorded in Volume 2256, Page 840, R.P.R.D.C.T.;

THENCE South $00^{\circ}18'17''$ East, along the east line of said Venable Parcel One, Tract II and the west line of said 103.4117 acre tract, a distance of 266.23 feet to the southeast corner of said Venable Parcel One, Tract II and the most westerly southwest corner of said 103.4117 acre tract, said point being in the north line of said Venable Parcel One, Tract I;

THENCE North $85^{\circ}40'16''$ East, along the north line of said Venable Parcel One, Tract I and a south line of said 103.4117 acre tract, a distance of 774.60 feet to a concrete monument found for the northeast corner of said Venable Parcel One, Tract I and an ell corner of said 103.4117 acre tract;

THENCE South $00^{\circ}41'49''$ East, along the east line of said Venable Parcel One, Tract I and a west line of said 103.4117 acre tract, a distance of 427.62 feet to the northwest corner of said Venable Exhibit "A-7" First Tract and the most southerly southwest corner of said 103.4117 acre tract;

THENCE North $89^{\circ}37'44''$ East, along the north line of said Venable Exhibit "A-7" First Tract and the south line of said 103.4117 acre tract, passing at a distance of 25.00 a concrete monument found, and continuing for a total distance of 1995.90 feet to a concrete monument found for the northeast corner of said Venable Exhibit "A-7" First Tract and the southeast corner of said 103.4117 acre tract, said corner being in the west line of said Venable Exhibit "A-7" Second Tract;

THENCE North $00^{\circ}17'05''$ East, along the west line of said Venable Exhibit "A-7" Second Tract and the east line of said 103.4117 acre tract, a distance of 788.98 feet to a wood corner post found for the northwest corner of said Venable Exhibit "A-7" Second Tract and an ell corner of said 103.4117 acre tract;

THENCE South $89^{\circ}29'26''$ East, along the north line of said Venable Exhibit "A-7" Second Tract and a south line of said 103.4117 acre tract, passing at a distance of 99.73 feet a wood corner post found for the most easterly southeast corner of said 103.4117 acre tract and the southwest corner of a called 51.9010 acre tract of land conveyed to Helen K. McGraw, by deed recorded in County Clerk's File No. 94-R0085683, D.R.D.C.T., and continuing along said north line and the south line of said 51.9010 acre tract, for a total distance of 1357.89 feet to a 1/2 inch iron rod found for the northeast corner of said Venable Exhibit "A-7" Second Tract, the northwest corner of said Venable Exhibit "A-1" Ninth Tract, the southeast corner of said 51.9010 acre tract, and the southwest corner of Lot 28 of Yellow Rose Estates Subdivision, an addition to Denton County, Texas according to the plat recorded in Cabinet L, Page 177, M.R.D.C.T.;

THENCE South $88^{\circ}46'23''$ East, along the north line of said Venable Exhibit "A-1" Ninth Tract and the south line of said Yellow Rose Estates Subdivision, a distance of 1323.42 feet to a 1/2 inch iron rod found for the northeast corner of said Venable Exhibit "A-1" Ninth Tract and the northwest corner of Lot 10 of St. John's Place, an addition to Denton County, Texas according to the plat recorded in Cabinet L, Page 119, M.R.D.C.T.;

THENCE South $00^{\circ}48'05''$ West, along the east line of said Venable Exhibit "A-1" Ninth Tract and the west line of said St. John's Place, a distance of 1315.38 feet to a 1/2 inch iron rod found for the southeast corner of said Venable Exhibit

"A-1" Ninth Tract, the northeast corner of said Venable Exhibit "A-1" Tenth Tract, the northwest corner of said Venable Exhibit "A-1" Twenty-Fifth Tract, and the southwest corner of Lot 9 of said St. John's Place;

THENCE South $88^{\circ}50'34''$ East, along the north line of said Venable Exhibit "A-1" Twenty-Fifth Tract and the south line of said St. John's Place, a distance of 978.68 feet to metal corner post found for the southeast corner of Lot 8 of said St. John's Place, and the southwest corner of a called 129.223 acre tract of land conveyed to Texas Motor Speedway, Inc. d/b/a Texas International Raceways, by deed recorded in County Clerk's File No. 96-R0079309, D.R.D.C.T.;

THENCE South $88^{\circ}46'04''$ East, along the north lines of said Venable Exhibit "A-1" Twenty-Fifth Tract and Twenty-Sixth Tract and the south line of said 129.223 acre tract, a distance of 1653.96 feet to a metal corner post found for the northeast corner of said Venable Exhibit "A-1" Twenty-Sixth Tract and the southeast corner of said 129.223 acre tract, said corner being in the west line of a called 71.114 acre tract of land, File No. F0072.00, conveyed to The Rudman Partnership, by deed recorded in Volume 2844, Page 42, R.P.R.D.C.T.;

THENCE South $01^{\circ}46'53''$ West, along the east line of said Venable Exhibit "A-1" Twenty-Sixth Tract and the west line of said 71.114 acre tract, passing at a distance of 789.91 feet a 1/2 inch iron rod found for the southwest corner of said 71.114 acre tract and the northwest corner of a called 61.36 acre tract of land conveyed to Michelle Lynette Roberts, by deed recorded in Instrument No. 2008-40245, O.R.D.C.T., and continuing along said east line and the west line of said 61.36 acre tract, for a total distance of 1296.74 feet to a wood corner post found for the southeast corner of said Venable Exhibit "A-1" Twenty-Sixth Tract and the most westerly southwest corner of said 61.36 acre tract, said corner being in the north line of said Venable Exhibit "A-2" Third Tract;

THENCE along the north line of said Venable Exhibit "A-2" Third Tract and the south line of said 61.36 acre tract, the following courses and distances:

North $89^{\circ}02'25''$ East, a distance of 1193.53 feet to a wood corner post found for corner;

South $03^{\circ}32'32''$ West, a distance of 565.50 feet to a wood corner post found for corner;

South $85^{\circ}40'05''$ East, passing at a distance of 1460.68 feet a wood corner post found for the most northerly northeast corner of said Venable Exhibit "A-2" Third Tract, the northwest corner of said Venable Exhibit "A-3", 24 acre tract, the most southerly southeast corner of said 61.36 acre tract, and the most westerly southwest corner of a called 18.78 acre tract of land conveyed to Zandra Bean, by deed recorded in Volume 4229, Page 2901, R.P.R.D.C.T., and continuing along the south line of said 18.78 acre tract for a total distance of 1552.99 feet to a wood corner post found for and ell corner of said 18.78 acre tract;

THENCE South $02^{\circ}38'27''$ West, along a west line of said 18.78 acre tract, a distance of 210.21 feet to a wood corner post found for the most southerly southwest corner of said 18.78 acre tract;

THENCE South 87°34'17" East, along the south line of said 18.78 acre tract, a distance of 925.13 feet to a 5/8 inch iron rod found for the southeast corner of said 18.78 acre tract, said corner being in the west line of said Venable 10.69 acre tract, and being in the approximate centerline of Massey Road;

THENCE North 04°51'52" East, with the approximate centerline of said Massey Road, and along the west line of said Venable 10.69 acre tract and east line of said 18.78 acre tract, a distance of 228.51 feet to the northwest corner of said Venable 10.69 acre tract, from which a 1/2 inch iron rod found bears North 87°55'27" West a distance of 6.38 feet;

THENCE South 87°55'27" East, along the north line of said Venable 10.69 acre tract, passing at a distance of 24.76 feet a 1/2 inch iron rod found in the east line of said Massey Road, and continuing for a total distance of 526.66 feet to the POINT OF BEGINNING and containing 2521.094 acres or 109,818,863 square feet of land, more or less.

SAVE AND EXCEPT THE FOLLOWING TRACTS A, B, and C:

TRACT A

Being a tract of land situated in the J. Moses Survey, Abstract No. 894 and the N. McMillan Survey, Abstract No. 841, Denton County, Texas, and consisting of the following; those tracts of land conveyed to Patricia Ann Harmon Brockett, a 105 foot by 210 foot tract, called Tract 1, a called 27.20 acre tract, called Tract 2, and a called 26.23 acre tract, called Tract 3, by deed recorded in Instrument No. 2011-9037, O.R.D.C.T.; a called 27.20 acre tract of land conveyed to Willie Pearlene Harmon Johnson by deed recorded in Volume 5033, Page 3166, R.P.R.D.C.T.; a called 0.5 acre tract of land conveyed to J. R. Johnson and wife, Pearlene Johnson by deed recorded in Volume 400, Page 32, D.R.D.C.T.; a called 1.000 acre tract of land conveyed to Pearlene Johnson, et ux by deed recorded in Volume 794, Page 219, D.R.D.C.T.; a called 1.001 acre tract of land conveyed in deed to J.S. Dubose and/or Lee J. Brookshire, Jr., Trustees, by deed recorded in Volume 2015, Page 147, R.P.R.D.C.T.; a called 3.046 acre tract of land conveyed to Tracy Glenn Henderson and Linda Gail Henderson by deed recorded in Volume 4897, Page 3357, R.P.R.D.C.T.; a called 1.001 acre tract of land conveyed to Michael J. Behrend by deed recorded in Volume 3016, Page 596, R.P.R.D.C.T.; a called 5.061 acre tract of land conveyed to Michael Jon Behrend by deed recorded in County Clerk's File No. 94-R0003414, D.R.D.C.T.; a called 1.000 acre tract of land conveyed to Brad Hines and Margaret Hines by deed recorded in Volume 4991, Page 695, R.P.R.D.C.T.; the remainder of a called 29.553 acre tract of land conveyed to L.Z. Harmon, Sr., by deed recorded in Volume 5033, Page 3143, R.P.R.D.C.T.; a called 2.116 acre tract of land conveyed to Wade Franklin Lewis and Harry Lou Lewis, husband and wife, by deed recorded in County Clerk's File No. 94-R008814, D.R.D.C.T.; a called 1.000 acre tract of land, called Tract 1 and a called 1.00 acre tract of land, called Tract 2, conveyed to Brad Hines and Wife, Margaret Hines, by deed recorded in Volume 4401, Page 1042, R.P.R.D.C.T.; a called 1.000 acre tract of land conveyed to Hugo E. Richter, Jr. and Wife, Jolene J., by deed recorded in Volume 733, Page 574, D.R.D.C.T.; a called 1.01 acre tract of land conveyed to Carol Puckett by deed recorded in Instrument No. 2007-96075, R.P.R.D.C.T.; a called

0.724 acre tract of land conveyed to Marcus Wayne Pierce, et ux, by deed recorded in Instrument No. 2004-104661, O.R.D.C.T.; a tract of land conveyed to Kenneth W. Wilson and Wife, Carolyn Wilson by deed recorded in Volume 4873, Page 2682, R.P.R.D.C.T.; a called 3.00 acre tract of land conveyed to George Wayne Pierce and Wife, Sue Pierce by deed recorded in Volume 719, Page 602, D.R.D.C.T.; a called 1.269 acre tract of land conveyed to Kenneth W. Wilson and Wife, Carolyn Wilson by deed recorded in Document No. 2011-95837, O.R.D.C.T.; and a called 0.254 acre tract of land conveyed to Black Rock Water Supply Corporation by deed recorded in Volume 1788, Page 989, R.P.R.D.C.T., and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with yellow plastic cap stamped "H & N 1849" found for the northwest corner of said 27.20 acre Patricia Ann Harmon Brockett tract, called Tract 2, and the southwest corner of the above mentioned 27.20 acre tract of land conveyed to Venable Roaylty, Ltd., by deed recorded in Volume 5076, Page 822, R.P.R.D.C.T. and to Venable Estate, Ltd., by deed recorded in Instrument No. 2004-101157, O.R.D.C.T., said corner being in the east line of the above mentioned Venable Exhibit "A-1" Twenty-First Tract;

THENCE North 89°20'09" East, a distance of 1045.44 feet to a 1/2 inch iron rod with yellow plastic cap stamped "H & N 1849" found for the southeast corner of said Venable 27.20 acre tract, said corner being in the west line of said 26.23 acre Patricia Ann Harmon Brockett tract, called Tract 3;

THENCE North 0°38'15" West, along the east line of said Venable 27.20 acre tract and the west line of said 26.23 acre tract, a distance of 1112.40 feet to the northeast corner of said Venable 27.20 acre tract and northwest corner of said 26.23 acre tract, said corner being in the south line of the above mentioned Venable Exhibit "A-8", 54.089 acre tract, being the same as the above mentioned Venable 54.08 acre tract recorded in Volume 4867, Page 3255, R.P.R.D.C.T.;

THENCE South 88°18'52" East, along the south line of said Venable Exhibit "A-8", 54.089 acre tract and the north line of said 26.23 acre tract, a distance of 907.17 feet to the southeast corner of said Venable Exhibit "A-8", 54.089 acre tract and the northeast corner of said 26.23 acre tract, said corner being in the west line of the above mentioned Venable Exhibit "A-2" Second Tract;

THENCE South 0°33'39" West, along the west line of said Venable Exhibit "A-2" Second Tract and the east line of said 26.23 acre tract, a distance of 1151.30 feet to a wood corner post found for the southwest corner of said Venable Exhibit "A-2" Second Tract and the northwest corner of said Harmon 29.553 acre tract;

THENCE South 88°23'05" East, along the south line of said Venable Exhibit "A-2" Second Tract and the north line of said 29.553 acre tract, a distance of 555.23 feet to a 1/2 inch iron rod found for the most westerly northeast corner of said 29.553 acre tract and the northwest corner of said Pierce 3.00 acre tract;

THENCE South 88°18'08" East, continuing along the south line of said Venable Exhibit "A-2" Second Tract and the north line of said Pierce 3.00 acre tract, a distance of 626.29 feet to a 1/2 inch iron rod found for the northeast corner of said Pierce 3.00 acre tract and the northwest corner of said Wilson 1.269 acre tract;

THENCE South 88°04'56" East, continuing along the south line of said Venable Exhibit "A-2" Second Tract and the north lines of said Wilson 1.269 acre tract and said Black Rock Water Supply Corporation 0.254 acre tract, a distance of 365.79 feet to a wood corner post found for the northeast corner of said Black Rock Water Supply Corporation 0.254 acre tract and the northwest corner of the above mentioned Venable Exhibit "A-6" 70 acre tract;

THENCE South 01°20'17" West, along the west line of said Venable Exhibit "A-6" 70 acre tract and the east lines of said Black Rock Water Supply Corporation 0.254 acre tract, said Harmon 29.553 acre tract, and said Pierce 0.724 acre tract, passing at a distance of 1388.97 feet a 1/2 inch iron rod found in the north line of Richter Road for the southeast corner of said Pierce 0.724 acre tract, and continuing along said west line for a total distance of 1413.97 feet to the southwest corner of said Venable Exhibit "A-6" 70 acre tract, said corner being in the north line of the above mentioned Venable Exhibit "A-1" Twenty-Fourth Tract;

THENCE North 88°16'47" West, along the north line of said Venable Exhibit "A-1" Twenty-Fourth Tract, a distance of 1403.72 feet to the most southerly southeast corner of said Lewis 2.116 acre tract, from which a 1/2 inch iron rod found in the north line of Richter Road bears North 00°28'03" East a distance of 25.01 feet;

THENCE North 88°01'16" West, continuing along the north line of said Venable Exhibit "A-1" Twenty-Fourth Tract and the south lines of said Lewis 2.116 acre tract, said Johnson 0.5 acre tract, and said Johnson 27.20 acre tract, a distance of 2024.03 feet to a wood corner post found for the southwest corner of said Johnson 27.20 acre tract, the northwest corner of said Venable Exhibit "A-1" Twenty-Fourth Tract, the northeast corner of the above mentioned Venable Exhibit "A-1" Eighth Tract, and the southeast corner of said Venable Exhibit "A-1" Twenty-First Tract;

THENCE North 00°39'41" West, along the east line of said Venable Exhibit "A-1" Twenty-First Tract and the west lines of said Johnson 27.20 acre tract and said 27.20 acre Patricia Ann Harmon Brockett tract, a distance of 1401.57 feet to the POINT OF BEGINNING and containing 135.931 acres or 5,921,167 square feet of land, more or less.

TRACT B

Being a tract of land situated in the George Smith Survey, Abstract No. 1219, Denton County, Texas, and being described as a 210 foot by 210 foot tract of land conveyed to Faith Assembly Church by deed recorded in Instrument No. 2004-26872, O.R.D.C.T., and being more particularly described as follows:

BEGINNING at the northeast corner of said Church tract, from which a wood corner post found bears South 89°52'15" East a distance of 130.00 feet;

THENCE South 00°07'45" West, along the east line of said Church tract, passing at a distance of 203.40 feet a wood corner post found in the north line of Black Jack Road, and continuing along said east line for a total distance of 210.00 feet to the southeast corner of said Church tract;

THENCE North 89°52'15" West, along the south line of said Church tract, a distance of 210.00 feet to the southwest corner of said Church tract, said corner being in the approximate centerline of Harmon Road;

THENCE North 00°07'45" East, with the approximate centerline of Harmon Road and along the west line of said Church tract, a distance of 210.00 feet to the northwest corner of said Church tract;

THENCE South 89°52'15" East, along the north line of said Church tract, a distance of 210.00 feet to the POINT OF BEGINNING and containing 1.012 acres or 44,100 square feet of land, more or less.

TRACT C

Being a tract of land situated in the J. Moses Survey, Abstract No. 894, Denton County, Texas, and being all of a called 2 acre tract of land, conveyed to Trustees of Wilson Cemetery by deed recorded in Volume 57, Page 402, D.R.D.C.T., and being more particularly described as follows:

BEGINNING at a chain link fence corner post found for the northwest corner of said Cemetery tract and the southwest corner of the above mentioned Venable Exhibit "A-1" Twenty-Second Tract, said corner being in the east line of the above mentioned Venable Exhibit "A-1" Fourteenth Tract;

THENCE North 89°39'39" East, along the north line of said Cemetery tract and the south line of said Venable Exhibit "A-1" Twenty-Second Tract; passing at a distance of 288.86 feet a chain link fence corner post found and continuing for a total distance of 305.55 feet to the northeast corner of said Cemetery tract, the southwest corner of the above mentioned Venable Exhibit "A-1" Twenty-First Tract, and the northwest corner of the above mentioned Exhibit "A-1" Eighth Tract;

THENCE South 00°20'21" East, along the east line of said Cemetery tract and the west line of said Venable Exhibit "A-1" Eighth Tract, a distance of 285.28 feet to the southeast corner of said Cemetery tract and the most easterly northeast corner of said Venable Exhibit "A-1" Fourteenth Tract;

THENCE South 89°39'39" West, along the south line of said Cemetery tract and a north line of said Venable Exhibit "A-1" Fourteenth Tract; a distance of 305.55 feet to the southwest corner of said Cemetery tract and an ell corner of said Venable Exhibit "A-1" Fourteenth Tract, from which a chain link fence corner post found bears North 30°04'24" East a distance of 9.80 feet;

THENCE North 00°20'21" West, along the west line of said Cemetery tract and the east line of said Venable Exhibit "A-1" Fourteenth Tract, a distance of 285.28 feet to the POINT OF BEGINNING and containing 2.001 acres or 87,168 square feet of land, more or less.

VENABLE PROPERTY DESCRIPTION

TRACT 2

Being a tract of land situated in the T. Chambers Survey, Abstract No. 223, Denton County, Texas, and being all the following tracts of land conveyed to Venable Royalty, Ltd.; a called 4.37 acre tract of land by deed recorded in Instrument No. 2003-193459 of the Official Records of Denton County, Texas,

and all of a called 4.35 acre tract of land by deed recorded in Volume 4952, Page 1406 of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a wood corner post found for the northwest corner of said 4.35 acre tract and the southwest corner of a called 2.726 acre tract of land conveyed to Dennard's Farm Supply Incorporated by deed recorded in Instrument No. 2009-52074 of the Official Records of Denton County, Texas, said corner being in the east line of the Texas and Pacific Railway Company right-of-way (80 foot wide right-of-way);

THENCE South $87^{\circ}59'39''$ East, along the north line of said 4.35 acre tract and the south line of said 2.726 acre tract, a distance of 307.30 feet to the northeast corner of said 4.35 acre tract and the southeast corner of said 2.726 acre tract, said corner being in the west right-of-way line of State Highway 377 (a 120 foot wide right-of-way), from which a metal corner post found bears North $87^{\circ}59'39''$ West a distance of 1.44 feet, said point also being at the beginning of a non-tangent curve to the right;

THENCE along the west right-of-way line of State Highway 377, the following courses and distances:

Southwesterly, along said non-tangent curve to the right having a central angle of $02^{\circ}03'24''$, a radius of 5669.58 feet, a chord bearing of South $03^{\circ}44'56''$ West, a chord distance of 203.52 feet, passing at an arc length of 203.12 feet a wood highway marker found for the southeast corner of said 4.35 acre tract and being at the intersection of the west right-of-way line of State Highway 377 with the northwesterly right-of-way line of Farm to Market 3524 (a 80 foot wide right-of-way), and continuing for a total an arc length of 203.53 feet to the end of said curve;

South $04^{\circ}46'38''$ West, passing at a distance of 570.19 feet the northeast corner of said 4.37 acre tract, from which a 60d nail found bears South $85^{\circ}13'22''$ East a distance of 1.33 feet, and continuing for a total distance of 1120.24 feet to the southeast corner of said 4.37 acre tract, from which a 1/2 inch iron rod found bears North $88^{\circ}16'01''$ West a distance of 1.06 feet;

THENCE North $88^{\circ}16'01''$ West, along the south line of said 4.37 acre tract, a distance of 387.22 feet to the southwest corner of said 4.37 acre tract, said corner being in the east line of said Texas and Pacific Railway Company right-of-way, from which a 1/2 inch iron rod found bears North $88^{\circ}16'01''$ West a distance of 1.30 feet, said point also being at the beginning of a non-tangent curve to the left; THENCE along the west lines of said 4.35 acre tract and said 4.37 acre tract and the east line of said Texas and Pacific Railway Company right-of-way, the following courses and distances:

Northeasterly along said non-tangent curve to the left having a central angle of $03^{\circ}06'33''$, a radius of 5779.58 feet, a chord bearing of North $09^{\circ}14'29''$ East, a chord distance of 313.59 feet, and an arc length of 313.63 feet to the end of said curve;

North $07^{\circ}41'12''$ East, passing at a distance of 91.78 feet the northwest corner of said 4.37 acre tract in the southeasterly line of said Farm to Market 3524, and passing at a distance of 204.92 feet a 1/2 inch iron rod with red plastic

cap stamped "ALLIANCE" found for the most southerly corner of said 4.35 acre tract in the northwesterly right-of-way line of said Farm to Market 3524, and continuing for a total distance of 1018.10 feet to the POINT OF BEGINNING and containing 10.487 acres or 456,819 square feet of land, more or less.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

SECTION _____. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8469, Special District Local Laws Code, as added by Section __ of this Act, is amended by adding Section 8469.109 to read as follows:

Sec. 8469.109. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

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

(2) Renumber cross-references in the added SECTIONS accordingly.

HB 3739 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3739, A bill to be entitled An Act relating to the continued employment of municipal employees who become candidates for public office.

Representative Burnam moved to concur in the senate amendments to **HB 3739**.

The motion to concur in the senate amendments to **HB 3739** prevailed by (Record 1158): 135 Yeas, 5 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; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Larson; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; 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; Sheets; Sheffield, J.; Sheffield, R.;

Simpson; Smith; Smithee; Springer; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Wu; Zedler; Zerwas.

Nays — Dale; Schaefer; Simmons; Stephenson; Workman.

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

Absent, Excused — Laubenberg.

Absent — Cortez; Fallon; Gooden; Huberty; Johnson; King, S.; Naishtat.

STATEMENTS OF VOTE

When Record No. 1158 was taken, I was in the house but away from my desk. I would have voted yes.

Cortez

When Record No. 1158 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

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

Amend **HB 3739** (house engrossed version) to add "However, the employee is still expected to fulfill all the duties and responsibilities associated with their municipal employment." after "office." on page 1, line 16.

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

Amend **HB 3739** (senate committee printing) as follows:

(1) Immediately before SECTION 1 of the bill (page 1, between lines 23 and 24), insert the following:

SECTION 1. This Act shall be known as the Senator Mario Gallegos Act.

(2) Renumber subsequent SECTIONS of the bill accordingly.

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

Amend **HB 3739** (senate committee printing) in SECTION 1 of the bill, in added Section 150.041(c), Local Government Code (page 1, line 34), between "employee," and "because", by inserting "solely".

HB 3648 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Harper-Brown called up with senate amendments for consideration at this time,

HB 3648, A bill to be entitled An Act relating to the awarding of governmental contracts.

Representative Harper-Brown moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3648**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3648**: Harper-Brown, chair; Laubenberg, Fletcher, Lavender, and Longoria.

**HB 3142 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 3142, A bill to be entitled An Act relating to handguns used to demonstrate proficiency in handgun use for purposes of obtaining a concealed handgun license.

HB 3142 - POINT OF ORDER

Representative Nevárez raised a point of order against further consideration of **HB 3142** under Rule 11, Section 2 of the House Rules on the grounds that the senate amendments are not germane to the bill.

The point of order was withdrawn.

Representative Bell moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3142**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3142**: Bell, chair; Fletcher, Pickett, Sheets, and Nevárez.

**HB 3714 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3714, A bill to be entitled An Act relating to the creation of the Office of Small Business Assistance Advisory Task Force.

Representative Guerra moved to concur in the senate amendments to **HB 3714**.

The motion to concur in the senate amendments to **HB 3714** prevailed by (Record 1159): 134 Yeas, 6 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.;

King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Larson; Lavender; Leach; Lewis; Longoria; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; 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; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zerwas.

Nays — Capriglione; Krause; Schaefer; Simpson; Stickland; Zedler.

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

Absent, Excused — Laubenberg.

Absent — Allen; Fallon; Farrar; Gooden; Johnson; Lozano; Moody.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1159. I intended to vote no.

P. King

When Record No. 1159 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

When Record No. 1159 was taken, I was in the house but away from my desk. I would have voted yes.

Moody

I was shown voting yes on Record No. 1159. I intended to vote no.

Perry

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

Amend **HB 3714** by Hinojosa as follows:

(1) In SECTION 1 of the bill, in added Section 481.00681(c)(1), Government Code, (page 1, line 1-32) strike "two" and replace with "three".

(2) In SECTION 1 of the bill, in added Section 481.00681(c)(2), Government Code, (page 1, line 1-33) strike "three" and replace with "two".

HB 3903 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 3903, A bill to be entitled An Act relating to the Hays Trinity Groundwater Conservation District; providing authority to increase certain fees; authorizing a fee.

Representative Isaac moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3903**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3903**: Isaac, chair; Workman, Clardy, D. Bonnen, and Ashby.

HB 2123 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2123, A bill to be entitled An Act relating to the regulation of game rooms in certain counties; providing penalties; authorizing a fee.

Representative Guillen moved to concur in the senate amendments to **HB 2123**.

The motion to concur in the senate amendments to **HB 2123** prevailed by (Record 1160): 135 Yeas, 4 Nays, 2 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; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; Gonzalez, N.; Guerra; Guillen; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; 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; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; Wu; Zedler; Zerwas.

Nays — Schaefer; Simpson; Stickland; Workman.

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

Absent, Excused — Laubenberg.

Absent — Burnam; Fallon; González, M.; Gooden; Gutierrez; Hunter; Johnson; White.

STATEMENTS OF VOTE

When Record No. 1160 was taken, I was temporarily out of the house chamber. I would have voted yes.

M. González

When Record No. 1160 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

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

Amend **HB 2123** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 234, Local Government Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. GAME ROOMS

Sec. 234.131. DEFINITIONS. In this subchapter:

(1) "Amusement redemption machine" means any electronic, electromechanical, or mechanical contrivance designed, made, and adopted for bona fide amusement purposes that rewards the player exclusively with noncash merchandise, prizes, toys, or novelties, or a representation of value redeemable for those items, with a wholesale value available from a single play of the game or device in an amount not more than 10 times the amount charged to play the game or device once or \$5, whichever amount is less.

(2) "Game room" means a for-profit business located in a building or place that contains six or more amusement redemption machines.

(3) "Game room owner" means a person who:

(A) has an ownership interest in, or receives the profits from, a game room or an amusement redemption machine located in a game room;

(B) is a partner, director, or officer of a business, including a company or corporation, that has an ownership interest in a game room or in an amusement redemption machine located in a game room;

(C) is a shareholder that holds more than 10 percent of the outstanding shares of a business, including a company or corporation, that has an ownership interest in a game room or in an amusement redemption machine located in a game room;

(D) has been issued by the county clerk an assumed name certificate for a business that owns a game room or an amusement redemption machine located in a game room;

(E) signs a lease for a game room;

(F) opens an account for utilities for a game room;

(G) receives a certificate of occupancy or certificate of compliance for a game room;

(H) pays for advertising for a game room; or

(I) signs an alarm permit for a game room.

(4) "Operator" means an individual who:

(A) operates a cash register, cash drawer, or other depository on the premises of a game room or of a business where the money earned or the records of credit card transactions or other credit transactions generated in any manner by the operation of a game room or activities conducted in a game room are kept;

(B) displays, delivers, or provides to a customer of a game room merchandise, goods, entertainment, or other services offered on the premises of a game room;

(C) takes orders from a customer of a game room for merchandise, goods, entertainment, or other services offered on the premises of a game room;

(D) acts as a door attendant to regulate entry of customers or other persons into a game room; or

(E) supervises or manages other persons at a game room in the performance of an activity listed in this subdivision.

Sec. 234.132. APPLICABILITY. This subchapter applies only to a county with a population of less than 25,000 that is adjacent to the Gulf of Mexico and is within 50 miles of an international border.

Sec. 234.133. AUTHORITY TO REGULATE. To promote the public health, safety, and welfare, the commissioners court of a county may regulate the operation of game rooms and may:

(1) restrict the location of game rooms to specified areas of the county, including the unincorporated area of the county;

(2) prohibit a game room location within a certain distance, prescribed by the commissioners court, of a school, regular place of religious worship, or residential neighborhood; or

(3) restrict the number of game rooms that may operate in a specified area of the county.

Sec. 234.134. LICENSES OR PERMITS. (a) A county may require that an owner or operator of a game room obtain a license or permit or renew a license or permit on a periodic basis to own or operate a game room in the county. An application for a license or permit must be made in accordance with regulations adopted by the county.

(b) Regulations adopted under this section may provide for the denial, suspension, or revocation of a license or permit.

(c) A district court has jurisdiction of a suit that arises from the denial, suspension, or revocation of a license or other permit by a county.

Sec. 234.135. FEES. A county may impose a fee not to exceed \$1,000 on an applicant for a license or permit or for the renewal of the license or permit required under this subchapter. The fee must be based on the cost of processing the application and investigating the applicant.

Sec. 234.136. INSPECTION. (a) A peace officer or county employee may inspect a business in the county to determine the number of amusement redemption machines subject to regulation under this subchapter that are located on the premises of the business.

(b) A peace officer or county employee may inspect any business in which six or more amusement redemption machines are located to determine whether the business is in compliance with this subchapter or regulations adopted under this subchapter.

(c) A person violates this subchapter if the person fails to allow a peace officer or county employee to conduct an inspection under this section.

Sec. 234.137. INJUNCTION; CIVIL PENALTY. (a) A county may sue in district court for an injunction to prohibit the violation or threatened violation of this subchapter or a regulation adopted under Section 234.133.

(b) A person who violates this subchapter or a regulation adopted under Section 234.133 is liable to the county for a civil penalty of not more than \$10,000 for each violation. Each day a violation continues is considered a separate violation for purposes of assessing the civil penalty under this subsection. A county may bring suit in district court to recover a civil penalty authorized by this subsection.

(c) The county is entitled to recover reasonable expenses incurred in obtaining injunctive relief, civil penalties, or both, under this section, including reasonable attorney's fees, court costs, and investigatory costs.

Sec. 234.138. CRIMINAL PENALTY. (a) A person commits an offense if the person intentionally or knowingly operates a game room in violation of a regulation adopted under Section 234.133.

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

Sec. 234.139. CUMULATIVE EFFECT. Authority under this subchapter is cumulative of other authority that a county has to regulate game rooms and does not limit that authority.

Sec. 234.140. EFFECT ON OTHER LAWS. (a) This subchapter does not legalize any activity prohibited under the Penal Code or other state law.

(b) A person's compliance with this subchapter, including operating a game room under a license or permit issued under this chapter, is not a defense to prosecution for an offense under Chapter 47, Penal Code.

(c) A person who is subject to prosecution under Section 234.138 and any other law may be prosecuted under either or both laws.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

HR 2276 - PREVIOUSLY ADOPTED (by K. King)

The chair laid out the following previously adopted resolution:

HR 2276, Recognizing May 23, 2013, as Leadership Plainview Day at the State Capitol.

**HB 1573 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1573, A bill to be entitled An Act relating to authorizing an optional county fee on vehicle registration in certain counties.

Representative McClendon moved to concur in the senate amendments to **HB 1573**.

(Speaker pro tempore in the chair)

The motion to concur in the senate amendments to **HB 1573** prevailed by (Record 1161): 129 Yeas, 15 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bohac; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; 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; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Herrero; Howard; Huberty; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Kuempel; Larson; 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; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simpson; Smith; Smithee; Springer; Stephenson; Strama; Thompson, E.; Thompson, S.; Toth; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Anderson; Bonnen, G.; Carter; Craddick; Goldman; Hilderbran; Hughes; Krause; Lavender; Perry; Schaefer; Simmons; Stickland; Taylor; White.

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

Absent, Excused — Laubenberg.

Absent — Hernandez Luna; Lucio; Turner, C.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1161. I intended to vote no.

Bell

I was shown voting yes on Record No. 1161. I intended to vote no.

Crownover

I was shown voting yes on Record No. 1161. I intended to vote no.

Harless

When Record No. 1161 was taken, I was in the house but away from my desk. I would have voted yes.

Hernandez Luna

I was shown voting yes on Record No. 1161. I intended to vote no.

Hunter

I was shown voting yes on Record No. 1161. I intended to vote no.

P. King

When Record No. 1161 was taken, I was in the house but away from my desk. I would have voted yes.

C. Turner

Senate Committee Substitute

CSHB 1573, A bill to be entitled An Act relating to authorizing an optional county fee on vehicle registration in certain counties.

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

SECTION 1. Sections 502.402(a) and (e), Transportation Code, are amended to read as follows:

(a) This section applies only to:

(1) a county:

(A) [~~(A)~~] that borders the United Mexican States;

(B) [~~(B)~~] that has a population of more than 300,000; and

(C) [~~(C)~~] in which the largest municipality has a population of less than 300,000; and

(2) a county that has a population of more than 1.5 million that is coterminous with a regional mobility authority.

(e) The additional fee shall be collected for a vehicle when other fees imposed under this chapter are collected. The fee revenue collected shall be sent to the regional mobility authority of the county to fund long-term transportation projects in the county that are consistent with the purposes specified by Section 7-a, Article VIII, Texas Constitution.

SECTION 2. Section 502.402, Transportation Code, as amended by this Act, applies only to the fee for a registration period beginning on or after the effective date of this Act. A fee for a registration period beginning before the effective date of this Act is governed by the law in effect when the registration period began, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

HB 2448 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative S. Turner called up with senate amendments for consideration at this time,

HB 2448, A bill to be entitled An Act relating to tuition for certain students residing outside of a junior college district.

HB 2448 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE PEREZ: Representative Turner, was it your intent in the bill to only provide release from out of district tuition for students from the Acres Homes area in your district, whose families were paying property taxes to an adjacent community college?

REPRESENTATIVE S. TURNER: That is correct.

PEREZ: Did this bill, as introduced, actually impact a wider area?

S. TURNER: Well, there were some who thought it impacted a wider area, and the amendment is intended to restrict it and limit it to the Acres Homes area.

PEREZ: Does the senate substitute now limit the bill specifically to the Acres Homes area as you originally intended?

S. TURNER: That is correct.

REMARKS ORDERED PRINTED

Representative Perez moved to print remarks between Representative S. Turner and Representative Perez.

The motion prevailed.

Representative S. Turner moved to concur in the senate amendments to **HB 2448**.

The motion to concur in the senate amendments to **HB 2448** prevailed by (Record 1162): 146 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; 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; 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; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Stickland.

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

Absent, Excused — Laubenberg.

Senate Committee Substitute

CSHB 2448, A bill to be entitled An Act relating to tuition for certain students residing outside of a junior college district.

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

SECTION 1. Section 130.0032, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The governing board of a public junior college district that includes at least six campuses shall allow a person who resides outside the district and in the taxing district of a contiguous public junior college district to pay tuition and fees at the rate applicable to a student who resides in the district for enrollment at a campus located within an area in which the person resides that, as of January 1, 2013, is designated as a super neighborhood by a municipality with a population greater than two million.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

HB 8 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative S. Thompson called up with senate amendments for consideration at this time,

HB 8, A bill to be entitled An Act relating to the prosecution and punishment of offenses related to trafficking of persons and to certain protections for victims of trafficking of persons.

Representative S. Thompson moved to concur in the senate amendments to **HB 8**.

The motion to concur in the senate amendments to **HB 8** prevailed by (Record 1163): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; 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; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; 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; 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; Bonnen, D.(C).

Absent, Excused — Laubenberg.

Absent — Gonzales.

Senate Committee Substitute

CSHB 8, A bill to be entitled An Act relating to the prosecution and punishment of offenses related to trafficking of persons and to certain protections for victims of trafficking of persons.

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

SECTION 1. The heading to Chapter 7A, Code of Criminal Procedure, is amended to read as follows:

CHAPTER 7A. PROTECTIVE ORDER FOR [~~CERTAIN~~] VICTIMS OF [~~TRAFFICKING OR~~] SEXUAL ASSAULT OR ABUSE, STALKING, OR TRAFFICKING

SECTION 2. Article 7A.01(a), Code of Criminal Procedure, as amended by Chapters 1 (**SB 24**) and 135 (**SB 250**), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(a) The following persons may file an application for a protective order under this chapter without regard to the relationship between the applicant and the alleged offender:

(1) a person who is the victim of an offense under Section 21.02, 21.11, 22.011, 22.021, or 42.072, Penal Code;

(2) a person who is the victim of an offense under Section 20A.02 [~~20A.02(a)(3), (4), (7), or (8)~~] or [~~Section~~] 43.05, Penal Code;

(3) a parent or guardian acting on behalf of a person younger than 17 [~~18~~] years of age who is the victim of an offense listed in Subdivision (1);

(4) a parent or guardian acting on behalf of a person younger than 18 years of age who is the victim of an offense listed in Subdivision [~~or~~] (2); or

(5) [~~(4)~~] a prosecuting attorney acting on behalf of a person described by Subdivision (1) or (2).

SECTION 3. Article 7A.02, Code of Criminal Procedure, is amended to read as follows:

Art. 7A.02. TEMPORARY EX PARTE ORDER. If the court finds from the information contained in an application for a protective order that there is a clear and present danger of sexual assault or abuse, stalking, trafficking, or other harm to the applicant, the court, without further notice to the alleged offender and without a hearing, may enter a temporary ex parte order for the protection of the applicant or any other member of the applicant's family or household.

SECTION 4. Article 7A.03, Code of Criminal Procedure, as amended by Chapters 135 (**SB 250**) and 238 (**HB 649**), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

Art. 7A.03. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE ORDER. (a) At the close of a hearing on an application for a protective order under this chapter, the court shall find whether there are reasonable grounds to believe that the applicant is the victim of sexual assault or abuse,~~[-or]~~ stalking, or trafficking.

(b) If the court makes a finding described by Subsection (a) ~~[(a)(1) or (2)],~~ the court shall issue a protective order that includes a statement of the required findings.

SECTION 5. Article 7A.07(b), Code of Criminal Procedure, is amended to read as follows:

(b) The following persons may file at any time an application with the court to rescind the protective order:

(1) a victim of an offense listed in Article 7A.01(a)(1) [A victim] who is 17 years of age or older or a parent or guardian acting on behalf of a victim who is younger than 17 years of age; or

(2) a victim of an offense listed in Article 7A.01(a)(2) or a parent or guardian acting on behalf of a victim who is younger than 18 years of age [may file at any time an application with the court to rescind the protective order].

SECTION 6. Section 4(d), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(d) A defendant is not eligible for community supervision under this section if the defendant:

(1) is sentenced to a term of imprisonment that exceeds 10 years;

(2) is convicted of a state jail felony for which suspension of the imposition of the sentence occurs automatically under Section 15(a);

(3) does not file a sworn motion under Subsection (e) of this section or for whom the jury does not enter in the verdict a finding that the information contained in the motion is true;

(4) is convicted of an offense for which punishment is increased under Section 481.134(c), (d), (e), or (f), Health and Safety Code, if it is shown that the defendant has been previously convicted of an offense for which punishment was increased under any one of those subsections;

(5) is convicted of an offense listed in Section 3g(a)(1)(C), (E), or (H), if the victim of the offense was younger than 14 years of age at the time the offense was committed;

(6) is convicted of an offense listed in Section 3g(a)(1)(D), if the victim of the offense was younger than 14 years of age at the time the offense was committed and the actor committed the offense with the intent to violate or abuse the victim sexually;

(7) is convicted of an offense listed in Section 3g(a)(1)(J), (L), or (M);

or

(8) is adjudged guilty of an offense under Section 19.02, Penal Code.

SECTION 7. Chapter 48, Code of Criminal Procedure, is amended by adding Article 48.06 to read as follows:

Art. 48.06. EDUCATIONAL MATERIALS CONCERNING PARDONS FOR CERTAIN VICTIMS OF TRAFFICKING OF PERSONS. (a) The Board of Pardons and Paroles shall develop educational materials specifically for persons convicted of or placed on deferred adjudication community supervision for an offense the person committed solely as a victim of trafficking of persons under Section 20A.02, Penal Code. The board shall include in the educational materials a detailed description of the process by which the person may submit a request to the board for a written signed recommendation advising the governor to grant the person a pardon.

(b) The Board of Pardons and Paroles shall post educational materials described by Subsection (a) on the board's Internet website.

SECTION 8. Article 56.32(a), Code of Criminal Procedure, is amended by adding Subdivision (14) to read as follows:

(14) "Trafficking of persons" means any offense that results in a person engaging in forced labor or services and that may be prosecuted under Section 20A.02, 20A.03, 43.03, 43.04, 43.05, 43.25, 43.251, or 43.26, Penal Code.

SECTION 9. Article 56.42(d), Code of Criminal Procedure, is amended to read as follows:

(d) A victim who is a victim of family violence, a victim of trafficking of persons, or a victim of sexual assault who is assaulted in the victim's place of residence may receive a onetime-only assistance payment in an amount not to exceed:

(1) \$2,000 to be used for relocation expenses, including expenses for rental deposit, utility connections, expenses relating to the moving of belongings, motor vehicle mileage expenses, and for out-of-state moves, transportation, lodging, and meals; and

(2) \$1,800 to be used for housing rental expenses.

SECTION 10. Article 56.81, Code of Criminal Procedure, is amended by adding Subdivision (7) to read as follows:

(7) "Trafficking of persons" means any offense that may be prosecuted under Section 20A.02, 20A.03, 43.03, 43.04, 43.05, 43.25, 43.251, or 43.26, Penal Code, and that results in a person:

(A) engaging in forced labor or services; or

(B) otherwise becoming a victim of the offense.

SECTION 11. Article 56.82(a), Code of Criminal Procedure, is amended to read as follows:

(a) The attorney general shall establish an address confidentiality program, as provided by this subchapter, to assist a victim of family violence, trafficking of persons, or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code, in maintaining a confidential address.

SECTION 12. Articles 56.83(a), (b), and (e), Code of Criminal Procedure, are amended to read as follows:

(a) To be eligible to participate in the program, an applicant must:

(1) meet with a victim's assistance counselor from a state or local agency or other entity, whether for-profit or nonprofit that is identified by the attorney general as an entity that provides counseling and shelter services to victims of family violence, trafficking of persons, or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code;

(2) file an application for participation with the attorney general or a state or local agency or other entity identified by the attorney general under Subdivision (1);

(3) designate the attorney general as agent to receive service of process and mail on behalf of the applicant; and

(4) live at a residential address, or relocate to a residential address, that is unknown to the person who committed or is alleged to have committed the family violence, trafficking of persons, or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code.

(b) An application under Subsection (a)(2) must contain:

(1) a signed, sworn statement by the applicant stating that the applicant fears for the safety of the applicant, the applicant's child, or another person in the applicant's household because of a threat of immediate or future harm caused by the person who committed or is alleged to have committed the family violence, the trafficking of persons, or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code;

(2) the applicant's true residential address and, if applicable, the applicant's business and school addresses; and

(3) a statement by the applicant of whether there is an existing court order or a pending court case for child support or child custody or visitation that involves the applicant and, if so, the name and address of:

(A) the legal counsel of record; and

(B) each parent involved in the court order or pending case.

(e) The attorney general by rule may establish additional eligibility requirements for participation in the program that are consistent with the purpose of the program as stated in Article 56.82(a). The attorney general may establish procedures for requiring an applicant, in appropriate circumstances, to submit with the application under Subsection (a)(2) independent documentary evidence of family violence, trafficking of persons, or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code, in the form of:

(1) an active or recently issued protective order;

(2) an incident report or other record maintained by a law enforcement agency or official;

(3) a statement of a physician or other health care provider regarding the applicant's medical condition as a result of the family violence, trafficking of persons, or offense; or

(4) a statement of a mental health professional, a member of the clergy, an attorney or other legal advocate, a trained staff member of a family violence center, or another professional who has assisted the applicant in addressing the effects of the family violence, trafficking of persons, or offense.

SECTION 13. Section 508.145(d)(1), Government Code, is amended to read as follows:

(1) An inmate serving a sentence for an offense described by Section 3g(a)(1)(A), (C), (D), (E), (F), (G), (H), (I), (J), ~~[or]~~ (K), (L), or (M), Article 42.12, Code of Criminal Procedure, ~~[or for]~~ an offense for which the judgment contains an affirmative finding under Section 3g(a)(2) of that article, or ~~[for]~~ an offense under Section 20A.03, Penal Code, is not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but in no event is the inmate eligible for release on parole in less than two calendar years.

SECTION 14. The heading to Section 38.112, Penal Code, is amended to read as follows:

Sec. 38.112. VIOLATION OF PROTECTIVE ORDER ISSUED ON BASIS OF SEXUAL ASSAULT OR ABUSE, STALKING, OR TRAFFICKING.

SECTION 15. Section 43.02, Penal Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (e) to read as follows:

(a) A person commits an offense if the person ~~[he]~~ knowingly:

(1) offers to engage, agrees to engage, or engages in sexual conduct for a fee; or

(2) solicits another in a public place to engage with the person ~~[him]~~ in sexual conduct for hire.

(b) An offense is established under Subsection (a)(1) whether the actor is to receive or pay a fee. An offense is established under Subsection (a)(2) whether the actor solicits a person to hire the actor ~~[him]~~ or offers to hire the person solicited.

(c) An offense under this section is a Class B misdemeanor, except that the offense is:

(1) a Class A misdemeanor if the actor has previously been convicted one or two times of an offense under this section;

(2) a state jail felony if the actor has previously been convicted three or more times of an offense under this section; or

(3) ~~a felony of the third degree if the person solicited is 14 years of age or older and younger than 18 years of age; or~~

~~[(4)]~~ a felony of the second degree if the person solicited is younger than 18 [14] years of age, regardless of whether the actor knows the age of the person solicited at the time the actor commits the offense.

(e) A conviction may be used for purposes of enhancement under this section or enhancement under Subchapter D, Chapter 12, but not under both this section and Subchapter D, Chapter 12. For purposes of enhancement of penalties under this section or Subchapter D, Chapter 12, a defendant is previously convicted of an offense under this section if the defendant was adjudged guilty of the offense or entered a plea of guilty or nolo contendere in return for a grant of

deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the defendant was subsequently discharged from community supervision.

SECTION 16. Section 43.03(b), Penal Code, is amended to read as follows:

(b) An offense under this section is a Class A misdemeanor, except that the offense is:

(1) a state jail felony if the actor has been previously convicted of an offense under this section; or

(2) a felony of the second degree if the actor engages in conduct described by Subsection (a)(1) or (2) involving a person younger than 18 years of age engaging in prostitution, regardless of whether the actor knows the age of the person at the time the actor commits the offense.

SECTION 17. Section 43.04(b), Penal Code, is amended to read as follows:

(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the first degree if the prostitution enterprise uses as a prostitute one or more persons younger than 18 years of age, regardless of whether the actor knows the age of the person at the time the actor commits the offense.

SECTION 18. Section 43.251(c), Penal Code, as amended by Chapters 515 (HB 2014) and 938 (HB 290), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(c) An offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if the child is younger than 14 years of age at the time the offense is committed.

~~[(1) a state jail felony if it is shown on the trial of the offense that the defendant has been previously convicted one time of an offense under this section; and~~

~~[(2) a felony of the third degree if it is shown on the trial of the offense that the defendant has been previously convicted two or more times of an offense under this section.]~~

SECTION 19. Section 43.23(h), Penal Code, is amended to read as follows:

(h) The punishment for an offense under Subsection (a) or [is increased to the punishment for a felony of the third degree and the punishment for an offense under Subsection] (c) is increased to the punishment for a [state jail] felony of the second degree if it is shown on the trial of the offense that obscene material that is the subject of the offense visually depicts activities described by Section 43.21(a)(1)(B) engaged in by:

(1) a child younger than 18 years of age at the time the image of the child was made;

(2) an image that to a reasonable person would be virtually indistinguishable from the image of a child younger than 18 years of age; or

(3) an image created, adapted, or modified to be the image of an identifiable child.

SECTION 20. Section 71.02(a), Penal Code, as amended by Chapters 68 (SB 934) and 223 (HB 260), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(a) A person commits an offense if, with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang, the person commits or conspires to commit one or more of the following:

(1) murder, capital murder, arson, aggravated robbery, robbery, burglary, theft, aggravated kidnapping, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, continuous sexual abuse of young child or children, solicitation of a minor, forgery, deadly conduct, assault punishable as a Class A misdemeanor, burglary of a motor vehicle, or unauthorized use of a motor vehicle;

(2) any gambling offense punishable as a Class A misdemeanor;

(3) promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution;

(4) unlawful manufacture, transportation, repair, or sale of firearms or prohibited weapons;

(5) unlawful manufacture, delivery, dispensation, or distribution of a controlled substance or dangerous drug, or unlawful possession of a controlled substance or dangerous drug through forgery, fraud, misrepresentation, or deception;

(5-a) causing the unlawful delivery, dispensation, or distribution of a controlled substance or dangerous drug in violation of Subtitle B, Title 3, Occupations Code;

(6) any unlawful wholesale promotion or possession of any obscene material or obscene device with the intent to wholesale promote the same;

(7) any offense under Subchapter B, Chapter 43, depicting or involving conduct by or directed toward a child younger than 18 years of age;

(8) any felony offense under Chapter 32;

(9) any offense under Chapter 36;

(10) any offense under Chapter 34, 35, or 35A;

(11) any offense under Section 37.11(a);

(12) any offense under Chapter 20A;

(13) any offense under Section 37.10;

(14) any offense under Section 38.06, 38.07, 38.09, or 38.11;

(15) any offense under Section 42.10;

(16) any offense under Section 46.06(a)(1) or 46.14; ~~or~~

(17) any offense under Section 20.05; or

(18) ~~(17)~~ any offense classified as a felony under the Tax Code.

SECTION 21. Chapter 7B, Code of Criminal Procedure, is repealed.

SECTION 22. (a) The changes in law made by this Act in amending Chapter 7A, Code of Criminal Procedure, and repealing Chapter 7B, Code of Criminal Procedure, apply only to a protective order issued on or after the effective date of this Act. A protective order issued before the effective date of this Act is governed by the law in effect on the date the order is issued, and the former law is continued in effect for that purpose.

(b) The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 23. The Board of Pardons and Paroles not later than October 1, 2013, shall post on its Internet website the educational materials described by Article 48.06(a), Code of Criminal Procedure, as added by this Act.

SECTION 24. This Act takes effect September 1, 2013.

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

Amend **CSHB 8** (committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Sections 43.26(a) and (h), Penal Code, are amended to read as follows:

(a) A person commits an offense if:

(1) the person knowingly or intentionally possesses, or knowingly or intentionally accesses with intent to view, visual material that visually depicts a child younger than 18 years of age at the time the image of the child was made who is engaging in sexual conduct, including a child who engages in sexual conduct as a victim of an offense under Section 20A.02(a)(5), (6), (7), or (8); and

(2) the person knows that the material depicts the child as described by Subdivision (1).

(h) It is a defense to prosecution under Subsection (a) or (e) that the actor is a law enforcement officer or a school administrator who:

(1) possessed or accessed the visual material in good faith solely as a result of an allegation of a violation of Section 43.261;

(2) allowed other law enforcement or school administrative personnel to possess or access the material only as appropriate based on the allegation described by Subdivision (1); and

(3) took reasonable steps to destroy the material within an appropriate period following the allegation described by Subdivision (1).

SECTION _____. The change in law made by this Act to Section 43.26, Penal Code, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

HB 462 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 462, A bill to be entitled An Act relating to state control of teacher appraisal criteria, curriculum standards, and assessment instruments.

HB 462 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE GONZALES: Mr. Huberty, for the purpose of legislative intent, what is the intent of your bill?

REPRESENTATIVE HUBERTY: It's to prevent the outright adoption of national common course standards in lieu of our state adopted standards—the Texas Essential Knowledge and Skills, which we call TEKS.

GONZALES: Excellent. One more question. There are many instances where our TEKS overlaps some of these standards. Is it your intent to prevent the use of materials where these two standards may overlap?

HUBERTY: No. All we're doing, as I said, is preventing the outright adoption of common course standards, but for example, where algebra is algebra—and there are instances where they're the exact same—these textbooks can be used, provided they're still being gone through by the State Board of Education. So our entire intent of this is to make sure that the State of Texas, or the commissioner and State Board of Education, are prohibited from outright adoption of national common course standards.

REMARKS ORDERED PRINTED

Representative Gonzales moved to print remarks between Representative Huberty and Representative Gonzales.

The motion prevailed.

Representative Huberty moved to concur in the senate amendments to **HB 462**.

The motion to concur in the senate amendments to **HB 462** prevailed by (Record 1164): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; 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; Lavender; Leach; Lewis; 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; Bonnen, D.(C).

Absent, Excused — Laubenberg.

Absent — Longoria; Lozano.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1164. I intended to vote no.

Alvarado

I was shown voting yes on Record No. 1164. I intended to vote no.

Anchia

I was shown voting yes on Record No. 1164. I intended to vote no.

Burnam

I was shown voting yes on Record No. 1164. I intended to vote no.

Canales

I was shown voting yes on Record No. 1164. I intended to vote no.

Collier

I was shown voting yes on Record No. 1164. I intended to vote no.

Y. Davis

I was shown voting yes on Record No. 1164. I intended to vote no.

Dukes

I was shown voting yes on Record No. 1164. I intended to vote no.

Dutton

I was shown voting yes on Record No. 1164. I intended to vote no.

Giddings

I was shown voting yes on Record No. 1164. I intended to vote no.

M. González

I was shown voting yes on Record No. 1164. I intended to vote no.

Hernandez Luna

I was shown voting yes on Record No. 1164. I intended to vote no.

Howard

When Record No. 1164 was taken, I was in the house but away from my desk. I would have voted yes.

Longoria

I was shown voting yes on Record No. 1164. I intended to vote no.

Martinez Fischer

I was shown voting yes on Record No. 1164. I intended to vote no.

McClendon

I was shown voting yes on Record No. 1164. I intended to vote no.

Miles

I was shown voting yes on Record No. 1164. I intended to vote no.

Naishtat

I was shown voting yes on Record No. 1164. I intended to vote no.

Nevárez

I was shown voting yes on Record No. 1164. I intended to vote no.

Raymond

I was shown voting yes on Record No. 1164. I intended to vote no.

E. Rodriguez

I was shown voting yes on Record No. 1164. I intended to vote no.

J. Rodriguez

I was shown voting yes on Record No. 1164. I intended to vote no.

Rose

I was shown voting yes on Record No. 1164. I intended to vote no.

Strama

I was shown voting yes on Record No. 1164. I intended to vote no.

S. Thompson

I was shown voting yes on Record No. 1164. I intended to vote no.

C. Turner

I was shown voting yes on Record No. 1164. I intended to vote no.

S. Turner

I was shown voting yes on Record No. 1164. I intended to vote no.

Walle

I was shown voting yes on Record No. 1164. I intended to vote no.

Wu

Senate Committee Substitute

CSHB 462, A bill to be entitled An Act relating to state control of teacher appraisal criteria, curriculum standards, and assessment instruments.

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

SECTION 1. Section 28.002, Education Code, is amended by adding Subsections (b-1), (b-2), (b-3), and (b-4) to read as follows:

(b-1) In this section, "common core state standards" means the national curriculum standards developed by the Common Core State Standards Initiative.

(b-2) The State Board of Education may not adopt common core state standards to comply with a duty imposed under this chapter.

(b-3) A school district may not use common core state standards to comply with the requirement to provide instruction in the essential knowledge and skills at appropriate grade levels under Subsection (c).

(b-4) Notwithstanding any other provision of this code, a school district or open-enrollment charter school may not be required to offer any aspect of a common core state standards curriculum.

SECTION 3. Section 39.023, Education Code, is amended by adding Subsection (a-3) to read as follows:

(a-3) The agency may not adopt or develop a criterion-referenced assessment instrument under this section based on common core state standards as defined by Section 28.002(b-1). This subsection does not prohibit the use of college advanced placement tests or international baccalaureate examinations as those terms are defined by Section 28.051.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

HB 346 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 346, A bill to be entitled An Act relating to the electronic storage of personal identification information obtained from driver's licenses or personal identification certificates.

Representative Deshotel moved to concur in the senate amendments to **HB 346**.

The motion to concur in the senate amendments to **HB 346** prevailed by (Record 1165): 143 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; 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; 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; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Schaefer; Simpson; Stickland.

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

Absent, Excused — Laubenberg.

Absent — Creighton.

Senate Committee Substitute

CSHB 346, A bill to be entitled An Act relating to the accessing and use of electronically readable personal identification information obtained from driver's licenses or personal identification certificates.

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

SECTION 1. Section 521.126, Transportation Code, is amended by amending Subsections (b) and (e) and adding Subsection (l) to read as follows:

(b) Except as provided by Subsections (d), (e), (g), (i), and (j), and Section 501.101, Business & Commerce Code, a person commits an offense if the person:

(1) accesses or uses electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate; or

(2) compiles or maintains a database of electronically readable information derived from driver's licenses, commercial driver's licenses, or personal identification certificates.

(e) The prohibition provided by Subsection (b) ~~[(b)(1)]~~ does not apply to a financial institution or a business that:

(1) accesses or uses electronically readable information ~~[if the information is accessed and used only]~~ for purposes of identification verification of an individual or check verification at the point of sale for a purchase of a good or service by check;

(2) accesses or uses electronically readable information as part of a transaction initiated by the license or certificate holder to provide information to a check services company or fraud prevention services company governed by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.) for the purpose of effecting, administering, or enforcing the transaction;

(3) is a check services company or a fraud prevention services company governed by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.) that accesses or uses electronically readable information or compiles or maintains a database of that information for the purpose of effecting, administering, or enforcing the transaction; or

(4) is [~~The prohibition provided by Subsection (b)(2) does not apply to~~] a financial institution that compiles or maintains a database of electronically readable information, if each license or certificate holder whose information is included in the compilation or database consents to the inclusion of the person's information in the compilation or database [~~Consent under this subsection must be~~] on a separate document, signed by the license or certificate holder, that explains in at least 14-point bold type the information that will be included in the compilation or database.

(1) For the purposes of this section [~~subsection~~], "financial institution" has the meaning assigned by 31 U.S.C. Section 5312(a)(2) [~~as amended~~].

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

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

Amend **CSHB 346** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In the recital (page 1, line 26), between "(b)" and "and (e)" insert ", (c)".

(2) In the recital (page 1, line 26), strike "Subsection (l)" and substitute "Subsections (e-1) and (l)".

(3) In amended Section 521.126(b), Transportation Code (page 1, line 28), between "(e)," and "(g)," insert "(e-1)".

(4) In amended Section 521.126(e), Transportation Code (page 1, line 37), strike "(b) [~~(b)(1)~~]" and substitute "(b)(1)".

(5) In amended Section 521.126(e)(1), Transportation Code (page 1, line 43), after the underlined semicolon, insert "or".

(6) Strike amended Section 521.126(e)(2), Transportation Code (page 1, lines 44-49), and substitute the following:

(2) accesses or uses as electronically readable information a driver's license number or a name printed on a driver's license as part of a transaction initiated by the license or certificate holder to provide information encrypted in a manner:

(A) consistent with PCI DSS Standard 3.4 to a check services company or fraud prevention services company governed by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.) for the purpose of effecting, administering, or enforcing the transaction; and

(B) that does not involve the sale, transfer, or other dissemination of a name or driver's license number to a third party for any purpose, including any marketing, advertising, or promotional activities.

(7) Strike amended Section 521.126(e)(3), Transportation Code (page 1, lines 50-55), and substitute the following:

(e-1) The prohibition provided by Subsection (b) does not apply to:

(1) a check services company or a fraud prevention services company governed by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.) that, for the purpose of preventing fraud when effecting, administering, or enforcing the transaction:

(A) accesses or uses as electronically readable information a driver's license number or a name printed on a driver's license; or

(B) compiles or maintains a database of electronically readable driver's license numbers or names printed on driver's licenses and periodically removes the numbers or names from the database that are at least four years old;
or

(8) In amended Section 521.126(e)(4), Transportation Code (page 1, line 56), strike "(4) is" and substitute "(2)".

**HB 3572 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 3572, A bill to be entitled An Act relating to the administration, collection, and enforcement of taxes on mixed beverages; imposing a tax on sales of mixed beverages; decreasing the rate of the current tax on mixed beverages.

Representative Hilderbran moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3572**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3572**: Hilderbran, chair; Kuempel, Eiland, Bohac, and R. Sheffield.

**HB 3370 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3370, A bill to be entitled An Act relating to the authority of certain retired peace officers to carry certain firearms.

Representative Craddick moved to concur in the senate amendments to **HB 3370**.

The motion to concur in the senate amendments to **HB 3370** prevailed by (Record 1166): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; 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; 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; Lavender; Lewis; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; 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; Bonnen, D.(C).

Absent, Excused — Laubenberg.

Absent — Eiland; Leach; Lozano; Orr.

STATEMENT OF VOTE

When Record No. 1166 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

Senate Committee Substitute

CSHB 3370, A bill to be entitled An Act relating to the authority of certain retired peace officers and former reserve law enforcement officers to carry certain firearms.

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

SECTION 1. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.1992 to read as follows:

Sec. 411.1992. FORMER RESERVE LAW ENFORCEMENT OFFICERS.

(a) A person who served as a reserve law enforcement officer, as defined by Section 1701.001, Occupations Code, not less than a total of 15 years with one or more state or local law enforcement agencies may apply for a license under this subchapter at any time.

(b) The applicant shall submit to the department two complete sets of legible and classifiable fingerprints and a sworn statement from the head of the law enforcement agency at which the applicant last served as a reserve law enforcement officer. A head of a law enforcement agency may not refuse to issue a statement under this subsection. If the applicant alleges that the statement is untrue, the department shall investigate the validity of the statement. The statement must include:

(1) the name and rank of the applicant;

(2) the status of the applicant;

(3) whether the applicant was accused of misconduct at any time during the applicant's term of service and the disposition of that accusation;

(4) a description of the physical and mental condition of the applicant;
(5) a list of the types of weapons the applicant demonstrated proficiency with during the applicant's term of service; and

(6) a recommendation from the agency head regarding the issuance of a license under this subchapter.

(c) The department may issue a license under this subchapter to an applicant under this section if the applicant was a reserve law enforcement officer for not less than a total of 15 years with one or more state or local law enforcement agencies and is physically and emotionally fit to possess a handgun.

(d) An applicant under this section must pay a fee of \$25 for a license issued under this subchapter.

(e) A former reserve law enforcement officer who obtains a license as provided by this section must maintain, for the category of weapon licensed, the proficiency required for the person under Section 1701.357, Occupations Code. The department or the local law enforcement agency at which the person last served as a reserve law enforcement officer shall allow the person an opportunity to annually demonstrate the required proficiency. The proficiency shall be reported to the department on application and renewal.

(f) A license issued under this section expires as provided by Section 411.183.

SECTION 2. The heading to Section 1701.357, Occupations Code, is amended to read as follows:

Sec. 1701.357. WEAPONS PROFICIENCY FOR CERTAIN RETIRED PEACE OFFICERS AND FEDERAL LAW ENFORCEMENT OFFICERS AND FOR FORMER RESERVE LAW ENFORCEMENT OFFICERS.

SECTION 3. Section 1701.357, Occupations Code, is amended by amending Subsections (a), (b), (c), and (d) and adding Subsections (b-1), (c-1), and (j) to read as follows:

(a) This section applies only to:

(1) a peace officer;

(2) a federal criminal investigator designated as a special investigator under Article 2.122, Code of Criminal Procedure; ~~and~~

(3) a qualified retired law enforcement officer who is entitled to carry a concealed firearm under 18 U.S.C. Section 926C and is not otherwise described by Subdivision (1) or (2); and

(4) a former reserve law enforcement officer who served in that capacity not less than a total of 15 years with one or more state or local law enforcement agencies.

(b) The head of a state or local law enforcement agency may allow an honorably retired peace officer an opportunity to demonstrate weapons proficiency if the retired officer provides to the agency a sworn affidavit stating that:

(1) the officer:

(A) honorably retired after not less than a total of 15 years of service as a commissioned officer with one or more state or local law enforcement agencies; or

(B) before completing 15 years of service as a commissioned officer with one or more state or local law enforcement agencies, separated from employment with the agency or agencies and is a qualified retired law enforcement officer, as defined by 18 U.S.C. Section 926C;

(2) the officer's license as a commissioned officer was not revoked or suspended for any period during the officer's term of service as a commissioned officer; and

(3) the officer has no psychological or physical disability that would interfere with the officer's proper handling of a handgun.

(b-1) The head of a state or local law enforcement agency may allow a person who served as a reserve law enforcement officer as described by Subsection (a)(4) an opportunity to demonstrate weapons proficiency if the person provides to the agency a sworn affidavit stating that:

(1) the person served not less than a total of 15 years as a reserve law enforcement officer with one or more state or local law enforcement agencies;

(2) the person's appointment as a reserve law enforcement officer was not revoked or suspended for any period during the person's term of service; and

(3) the person has no psychological or physical disability that would interfere with the person's proper handling of a handgun.

(c) The agency shall establish written procedures for the issuance or denial of a certificate of proficiency under this section. The agency shall issue the certificate to a retired officer who satisfactorily demonstrates weapons proficiency under Subsection (b), provides proof that the officer is entitled to receive a pension or annuity for service with a state or local law enforcement agency or is not entitled to receive a pension or annuity only because the law enforcement agency that employed the retired officer does not offer a pension or annuity to its retired employees, and satisfies the written procedures established by the agency. The agency shall issue the certificate to a person described by Subsection (a)(4) who satisfactorily demonstrates weapons proficiency under Subsection (b-1). The agency shall maintain records of any person ~~[retired officer]~~ who holds a certificate issued under this section.

(c-1) For purposes of Subsection (c) [this subsection], proof that a retired officer is entitled to receive a pension or annuity or is not entitled to receive a pension or annuity only because the agency that last employed the retired officer does not offer a pension or annuity may include a retired peace officer identification card issued under Subchapter H, Chapter 614, Government Code.

(d) A certificate issued under this section expires on the second anniversary of the date the certificate was issued. A person ~~[retired officer]~~ to whom this section applies may request an annual evaluation of weapons proficiency and issuance of a certificate of proficiency as needed to comply with applicable federal or other laws.

(j) On request of a person described by Subsection (a)(4) who holds a certificate of proficiency under this section, the head of the state or local law enforcement agency at which the person last served as a reserve law enforcement officer shall issue to the person identification that indicates the person's status. An identification under this subsection must include a photograph of the person.

SECTION 4. Section 46.15(a), Penal Code, is amended to read as follows:

(a) Sections 46.02 and 46.03 do not apply to:

(1) peace officers or special investigators under Article 2.122, Code of Criminal Procedure, and neither section prohibits a peace officer or special investigator from carrying a weapon in this state, including in an establishment in this state serving the public, regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon;

(2) parole officers and neither section prohibits an officer from carrying a weapon in this state if the officer is:

(A) engaged in the actual discharge of the officer's duties while carrying the weapon; and

(B) in compliance with policies and procedures adopted by the Texas Department of Criminal Justice regarding the possession of a weapon by an officer while on duty;

(3) community supervision and corrections department officers appointed or employed under Section 76.004, Government Code, and neither section prohibits an officer from carrying a weapon in this state if the officer is:

(A) engaged in the actual discharge of the officer's duties while carrying the weapon; and

(B) authorized to carry a weapon under Section 76.0051, Government Code;

(4) an active judicial officer as defined by Section 411.201, Government Code, who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;

(5) an honorably retired peace officer, qualified retired law enforcement officer, [or] federal criminal investigator, or former reserve law enforcement officer who holds a certificate of proficiency issued under Section 1701.357, Occupations Code, and is carrying a photo identification that is issued by a federal, state, or local law enforcement agency, as applicable, and that[-

[(A)] verifies that the officer is:

(A) an honorably retired peace officer;

(B) a qualified retired law enforcement officer;

(C) a federal criminal investigator; or

(D) a former reserve law enforcement officer who has served in that capacity not less than a total of 15 years with one or more state or local law enforcement agencies [after not less than 15 years of service as a commissioned officer; and

[(B) is issued by a state or local law enforcement agency];

(6) a district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;

(7) an assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;

(8) a bailiff designated by an active judicial officer as defined by Section 411.201, Government Code, who is:

(A) licensed to carry a concealed handgun under Chapter 411, Government Code; and

(B) engaged in escorting the judicial officer; or

(9) a juvenile probation officer who is authorized to carry a firearm under Section 142.006, Human Resources Code.

SECTION 5. The change in law made by this Act to Section 46.15, Penal Code, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 6. This Act takes effect September 1, 2013.

**HB 3153 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 3153, A bill to be entitled An Act relating to the operation and administration of, and practice in courts in, the judicial branch of state government; imposing a fee.

Representative Lewis moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3153**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3153**: Lewis, chair; Farrar, Gooden, K. King, and Farney.

**HB 2818 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative R. Sheffield called up with senate amendments for consideration at this time,

HB 2818, A bill to be entitled An Act relating to changing the wet or dry status of a justice precinct.

Representative R. Sheffield moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2818**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2818**: R. Sheffield, chair; S. Thompson, Geren, Kuempel, and Johnson.

**HB 2362 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2362, A bill to be entitled An Act relating to the efficiency review of river authorities.

Representative Keffer moved to concur in the senate amendments to **HB 2362**.

The motion to concur in the senate amendments to **HB 2362** prevailed by (Record 1167): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; 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; 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, 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; Bonnen, D.(C).

Absent, Excused — Laubenberg.

Absent — Cortez; Rodriguez, E.

STATEMENT OF VOTE

When Record No. 1167 was taken, I was in the house but away from my desk. I would have voted yes.

Cortez

Senate Committee Substitute

CSHB 2362, A bill to be entitled An Act relating to the efficiency review of river authorities.

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

SECTION 1. Subchapter G, Chapter 49, Water Code, is amended by adding Section 49.1991 to read as follows:

Sec. 49.1991. EFFICIENCY REVIEW OF RIVER AUTHORITIES. A district that is a river authority is subject to an efficiency review by the Legislative Budget Board.

SECTION 2. Chapter 322, Government Code, is amended by adding Section 322.0171 to read as follows:

Sec. 322.0171. EFFICIENCY REVIEW OF RIVER AUTHORITIES. (a) The board periodically may review and analyze the effectiveness and efficiency of the policies, management, fiscal affairs, and operations of a river authority.

(b) The board shall report the findings of a review and analysis to the governor and the legislature.

(c) Until the board has completed a review and analysis under this section, all information, documentary or otherwise, prepared or maintained in conducting the review and analysis or preparing the review report, including intra-agency and interagency communications and drafts of the review report or portions of those drafts, is excepted from required public disclosure as audit working papers under Section 552.116. This subsection does not affect whether information described by this subsection is confidential or excepted from required public disclosure under a law other than Section 552.116.

SECTION 3. The Legislative Budget Board shall conduct an efficiency review authorized by Section 322.0171, Government Code, as added by this Act, of both the Lower Colorado River Authority and the Brazos River Authority and report the findings of the review and analysis to the governor and the legislature not later than December 31, 2015.

SECTION 4. This Act takes effect September 1, 2013.

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

Amend **CSHB 2362** (senate committee printing), in SECTION 3 of the bill, on page 1, lines 51-53, by striking "and report the findings of the review and analysis to the governor and the legislature not later than December 31, 2015" and substituting "before conducting a review of other river authorities as authorized by this Act".

(Paddie in the chair)

HB 3536 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3536, A bill to be entitled An Act relating to imposing a fee on the sale of cigarettes and cigarette tobacco products manufactured by certain companies; providing penalties; changing the rate of the tax on chewing tobacco.

Representative Otto moved to concur in the senate amendments to **HB 3536**.

The motion to concur in the senate amendments to **HB 3536** prevailed by (Record 1168): 79 Yeas, 58 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Aycock; Burnam; Callegari; Canales; Clardy; Coleman; Collier; Cook; Cortez; Crownover; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Geren; Giddings; Gonzales; González, M.; Guerra; Gutierrez; Harless; Hernandez Luna; Howard; Huberty; Kacal; Keffer; King, K.; King, T.; Kolkhorst; Larson; Lavender; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Moody; Morrison; Muñoz; Naishtat; Nevárez; Oliveira; Orr; Otto; Patrick; Perez; Price; Raney; Ratliff; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Sheffield, R.; Smith; Stephenson; Strama; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Wu.

Nays — Anchia; Anderson; Bonnen, G.; Branch; Burkett; Button; Capriglione; Carter; Craddick; Creighton; Dale; Darby; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Goldman; Gonzalez, N.; Gooden; Harper-Brown; Herrero; Hughes; Hunter; Isaac; King, P.; King, S.; Kleinschmidt; Klick; Krause; Kuempel; Leach; Lewis; Márquez; Miller, R.; Murphy; Parker; Perry; Phillips; Raymond; Riddle; Sanford; Schaefer; Sheets; Simmons; Simpson; Smithee; Springer; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; White; Workman; Zedler.

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

Absent, Excused — Laubenberg.

Absent — Ashby; Bell; Bohac; Bonnen, D.; Guillen; Hilderbran; Johnson; Pickett; Pitts; Zerwas.

STATEMENTS OF VOTE

When Record No. 1168 was taken, I was temporarily out of the house chamber. I would have voted no.

D. Bonnen

When Record No. 1168 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

I was shown voting yes on Record No. 1168. I intended to vote no.

Morrison

I was shown voting yes on Record No. 1168. I intended to vote no.

Oliveira

I was shown voting yes on Record No. 1168. I intended to vote no.

Orr

Senate Committee Substitute

CSHB 3536, A bill to be entitled An Act relating to imposing a fee on the sale of cigarettes and cigarette tobacco products manufactured by certain companies; providing penalties.

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

SECTION 1. Chapter 161, Health and Safety Code, is amended by adding Subchapter V to read as follows:

SUBCHAPTER V. FEE ON CIGARETTES AND CIGARETTE TOBACCO PRODUCTS MANUFACTURED BY CERTAIN COMPANIES

Sec. 161.601. PURPOSE. The purpose of this subchapter is to:

(1) recover health care costs to the state imposed by non-settling manufacturers;

(2) prevent non-settling manufacturers from undermining this state's policy of reducing underage smoking by offering cigarettes and cigarette tobacco products at prices that are substantially below the prices of cigarettes and cigarette tobacco products of other manufacturers;

(3) protect the tobacco settlement agreement and funding, which has been reduced because of the growth of sales of non-settling manufacturer cigarettes and cigarette tobacco products, for programs that are funded wholly or partly by payments to this state under the tobacco settlement agreement and recoup for this state settlement payment revenue lost because of sales of non-settling manufacturer cigarettes and cigarette tobacco products;

(4) ensure evenhanded treatment of manufacturers and further protect the tobacco settlement agreement and funding by imposing a partial payment obligation on non-settling manufacturers that already make payments on Texas sales under the master settlement agreement until a credit amendment to that agreement that will provide those manufacturers with a credit for payments to Texas is effective; and

(5) provide funding for any purpose the legislature determines.

Sec. 161.602. DEFINITIONS. In this subchapter:

(1) "Brand family" means each style of cigarettes or cigarette tobacco products sold under the same trademark. The term includes any style of cigarettes or cigarette tobacco products that have a brand name, trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or other indication of product identification that is identical to, similar to, or identifiable with a previously known brand of cigarettes or cigarette tobacco products.

(2) "Cigarette" means a roll for smoking that is:

(A) made of tobacco or tobacco mixed with another ingredient and wrapped or covered with a material other than tobacco; and

(B) not a cigar.

(3) "Cigarette tobacco product" means roll-your-own tobacco or tobacco that, because of the tobacco's appearance, type, packaging, or labeling, is suitable for use in making cigarettes and is likely to be offered to or purchased by a consumer for that purpose.

(4) "Credit amendment" means an amendment to the master settlement agreement that offers a credit to subsequent participating manufacturers for fees paid under this subchapter with respect to their products in a form agreed on by settling states, as defined in the master settlement agreement, with aggregate allocable shares, as defined in the master settlement agreement, equal to at least 99.937049 percent; by the original participating manufacturers, as defined in the master settlement agreement; and by subsequent participating manufacturers whose aggregate market share, expressed as a percentage of the total number of individual cigarettes sold in the United States, the District of Columbia, and Puerto Rico during the calendar year at issue, as measured by excise taxes collected by the federal government, and in the case of cigarettes sold in Puerto Rico, by arbitrios de cigarillos collected by the Puerto Rico taxing authority, is greater than 2.5 percent. For purposes of the calculation of subsequent participating manufacturer market share under this subchapter, 0.09 ounces of roll-your-own tobacco constitutes one cigarette.

(5) "Distributor" has the meaning assigned by Section 154.001 or 155.001, Tax Code, as appropriate.

(6) "Fee" or "monthly fee" means the fee imposed under Section 161.603.

(7) "Manufacturer" means a person that manufactures, fabricates, or assembles cigarettes or cigarette tobacco products, or causes or arranges for the manufacture, fabrication, or assembly of cigarettes or cigarette tobacco products for sale or distribution. For purposes of this subchapter, the term includes a person that is the first importer into the United States of cigarettes or cigarette tobacco products manufactured, fabricated, or assembled outside the United States.

(8) "Master settlement agreement" means the settlement agreement entered into on November 23, 1998, by 46 states and leading United States tobacco manufacturers, as amended as of September 1, 2013.

(9) "Non-settling manufacturer" means a manufacturer of cigarettes or cigarette tobacco products that did not sign a tobacco settlement agreement described by Subdivision (15).

(10) "Non-settling manufacturer cigarettes" means cigarettes of a non-settling manufacturer.

(11) "Non-settling manufacturer cigarette tobacco products" means cigarette tobacco products of a non-settling manufacturer.

(12) "Released claim" means:

(A) "released claims" as that term is defined in the agreement described by Subdivision (15)(A); and

(B) all claims encompassed in Paragraph 7 of the agreement described by Subdivision (15)(B).

(13) "Settling manufacturer" means a manufacturer of cigarettes or cigarette tobacco products that signed a tobacco settlement agreement described by Subdivision (15).

(14) "Subsequent participating manufacturer" has the same meaning provided for that term in the master settlement agreement, except that the term excludes any settling manufacturer under the tobacco settlement agreement described by Subdivision (15)(B). A manufacturer may not be treated as a subsequent participating manufacturer for purposes of Section 161.604(c) unless it has provided to the comptroller notice and proof, in the form and manner the comptroller may prescribe, that it is a subsequent participating manufacturer.

(15) "Tobacco settlement agreement" means either:

(A) the Comprehensive Settlement Agreement and Release filed on January 16, 1998, in the United States District Court, Eastern District of Texas, in the case styled The State of Texas v. The American Tobacco Co., et al., No. 5-96CV-91, and all subsequent amendments; or

(B) the settlement agreement entered into on March 20, 1997, regarding the matter described in Paragraph (A), but only as to companies that signed that agreement on that date.

Sec. 161.603. FEE IMPOSED. (a) A fee is imposed on the sale, use, consumption, or distribution in this state of:

(1) non-settling manufacturer cigarettes if a stamp is required to be affixed to a package of those cigarettes under Section 154.041, Tax Code;

(2) non-settling manufacturer cigarettes that are sold, purchased, or distributed in this state but that are not required to have a stamp affixed to a package of those cigarettes under Chapter 154, Tax Code;

(3) non-settling manufacturer cigarette tobacco products that are subject to the tax imposed by Section 155.0211, Tax Code; and

(4) non-settling manufacturer cigarette tobacco products that are sold, purchased, or distributed in this state but that are not subject to the tax imposed by Section 155.0211, Tax Code.

(b) The fee imposed by this section does not apply to cigarettes or cigarette tobacco products that a settling manufacturer claims as its own, and that are included in computing payments to be made by that settling manufacturer, under the tobacco settlement agreement described by Section 161.602(15)(A).

(c) The fee imposed by this section does not apply to cigarettes or cigarette tobacco products that are sold into another state for resale to consumers outside of this state, provided that the sale is reported to the state into which the cigarettes are sold under 15 U.S.C. Section 376.

(d) The fee imposed by this section is in addition to any other privilege, license, fee, or tax required or imposed by state law.

(e) Except as otherwise provided by this subchapter, the fee imposed by this section is imposed, collected, paid, administered, and enforced in the same manner as the taxes imposed by Chapter 154 or 155, Tax Code, as appropriate.

(f) The fee imposed by this section shall be collected only once on each cigarette or cigarette tobacco product on which it is due.

Sec. 161.604. RATE OF FEE. (a) For cigarettes or cigarette tobacco products sold, used, consumed, or distributed in this state, as provided by Section 161.603, during the 2013 calendar year, the fee is imposed at the rate of 2.75 cents for:

(1) each non-settling manufacturer cigarette; and
(2) each 0.09 ounces of non-settling manufacturer cigarette tobacco product described by Section 161.602(3).

(b) Beginning in January 2014, and in January of each subsequent year, the comptroller shall compute the rate of the fee applicable during that calendar year by increasing the rate for the preceding calendar year by the greater of:

(1) three percent; or
(2) the actual total percentage change in the Consumer Price Index for All Urban Consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, during the preceding calendar year, calculated by comparing the CPI-U for December of the preceding calendar year with the CPI-U for December a year earlier.

(c) Notwithstanding Subsection (a), the rate of the fee on the cigarettes and cigarette tobacco products of a subsequent participating manufacturer shall, for calendar months beginning before the effective date of a credit amendment, be calculated by substituting 0.75 cents for 2.75 cents in Subsection (a). For calendar months beginning on or after the effective date of a credit amendment, the rate of the fee on the cigarettes and cigarette tobacco products of subsequent participating manufacturers shall be the same as the rate that applies for those months to the cigarettes of non-settling manufacturers who are not subsequent participating manufacturers.

Sec. 161.605. DISTRIBUTOR'S REPORT AND PAYMENT OF MONTHLY FEE. (a) A distributor required to file a report under Section 154.210 or 155.111, Tax Code, shall, in addition to the information required by those sections, include in that required report, as appropriate:

(1) the number and denominations of stamps affixed to individual packages of non-settling manufacturer cigarettes during the preceding month;

(2) the amount of non-settling manufacturer cigarette tobacco products subject to the tax imposed by Section 155.0211, Tax Code, during the preceding month;

(3) the number of individual packages of non-settling manufacturer cigarettes and the amount of non-settling manufacturer cigarette tobacco products not subject to the tax imposed by Chapter 154, Tax Code, or Section 155.0211, Tax Code, sold or purchased in this state or otherwise distributed in this state for sale in the United States;

(4) a calculation of the monthly fee required to be paid by the distributor; and

(5) any other information the comptroller considers necessary or appropriate to determine the amount of the fee imposed by this subchapter or to enforce this subchapter.

(b) A distributor shall include with the report required under this section the fee imposed under Section 161.603 based on the non-settling manufacturer cigarettes and cigarette tobacco products required to be included in the distributor's report under this section and calculated using the rate under Section 161.604.

(c) The information required by Subsections (a)(1), (2), and (3) must be itemized for each place of business and by manufacturer and brand family.

(d) The requirement to report information under this section shall be enforced in the same manner as the requirement to deliver to or file with the comptroller a report required under Section 154.210 or 155.111, Tax Code, as appropriate.

(e) Notwithstanding any other law, a distributor that remits a monthly fee under this section is, subject to Section 154.051, Tax Code, entitled to a stamping allowance of three percent of the face value of all stamps purchased under Section 154.041, Tax Code, for providing the service of affixing stamps to cigarette packages.

(f) Information obtained from a report provided under Subsection (a) regarding cigarettes or cigarette tobacco products sold, purchased, or otherwise distributed by a non-settling manufacturer may be disclosed by the comptroller to the manufacturer or to the authorized representative of the manufacturer.

(g) The comptroller shall, for the purpose of assisting distributors in calculating the monthly fee, publish and maintain on the comptroller's Internet website:

(1) a list of the names and brand families of settling manufacturers;

(2) a list of each non-settling manufacturer showing whether that manufacturer:

(A) is a subsequent participating manufacturer; or

(B) is not a subsequent participating manufacturer; and

(3) the effective date of any credit amendment.

Sec. 161.606. REPORT TO ATTORNEY GENERAL BEFORE OFFERING NON-SETTLING MANUFACTURER CIGARETTES OR CIGARETTE TOBACCO PRODUCTS FOR SALE OR DISTRIBUTION IN THIS STATE. (a) If cigarettes or cigarette tobacco products of a non-settling manufacturer were not offered for sale or distribution in this state on September 1, 2013, the non-settling manufacturer shall, before the date the cigarettes or cigarette tobacco products are offered for sale or distribution in this state, provide to the attorney general on a form prescribed by the attorney general:

(1) the non-settling manufacturer's complete name, address, and telephone number;

(2) the date that the non-settling manufacturer will begin offering cigarettes or cigarette tobacco products for sale or distribution in this state;

(3) the names of the brand families of the cigarettes or cigarette tobacco products that the non-settling manufacturer will offer for sale or distribution in this state;

(4) a statement that the non-settling manufacturer intends to comply with this subchapter; and

(5) the name, address, telephone number, and signature of an officer of the non-settling manufacturer attesting to all of the included information.

(b) The attorney general shall make the information provided under this section available to the comptroller.

Sec. 161.607. PENALTIES FOR NONCOMPLIANCE. Cigarettes and cigarette tobacco products of a non-settling manufacturer that are sold, used, consumed, or distributed in this state in violation of this subchapter, including cigarettes and cigarette tobacco products for which full payment of the fee imposed under Section 161.603 is not made, shall be treated as cigarettes or cigarette tobacco products for which the tax assessed by Chapter 154 or 155, Tax Code, as appropriate, has not been paid, and the distributor or non-settling manufacturer is subject to all penalties imposed by those chapters for violations of those chapters.

Sec. 161.608. APPOINTMENT OF AGENT FOR SERVICE OF PROCESS. A non-settling manufacturer shall appoint and engage a resident agent for service of process.

Sec. 161.609. AUDIT OR INSPECTION. The comptroller or attorney general is entitled to conduct reasonable periodic audits or inspections of the financial records of a non-settling manufacturer and its distributors to ensure compliance with this subchapter.

Sec. 161.610. COMPTROLLER INFORMATION SHARING. On request, the comptroller shall report annually to the independent auditor or other entities responsible for making calculations or other determinations under a tobacco settlement agreement or the master settlement agreement, as the master settlement agreement may be amended or supplemented by some or all of the parties thereto, the volume of cigarettes on which the fee required under Section 161.603 is paid, itemized by cigarette manufacturer and brand family.

Sec. 161.611. REVENUE DEPOSITED IN GENERAL REVENUE FUND. The revenue from the fees imposed by this subchapter shall be deposited in the state treasury to the credit of the general revenue fund.

Sec. 161.612. RELEASED CLAIMS. All fees paid by a manufacturer under this subchapter shall apply on a dollar for dollar basis to reduce any judgment or settlement on a released claim brought against the manufacturer that made the payment.

Sec. 161.613. APPLICATION OF SUBCHAPTER. (a) This subchapter applies without regard to Section 154.022, Tax Code, or any other law that might be read to create an exemption for interstate sales.

(b) This subchapter does not apply to a tobacco product described by Section 155.001(15)(C), Tax Code.

Sec. 161.614. RULES. The comptroller and attorney general may issue rules and regulations as necessary to carry out or enforce this subchapter.

SECTION 2. (a) Not later than September 30, 2013, a non-settling manufacturer, as that term is defined by Section 161.602, Health and Safety Code, as added by this Act, that is offering cigarettes or cigarette tobacco products for sale or distribution in this state on September 1, 2013, shall provide to the attorney general on a form prescribed by the attorney general:

(1) the non-settling manufacturer's complete name, address, and telephone number;

(2) the date that the non-settling manufacturer began offering cigarettes or cigarette tobacco products for sale or distribution in this state;

(3) the names of the brand families of the cigarettes or cigarette tobacco products that the non-settling manufacturer offers for sale or distribution in this state;

(4) a statement that the non-settling manufacturer intends to comply with Subchapter V, Chapter 161, Health and Safety Code, as added by this Act; and

(5) the name, address, telephone number, and signature of an officer of the non-settling manufacturer attesting to all of the included information.

(b) The attorney general shall make the information provided under Subsection (a) of this section available to the comptroller.

SECTION 3. This Act takes effect September 1, 2013.

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

Amend **CSHB 3536** (senate committee report) in SECTION 1 of the bill, in added Section 161.614, Health and Safety Code (page 6, line 1), by striking "and attorney general".

(Speaker pro tempore in the chair)

HB 2383 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2383, A bill to be entitled An Act relating to life settlement contracts for the payment of long-term care services under the medical assistance program and the consideration of a life insurance policy in determining eligibility for medical assistance.

Representative Eiland moved to concur in the senate amendments to **HB 2383**.

The motion to concur in the senate amendments to **HB 2383** prevailed by (Record 1169): 134 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Bell; Bohac; Bonnen, G.; Branch; 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; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Ritter; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith;

Smithee; Springer; Stephenson; Stickland; Strama; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zedler.

Nays — Burkett; Harper-Brown; Hughes; Taylor; White.

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

Absent, Excused — Laubenberg.

Absent — Ashby; King, P.; Miller, R.; Morrison; Pitts; Riddle; Rodriguez, E.; Zerwas.

STATEMENTS OF VOTE

When Record No. 1169 was taken, I was temporarily out of the house chamber. I would have voted yes.

Ashby

When Record No. 1169 was taken, I was temporarily out of the house chamber. I would have voted no.

P. King

When Record No. 1169 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

Senate Committee Substitute

CSHB 2383, A bill to be entitled An Act relating to life settlement contracts for the payment of long-term care services and support and the consideration of a life insurance policy in determining eligibility for medical assistance.

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

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.02613 to read as follows:

Sec. 32.02613. LIFE INSURANCE ASSETS; LIFE INSURANCE POLICY CONVERSION. (a) For purposes of this section, "long-term care services and support" includes home health care, assisted living, and nursing home services.

(b) The owner of a life insurance policy with a face amount of more than \$10,000 may enter into a life settlement contract under Chapter 1111A, Insurance Code, for the benefit of a recipient of long-term care services and support in exchange for direct payments to:

(1) a health care provider for the provision of those services to that recipient; or

(2) the state to offset the costs of providing those services to that recipient under the medical assistance program.

(c) The proceeds of a life settlement contract entered into under this section must be used for the payment of long-term care services and support, except for the amount specified in Subsection (d)(1). To the extent feasible and allowed under federal law, the medical assistance program may act only as the secondary

payor for long-term care services and support provided to a person who is eligible for medical assistance and for whose benefit an owner of a life insurance policy has entered into a life settlement contract under this section.

(d) In addition to the requirements under Chapter 1111A, Insurance Code, a life settlement contract entered into under this section must:

(1) provide that the lesser of five percent of the face amount of the life insurance policy or \$5,000 is reserved and is payable to the owner's estate or a named beneficiary for funeral expenses;

(2) provide that the balance of proceeds under the life settlement contract that are unpaid on the death of the owner must be paid to the owner's estate or a named beneficiary; and

(3) specify the total amount payable for the benefit of the recipient of long-term care services and support under the life settlement contract.

(e) All proceeds of a life settlement contract entered into under this section must be held in an irrevocable state or federally insured account for the benefit of the recipient of long-term care services and support or for payment as otherwise required by this section.

(f) Only a recipient of long-term care services and support for whose benefit an owner enters into a life settlement contract under this section may choose the provider and type of services provided to the recipient and paid for out of an account described by Subsection (e). Any attempt by a person to require the recipient to choose a specific provider is strictly prohibited and constitutes an unfair method of competition or an unfair or deceptive act or practice under the Insurance Code.

(g) A person who enters into a life settlement contract with an owner of a life insurance policy under this section must maintain:

(1) a surety bond executed and issued by an insurer authorized to issue surety bonds in this state;

(2) a policy of errors and omissions insurance; or

(3) a deposit in the amount of \$500,000 in any combination of cash, certificates of deposit, or securities.

(h) In accordance with the requirements of Chapter 1111A, Insurance Code, a life settlement contract provider who enters into life settlement contracts with owners of life insurance policies under this section must file with the Texas Department of Insurance:

(1) all life settlement contract forms used by the provider; and

(2) all advertising and marketing materials used by the provider.

(i) Section 1111A.022(a)(2)(A), Insurance Code, does not apply to a life insurance policy that is the subject of a life settlement contract entered into under this section if the contract has been in force at least five years.

(j) A claim against a life settlement contract provider with whom an owner of a life insurance policy enters into a life settlement contract under this section by the owner, the owner's estate, a named beneficiary, or any other person with respect to the contract may not exceed the face amount of the policy, less the proceeds paid under the contract, plus the total amount of premiums paid by the

owner since entering into the contract. A life settlement contract provider must pay a claim under this subsection from the funds in an account described by Subsection (e).

(k) In accordance with Chapter 1111A, Insurance Code, the Texas Department of Insurance may conduct periodic market examinations of each life settlement contract provider who enters into a life settlement contract with an owner of a life insurance policy under this section.

(l) The department shall educate applicants for long-term care services and support under the medical assistance program about options for life insurance policies, including options that do not allow a life insurance policy to be considered as an asset or resource in determining eligibility for medical assistance.

(m) The executive commissioner of the Health and Human Services Commission, in consultation with the commissioner of insurance, shall adopt rules necessary to implement this section. The rules must ensure that:

(1) proceeds from a life settlement contract are used to reimburse a provider of long-term care services and support or the state to offset the cost of medical assistance long-term care services and support;

(2) eligibility and need for medical assistance are determined without considering the balance of proceeds from a life settlement contract as provided in this section; and

(3) payments to a provider of long-term care services and support and applied income payments are made in accordance with this chapter.

(n) The entry into a life settlement contract by an owner of a life insurance policy under this section is not the only method by which the owner may avoid having the policy considered as an asset or resource in determining the eligibility of the owner for medical assistance.

(o) Notwithstanding the provisions of this section, the department may not implement a provision of this section if the commission determines that implementation of the provision is not cost-effective or feasible.

SECTION 2. Subject to Section 32.02613(o), Human Resources Code, as added by this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement Section 32.02613, Human Resources Code, as added by this Act, not later than January 1, 2014.

SECTION 3. The change in law made by this Act applies only to a determination of eligibility of a person for medical assistance benefits made on or after January 1, 2014, subject to Section 32.02613(o), Human Resources Code, as added by this Act. A determination of eligibility made before January 1, 2014, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 4. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**HB 3309 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3309, A bill to be entitled An Act relating to the composition and use of money in the oil and gas regulation and cleanup fund.

Representative Crownover moved to concur in the senate amendments to **HB 3309**.

The motion to concur in the senate amendments to **HB 3309** prevailed by (Record 1170): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycocock; Bohac; Bonnen, G.; Branch; Burkett; 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; 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; 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; 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; Bonnen, D.(C).

Absent, Excused — Laubenberg.

Absent — Ashby; Bell; Burnam; Coleman; Fallon; Gonzalez, N.; Pitts.

STATEMENT OF VOTE

When Record No. 1170 was taken, I was temporarily out of the house chamber. I would have voted yes.

Ashby

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

Amend **HB 3309** (senate committee printing) as follows:

(1) On page 1, line 24, strike "Section 81.067(c), Natural Resources Code, is" and substitute "Sections 81.067(b) and (c), Natural Resources Code, are".

(2) On page 1, between lines 25 and 26, insert the following:

(b) The commission shall certify to the comptroller the date on which the balance in the fund equals or exceeds \$30 [~~\$20~~] million. The oil-field cleanup regulatory fees on oil and gas shall not be collected or required to be paid on or after the first day of the second month following the certification, except that the comptroller shall resume collecting the fees on receipt of a commission certification that the fund has fallen below \$25 [~~\$10~~] million. The comptroller shall continue collecting the fees until collections are again suspended in the manner provided by this subsection.

**HB 12 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 12, A bill to be entitled An Act relating to gifts and other consideration made to state agencies for state employee salary supplement or other purposes, and to publication by state agencies of staff compensation and related information.

Representative Flynn moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 12**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 12**: Flynn, chair; Alvarado, Perry, Martinez Fischer, and Larson.

**HB 1198 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1198, A bill to be entitled An Act relating to authorizing an optional county fee for vehicle registration in certain counties.

Representative Raymond moved to concur in the senate amendments to **HB 1198**.

The motion to concur in the senate amendments to **HB 1198** prevailed by (Record 1171): 134 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Clardy; Collier; Cook; Craddick; Creighton; 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; 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; Krause; 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; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Smith; Smithee; Springer; Stephenson; Strama; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Carter; Klick; Simmons; Simpson; Stickland; Taylor; Turner, E.S.

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

Absent, Excused — Laubenberg.

Absent — Alvarado; Ashby; Coleman; Cortez; Elkins; Pitts.

STATEMENTS OF VOTE

When Record No. 1171 was taken, I was temporarily out of the house chamber. I would have voted yes.

Ashby

When Record No. 1171 was taken, I was in the house but away from my desk. I would have voted yes.

Cortez

I was shown voting yes on Record No. 1171. I intended to vote no.

Harless

I was shown voting yes on Record No. 1171. I intended to vote no.

Hunter

I was shown voting yes on Record No. 1171. I intended to vote no.

P. King

I was shown voting yes on Record No. 1171. I intended to vote no.

Springer

Senate Committee Substitute

CSHB 1198, A bill to be entitled An Act relating to authorizing an optional county fee on vehicles registered in certain counties to fund transportation projects.

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

SECTION 1. Section 502.402(a), Transportation Code, is amended to read as follows:

(a) This section applies only to a county:

- (1) that borders the United Mexican States;
- (2) that has a population of more than 250,000 [~~300,000~~]; and
- (3) in which the largest municipality has a population of less than 400,000 [~~300,000~~].

SECTION 2. Section 502.402, Transportation Code, as amended by this Act, applies only to the fee for a registration period beginning on or after the effective date of this Act. A fee for a registration period beginning before the effective date of this Act is governed by the law in effect when the registration period began, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

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

Amend **CSHB 1198** (senate committee printing) by striking SECTION 1 of the bill (page 1, lines 24 through 31), and substituting the following:

SECTION 1. Sections 502.402(a) and (e), Transportation Code, are amended to read as follows:

(a) This section applies only to a county that:

- (1) ~~that~~ borders the United Mexican States; and
- (2) ~~that~~ has a population of more than 250,000 [~~300,000~~]; and
- ~~(3) in which the largest municipality has a population of less than 300,000~~].

(e) The additional fee shall be collected for a vehicle when other fees imposed under this chapter are collected. The fee revenue collected shall be sent to a ~~the~~ regional mobility authority located in ~~of~~ the county to fund long-term transportation projects in the county.

SB 7 - REQUEST OF SENATE GRANTED

On motion of Representative Raymond, the house granted the request of the senate for the appointment of a Conference Committee on **SB 7**.

SB 7 - MOTION TO INSTRUCT CONFEREES

Representative Capriglione moved to instruct the Conference Committee on **SB 7** to retain the Leach amendment in the text of the conference committee report.

The motion to instruct conferees was lost by (Record 1172): 68 Yeas, 71 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Bonnen, G.; Branch; Burkett; Button; Capriglione; Clardy; Cook; Craddick; Creighton; Dale; Darby; Davis, S.; Elkins; Fallon; Farney; Flynn; Frank; Geren; Goldman; Gonzales; Gooden; Guerra; Harless; Harper-Brown; Hilderbran; Hughes; Hunter; Keffer; King, P.; King, S.; Klick; Kolkhorst; Krause; Larson; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Price; Raney; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; White; Zedler.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Callegari; Canales; Coleman; Collier; Cortez; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Frullo; Giddings; González, M.; Gonzalez, N.; Guillen; Gutierrez; Hernandez Luna; Herrero; Howard; Isaac; Johnson; Kacal; King, K.; King, T.; Kleinschmidt; Kuempel; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Pickett; Pitts; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheffield, J.; Smith; Strama; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu.

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

Absent, Excused — Laubenberg.

Absent — Ashby; Bell; Bohac; Carter; Crownover; Fletcher; Huberty; Zerwas.

STATEMENTS OF VOTE

When Record No. 1172 was taken, I was temporarily out of the house chamber. I would have voted yes.

Ashby

When Record No. 1172 was taken, my vote failed to register. I would have voted yes.

Bell

When Record No. 1172 was taken, I was temporarily out of the house chamber. I would have voted yes.

Bohac

When Record No. 1172 was taken, my vote failed to register. I would have voted yes.

Carter

When Record No. 1172 was taken, I was temporarily out of the house chamber. I would have voted yes.

Fletcher

I was shown voting no on Record No. 1172. I intended to vote yes.

Frullo

I was shown voting yes on Record No. 1172. I intended to vote no.

Guerra

When Record No. 1172 was taken, I was temporarily out of the house chamber discussing **HB 5** issues with staff. I would have voted yes.

Huberty

I was shown voting no on Record No. 1172. I intended to vote yes.

Sanford

I was shown voting no on Record No. 1172. I intended to vote yes.

Villalba

I was shown voting no on Record No. 1172. I intended to vote yes.

Workman

CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 7**: Raymond, chair; Zerwas, Pitts, Alvarado, and Ratliff.

SB 8 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Kolkhorst, the house granted the request of the senate for the appointment of a Conference Committee on **SB 8**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 8**: Kolkhorst, chair; Raymond, G. Bonnen, Zedler, and S. Davis.

SB 683 - VOTE RECONSIDERED

Representative Goldman moved to reconsider the vote by which **SB 683** was passed on Wednesday, May 22 by Record No. 1057.

The motion to reconsider prevailed.

SB 683 ON THIRD READING (Goldman - House Sponsor)

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

SB 683, A bill to be entitled An Act relating to the election of members of the board of directors of the Benbrook Water Authority.

SB 683 was read third time on Wednesday, May 22 and was passed by Record No. 1057.

SB 683 - LAID ON THE TABLE SUBJECT TO CALL

Representative Goldman moved to lay **SB 683** on the table subject to call.

The motion prevailed.

SB 358 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Muñoz, the house granted the request of the senate for the appointment of a Conference Committee on **SB 358**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 358**: Muñoz, chair; Herrero, Moody, Carter, and Toth.

SB 396 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Martinez, the house granted the request of the senate for the appointment of a Conference Committee on **SB 396**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 396**: Martinez, chair; Moody, Menéndez, Gutierrez, and Darby.

**SB 578 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative J. Sheffield, the house granted the request of the senate for the appointment of a Conference Committee on **SB 578**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 578**: J. Sheffield, chair; Simmons, R. Miller, Johnson, and Morrison.

**SB 1017 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Lavender, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1017**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1017**: Lavender, chair; Goldman, Guerra, Paddie, and E. Thompson.

**SB 1023 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Naishtat, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1023**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1023**: Naishtat, chair; Geren, Cook, Larson, and S. Turner.

**SB 1106 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative J. Davis, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1106**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1106**: J. Davis, chair; Y. Davis, Huberty, Zerwas, and Alvarado.

**SB 1678 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Isaac, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1678**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1678**: Isaac, chair; Menéndez, Geren, J. Davis, and Larson.

**SB 1458 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Callegari, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1458**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1458**: Callegari, chair; Alonzo, Stephenson, Branch, and Allen.

**SB 58 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Zerwas, the house granted the request of the senate for the appointment of a Conference Committee on **SB 58**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 58**: Zerwas, chair; Price, Naishtat, Rose, and J. Davis.

SB 971 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Deshotel submitted the conference committee report on **SB 971**.

Representative Deshotel moved to adopt the conference committee report on **SB 971**.

The motion to adopt the conference committee report on **SB 971** prevailed by (Record 1173): 144 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Burnam; Button; 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; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; 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; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; 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.

Nays — Schaefer.

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

Absent, Excused — Laubenberg.

Absent — Callegari; Johnson.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1173. I intended to vote no.

Branch

I was shown voting no on Record No. 1173. I intended to vote yes.

Schaefer

HB 508 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 508, A bill to be entitled An Act relating to certain offenses relating to carrying concealed handguns on property owned or leased by a governmental entity; providing a civil penalty.

Representative Guillen moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 508**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 508**: Guillen, chair; Flynn, Pickett, Sheets, and Fletcher.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

SB 176 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Flynn submitted the conference committee report on **SB 176**.
(Raymond in the chair)

Representative Flynn moved to adopt the conference committee report on **SB 176**.

The motion to adopt the conference committee report on **SB 176** prevailed by (Record 1174): 146 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; 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; 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; 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; Raymond(C).

Absent, Excused — Laubenberg.

Absent — Capriglione.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 35).

RESOLUTIONS ADOPTED

Representative Menéndez moved to suspend all necessary rules to take up and consider at this time the following memorial resolutions:

HCR 205 (by Menéndez), In memory of U.S. Marine Corporal Michael Arthur Preuss of Houston.

HCR 206 (by Menéndez), In memory of U.S. Army Specialist James Jesse Delacruz of Spring.

HCR 207 (by Menéndez), In memory of U.S. Marine Sergeant Lorenzo Aranda, Jr., of Baytown.

The motion to suspend all necessary rules prevailed, and the resolutions were unanimously adopted by a rising vote.

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

SB 901 - RECOMMITTED

Representative Paddie moved to recommit **SB 901** to the Conference Committee on **SB 901**.

The motion prevailed.

HB 866 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 866, A bill to be entitled An Act relating to the administration to public school students in certain grades of state-administered assessment instruments.

Representative Huberty moved to concur in the senate amendments to **HB 866**.

The motion to concur in the senate amendments to **HB 866** prevailed by (Record 1175): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycocck; 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; 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; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; 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; Raymond(C).

Absent, Excused — Laubenberg.

Absent — Patrick.

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

Amend **HB 866** (senate committee printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 25), strike "and (a-9)" and substitute "(a-9), and (a-10)".

(2) In SECTION 1 of the bill, amending Section 39.023(a), Education Code (page 1, lines 38 - 39) strike "[~~writing, including spelling and grammar, in grades four and seven;~~]" and substitute "~~writing, including spelling and grammar, in grades four and seven;~~".

(3) In SECTION 1 of the bill, amending Section 39.023(a), Education Code (page 1, line 40), strike "[~~(4)~~]" and substitute "(4)".

(4) In SECTION 1 of the bill, amending Section 39.023(a), Education Code (page 1, line 41), strike "~~(4) [(5)]~~" and substitute "(5)".

(5) In SECTION 1 of the bill, immediately following Section 39.023(a-9), Education Code (page 3, between lines 8 and 9), insert the following:

(a-10) This subsection and Subsections (a-3), (a-4), (a-5), (a-6), (a-7), (a-8), and (a-9) expire September 1, 2017.

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

SECTION _____. Effective September 1, 2017, Sections 39.023(a), (a-1), (a-2), (b), (c-1), (c-3), (e), (l), (m), (n), and (p), Education Code, are amended to read as follows:

(a) The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in reading, writing, mathematics, social studies, and science. Except as provided by Subsection (a-2), all students, other than students assessed under Subsection (b) or (l) or exempted under Section 39.027, shall be assessed in:

(1) mathematics, annually in grades three through seven without the aid of technology and in grade eight with the aid of technology on any assessment instrument that includes algebra;

(2) reading, annually in grades three through eight;

(3) writing, including spelling and grammar, in grades four and seven;

(4) social studies, in grade eight;

(5) science, in grades five and eight; and

(6) any other subject and grade required by federal law.

(a-1) The agency shall develop assessment instruments required under Subsection (a) in a manner that allows, to the extent practicable:

(1) the score a student receives to provide reliable information relating to a student's satisfactory performance for each performance standard under Section 39.0241; and

(2) an appropriate range of performances to serve as a valid indication of growth in student achievement.

(a-2) A student is not required to be assessed in a subject otherwise assessed at the student's grade level under Subsection (a) if the student:

(1) is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Subsection (a) that aligns with the curriculum for the course in which the student is enrolled; or

(2) is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument adopted under Subsection (c) for the course.

(b) The agency shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program under Subchapter A, Chapter 29, for whom an assessment instrument adopted under Subsection (a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal committee.

(c-1) The agency shall develop any assessment instrument required under this section in a manner that allows for the measurement of annual improvement in student achievement as required by Sections 39.034(c) and (d).

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

(1) 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) the spring administration of end-of-course assessment instruments under Subsection (c) to occur in each school district not earlier than the first full week in May, except that the spring administration of the end-of-course assessment instruments in English I, English II, and English III must be permitted to occur at an earlier date.

(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), (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.

(l) The State Board of Education shall adopt rules for the administration of the assessment instruments adopted under Subsection (a) in Spanish to students in grades three through five who are of limited English proficiency, as defined by Section 29.052, whose primary language is Spanish, and who are not otherwise exempt from the administration of an assessment instrument under Section 39.027(a)(1) or (2). Each student of limited English proficiency whose primary language is Spanish, other than a student to whom Subsection (b) applies, may be assessed using assessment instruments in Spanish under this subsection for up to three years or assessment instruments in English under Subsection (a). The language proficiency assessment committee established under Section 29.063 shall determine which students are administered assessment instruments in Spanish under this subsection.

(m) The commissioner by rule shall develop procedures under which the language proficiency assessment committee established under Section 29.063 shall determine which students are exempt from the administration of the assessment instruments under Section 39.027(a)(1) or (2). The rules adopted under this subsection shall ensure that the language proficiency assessment committee provides that the exempted students are administered the assessment instruments under Subsections (a) and (c) at the earliest practical date.

(n) This subsection applies only to a student who is determined to have dyslexia or a related disorder and who is an individual with a disability under 29 U.S.C. Section 705(20) and its subsequent amendments. The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess the ability of and to be administered to each student to whom this subsection applies for whom the assessment instruments adopted under Subsection (a), even with allowable modifications, would not provide an appropriate measure of student achievement, as determined by the committee

established by the board of trustees of the district to determine the placement of students with dyslexia or related disorders. The committee shall determine whether any allowable modification is necessary in administering to a student an assessment instrument required under this subsection. The assessment instruments required under this subsection shall be administered on the same schedule as the assessment instruments administered under Subsection (a).

(p) On or before September 1 of each year, the commissioner shall make the following information available on the agency's Internet website for each assessment instrument administered under Subsection (a), (c), or (l):

(1) the number of questions on the assessment instrument;

(2) the number of questions that must be answered correctly to achieve satisfactory performance as determined by the commissioner under Section 39.0241(a);

(3) the number of questions that must be answered correctly to achieve satisfactory performance under the college readiness performance standard as provided by Section 39.0241; and

(4) the corresponding scale scores.

(7) In SECTION 2 of the bill, in Subsection (a) (page 4, line 41), strike "This Act" and substitute "Except as otherwise provided by this Act, this Act".

HB 2100 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative S. Thompson called up with senate amendments for consideration at this time,

HB 2100, A bill to be entitled An Act relating to the salary for certain employees of the Department of Public Safety of the State of Texas.

Representative S. Thompson moved to concur in the senate amendments to **HB 2100**.

The motion to concur in the senate amendments to **HB 2100** prevailed by (Record 1176): 144 Yeas, 2 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, 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; 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; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith;

Smithee; Springer; Stephenson; Strama; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Stickland; Taylor.

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

Absent, Excused — Laubenberg.

Absent — Lavender.

STATEMENT OF VOTE

When Record No. 1176 was taken, I was in the house but away from my desk. I would have voted yes.

Lavender

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

Amend **HB 2100** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0162 to read as follows:

Sec. 411.0162. SALARIES FOR CERTAIN TROOPERS. (a) Notwithstanding any other provision of law and subject to the availability of money appropriated for that purpose, the department may pay its employees classified as Trooper Trainee, Probationary Trooper, and Trooper I at rates that exceed the maximum rates designated in Salary Schedule C of the position classification schedule prescribed by the General Appropriations Act for the state fiscal biennium ending August 31, 2013, for that position by up to 10 percent.

(b) Notwithstanding Subsection (a) or any other provision of law and subject to the availability of money appropriated for that purpose, in the state fiscal year beginning September 1, 2013, the department may pay its employees classified as Trooper Trainee, Probationary Trooper, and Trooper I at rates that exceed the maximum rates designated in Salary Schedule C of the position classification schedule prescribed by the General Appropriations Act for the state fiscal biennium ending August 31, 2013, for that position by up to five percent. This subsection expires September 1, 2014.

SECTION 2. This Act takes effect September 1, 2013.

HB 581 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 581, A bill to be entitled An Act relating to the waiver of sovereign immunity in certain employment lawsuits by nurses and in certain employment discrimination actions in connection with a workers' compensation claim.

Representative Howard moved to concur in the senate amendments to **HB 581**.

The motion to concur in the senate amendments to **HB 581** prevailed by (Record 1177): 131 Yeas, 14 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; 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, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Kuempel; Larson; Lavender; 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; Pickett; Pitts; Price; Raney; Ratliff; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Stephenson; Stickland; Strama; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Bell; Flynn; Frank; Hughes; King, P.; Krause; Leach; Phillips; Sheets; Springer; Taylor; Turner, E.S.; White; Zedler.

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

Absent, Excused — Laubenberg.

Absent — Cortez; Davis, Y.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1177. I intended to vote no.

Anderson

When Record No. 1177 was taken, I was in the house but away from my desk. I would have voted yes.

Cortez

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

Amend **HB 581** (senate committee printing) as follows:

(1) In the recital to SECTION 3 of the bill (page 2, line 2), strike "and (j)" and substitute "(j), (k), and (l)".

(2) In SECTION 3 of the bill, in proposed Section 301.413(g), Occupations Code (page 2, line 3), strike "A" and substitute "Subject to Subsection (h), a".

(3) In SECTION 3 of the bill, in amended Section 301.413, Occupations Code (page 2, between lines 17 and 18), insert the following new Subsections (h) and (i) and reletter the subsequent subsections of that section accordingly:

(h) Relief may be granted in a lawsuit brought under Subsection (g) for an alleged violation of Subsection (b)(1) based on a report made by a nurse under Section 301.4025(b) only if the nurse:

- (1) made the report:
(A) in writing, which may be provided electronically; or
(B) verbally, if authorized by the nurse's employer or another entity
at which the nurse is authorized to practice;
- (2) made the report to:
(A) the nurse's supervisor;
(B) a committee authorized under state or federal law to receive
reports under Section 301.4025(b); or
(C) an individual or committee authorized by the nurse's employer
or another entity at which the nurse is authorized to practice; and
- (3) made the report not later than:
(A) the fifth day after the date the nurse became aware of the
situation if the situation involves a single incident; or
(B) the fifth day after the date the nurse became aware of the most
recent occurrence of the situation if the situation involves multiple incidents or a
pattern of behavior.
- (i) For purposes of Subsection (h), "supervisor" means an individual who
has authority over the responsibilities of the nurse making the report or an
individual who is in the nurse's chain of command.
- (4) Strike SECTION 1 of the bill, adding Section 451.0025, Labor Code (page 1, lines 23 through 36).
- (5) Strike SECTION 2 of the bill, amending Section 504.002, Labor Code (page 1, lines 37 through 61).
- (6) Strike SECTION 4 of the bill (page 2, lines 34 through 40).
- (7) Renumber the SECTIONS of the bill appropriately.

HB 148 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 148, A bill to be entitled An Act relating to aid provided to certain voters; providing criminal penalties.

Representative Burkett moved to concur in the senate amendments to **HB 148**.

The motion to concur in the senate amendments to **HB 148** prevailed by (Record 1178): 132 Yeas, 11 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Lavender; Leach; Lewis; Longoria;

Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Murphy; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Reynolds; Riddle; Ritter; Rodríguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; White; Workman; Wu; Zedler; Zerwas.

Nays — Allen; Alvarado; Burnam; Canales; Cortez; Dukes; Gutierrez; Muñoz; Rodríguez, E.; Thompson, S.; Walle.

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

Absent, Excused — Laubenberg.

Absent — Alonzo; Guillen; King, S.; Naishtat.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1178. I intended to vote no.

Collier

When Record No. 1178 was taken, I was in the house but away from my desk. I would have voted no.

Naishtat

I was shown voting yes on Record No. 1178. I intended to vote no.

Nevárez

I was shown voting yes on Record No. 1178. I intended to vote no.

J. Rodriguez

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

Amend **HB 148** (senate committee printing) as follows:

(1) Strike SECTION 1 of the bill (page 1, lines 22-56).

(2) In SECTION 2 of the bill, in added Section 86.0052, Election Code (page 1, lines 59 and 60), strike "OF ANOTHER FOR COLLECTING BALLOTING MATERIALS" and substitute "FOR CARRIER ENVELOPE ACTION".

(3) Strike added Section 86.0052(a), Election Code (page 1, line 60, through page 2, line 1), and substitute the following:

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

(1) compensates another person for depositing the carrier envelope in the mail or with a common or contract carrier as provided by Section 86.0051(b), including by any performance-based compensation scheme based on the number of ballots deposited or in which another person is presented with a quota of ballots to deposit as provided by Section 86.0051(b);

(2) engages in another practice that causes another person's compensation from or employment status with the person to be dependent on the number of ballots deposited as provided by Section 86.0051(b); or

(3) with knowledge that accepting compensation for such activity is illegal, accepts compensation for an activity described by Subdivision (1) or (2).

(4) Add the following immediately after added Section 86.0052(c), Election Code (page 2, between lines 11 and 12):

(d) An officer, director, or other agent of an entity that commits an offense under this section is punishable for the offense.

(e) For purposes of this section, compensation means any form of monetary payment, goods, services, benefits, or promises or offers of employment, or any other form of consideration offered to another person in exchange for depositing ballots.

(5) Strike SECTIONS 3 and 4 of the bill (page 2, lines 12-56).

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

SECTION _____. Chapter 86, Election Code, is amended by adding Section 86.0105 to read as follows:

Sec. 86.0105. COMPENSATION FOR ASSISTING VOTERS PROHIBITED. (a) A person commits an offense if the person:

(1) compensates another person for assisting voters as provided by Section 86.010, including by any performance-based compensation scheme based on the number of voters assisted or in which another person is presented with a quota of voters to be assisted as provided by Section 86.010;

(2) engages in another practice that causes another person's compensation from or employment status with the person to be dependent on the number of voters assisted as provided by Section 86.010; or

(3) with knowledge that accepting compensation for such activity is illegal, accepts compensation for an activity described by Subdivision (1) or (2).

(b) Except as provided by Subsection (c), an offense under this section is a misdemeanor punishable by:

(1) confinement in jail for a term of not more than one year or less than 30 days; or

(2) confinement described by Subdivision (1) and a fine not to exceed \$4,000.

(c) An offense under this section is a state jail felony if it is shown on the trial of an offense under this section that the defendant was previously convicted two or more times under this section.

(d) An officer, director, or other agent of an entity that commits an offense under this section is punishable for the offense.

(e) For purposes of this section, compensation means any form of monetary payment, goods, services, benefits, or promises or offers of employment, or any other form of consideration offered to another person in exchange for assisting voters.

(7) In SECTION 5 of the bill, in amended Section 86.013(d), Election Code (page 2, line 67), strike "limitation on" and substitute "prohibition on compensation for".

(8) In SECTION 5 of the bill, in amended Section 86.013(d), Election Code (page 2, line 69), strike "prescribed by Section 85.0051(b-1)" and substitute "under Section 86.0052".

(9) Renumber remaining SECTIONS of the bill accordingly.

**HB 29 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 29, A bill to be entitled An Act relating to requiring certain general academic teaching institutions to offer a four-year fixed tuition price plan to undergraduate students.

Representative Branch moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 29**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 29**: Branch, chair; Alvarado, Button, Burkett, and Darby.

**HB 213 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 213, A bill to be entitled An Act relating to the \$1 million total revenue exemption for the franchise tax.

Representative Hunter moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 213**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 213**: Hilderbran, chair; Lozano, Button, T. King, and N. Gonzalez.

**HB 984 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 984, A bill to be entitled An Act relating to certain information required to be provided to an applicant for a marriage license.

Representative Elkins moved to concur in the senate amendments to **HB 984**.

The motion to concur in the senate amendments to **HB 984** prevailed by (Record 1179): 144 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, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; 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; Phillips; Pickett; Pitts; Price; Raney; Ratliff; 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; Raymond(C).

Absent, Excused — Laubenberg.

Absent — Gooden; Johnson; King, K.

Senate Committee Substitute

CSHB 984, A bill to be entitled An Act relating to certain information required to be provided to an applicant for a marriage license.

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

SECTION 1. Section 2.009(c), Family Code, is amended to read as follows:

(c) On the proper execution of the application, the clerk shall:

- (1) prepare the license;
- (2) enter on the license the names of the licensees, the date that the license is issued, and, if applicable, the name of the person appointed to act as proxy for an absent applicant, if any;
- (3) record the time at which the license was issued;
- (4) distribute to each applicant written notice of the online location of the information prepared under Section 2.010 regarding ~~printed materials about~~ acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) and note on the license that the distribution was made; and
- (5) ~~inform~~ ~~distribute to~~ each applicant:
 - (A) that a premarital education handbook developed ~~provided~~ by the child support division of the office of the attorney general under Section 2.014 is available on the child support division's Internet website; or
 - (B) if the applicant does not have Internet access, how the applicant may obtain a paper copy of the handbook described by Paragraph (A).

SECTION 2. Section 2.010, Family Code, is amended to read as follows:

Sec. 2.010. AIDS INFORMATION; POSTING ON INTERNET. The [Materials providing information about acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) shall be prepared and provided to the clerk by the Texas] Department of State Health Services [and] shall prepare and make available to the public on its Internet website information about acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV). The information must be designed to inform an applicant for a marriage license [the applicants] about:

- (1) the incidence and mode of transmission of AIDS and HIV;
- (2) the local availability of medical procedures, including voluntary testing, designed to show or help show whether a person has AIDS or HIV infection, antibodies to HIV, or infection with any other probable causative agent of AIDS; and
- (3) available and appropriate counseling services regarding AIDS and HIV infection.

SECTION 3. Section 2.014(c), Family Code, is amended to read as follows:

(c) The premarital education handbook under Subsection (b)(1) must:

(1) as provided by Section 2.009(c)(5), [shall] be made available [distributed] to each applicant for a marriage license in an electronic form on the Internet website of the child support division of the office of the attorney general or, for an applicant who does not have Internet access, in paper copy form; [as provided by Section 2.009(c)(5)] and

(2) [shall] contain information on:

- (A) [(+)] conflict management;
- (B) [(+)] communication skills;
- (C) [(+)] children and parenting responsibilities; and
- (D) [(+)] financial responsibilities.

SECTION 4. The changes in law made by this Act apply only to an application for a marriage license submitted to a county clerk on or after the effective date of this Act. An application for a marriage license submitted before the effective date of this Act is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2013.

HR 2700 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 2700**, suspending the limitations on the conferees for **SB 1**.

HB 1951 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative S. Thompson called up with senate amendments for consideration at this time,

HB 1951, A bill to be entitled An Act relating to the licensing and regulation of telecommunicators; providing a criminal penalty.

Representative S. Thompson moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1951**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1951**: S. Thompson, chair; Raymond, Clardy, Simmons, and Sheets.

**HB 2201 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2201, A bill to be entitled An Act relating to increasing the courses offered in the career and technology education curriculum.

Representative Farney moved to concur in the senate amendments to **HB 2201**.

The motion to concur in the senate amendments to **HB 2201** prevailed by (Record 1180): 146 Yeas, 0 Nays, 2 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; 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; 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; 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; Raymond(C).

Absent, Excused — Laubenberg.

Absent — Burnam.

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

Amend **HB 2201** (engrossed version), in SECTION 1 of the bill, adding Section 28.00222(a), Education Code (page 1, lines 11 and 12), by striking "satisfies statistics".

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

Amend **HB 2201** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 28.025(b-2), Education Code, is amended to read as follows:

(b-2) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to comply with the curriculum requirements for the third and fourth [a] mathematics credits [course] under Subsection (b-1)(1) ~~[taken after the successful completion of Algebra I and geometry and either after the successful completion of or concurrently with Algebra II]~~ or the third and fourth [a] science credits [course] under Subsection (b-1)(1) ~~[taken after the successful completion of biology and chemistry and either after the successful completion of or concurrently with physics]~~ by successfully completing an advanced career and technical course designated by the State Board of Education as containing substantively similar and rigorous academic content. ~~[A student may use the option provided by this subsection for not more than two courses.]~~

SECTION _____. Section 28.027(b), Education Code, is amended to read as follows:

(b) The State Board of Education shall establish a process under which an applied STEM course may be reviewed and approved for purposes of satisfying the mathematics and science curriculum requirements for the recommended high school program imposed under Section 28.025(b-1)(1)(A) through substitution of the applied STEM course for a specific mathematics or science course otherwise required under the recommended high school program ~~[and completed during the student's fourth year of mathematics or science course work]~~. The State Board of Education may only approve a course to substitute for a mathematics course taken after successful completion of Algebra I and geometry ~~[and after successful completion of or concurrently with Algebra II]~~. The State Board of Education may only approve a course to substitute for a science course taken after successful completion of biology ~~[and chemistry and after successful completion of or concurrently with physics]~~.

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

Amend **HB 2201** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, adding Section 28.00222, Education Code (page 1, line 28), strike "CAREER AND TECHNOLOGY EDUCATION" and substitute "ADVANCED TECHNOLOGY AND CAREER-RELATED".

(2) In SECTION 1 of the bill, adding Section 28.00222(a), Education Code (page 1, line 31), between "education" and "courses,", insert "or technology applications".

(3) In SECTION 1 of the bill, adding Section 28.00222(b), Education Code (page 1, line 41), between "education" and "curriculum,", insert "or technology applications".

**HB 1897 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 1897, A bill to be entitled An Act relating to the exemption from ad valorem taxation of pollution control property.

Representative Eiland moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1897**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1897**: Eiland, chair; Anchia, Huberty, Harless, and Kacal.

(Eiland in the chair)

**HB 3259 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3259, A bill to be entitled An Act relating to the ownership of and access to certain investigation records in child abuse and neglect cases.

Representative Wu moved to concur in the senate amendments to **HB 3259**.

The motion to concur in the senate amendments to **HB 3259** prevailed by (Record 1181): 145 Yeas, 0 Nays, 2 Present, not voting.

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

Absent, Excused — Laubenberg.

Absent — Bell; Burnam.

Senate Committee Substitute

CSHB 3259, A bill to be entitled An Act relating to the ownership of and access to certain investigation records in child abuse and neglect cases.

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

SECTION 1. Section 264.0145(a), Family Code, is amended to read as follows:

(a) In this section, "case record" means those files, reports, records, communications, audio recordings, video recordings [~~audiotapes, videotapes~~], or working papers under the custody and control of the department that are collected, developed, or used:

(1) in a child abuse or neglect investigation; or

(2) in providing services as a result of an investigation, including substitute care services for a child.

SECTION 2. Sections 264.408(d), (d-1), and (e), Family Code, are amended to read as follows:

(d) A video recording of an [~~videotaped~~] interview of a child that is made at a center is the property of the prosecuting attorney involved in the criminal prosecution of the case involving the child. If no criminal prosecution occurs, the video recording [~~videotaped interview~~] is the property of the attorney involved in representing the department in a civil action alleging child abuse or neglect. If the matter involving the child is not prosecuted, the video recording [~~videotape~~] is the property of the department if the matter is an investigation by the department of abuse or neglect. If the department is not investigating or has not investigated the matter, the video recording [~~videotape~~] is the property of the agency that referred the matter to the center. If the center employs a custodian of records for video recordings of [~~videotaped~~] interviews of children, the center is responsible for the custody of the video recording [~~videotape~~]. A video recording of an [~~videotaped~~] interview may be shared with other agencies under a written agreement.

(d-1) A video recording of an [~~videotaped~~] interview described by Subsection (d) is subject to production under Article 39.14, Code of Criminal Procedure, and Rule 615, Texas Rules of Evidence. A court shall deny any request by a defendant to copy, photograph, duplicate, or otherwise reproduce a video recording [~~videotape~~] of an interview described by Subsection (d), provided that the prosecuting attorney makes the video recording [~~videotape~~] reasonably available to the defendant in the same manner as property or material may be made available to defendants, attorneys, and expert witnesses under Article 39.15(d), Code of Criminal Procedure.

(e) The department shall be allowed access to a center's video recordings of [~~videotaped~~] interviews of children.

SECTION 3. This Act takes effect September 1, 2013.

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

Amend **CSHB 3259** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 162.006, Family Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The department, licensed child-placing agency, or other person~~[, or entity]~~ placing a child for adoption shall inform the prospective adoptive parents of their right to examine the records and other information relating to the history of the child. The department, licensed child-placing agency, or other person~~[or entity]~~ placing the child for adoption shall edit the records and information to protect the identity of the biological parents and any other person whose identity is confidential.

(a-1) The records described by Subsection (a) must include any records relating to an investigation of abuse in which the child was an alleged or confirmed victim of sexual abuse while residing in a foster home or other residential child-care facility. If the licensed child-placing agency or other person placing the child for adoption does not have the information required by this subsection, the department, at the request of the licensed child-placing agency or other person placing the child for adoption, shall provide the information to the prospective adoptive parents of the child.

**HB 826 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 826, A bill to be entitled An Act relating to the definitions of certain terms for purposes of the ad valorem taxation of certain dealer's heavy equipment inventory.

Representative Harless moved to concur in the senate amendments to **HB 826**.

The motion to concur in the senate amendments to **HB 826** prevailed by (Record 1182): 145 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, S.; Davis, Y.; Deshotel; Dukes; Dutton; 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; Hilderbran; Howard; Huberty; Hughes; Hunter; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; 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; 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; Eiland(C).

Absent, Excused — Laubenberg.

Absent — Herrero; Isaac.

Senate Committee Substitute

CSHB 826, A bill to be entitled An Act relating to the definitions of certain terms for purposes of the ad valorem taxation of certain dealer's heavy equipment inventory.

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

SECTION 1. Sections 23.1241(a)(1) and (2), Tax Code, are amended to read as follows:

(1) "Dealer" means a person engaged in the business in this state of selling, leasing, or renting heavy equipment. The term does not include a bank, savings bank, savings and loan association, credit union, or other finance company. In addition, for purposes of taxation of a person's inventory of heavy equipment in a tax year, the term does not include a person who renders the person's inventory of heavy equipment for taxation in that tax year by filing a rendition statement or property report in accordance with Chapter 22.

(2) "Dealer's heavy equipment inventory" means all items of heavy equipment that a dealer holds for sale, lease, or rent in this state during a 12-month period.

SECTION 2. The only purposes of this Act are to exclude certain financial institutions and other finance companies, as well as persons who render their inventory of heavy equipment for taxation in accordance with Chapter 22, Tax Code, from being required to comply with the requirements of Sections 23.1241, 23.1242, and 23.1243, Tax Code, as amended or added by Chapter 322 (**HB 2476**), Acts of the 82nd Legislature, Regular Session, 2011, and to limit the definition of a dealer's heavy equipment inventory for purposes of those sections of the Tax Code to items of heavy equipment held for sale, lease, or rent in this state. This Act is not intended to affect any litigation pending on the effective date of this Act or filed on or after the effective date of this Act that arises out of the changes in law made by Chapter 322 (**HB 2476**), Acts of the 82nd Legislature, Regular Session, 2011.

SECTION 3. This Act applies only to ad valorem taxes imposed for a tax year beginning on or after the effective date of this Act.

SECTION 4. This Act takes effect January 1, 2014.

**HB 2036 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2036, A bill to be entitled An Act relating to the creation of a commission to identify future higher education and workforce needs of this state and make related recommendations to address those needs by the state's bicentennial.

Representative Branch moved to concur in the senate amendments to **HB 2036**.

The motion to concur in the senate amendments to **HB 2036** prevailed by (Record 1183): 142 Yeas, 3 Nays, 2 Present, not voting.

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

Nays — Schaefer; Simmons; Simpson.

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

Absent, Excused — Laubenberg.

Absent — Bonnen, D.; Creighton.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1183. I intended to vote yes.

Simmons

I was shown voting yes on Record No. 1183. I intended to vote no.

White

Senate Committee Substitute

CSHB 2036, A bill to be entitled An Act relating to the creation of a commission to identify future higher education and workforce needs of this state and make related recommendations to address those needs by the state's bicentennial.

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

SECTION 1. Subtitle F, Title 4, Government Code, is amended by adding Chapter 490F to read as follows:

CHAPTER 490F. TEXAS 2036 COMMISSION

Sec. 490F.001. DEFINITION. In this chapter, "commission" means the Texas 2036 Commission.

Sec. 490F.002. CREATION OF COMMISSION; COMPOSITION. (a) The Texas 2036 Commission is created.

(b) The commission is composed of the following members:

(1) the presiding officer of the legislative standing committee in each house of the legislature with primary jurisdiction over higher education;

(2) the commissioner of higher education;

(3) the chair of the Texas Higher Education Coordinating Board;

(4) the chair of the Texas Workforce Commission;

(5) the chair of a governing board of an institution of higher education appointed by the governor;

(6) a trustee of a public junior college district appointed by the governor;

(7) two persons appointed by the lieutenant governor, one of whom must possess experience in the field of education; and

(8) two persons appointed by the speaker of the house of representatives, one of whom must possess experience in the field of education.

(c) Appointed members of the commission serve for two years and may be reappointed.

(d) Appointments to the commission shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

(e) A vacancy in an appointed office of the commission shall be filled in the same manner as the original appointment.

Sec. 490F.003. OFFICERS. The members serving under Section 490F.002(b)(1) shall serve as presiding officers of the commission and are entitled to vote on all matters before the commission.

Sec. 490F.004. COMPENSATION. A member of the commission serves without compensation but is entitled to reimbursement for actual and necessary expenses incurred in performing functions as a member of the commission, subject to any applicable limitation on reimbursement provided by the General Appropriations Act.

Sec. 490F.005. MEETINGS. The commission shall meet at the call of the presiding officers and as provided by commission rule.

Sec. 490F.006. POWERS AND DUTIES OF COMMISSION. (a) The commission may adopt rules as necessary for its procedures.

(b) The commission, with an emphasis on the changing demographics of this state, shall:

(1) assess and identify future higher education and workforce needs in the state and the state's ability to meet those needs; and

(2) develop recommendations for meeting those needs by the state's bicentennial in 2036, including recommendations for achieving the following goals by that date:

(A) attaining a state workforce in which at least 60 percent of its workers hold a postsecondary credential, certificate, or degree of value in the workplace;

(B) increasing by at least three the number of institutions of higher education designated as research institutions under the Texas Higher Education Coordinating Board's accountability system;

(C) ensuring the alignment of workforce development with higher education in this state;

(D) increasing the college-attending population in this state to a level that is comparable to the best performing states on that measure;

(E) improving the affordability of higher education in this state while maintaining excellence; and

(F) ensuring the global competitiveness of the state workforce.

Sec. 490F.007. REPORTS. Not later than January 1 of each odd-numbered year, the commission shall report to the legislature its assessment of the state's ability to meet the future higher education and workforce needs of this state and its recommendations for meeting those needs, including by achieving the goals prescribed by Section 490F.006(b)(2).

Sec. 490F.008. EXPIRATION. This chapter expires and the commission is abolished January 1, 2037.

SECTION 2. The governor, the lieutenant governor, and the speaker of the house of representatives shall make the appointments required by Section 490F.002, Government Code, as added by this Act, not later than November 1, 2013.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**HB 3660 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 3660, A bill to be entitled An Act relating to requiring the Texas Commission on Fire Protection to conduct a study and prepare a report on administrative attachment.

Representative Simmons moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3660**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3660**: Simmons, chair; Kacal, Darby, Nevárez, and Márquez.

HB 1382 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1382, A bill to be entitled An Act relating to the regulation of food prepared, stored, distributed, or sold at farms and farmers' markets; limiting the applicability of a fee.

Representative Simpson moved to concur in the senate amendments to **HB 1382**.

The motion to concur in the senate amendments to **HB 1382** prevailed by (Record 1184): 142 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; 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; 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.

Nays — Bell; Gutierrez.

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

Absent, Excused — Laubenberg.

Absent — Burkett; Coleman; Fallon.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1184. I intended to vote yes.

Bell

When Record No. 1184 was taken, my vote failed to register. I would have voted yes.

Fallon

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

Amend **HB 1382** (senate committee printing) in SECTION 2 of the bill, after added Section 437.020(d), Health and Safety Code (page 2, between lines 24 and 25), by inserting the following:

(e) This section does not authorize the sale of or provision of samples of raw milk or raw milk products at a farmers' market.

ADJOURNMENT

Representative Darby moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 5:14 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HR 2437 (By Stickland), Congratulating Ritisha Gupta on her receipt of the Spirit of Volunteerism Grant from the Colleyville Woman's Club.

To Rules and Resolutions.

HR 2438 (By Stickland), Congratulating Heather Meyer on her receipt of the President's Youth Volunteer Service Award from the Colleyville Woman's Club.

To Rules and Resolutions.

HR 2440 (By Stickland), Congratulating Mackenzie L. Bates on her receipt of the Youth Volunteer Service Award from the Colleyville Woman's Club.

To Rules and Resolutions.

HR 2441 (By Stickland), Congratulating Mike Wagner on his retirement as principal of Meadow Creek Elementary School in Bedford.

To Rules and Resolutions.

HR 2445 (By K. King), Congratulating Laurie Dodson of Austin on her retirement from the Texas Municipal League.

To Rules and Resolutions.

HR 2446 (By Frullo), Congratulating Matthew Alec Guzman of Lubbock on attaining the rank of Eagle Scout.

To Rules and Resolutions.

HR 2447 (By Frullo), Congratulating Joseph Douglas Sims of Lubbock on achieving the rank of Eagle Scout.

To Rules and Resolutions.

HR 2448 (By Frullo), Congratulating Cullen Quinn of Lubbock on achieving the rank of Eagle Scout.

To Rules and Resolutions.

HR 2449 (By Frullo), Congratulating Jon and Glenda Hataway of Lubbock on their 50th wedding anniversary.

To Rules and Resolutions.

HR 2450 (By Frullo), Congratulating Christopher Messenger of Lubbock on attaining the rank of Eagle Scout.

To Rules and Resolutions.

HR 2451 (By Frullo), Congratulating Johnie and Freda Gilbreth of Lubbock on their 60th wedding anniversary.

To Rules and Resolutions.

HR 2452 (By Hilderbran), Commending U.S. Army Brigadier General (Ret.) Walter Schellhase for his service to the Hill Country Veterans Council.

To Rules and Resolutions.

HR 2453 (By Longoria), Congratulating Nice Kicks of Austin for its success.

To Rules and Resolutions.

HR 2454 (By Raney), Commending the Chief Clerk's Office.

To Rules and Resolutions.

HR 2455 (By Frullo), Honoring the House Committee Coordinator's Office.

To Rules and Resolutions.

HR 2456 (By Hughes), Congratulating Kendall Gould of Mineola Elementary School for being named Kiwanis Teacher of the Year.

To Rules and Resolutions.

HR 2457 (By Menéndez), Honoring Nick Monreal of San Antonio for his advocacy in behalf of senior citizens, persons with disabilities, and persons with mental illness.

To Rules and Resolutions.

HR 2458 (By Canales), Honoring Dr. Robert Nelsen on his distinguished service as president of The University of Texas–Pan American.

To Rules and Resolutions.

HR 2460 (By Kuempel), Commending the House Business Office.
To Rules and Resolutions.

HR 2461 (By Dutton), Congratulating Cynthia R. Pharms on earning her master's degree in public administration from Texas Southern University.
To Rules and Resolutions.

HR 2462 (By J. Sheffield), Congratulating Nicholas Alexander on being named valedictorian of the Copperas Cove High School Class of 2013.
To Rules and Resolutions.

HR 2463 (By Huberty), Congratulating Tom Huberty and Audi Clyde of Atascocita on their engagement.
To Rules and Resolutions.

HR 2464 (By J. Sheffield), Congratulating Patrick DeJong on being named valedictorian of the Hamilton High School Class of 2013.
To Rules and Resolutions.

HR 2465 (By Howard), Honoring the staff of the house sergeant-at-arms.
To Rules and Resolutions.

HR 2466 (By Márquez), Commending the staff of the office of the House Journal Clerk.
To Rules and Resolutions.

HR 2468 (By Villalba), Recognizing May 24, 2013, as Lung Cancer Awareness Day in Texas.
To Rules and Resolutions.

HR 2469 (By Villalba), Honoring the Daughters of World War II.
To Rules and Resolutions.

HR 2470 (By White), In memory of Frances Helen Russell of Brookeland.
To Rules and Resolutions.

HR 2471 (By White), In memory of Woodrow Arendall of Silsbee.
To Rules and Resolutions.

HR 2472 (By White), Congratulating Karli Victoria Overstreet of Kountze on her many academic achievements.
To Rules and Resolutions.

HR 2473 (By White), Commemorating the 125th anniversary of the First United Methodist Church of Kountze.
To Rules and Resolutions.

HR 2474 (By White), Congratulating Robert Simonson on his appointment as chief of the Lumberton Fire Department.
To Rules and Resolutions.

HR 2475 (By White), Commending Bill Calhoun, chair of the Texas Federation for Republican Outreach.
To Rules and Resolutions.

HR 2476 (By White), Commending Mona Lisa Chambers, vice chair of the Texas Federation for Republican Outreach.

To Rules and Resolutions.

HR 2477 (By White), Commending Zoia Jones of Houston for serving as a longtime Republican Party precinct chair.

To Rules and Resolutions.

HR 2478 (By White), Commending Jim Bowie of Houston for serving as a longtime Republican Party precinct chair.

To Rules and Resolutions.

HR 2479 (By White), Commending Aaron Adams of Harris County for serving as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2480 (By White), Commending Angelina Gooden of Harris County for serving as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2481 (By White), Commending Bill Holland of Harris County for serving as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2482 (By White), Commending Charles Cunningham of Harris County for serving as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2483 (By White), Commending Clyde Raymond Leuchtag of Harris County for serving as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2484 (By White), Commending Effie Hackett Williams of Harris County for serving as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2485 (By White), Commending Erroll Ivery of Harris County for serving as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2486 (By White), Commending Eugene Pack of Harris County for serving as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2487 (By White), Commending Grace Ekpo of Harris County for serving as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2488 (By White), Commending James Winston of Harris County for serving as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2489 (By White), Commending JoAnn Clack of Fort Bend County for serving as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2490 (By White), Commending Jon Taylor of Harris County for serving as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2491 (By White), Commending Langston Gillum of Harris County for serving as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2492 (By White), Commending Lula Mae Butler Rhodes of Harris County for serving as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2493 (By White), Commending Marc Pembroke of Harris County for serving as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2494 (By White), Commending Marjorie Adams of Fort Bend County for serving as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2495 (By White), Commending Marvin Evans of Harris County for serving as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2496 (By White), Commending Marvin McNeese, Jr., of Harris County for serving as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2497 (By White), Commending Melanie Flowers of Harris County for serving as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2498 (By White), Commending Pauline Nelson of Harris County for serving as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2499 (By White), Commending Rahsaan Burrell of Harris County for serving as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2500 (By White), Commending Ralph Collier of Harris County for serving as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2501 (By White), Commending Reginald Grant, Jr., of Harris County for serving as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2502 (By White), Commending Shaheen Mubaark of Harris County for serving as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2503 (By White), Commending Starlet Davis of Harris County for serving as a Republican Party precinct captain.

To Rules and Resolutions.

HR 2504 (By White), Commending Marcelyn Curry for past service as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2505 (By White), Commending Courtney Daffin for past service as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2506 (By White), Commending Donna A. Dawkins for past service as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2507 (By White), Commending William Henry Dibrell for past service as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2508 (By White), Commending Joseph Dotson for past service as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2509 (By White), Commending Floyd Griffith for past service as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2510 (By White), Commending Chris Harvey for past service as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2511 (By White), Commending Charles Jackson for past service as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2512 (By White), Commending Elmo Johnson for past service as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2513 (By White), Commending Justin Jordan for past service as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2514 (By White), Commending Anthony Leatherman for past service as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2515 (By White), Commending Clyde Lemon for past service as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2516 (By White), Commending Margie Phelps for past service as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2517 (By White), Commending Linda Faye Reed for past service as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2518 (By White), Commending Joyce Smith for past service as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2519 (By White), Commending Kimberly R. Snagg for past service as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2520 (By White), Commending Willie Wright for past service as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2521 (By White), Commending Billy Calhoun II for past service as a Republican Party precinct chair.

To Rules and Resolutions.

HR 2522 (By Y. Davis), In memory of Norman Lee Whitlow of Dallas.

To Rules and Resolutions.

HR 2523 (By Y. Davis), Honoring Cedar Hill City Manager Alan Sims on being named Man of the Year by the Cedar Hill Chamber of Commerce.

To Rules and Resolutions.

HR 2524 (By Collier), Commemorating the opening of Memorial Park in Forest Hill.

To Rules and Resolutions.

HR 2526 (By Perry), In memory of Irene McGregor Ratliff of Lubbock.

To Rules and Resolutions.

HR 2527 (By Perry), Congratulating Heather Keister of Lubbock on her selection as the 2013 Young Engineer of the Year by the South Plains Chapter of the Texas Society of Professional Engineers.

To Rules and Resolutions.

HR 2529 (By Flynn), Commemorating the dedication of an official Texas Historical Marker honoring G. W. Tull, Sr., in Canton.

To Rules and Resolutions.

HR 2530 (By Flynn), Commemorating the 135th anniversary of Wesley Chapel Christian Methodist Episcopal Church in Greenville.

To Rules and Resolutions.

HR 2531 (By Flynn), Congratulating Colonel Amy F. Cook of Salado on her appointment as Brigade Commander for the Training Center Garrison Command of the Texas Army National Guard.

To Rules and Resolutions.

HR 2533 (By Springer), Congratulating Matador Ranch on its receipt of the 2013 Best Remuda Award from the American Quarter Horse Association and Zoetis.

To Rules and Resolutions.

HR 2534 (By Paddie), Congratulating Cristi Parsons of Hallsville on being named the 2013 National Distinguished Principal for the State of Texas by the Texas Elementary Principals and Supervisors Association.

To Rules and Resolutions.

HR 2535 (By Farney), Commemorating the 125th anniversary of Immanuel Lutheran Church of Taylor.

To Rules and Resolutions.

HR 2536 (By Farney), Congratulating Savannah Page of Thorndale High School on her receipt of a 2013 Luminant Power Track Scholarship.

To Rules and Resolutions.

HR 2537 (By Farney), Congratulating Patty Rodgers on being named Citizen of the Year by the Florence Chamber of Commerce.

To Rules and Resolutions.

HR 2538 (By Farney), Commemorating the 140th anniversary of St. Paul United Methodist Church in Georgetown.

To Rules and Resolutions.

HR 2539 (By Farney), Congratulating Nina Lindsey of Bertram on her 103rd birthday.

To Rules and Resolutions.

HR 2540 (By Farney), Recognizing Dr. Daniel Voss on his service to the Texas Legislature as a Physician of the Day.

To Rules and Resolutions.

HR 2541 (By Farney), Recognizing Dr. James Phil McCurdy for his service to the Texas Legislature as Physician of the Day for May 2, 2013.

To Rules and Resolutions.

HR 2542 (By P. King), In memory of Parker County treasurer James Garland Thorp II.

To Rules and Resolutions.

HR 2543 (By Simpson), Congratulating Thomas Sharpe Wilmeth of Daingerfield on the occasion of his 100th birthday.

To Rules and Resolutions.

HR 2544 (By J. Davis), Congratulating Cameron Lee Alexander on achieving the rank of Eagle Scout.

To Rules and Resolutions.

HR 2545 (By Howard), Commemorating the 2013 NEW Leadership Texas class.

To Rules and Resolutions.

HR 2547 (By Huberty), Congratulating Gia Jones on being named the Atascocita Middle School Teacher of the Year.

To Rules and Resolutions.

HR 2548 (By Isaac), Commending Elizabeth Ann Bounds for her service as an intern in the office of State Representative Jason Isaac.

To Rules and Resolutions.

HR 2549 (By J. Sheffield), Congratulating Weronika Konwent on being named salutatorian of the Hamilton High School Class of 2013.

To Rules and Resolutions.

HR 2550 (By Fletcher), Congratulating Jacqueline Eber on her retirement from the Texas Comptroller of Public Accounts.

To Rules and Resolutions.

HR 2551 (By Naishtat), Honoring acclaimed Texas painter David Sanders.

To Rules and Resolutions.

HR 2552 (By Longoria), Congratulating Sammy Garcia of Seabrook on receiving a 2013 Rotary NASA Stellar Award.

To Rules and Resolutions.

HR 2553 (By Phillips), In memory of David Austin Griffin of Prosper.

To Rules and Resolutions.

HR 2554 (By Phillips), Congratulating Connie Bohuslav on her retirement from the Texas Department of Transportation.

To Rules and Resolutions.

HR 2555 (By J. Sheffield), Congratulating Lisa Marie Rivera, salutatorian of the Copperas Cove High School Class of 2013.

To Rules and Resolutions.

HR 2556 (By J. Sheffield), Congratulating Sierra Dawn Kash, valedictorian of the Hico High School Class of 2013.

To Rules and Resolutions.

HR 2557 (By J. Sheffield), Congratulating Glen Rose High School students Nathan Burroughs and Christine Sheets on their performance at the UIL Cross-Examination Debate State Meet.

To Rules and Resolutions.

HR 2558 (By Springer), Congratulating Shelby Smith of Paducah ISD on winning the Family, Career and Community Leaders of America state design competition.

To Rules and Resolutions.

HR 2559 (By Nevárez), In memory of former state representative Dick Slack of Pecos.

To Rules and Resolutions.

HR 2561 (By J. Sheffield), Congratulating Alicen Cryer, salutatorian of the Hico High School Class of 2013.

To Rules and Resolutions.

HR 2562 (By J. Sheffield), Congratulating Maggie Wright, valedictorian of the Evant High School Class of 2013.

To Rules and Resolutions.

HR 2563 (By Y. Davis), Congratulating Deborah Johnston on receiving a 2012 Sam Winstead Volunteer of the Year Award from the YMCA of Metropolitan Dallas.

To Rules and Resolutions.

HR 2564 (By Y. Davis), Congratulating Vivian Thompson on receiving a 2012 Sam Winstead Volunteer of the Year Award from the YMCA of Metropolitan Dallas.

To Rules and Resolutions.

HR 2565 (By Y. Davis), Congratulating Rossi Walter on receiving a 2012 Sam Winstead Volunteer of the Year Award from the YMCA of Metropolitan Dallas.

To Rules and Resolutions.

HR 2566 (By Y. Davis), Congratulating Charles England on his retirement as mayor of Grand Prairie.

To Rules and Resolutions.

HR 2567 (By D. Miller), Honoring Sandra K. Voelker on her retirement as a team leader with the Teacher Retirement System of Texas.

To Rules and Resolutions.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 40

HB 48, HB 326, HB 394, HB 642, HB 674, HB 709, HB 789, HB 800, HB 842, HB 1009, HB 1093, HB 1097, HB 1245, HB 1349, HB 1511, HB 1545, HB 1755, HB 1846, HB 1931, HB 2021, HB 2233, HB 2304, HB 2446, HB 2447, HB 2500, HB 2621, HB 2712, HB 2781, HB 2913, HB 2918, HB 2972, HB 3015, HB 3042, HB 3126, HB 3276, HB 3314, HB 3566, HB 3643, HB 3761, HB 3952, HCR 57, HCR 116, HCR 121, HJR 62, HJR 133

Senate List No. 35

SB 24

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

Thursday, May 23, 2013 - 1

The Honorable Speaker of the House
House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 7 Darby SPONSOR: Williams
Relating to the amounts, availability, and use of certain statutorily dedicated revenue and accounts; reducing or affecting the amounts or rates of certain statutorily dedicated fees and assessments; imposing certain court costs.
(Committee Substitute/Amended)

HB 437 Davis, John SPONSOR: Seliger
Relating to career and technical education and workforce development grant programs.
(Committee Substitute/Amended)

HB 950 Thompson, Senfronia SPONSOR: Davis
Relating to unlawful employment practices regarding discrimination in payment of compensation.
(Amended)

HB 1025 Pitts SPONSOR: Williams
Relating to making supplemental appropriations and reductions in appropriations and giving direction and adjustment authority regarding appropriations.
(Committee Substitute/Amended)

HB 1128 Herrero SPONSOR: Garcia
Relating to posting suggestions and ideas on cost-efficiency on certain state agency websites.
(Committee Substitute)

HB 2550 Patrick, Diane SPONSOR: Zaffirini
Relating to the consolidation of the Higher Education Enrollment Assistance Program and the Higher Education Assistance Plan and the transfer of certain enrollment assistance duties to institutions of higher education.
(Amended)

HB 2824 Ratliff SPONSOR: Paxton
Relating to the Texas High Performance Schools Consortium.

HB 2836 Ratliff SPONSOR: Patrick
Relating to the administration of certain state assessment instruments to public school students and to a study of the essential knowledge and skills of the required public school curriculum and of certain state assessment instruments.
(Committee Substitute/Amended)

HB 2935 Hunter SPONSOR: Ellis
Relating to the interlocutory appeal of a denial of a motion to dismiss in an action involving the exercise of certain constitutional rights.
(Amended)

HB 3793 Coleman SPONSOR: Hinojosa

Relating to powers, duties, and services of entities serving counties.
(Committee Substitute/Amended)

HJR 24 Perry SPONSOR: Van de Putte
Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of part of the market value of the residence homestead of a partially disabled veteran or the surviving spouse of a partially disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization.

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 16
Senate Conferees: Zaffirini - Chair/Carona/Ellis/Eltife/Seliger

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas
Thursday, May 23, 2013 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:
LOCAL AND UNCONTESTED CALENDAR

HB 16 Flynn SPONSOR: Ellis
Relating to a requirement that a state agency post its internal auditor's audit plan and audit report and other audit information on the agency's Internet website.
(Committee Substitute)

HB 26 Martinez Fischer SPONSOR: Zaffirini
Relating to unemployment compensation eligibility and chargebacks regarding certain persons who are victims or whose immediate family members are victims of sexual assault.

HB 31 Branch SPONSOR: Zaffirini
Relating to certain requirements applicable to meetings of the governing board of a general academic teaching institution or a state university system.
(Committee Substitute)

- HB 38** Menéndez SPONSOR: Paxton
Relating to the penalty for an offense involving motor vehicle airbags.
(Committee Substitute)
- HB 78** Simpson SPONSOR: Eltife
Relating to the exemption from the sales and use tax for certain coins and precious metals.
- HB 138** Raymond SPONSOR: Zaffirini
Relating to funding for certain commercial service airport projects.
- HB 194** Farias SPONSOR: Hinojosa
Relating to the consideration of ownership interests of disabled veterans in determining whether a business is a historically underutilized business for purposes of state contracting.
(Committee Substitute)
- HB 195** Farias SPONSOR: Van de Putte
Relating to the availability on the Internet of reports of political expenditures and contributions filed in connection with certain county and municipal offices.
(Committee Substitute)
- HB 232** Guillen SPONSOR: Zaffirini
Relating to allowing certain minors convicted of certain alcohol offenses to perform community service instead of attending an alcohol awareness program.
(Committee Substitute)
- HB 294** Rodriguez, Eddie SPONSOR: Watson
Relating to the exemption from ad valorem taxation of certain property owned by a charitable organization and used in providing housing and related services to certain homeless individuals.
- HB 316** Otto SPONSOR: Williams
Relating to the pilot program authorizing a property owner to appeal to the State Office of Administrative Hearings regarding certain appraisal review board determinations.
- HB 349** Canales SPONSOR: Hinojosa
Relating to electronically filing any court document in a criminal case in Hidalgo County.
- HB 431** Riddle SPONSOR: Huffman
Relating to reconsideration of parole eligibility for certain inmates convicted of injury to a child, elderly person, or disabled person.
(Committee Substitute)
- HB 438** Dutton SPONSOR: Ellis
Relating to the courts authorized to issue an occupational driver's license.
- HB 503** Hernandez Luna SPONSOR: Garcia
Relating to the ability of a property owners' association to contract with an association board member or certain other persons or entities associated with the board member.
- HB 528** Turner, Sylvester SPONSOR: Whitmire

Relating to the restriction of access to the records and files of a child charged with or convicted of certain fine-only misdemeanor offenses.

HB 555 Callegari SPONSOR: West
Relating to certain criminal offenses for violations of the law regulating metal recycling entities.

HB 577 Guillen SPONSOR: Ellis
Relating to the representation of certain applicants for writs of habeas corpus in cases involving the death penalty.

HB 590 Naishtat SPONSOR: Zaffirini
Relating to determining a child's eligibility for a school district's special education program on the basis of a visual impairment.

HB 595 Kolkhorst SPONSOR: Nelson
Relating to certain health programs and councils.
(Committee Substitute)

HB 628 Dale SPONSOR: Paxton
Relating to the right of a member of the board of trustees of a school district to obtain information, documents, and records.

HB 633 Farias SPONSOR: Davis
Relating to a voluntary contribution to the fund for veterans' assistance when applying for a driver's license or personal identification certificate.

HB 647 Patrick, Diane SPONSOR: Davis
Relating to employment of persons by open-enrollment charter schools.

HB 658 Sheets SPONSOR: Watson
Relating to certain lawsuits seeking damages.
(Committee Substitute)

HB 680 Burkett SPONSOR: Patrick
Relating to provisions in the dedicatory instruments of property owners' associations regarding display of flags.
(Committee Substitute)

HB 694 Phillips SPONSOR: Whitmire
Relating to access by certain military personnel to juvenile and criminal history information.

HB 696 Kleinschmidt SPONSOR: Hegar
Relating to the duties of and the application of the professional prosecutors law to the county attorney in Gonzales County and to the duties of the district attorney for the 25th Judicial District.

HB 714 Kuempel SPONSOR: Zaffirini
Relating to an agreement between a county and the Department of Public Safety for the joint operation of certain fixed-site facilities.

HB 717 Kolkhorst SPONSOR: Hegar
Relating to the duties of and the application of the professional prosecutors law to the county attorney in Lavaca County and to the duties of the district attorney for the 25th Judicial District.

HB 738 Crownover SPONSOR: Nelson

Relating to the review of the creation of certain proposed municipal utility districts by county commissioners courts.

HB 746 Ashby SPONSOR: Schwertner
Relating to the registration of volunteer health practitioners and the services of volunteer health practitioners during disasters.

HB 796 Thompson, Senfronia SPONSOR: Garcia
Relating to the licensing of a journeyman lineman.
(Committee Substitute)

HB 807 Zerwas SPONSOR: Schwertner
Relating to the practice of psychology; authorizing a fee.

HB 833 Giddings SPONSOR: West
Relating to certain procedures regarding an application for a writ of habeas corpus filed in a noncapital felony case.

HB 847 Lucio III SPONSOR: Rodríguez
Relating to the enforcement of an order to pay child support by contempt and the awarding of costs and fees in certain proceedings.

HB 869 Ashby SPONSOR: Paxton
Relating to the issuance of a marriage license for an absent applicant, the participation of a proxy in certain marriage ceremonies, and the maintenance and submission of records relating to a marriage license issued for an absent applicant.

HB 894 Kolkhorst SPONSOR: Hegar
Relating to the use of dealer's license plates on vehicles by independent motor vehicle dealers to transport vehicles to or from a point of sale.
(Committee Substitute)

HB 916 Orr SPONSOR: Birdwell
Relating to the amount of a chargeback for unemployment compensation benefits paid to a person who is partially unemployed.

HB 939 Davis, John SPONSOR: Hancock
Relating to the transfer of certain amounts from the employment and training investment holding fund and the training stabilization fund.

HB 970 Rodriguez, Eddie SPONSOR: Deuell
Relating to regulation of cottage food products and cottage food production operations.

HB 983 Elkins SPONSOR: Patrick
Relating to the eligibility of temporary election officers for unemployment compensation.

HB 1020 Reynolds SPONSOR: Huffman
Relating to the certification of alcohol awareness programs required for minors convicted of or receiving deferred disposition for certain alcohol offenses.

HB 1023 Burkett SPONSOR: Nelson
Relating to recommendations by the Health and Human Services Commission or a designated health and human services agency regarding mental health workforce shortages.

(Committee Substitute)

HB 1044 Eiland SPONSOR: Williams
Relating to the operation of all-terrain vehicles and recreational off-highway vehicles; creating an offense.

HB 1050 Callegari SPONSOR: Fraser
Relating to purchasing and other contracts by governmental entities.
(Committee Substitute)

HB 1114 Raney SPONSOR: Schwertner
Relating to restoring the jurisdiction of the constitutional county court in Brazos County.

HB 1120 Riddle SPONSOR: Davis
Relating to the duties of the Texas Crime Stoppers Council to encourage individuals to report criminal activity related to trafficking of persons.

HB 1123 Herrero SPONSOR: Rodríguez
Relating to discount programs for certain veterans provided by toll project entities.

HB 1125 Lavender SPONSOR: Eltife
Relating to the rights of an accused person in and the written waiver of extradition proceedings.
(Committee Substitute)

HB 1127 Smith SPONSOR: Patrick
Relating to the regulation of game rooms by certain counties; providing penalties; authorizing a fee.
(Committee Substitute)

HB 1174 Fallon SPONSOR: Nelson
Relating to the penalties for illegally passing a stopped school bus.

HB 1185 Thompson, Senfronia SPONSOR: Hancock
Relating to the retention of certain records in a suit affecting the parent-child relationship by a child's attorney ad litem, guardian ad litem, or amicus attorney.

HB 1193 Guillen SPONSOR: Zaffirini
Relating to the appointment of bailiffs for certain district courts.

HB 1206 Parker SPONSOR: Huffman
Relating to the duties of a law enforcement agency regarding certain children who are reported to be missing.

HB 1260 Creighton SPONSOR: Williams
Relating to the creation of the Montgomery County Municipal Utility District No. 132; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 1284 Johnson SPONSOR: Huffman
Relating to the offense of making or causing a false alarm or report involving a public or private institution of higher education.

HB 1324 Davis, John SPONSOR: Taylor

Relating to exclusion of land from certain water districts that fail to provide service to the land; clarifying and limiting the authority of those districts with outstanding bonds payable from ad valorem taxes to impose taxes on excluded land; providing for a financial review.

(Committee Substitute)

HB 1330 Goldman SPONSOR: Birdwell
Relating to the election of members of the board of directors of the Benbrook Water Authority.

HB 1354 Farney SPONSOR: Schwertner
Relating to the creation of the Leander Hills Municipal Utility District of Williamson County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 1355 Farney SPONSOR: Schwertner
Relating to the creation of the North San Gabriel Municipal Utility District of Williamson County; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

HB 1357 Hunter SPONSOR: Hinojosa
Relating to the power of the Nueces County Road District No. 4 to lease or sell land.

HB 1372 Muñoz, Jr. SPONSOR: Hinojosa
Relating to filling certain vacancies on the governing body of certain home-rule municipalities.

HB 1376 Kolkhorst SPONSOR: Nelson
Relating to advertising by certain facilities that provide emergency services; providing an administrative penalty.

HB 1384 Bell SPONSOR: Hegar
Relating to the authority of a county road department to accept donations.

HB 1392 King, Susan SPONSOR: Nelson
Relating to information provided by the Department of State Health Services on food regulation.

HB 1394 King, Susan SPONSOR: Duncan
Relating to the sunset review of certain powers and duties performed by the Department of State Health Services.

HB 1396 King, Susan SPONSOR: Nelson
Relating to a study on alcohol and controlled substance statistics prepared by the Department of Family and Protective Services and the Department of State Health Services.

HB 1435 Darby SPONSOR: Seliger
Relating to certain notices, reports, and descriptions provided by or filed with court and county clerks.
(Committee Substitute)

HB 1479 Villarreal SPONSOR: Van de Putte

Relating to establishing a committee in certain counties to recommend a uniform truancy policy.

(Committee Substitute)

HB 1501 Raymond SPONSOR: Zaffirini
Relating to the commemoration of September 11, 2001, at public schools.

HB 1523 Guillen SPONSOR: Whitmire
Relating to the offense of money laundering.

HB 1544 Allen SPONSOR: Ellis
Relating to the authority of a county to contract with a private vendor for the operation of a detention facility.

HB 1562 Harless SPONSOR: Hinojosa
Relating to notice provided when a bail bond surety is in default.

HB 1586 Creighton SPONSOR: Williams
Relating to municipal consent provisions applicable to the Montgomery County Municipal Utility District No. 126.

HB 1587 Creighton SPONSOR: Williams
Relating to the creation of the Montgomery County Municipal Utility District No. 134; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

HB 1588 Creighton SPONSOR: Williams
Relating to the creation of the Montgomery County Municipal Utility District No. 133; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

HB 1597 Gonzalez, Naomi SPONSOR: Hinojosa
Relating to installment payments of ad valorem taxes.

HB 1606 Moody SPONSOR: Carona
Relating to the prosecution of the offenses of harassment and stalking.
(Committee Substitute)

HB 1632 Fletcher SPONSOR: Paxton
Relating to the confidentiality of certain identifying information of peace officers, county jailers, security officers, employees of the Texas Department of Criminal Justice or a prosecutor's office, or judges and their spouses.
(Committee Substitute)

HB 1662 Price SPONSOR: Seliger
Relating to the use of local hotel occupancy tax revenue to conduct an audit.

HB 1678 Frullo SPONSOR: Duncan
Relating to the issuance of specialty license plates for surviving spouses of disabled veterans of the United States armed forces; authorizing a fee.

HB 1692 Gutierrez SPONSOR: Patrick
Relating to the regulation of motor vehicle dealers, manufacturers, and distributors.
(Committee Substitute)

HB 1728 Ashby SPONSOR: Seliger

Relating to the use of an unsworn declaration, the disposition of certain court exhibits, and the seal of a constitutional county court or county clerk.

HB 1734 Gutierrez SPONSOR: Uresti
Relating to the authority of the mayors of certain municipalities to call a special meeting.

HB 1751 Patrick, Diane SPONSOR: Van de Putte
Relating to the public school educator excellence innovation program.
(Amended)

HB 1781 King, Ken SPONSOR: Seliger
Relating to a limitation on sanctions imposed on school districts for the sale of foods of minimal nutritional value.

HB 1813 Lucio III SPONSOR: Hinojosa
Relating to the authority of a municipality to confiscate packaged fireworks; providing an affirmative defense for possessing fireworks in certain circumstances.

HB 1824 Harper-Brown SPONSOR: Hancock
Relating to the operation of master mixed-use property owners' associations.

HB 1862 Dutton SPONSOR: Hinojosa
Relating to the criminal consequences of engaging in certain conduct with respect to a switchblade knife.

HB 1864 Wu SPONSOR: Estes
Relating to certain energy security technologies for critical governmental facilities.
(Committee Substitute)

HB 1874 Lewis SPONSOR: Rodríguez
Relating to an appeal from an interlocutory order of certain courts.

HB 1875 Lewis SPONSOR: West
Relating to a case transferred from one district court to another district court.

HB 1903 Eiland SPONSOR: Williams
Relating to the allocation of amounts deposited into the oyster sales account and the abolishment of the oyster advisory committee.

HB 1908 Eiland SPONSOR: Hancock
Relating to sports and community venue projects.

HB 1913 Bohac SPONSOR: Williams
Relating to the waiver of penalties and interest on certain delinquent ad valorem taxes.

HB 1960 Cortez SPONSOR: Campbell
Relating to reciprocity for emergency medical services personnel certification for certain United States military personnel.

HB 1966 Deshotel SPONSOR: Williams
Relating to a project that may be undertaken by certain development corporations in connection with infrastructure improvements necessary for municipal area development and revitalization.

- HB 2000** Thompson, Senfronia SPONSOR: Hancock
Relating to the qualification of certain nonprofit schools and educational institutions for exemption from state laws regulating career schools and colleges and to complaints made against those entities.
(Committee Substitute)
- HB 2028** Turner, Chris SPONSOR: Davis
Relating to the eligibility requirements for plumbing licenses issued to applicants with military service.
(Committee Substitute)
- HB 2029** Turner, Chris SPONSOR: Davis
Relating to the eligibility requirements for electrician licenses issued to applicants with military experience.
(Committee Substitute)
- HB 2055** Phillips SPONSOR: Estes
Relating to the authority to issue bonds of the Marilee Special Utility District.
- HB 2062** Davis, John SPONSOR: Taylor
Relating to the regulation of plumbing.
(Committee Substitute)
- HB 2075** Anchia SPONSOR: West
Relating to the operation of certain condominium unit owners' associations.
- HB 2090** Canales SPONSOR: Hinojosa
Relating to a written statement made by an accused as a result of custodial interrogation.
- HB 2110** Kolkhorst SPONSOR: Campbell
Relating to requirements for certain election officers.
- HB 2112** Raymond SPONSOR: Zaffirini
Relating to financial disclosure reports made by a member of a county planning commission.
- HB 2117** King, Susan SPONSOR: Duncan
Relating to the election of the board of directors of the Hamlin Hospital District.
- HB 2118** King, Susan SPONSOR: Duncan
Relating to procedures for the dissolution of the Hamlin Hospital District; authorizing the imposition of a tax.
- HB 2135** Cortez SPONSOR: Rodríguez
Relating to waivers and grants of credit for the requirements to obtain certain private security licenses to individuals who hold security credentials from the United States armed forces.
- HB 2148** Hilderbran SPONSOR: Williams
Relating to the motor fuel tax on compressed natural gas and liquefied natural gas; providing penalties; imposing a tax.
- HB 2153** Callegari SPONSOR: Garcia
Relating to the abolition of wind erosion conservation districts.
- HB 2163** Eiland SPONSOR: Van de Putte

Relating to an annual assessment on insurers for the examination of insurers; imposing an assessment.

HB 2202 Pickett SPONSOR: Williams

Relating to the disposition of fees collected by or on behalf of the Texas Department of Motor Vehicles; authorizing fees.

HB 2204 Pickett SPONSOR: Watson

Relating to the establishment of a variable speed limit pilot program by the Texas Transportation Commission.

(Committee Substitute)

HB 2259 Moody SPONSOR: Rodríguez

Relating to circumstances under which a vacancy on the governing body occurs in certain municipalities.

(Committee Substitute)

HB 2267 Larson SPONSOR: Van de Putte

Relating to the confidentiality of certain home address information in ad valorem tax appraisal records.

HB 2373 Klick SPONSOR: Estes

Relating to the use of an electronic device to capture a voter's signature for the signature roster.

HB 2388 Menéndez SPONSOR: Van de Putte

Relating to the application of certain contracting laws to a defense base development authority.

(Committee Substitute)

HB 2407 Naishtat SPONSOR: Huffman

Relating to restoration of a person's right to purchase a firearm on termination of a guardianship.

HB 2424 Martinez, "Mando" SPONSOR: Hinojosa

Relating to the designation of the part of U.S. Highway 83 Business in Hidalgo and Cameron Counties as a portion of the national Purple Heart Trail.

HB 2451 King, Tracy O. SPONSOR: Hegar

Relating to the exclusion by taxable entities engaged in providing services as an agricultural aircraft operation of certain costs in determining total revenue for purposes of the franchise tax.

HB 2460 Thompson, Senfronia SPONSOR: Carona

Relating to the possession of stamps indicating the payment of taxes by certain permittees.

HB 2483 Alvarado SPONSOR: Ellis

Relating to including oral health education as part of the coordinated health program for public elementary, middle, and junior high school students.

HB 2485 Sheffield, J. D. SPONSOR: Birdwell

Relating to Air Medal and Air Medal with Valor specialty license plates.

HB 2539 Turner, Chris SPONSOR: Davis

Relating to requiring computer technicians to report images of child pornography; providing a criminal penalty.

HB 2562 Farias SPONSOR: Van de Putte
Relating to an annual report on the Public Assistance Reporting Information System.

HB 2590 Keffer SPONSOR: Eltife
Relating to the foreclosure sale of property subject to an oil or gas lease.
(Committee Substitute)

HB 2607 Huberty SPONSOR: Davis
Relating to the representation through a telephone conference call of a school district employee under a district grievance policy.

HB 2615 Johnson SPONSOR: Fraser
Relating to the use of state water; providing a penalty.
(Committee Substitute)

HB 2619 Naishtat SPONSOR: West
Relating to the educational needs of children in the conservatorship of the Department of Family and Protective Services.

HB 2620 Collier SPONSOR: Deuell
Relating to the creation of a task force on domestic violence.
(Committee Substitute)

HB 2645 Turner, Chris SPONSOR: Ellis
Relating to certification and operation of independent review organizations.
(Committee Substitute)

HB 2668 Vo SPONSOR: Davis
Relating to requirements applicable to meetings of the governing board of certain junior college districts.

HB 2676 Davis, Yvonne SPONSOR: Van de Putte
Relating to the confidentiality of certain home address information in ad valorem tax appraisal records.

HB 2679 Guillen SPONSOR: Rodríguez
Relating to permitting an alternative plea for a defendant detained in jail pending trial for a Class C misdemeanor.

HB 2694 Villarreal SPONSOR: Duncan
Relating to the provision of credit by examination for public school students.
(Committee Substitute)

HB 2704 Callegari SPONSOR: Hegar
Relating to bids for construction contracts for certain conservation and reclamation districts.

HB 2718 Guillen SPONSOR: Deuell
Relating to the cultural and fine arts district program administered by the Texas Commission on the Arts.

HB 2719 Guillen SPONSOR: Rodríguez
Relating to collecting and reporting information concerning inmates who have been in the conservatorship of a state agency responsible for providing child protective services and concerning inmate parole, reentry, and integration.

HB 2733 White SPONSOR: Whitmire

Relating to the administration and operation of the Texas Juvenile Justice Department.

(Committee Substitute)

HB 2767 King, Phil SPONSOR: Estes
Relating to the treatment and recycling for beneficial use of certain waste arising out of or incidental to the drilling for or production of oil or gas.

HB 2825 King, Ken SPONSOR: Seliger
Relating to the authority of a county to establish a centralized sex offender registration authority.

(Committee Substitute)

HB 2895 Bonnen, Dennis SPONSOR: Taylor
Relating to authorizing the sale of certain real property in Brazoria County by the Texas Board of Criminal Justice.

(Committee Substitute)

HB 2902 Thompson, Ed SPONSOR: Taylor
Relating to lost, damaged, or overdue county library property; authorizing fines; authorizing a civil penalty.

HB 2907 Frank SPONSOR: Duncan
Relating to the Knox County Hospital District; authorizing the imposition of a tax.

HB 2924 Sheets SPONSOR: Davis
Relating to military leave time accounts for police and fire departments.

HB 2975 Gonzalez, Naomi SPONSOR: Rodríguez
Relating to the merger of housing authorities in certain municipalities and counties.

HB 2984 Dutton SPONSOR: Ellis
Relating to lobbying expenditures that are made jointly.

HB 3005 Burkett SPONSOR: Williams
Relating to the authority of the Texas Workforce Commission to use certain unemployment compensation funds for reemployment activities.

HB 3028 Davis, John SPONSOR: Birdwell
Relating to the use of the skills development fund and other funds available to the Texas Workforce Commission to support certain joint credit courses offered by school districts under agreements with lower-division institutions of higher education.

(Committee Substitute)

HB 3038 Anderson SPONSOR: Carona
Relating to licensing and regulation of auctioneers; authorizing a fee.

HB 3063 Menéndez SPONSOR: Van de Putte
Relating to defense base development authorities.

(Committee Substitute)

HB 3066 Menéndez SPONSOR: Van de Putte
Relating to the qualification of an area inside a base defense authority as an enterprise zone.

- HB 3067** Menéndez SPONSOR: Van de Putte
Relating to the composition of an administrative authority for a defense economic readjustment zone.
- HB 3070** Simpson SPONSOR: Eltife
Relating to the designation of U.S. Highway 80 as a historic highway.
- HB 3085** Walle SPONSOR: Garcia
Relating to the regulation of automotive wrecking and salvage yards in certain counties; increasing the civil penalty.
- HB 3096** Thompson, Senfronia SPONSOR: Eltife
Relating to an exemption from the use of an emergency notification system by certain public service providers.
- HB 3103** Morrison SPONSOR: Duncan
Relating to the administration of primary elections, the nomination of candidates by convention, and voting by certain military and overseas voters.
(Committee Substitute)
- HB 3121** Harper-Brown SPONSOR: Deuell
Relating to the qualifications for the exemption from ad valorem taxation for aircraft parts located in this state for a limited time.
- HB 3125** Lucio III SPONSOR: Lucio
Relating to route designation for the issuance of a permit for the movement of oversize and overweight vehicles in certain counties.
- HB 3159** Isaac SPONSOR: Zaffirini
Relating to an agreement to allocate sales and use tax after a municipality annexes land in an emergency services district and to the provision of emergency services in that area.
- HB 3161** Simpson SPONSOR: Eltife
Relating to the Upshur County Juvenile Board.
- HB 3196** Price SPONSOR: Nelson
Relating to licensing and certification requirements for certain health facilities and to the allocation of Medicaid beds in certain of those facilities; increasing fees.
- HB 3209** Alonzo SPONSOR: Uresti
Relating to creating a recognition day in honor of Willie Velasquez.
(Committee Substitute)
- HB 3241** Thompson, Senfronia SPONSOR: Whitmire
Relating to the civil prosecution of racketeering related to trafficking of persons; providing penalties.
- HB 3296** Raney SPONSOR: Schwertner
Relating to the rates of municipal and county hotel occupancy taxes in certain municipalities and counties and the use of certain revenue from those taxes; changing the rates of taxes.
- HB 3357** Callegari SPONSOR: Duncan
Relating to the administration of and benefits payable by the Teacher Retirement System of Texas.

(Amended)

HB 3378 Price SPONSOR: Seliger
Relating to an annual term for the 47th District Court.

HB 3401 Raymond SPONSOR: Nelson
Relating to nutrition and wellness education for certain recipients of certain state benefits.

HB 3422 Lavender SPONSOR: Eltife
Relating to donations of landscape materials and services to the Texas Department of Transportation.
(Committee Substitute)

HB 3460 Eiland SPONSOR: Carona
Relating to the requirement that certain information be reported to the Texas Department of Insurance and the confidentiality of that information.

HB 3511 Ritter SPONSOR: Eltife
Relating to the adjudication of certain claims under a written contract with a special-purpose district or authority or local governmental entity.
(Committee Substitute)

HB 3520 Branch SPONSOR: Carona
Relating to the designation of a segment of U.S. Highway 75 in Dallas County as the Presidential Library Expressway.
(Committee Substitute)

HB 3556 Kolkhorst SPONSOR: Nelson
Relating to the licensing and regulation of emergency medical services providers and a moratorium on the issuance of emergency medical services provider licenses.
(Committee Substitute)

HB 3573 Aycok SPONSOR: Patrick
Relating to the requirements for obtaining a health science technology education teaching certificate and to the scope of courses a person may teach holding a technology applications teaching certificate.

HB 3578 Davis, John SPONSOR: Hancock
Relating to the allocation and transfer of money from the capital access fund by the Texas Economic Development Bank.
(Committee Substitute)

HB 3593 Burnam SPONSOR: Ellis
Relating to the determination that a voter is deceased.
(Committee Substitute)

HB 3604 Burnam SPONSOR: Hegar
Relating to the implementation of a water conservation plan and drought contingency plan, as applicable, by certain entities.

HB 3613 Elkins SPONSOR: Lucio
Relating to the release of delinquent tax liens on manufactured homes.

HB 3640 Pitts SPONSOR: Birdwell

Relating to the creation of an extension center of the Texas State Technical College System.

HB 3659 Reynolds SPONSOR: Ellis
Relating to the Houston Community College System District service area.

HB 3662 Clardy SPONSOR: Seliger
Relating to the Texas Workforce Innovation Needs Program; authorizing a fee.

HB 3674 Muñoz, Jr. SPONSOR: Hinojosa
Relating to eligibility of municipalities to participate in the historic courthouse preservation and maintenance programs administered by the Texas Historical Commission.

HB 3677 Farney SPONSOR: Patrick
Relating to the issuance of Foundation School Program license plates.

HB 3764 Coleman SPONSOR: Hinojosa
Relating to audit requirements of certain emergency services districts.

HB 3787 Perry SPONSOR: Nelson
Relating to the determination of an applicant's eligibility for any program administered by the Health and Human Services Commission.

HB 3792 Coleman SPONSOR: Ellis
Relating to the intercollegiate athletics fee at Texas Southern University.

HB 3798 Coleman SPONSOR: Hinojosa
Relating to expenditures made by emergency services districts.

HB 3831 Herrero SPONSOR: Hinojosa
Relating to the designation of a portion of State Highway 358 as the Peace Officers Memorial Highway.

HB 3860 Dutton SPONSOR: Whitmire
Relating to the creation of the Generation Park Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.
(Committee Substitute)

HB 3871 Smith SPONSOR: Ellis
Relating to the powers and duties of the Gulf Coast Waste Disposal Authority.
(Committee Substitute)

HB 3874 Raney SPONSOR: Schwertner
Relating to the creation of Rock Prairie Management District No. 2; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

HB 3875 Raney SPONSOR: Schwertner
Relating to the creation of Rock Prairie Management District No. 1; providing authority to issue bonds; providing authority to impose assessments or fees.

HB 3877 Pitts SPONSOR: Birdwell
Relating to the powers and duties of the Ellis County Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose taxes.

HB 3895 Toth SPONSOR: Williams
Relating to the name of The Woodlands Road Utility District No. 1, of Montgomery County, Texas, and to the administration, powers, and duties of the district.

HB 3910 Creighton SPONSOR: Williams
Relating to the boundaries of the East Montgomery County Municipal Utility Districts Nos. 6 and 7.

HB 3913 Parker SPONSOR: Nelson
Relating to the powers and duties of the Canyon Falls Water Control and Improvement District No. 2 of Denton County; providing authority to issue bonds; providing authority to impose taxes.

HB 3932 Farney SPONSOR: Schwertner
Relating to the period for confirmation of the Williamson County Municipal Utility District No. 21.

HB 3933 González, Mary SPONSOR: Rodríguez
Relating to the transfer of territory, assets, liabilities, and duties of the former Cuadrilla Improvement Corporation to the Lower Valley Water District.

HB 3934 Riddle SPONSOR: Patrick
Relating to powers of the North Harris County Regional Water Authority relating to certain wells.

HB 3943 Davis, Sarah SPONSOR: Whitmire
Relating to the creation of the Harris County Municipal Utility District No. 537; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

HB 3946 Gonzalez, Naomi SPONSOR: Rodríguez
Relating to the designation of the Officer Angel David Garcia Memorial Interchange.

HB 3947 Dutton SPONSOR: Garcia
Relating to the powers and duties of the Harris County Municipal Utility District No. 402 regarding road projects.

HCR 82 Hunter SPONSOR: Hinojosa
Requesting the creation of a joint interim committee to study education policy as it relates to developing a skilled workforce.

HCR 89 Hunter SPONSOR: Estes
Requesting the creation of a joint interim committee to study recruiting firearms and ammunition manufacturers to Texas.

HCR 111 Farney SPONSOR: Van de Putte
Designating April as Texas Personal Financial Literacy Month for a 10-year period beginning in 2013.

HCR 115 Zedler SPONSOR: Davis
Designating the city of Mansfield as the Pickle Capital of Texas for a 10-year period beginning in 2013.

Respectfully,
Patsy Spaw

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Thursday, May 23, 2013 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 742 Strama SPONSOR: Watson
Relating to a grant program for certain school districts to provide summer instruction primarily for students who are educationally disadvantaged and summer teaching opportunities for high-performing, new, and student teachers.
(Committee Substitute)

HB 1659 Thompson, Senfronia SPONSOR: Lucio
Relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who received deferred adjudication for certain offenses.
(Committee Substitute)

HB 1790 Longoria SPONSOR: Hinojosa
Relating to certain procedures for defendants who successfully complete a period of state jail felony community supervision.
(Amended)

HB 1926 King, Ken SPONSOR: Hegar
Relating to the operation of the state virtual school network and courses provided through other distance learning arrangements.
(Committee Substitute/Amended)

HB 3350 Rodriguez, Eddie SPONSOR: Watson
Relating to homestead preservation districts and reinvestment zones.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 59 (31 Yeas, 0 Nays)

SB 66 (31 Yeas, 0 Nays)

SB 124 (31 Yeas, 0 Nays)

SB 146 (31 Yeas, 0 Nays)

SB 393 (31 Yeas, 0 Nays)

SB 421 (31 Yeas, 0 Nays)

SB 652	(31 Yeas, 0 Nays)
SB 745	(31 Yeas, 0 Nays)
SB 778	(30 Yeas, 1 Nay)
SB 831	(31 Yeas, 0 Nays)
SB 839	(31 Yeas, 0 Nays)
SB 841	(31 Yeas, 0 Nays)
SB 918	(31 Yeas, 0 Nays)
SB 1031	(31 Yeas, 0 Nays)
SB 1086	(31 Yeas, 0 Nays)
SB 1192	(31 Yeas, 0 Nays)
SB 1214	(31 Yeas, 0 Nays)
SB 1265	(31 Yeas, 0 Nays)
SB 1356	(30 Yeas, 1 Nay)
SB 1365	(31 Yeas, 0 Nays)
SB 1376	(31 Yeas, 0 Nays)
SB 1390	(28 Yeas, 3 Nays)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 460

Senate Conferees: Deuell - Chair/Patrick/Taylor/Van de Putte/Zaffirini

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

SB 1730 (30 Yeas, 1 Nay)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas
Thursday, May 23, 2013 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

- HCR 199** Menéndez SPONSOR: Van de Putte
In memory of U.S. Army Staff Sergeant Omar L. Aceves of El Paso.
- HCR 200** Menéndez SPONSOR: Van de Putte
In memory of U.S. Army Sergeant Zainah C. Creamer of Texarkana.
- HCR 201** Menéndez SPONSOR: Van de Putte
In memory of U.S. Army Private First Class Ira B. Laningham IV of Zapata.
- HCR 202** Menéndez SPONSOR: Van de Putte
In memory of U.S. Army Specialist Omar Soltero of San Antonio.
- HCR 203** Menéndez SPONSOR: Van de Putte
In memory of U.S. Army Staff Sergeant Chauncy R. Mays of Cookville.
- HCR 204** Menéndez SPONSOR: Van de Putte
In memory of U.S. Air Force Airman First Class Corey C. Owens of San Antonio.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

ENROLLED

May 22 - HB 48, HB 326, HB 394, HB 642, HB 674, HB 709, HB 789, HB 800, HB 842, HB 1009, HB 1093, HB 1097, HB 1245, HB 1349, HB 1545, HB 1846, HB 1931, HB 2021, HB 2233, HB 2304, HB 2446, HB 2447, HB 2500, HB 2712, HB 2913, HB 2918, HB 3015, HB 3126, HB 3276, HB 3314, HB 3566, HB 3643, HB 3761, HB 3952, HCR 57, HCR 116, HCR 121, HJR 62, HJR 133

SENT TO THE GOVERNOR

May 22 - HB 33, HB 35, HB 52, HB 62, HB 139, HB 259, HB 338, HB 347, HB 376, HB 485, HB 619, HB 788, HB 1227, HB 1287, HB 1296, HB 1348, HB 1461, HB 1554, HB 1690, HB 1753, HB 1777, HB 1807, HB 1967, HB 1996, HB 2025, HB 2094, HB 2111, HB 2127, HB 2139, HB 2290, HB 2380, HB 2392, HB 2394, HB 2474, HB 2725, HB 2772, HB 2806, HB 3211, HB 3471, HCR 59

