

# HOUSE JOURNAL

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EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTY-THIRD DAY — WEDNESDAY, MAY 15, 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 823).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycoc; 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; 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; 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.

Absent, Excused, Committee Meeting — Pitts.

Absent — Capriglione.

The speaker recognized Representative Harless who introduced Louis Miori, pastor of pastoral care, Champion Forest Baptist Church, Houston, who offered the invocation as follows:

Heavenly Father, we humble ourselves before you and praise your holy name. Thank you for all the many ways that you bless our lives each and every day. Thank you for the honor and privilege you have given each of us to live in the great State of Texas. Thank you that you love the people of Texas and that you always have our best interest at heart.

Lord, I pray for these men and women that you have raised up to govern and lead our great state. As they take on the sometimes overwhelming task of making decisions that affect the welfare of millions of fellow Texans, give them direction,

give them wisdom, give them discernment, and give them strength for the busy day ahead of them. May the men and women here today work in a spirit of understanding and unity.

Lord, help these great leaders to be reminded of how much they are appreciated by their fellow Texans, and help them to be reminded of how much they are loved by you. May they rely on your heavenly wisdom today rather than the wisdom of man, and may your kingdom come and may your will be done through the decisions made here today by those you have called to serve. All this we pray in the name of our Lord and Savior, Jesus Christ. Amen.

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

#### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for today to attend a meeting of the Conference Committee on **SB 1**:

Pitts on motion of Lewis.

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

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

(Kuempel in the chair)

#### **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. 31).

#### **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.

#### **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).

#### **CAPITOL PHYSICIAN**

The chair recognized Representative Farney who presented Dr. Daniel Voss of Georgetown as the "Doctor for the Day."

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

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Lewis requested permission for the Committee on Judiciary and Civil Jurisprudence to meet while the house is in session, at 10:45 a.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Judiciary and Civil Jurisprudence, 10:45 a.m. today, 3W.9, for a formal meeting, to consider pending business.

**HR 1280 - PREVIOUSLY ADOPTED**

(by Flynn)

The chair laid out the following previously adopted resolution:

**HR 1280**, Congratulating Major General (Ret.) Raymond C. Peters, past commander of the Texas State Guard.

On motion of Representative Fletcher, the names of all the members of the house were added to **HR 1280** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Flynn who introduced Major General Raymond C. Peters (Ret.) and representatives of the Texas State Guard.

(Capriglione now present)

**HR 2159 - ADOPTED**

(by Isaac)

Representative Isaac moved to suspend all necessary rules to take up and consider at this time **HR 2159**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2159**, Congratulating Bill Johnson of Wimberley on his 90th birthday.

**HR 2159** was adopted.

On motion of Representative Howard, the names of all the members of the house were added to **HR 2159** as signers thereof.

**HR 1754 - PREVIOUSLY ADOPTED**

(by Larson)

The chair laid out the following previously adopted resolution:

**HR 1754**, Recognizing May 18 to 24, 2013, as National Safe Boating Week.

On motion of Representative Isaac, the names of all the members of the house were added to **HR 1754** as signers thereof.

**HR 2217 - ADOPTED**  
**(by Patrick)**

Representative Patrick moved to suspend all necessary rules to take up and consider at this time **HR 2217**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2217**, In memory of Bristol Marie Myers of Temple.

**HR 2217** was read and was unanimously adopted by a rising vote.

On motion of Representative R. Sheffield, the names of all the members of the house were added to **HR 2217** as signers thereof.

**HR 1994 - ADOPTED**  
**(by Miles)**

Representative Miles moved to suspend all necessary rules to take up and consider at this time **HR 1994**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1994**, Honoring civil and labor rights activist John W. Bland of Houston.

**HR 1994** was adopted.

On motion of Representatives Allen, Alvarado, and S. Turner, the names of all the members of the house were added to **HR 1994** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Miles who introduced John W. Bland and his family and friends.

**HR 664 - PREVIOUSLY ADOPTED**  
**(by R. Miller, Callegari, et al.)**

The chair laid out the following previously adopted resolution:

**HR 664**, Congratulating Joe B. Allen on his retirement as senior partner with Allen Boone Humphries Robinson LLP.

On motion of Representatives J. Davis, Huberty, Hughes, Murphy, and Smith, the names of all the members of the house were added to **HR 664** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative R. Miller who introduced Joe B. Allen and members of his family.

**HR 2185 - ADOPTED**  
**(by Gutierrez)**

Representative Gutierrez moved to suspend all necessary rules to take up and consider at this time **HR 2185**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2185**, In memory of Vojt J. Holub of San Antonio.

**HR 2185** was read and was unanimously adopted by a rising vote.

On motion of Representatives Fletcher and R. Miller, the names of all the members of the house were added to **HR 2185** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Gutierrez who introduced family members of Vojt J. Holub.

**SB 1406 - HOUSE SPONSORS AUTHORIZED**

On motion of Representative Aycock, Representatives Bohac, Harper-Brown, Creighton, and Branch were authorized as house sponsors to **SB 1406**.

**HR 2201 - ADOPTED**  
**(by S. Turner)**

Representative S. Turner moved to suspend all necessary rules to take up and consider at this time **HR 2201**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2201**, In memory of Catherine Ferguson of Dallas, the mother of Representative Helen Giddings.

**HR 2201** was read and was unanimously adopted by a rising vote.

On motion of Representative Craddick, the names of all the members of the house were added to **HR 2201** as signers thereof.

**HR 2201 - REMARKS**

REPRESENTATIVE S. TURNER: This is a resolution honoring our esteemed colleague's—Representative Giddings—mother. As the resolution says, she was fiercely, fiercely independent all the way up to the last day of her life. She's also someone who I think the NRA probably would have given a medal, because one night, Representative Giddings called me to say that her mother thought there was somebody in her house and—she was fiercely independent—she pulled out her gun and she started shooting, about four or five shots in her home. Unlike her daughter, she believed in holding on to her gun, and she believed in using it, as she did. Now, whether or not anybody got hit we do not know, but she got off four or five rounds on that night.

She loved her dog, Molly. She was someone who had a very, very, very strong faith. The times that I talked to her on the phone, she did not hesitate to espouse her Christian beliefs, her faith. She repeatedly told her daughter that all was well with her, and that she simply wanted to leave this life in such a way that she wanted to remain at her home and go out feet first, and the Lord honored Helen's mother's request, because on that day—on that Friday when she got the phone call, she was walking outside, she said she saw this white light, and said to someone, "Isn't it beautiful?" And shortly thereafter, she slumped over and the Lord took her home. So, you just can't get better than that. God honored her request. God honored the request of her daughter.

She was a good cook, and her daughter did get that from her. Well, let me put that another way, there are certain things we know that Representative Giddings can cook well. She can do some pork chops, and she can do some chili and all that good stuff—now whether or not she can do all those other things, only time will tell. On Monday night up here is Helen Giddings' kitchen night and so, we'll see. We wanted her to come back, because some of us have not eaten that well, so it was time for her to come back and come to work. But, on this day, let me just say, Representative Giddings, your mother would be extremely proud of what you have done. I know you are extremely proud of what she accomplished, but more than anything else, I think she left Representative Giddings, and her grandchildren, and great-grandchildren one of those lasting legacies, and that is, when you live your life right, and you put your hands and your life in the good Lord's hand, all will be well. And so, for that we are so very, very grateful.

REPRESENTATIVE GIDDINGS: Thank you very much for honoring my mother's memory, and thank you, Representative Turner, because whenever he called my mother he said, "Hello to Wyatt Earp." I'm scared to death of guns, but someone did try to break in on my mother one night, and while she fired into the floor—she said she just started firing and they went away. But many of you have asked me about how my mother passed, and Representative Turner is exactly correct. She said to Betty Jones, her housekeeper, that she saw this beautiful, beautiful white light, and she attempted to show the white light to Ms. Jones, who did not see it. And then she said to Ms. Jones, "I'm going over next door, because I'm going to find my mother." And just as she reached her neighbor's sidewalk, the neighbor met her, embraced her, and she slumped in her arms. My prayer to God every day was to please not let my mother suffer. My mother's prayer every day was, "Please God, let me leave my home feet first." And so, he answered her prayer, and he answered my prayer, and I'm deeply grateful to God for all that he did in terms of blessing our family, and I'm deeply grateful to all of you for honoring my mother.

S. TURNER: And to tell you just how things work, Representative Giddings' mom and my mom were born on the same day, one year apart. And both mothers happened to be the last siblings in their large families. And then, of course, on this day Representative Giddings and I are now off sitting together on the floor, sitting side by side. So God does work in just mysterious ways.

**REMARKS ORDERED PRINTED**

Representative Miles moved to print remarks by Representative S. Turner and Representative Giddings.

The motion prevailed.

**HR 1896 - ADOPTED  
(by Goldman and Stickland)**

Representative Goldman moved to suspend all necessary rules to take up and consider at this time **HR 1896**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1896**, Congratulating the Honorable Tom Craddick on his induction into the Petroleum Hall of Fame.

**HR 1896** was adopted.

On motion of Representative Goldman, the names of all the members of the house were added to **HR 1896** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Walle who introduced representatives of the East Aldine Management District.

**HR 2274 - ADOPTED  
(by E. Rodriguez)**

Representative E. Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 2274**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2274**, Commemorating the 40th anniversary of the Mexican American Legislative Caucus.

**HR 2274** was adopted.

On motion of Representative E. Rodriguez, the names of all the members of the house were added to **HR 2274** as signers thereof.

(McClendon in the chair)

**CONGRATULATORY AND MEMORIAL CALENDAR**

The following congratulatory resolutions were laid before the house:

**HR 1875** (by Hughes), Commemorating the 175th anniversary of the founding of Fort Sherman.

**HR 1877** (by Coleman), Honoring former University of Houston basketball coach Guy V. Lewis on his enshrinement in the Naismith Memorial Basketball Hall of Fame.

**HR 1880** (by Fallon), Congratulating the Aubrey High School recipients of the Denton County Livestock Association and the Blue Ribbon Club scholarships.

**HR 1881** (by Fallon), Congratulating the Pilot Point High School softball team on winning the 2013 District 12-2A championship.

**HR 1882** (by Fallon), Congratulating members of the Griffin Middle School Choir who participated in the Lewisville ISD East Zone Choir Solo and Ensemble Competition.

**HR 1883** (by Fallon), Congratulating the Pilot Point eighth grade girls' track and field team on winning the District 12-2A title.

**HR 1884** (by Fallon), Honoring Teen Leadership students at Pilot Point Middle School for their participation in the Rain Barrel Project.

**HR 1885** (by Fallon), Commending the participants in the Keep Pilot Point Beautiful 8th Annual Trash-Off.

**HR 1886** (by Herrero), Congratulating Patrick and Renee Tarlton on the birth of their son, Tyler Grigar Tarlton.

**HR 1887** (by Herrero), Congratulating Xavier Zamora of Robstown High School on his selection as a 2013 Exemplary Migrant Student by The University of Texas at Austin Migrant Student Graduation Enhancement Program.

**HR 1888** (by Herrero), Congratulating Hector Salinas on his induction into the Texas A&M University–Kingsville Javelina Athletic Hall of Fame.

**HR 1890** (by Eiland), Congratulating Robert Chase Bossert of Jamaica Beach on achieving the rank of Eagle Scout.

**HR 1892** (by J. Sheffield), Congratulating Jared Thames of Glen Rose High School on taking his second state championship in powerlifting with his 2013 win.

**HR 1893** (by Reynolds), Honoring the Missouri City Juneteenth Celebration Foundation.

**HR 1895** (by Eiland), Expressing support for chronic care coordination and encouraging the adoption of evidence-based strategies to prevent, postpone, and treat chronic diseases.

**HR 1896** was previously adopted.

**HR 1897** (by S. Thompson), Commemorating the 100th McIntosh-Ruffin Family Reunion in Jefferson.

**HR 1898** (by White), Recognizing Dr. Scott Moody as Pastor of the Day on May 7, 2013.

**HR 1899** (by White), Congratulating Emily Sue Soisson on her graduation from Jasper High School.

**HR 1900** (by Cortez), Congratulating Magdalen Wiatrek of Kenedy on her 100th birthday.

**HR 1903** (by Miles), Honoring the Reverend Max A. Miller, Jr., of Mount Hebron Missionary Baptist Church in Houston for serving as Pastor of the Day on April 12, 2013.

**HR 1908** (by Workman), Commending the Cheyanna's Champions-4-Children organization for its Austin to Boston Campaign.

**HR 1909** (by Workman), Congratulating Neomi Raad of Austin on her retirement from the Texas Department of Assistive and Rehabilitative Services.

**HR 1910** (by E. S. Turner and Sanford), Congratulating Racy Grant of Prosper High School on her receipt of the Speech, Debate, and Theatre Educator of the Year Award from the National Federation of State High School Associations.

**HR 1915** (by Lozano), Commemorating the 100th anniversary of the founding of St. John Lutheran Church in Bishop.

**HR 1916** (by Lozano), Congratulating Aunt Aggie De's Pralines of Sinton on being named the 2013 Official Best Gourmet Pralines and Pecan Candy in Texas by the Official Best Of TV show and website.

**HR 1918** (by Callegari), Congratulating John Paul Callegari on his graduation from St. Pius X High School in Houston.

**HR 1919** (by Guerra), Congratulating the McAllen Independent School District Board of Trustees on being named the 2012 Texas Outstanding School Board of the Year by the Texas Association of School Administrators.

**HR 1920** (by Guerra), Honoring the city of Palmhurst for its contributions to the Rio Grande Valley.

**HR 1921** (by Guerra), Congratulating the Monitor newspaper of McAllen on its receipt of numerous awards at the 2013 Texas Associated Press Managing Editors conference.

**HR 1922** (by Guerra), Honoring La Union del Pueblo Entero (LUPE) for its 10 years of service to colonia residents in Hidalgo County.

**HR 1923** (by Guerra), Commending Ann Williams Cass, executive director of Proyecto Azteca, for her achievements in South Texas.

**HR 1924** (by Guerra), Honoring Dario V. Guerra, Jr., of Edinburg for his contributions to the Rio Grande Valley.

**HR 1925** (by Guerra), Commending Edson Amaro of Edinburg for his inspiring attitude and resilience in the face of extraordinary challenges.

**HR 1926** (by Guerra), Congratulating the McAllen Independent School District on its designation as a 2013 Best Community for Music Education by the National Association of Music Merchants' Foundation.

**HR 1927** (by Guerra), Congratulating Alexandra Marie Vasquez of IDEA Academy and College Preparatory Mission on being chosen to participate in Subiendo: The Academy for Rising Leaders at The University of Texas at Austin.

**HR 1928** (by Guerra), Commending Nicholas Tijerina of Edinburg for his inspiring attitude and resilience in the face of extraordinary challenges.

**HR 1929** (by Guerra), Congratulating Valerie De Leon of McAllen Memorial High School on being chosen to participate in Subiendo: The Academy for Rising Leaders.

**HR 1930** (by Dutton and Johnson), Honoring Kappa Alpha Psi on its 81st Grand Chapter Meeting.

**HR 1934** (by Y. Davis), Congratulating Bernice Washington on her selection as chair of the board of directors of Texas Health Resources–Presbyterian Healthcare Resources.

**HR 1935** (by Y. Davis), Congratulating Captain Dr. TeCora Ballom on her selection as a Women's History Month honoree of the Southeast Dallas Business and Professional Women's Senior and Youth Clubs.

**HR 1936** (by Y. Davis), Congratulating Dr. Melanie Belt on her selection as a Women's History Month honoree of the Southeast Dallas Business and Professional Women's Senior and Youth Clubs.

**HR 1937** (by Y. Davis), Congratulating Jennifer Manzay on her selection as a Women's History Month honoree of the Southeast Dallas Business and Professional Women's Senior and Youth Clubs.

**HR 1938** (by Y. Davis), Honoring Curtis King for his achievements as founder and president of The Black Academy of Arts and Letters.

**HR 1939** (by Y. Davis), Congratulating John Clem on being named a 2013 Good Samaritan by the Dallas Baptist University-Oak Cliff Partnership.

**HR 1940** (by Y. Davis), Congratulating Dr. Cheronda Steele on her selection as a Women's History Month honoree of the Southeast Dallas Business and Professional Women's Senior and Youth Clubs.

**HR 1941** (by Hughes), Honoring Barbara Lynn for her 50 years of teaching at Quitman Elementary School.

**HR 1942** (by Hughes), Congratulating Martha Harris of Mineola on her retirement from City National Bank after more than 40 years in the banking business.

**HR 1944** (by White), Congratulating the Hardin County nominees for the 2013 Babe Didrikson Zaharias Junior Golfer of the Year Awards.

**HR 1946** (by White), Commemorating the dedication of the historical marker honoring Colonel Samuel S. Lewis in Sand Ridge Cemetery.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

**HR 1878** (by Coleman), In memory of Henry M. Garza of Houston.

**HR 1889** (by Herrero), In memory of Mary Lou Trevino of Robstown.

**HR 1901** (by Hughes), In memory of Jack David Ledkins of Mineola.

**HR 1911** (by Darby), In memory of Jack Pardee, renowned football player and coach.

**HR 1912** (by Darby), In memory of John F. Sutton, Jr., former dean of The University of Texas School of Law.

**HR 1931** (by D. Miller), In memory of former Comal County judge and school superintendent Max R. Wommack, Sr., of Seguin.

**HR 1932** (by D. Miller), In memory of Thomas G. Zipp of New Braunfels.

**HR 1933** (by D. Miller), In memory of Charles Henry "Tart" Mund of New Braunfels.

**HR 1943** (by Guillen), In memory of Richard Reyes of Poteet.

**HR 1945** (by White), In memory of Larry "L. J." Jones of Spurger.

**HR 1947** (by Harless), In memory of Leslie Gerald Walker, Jr., of Houston.

The resolutions were unanimously adopted by a rising vote.

(R. Sheffield in the chair)

**MAJOR STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 204 ON THIRD READING  
(Price - House Sponsor)**

**SB 204**, A bill to be entitled An Act relating to the continuation and functions of the Texas Board of Professional Engineers; changing a fee.

**Amendment No. 1**

Representative Springer offered the following amendment to **SB 204**:

Amend **SB 204** on third reading, in SECTION 10 of the bill (on page 5, between lines 20 and 21), by inserting a new Subsection (b-1) as follows:

(b-1) Notwithstanding Subsection (b) of this section, if the implementation of Sections 1001.3035 and 1001.3535, Occupations Code, as added by this Act, requires the Texas Board of Professional Engineers or the Department of Public Safety to use the services of a third party to develop and implement a system for applicants for a license or renewal of a license to submit fingerprints, those sections do not take effect until the first day of the second month after the date the third party has fulfilled its duties or other applicable requirements necessary for the implementation of the system in compliance with the applicable contract between the third party and the Texas Board of Professional Engineers or the Department of Public Safety.

Amendment No. 1 was withdrawn.

**SB 204** was passed by (Record 824): 111 Yeas, 31 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Burnam; Callegari; Canales; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Hilderbran; Howard; Hunter; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; 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; Pickett; Price; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheets; Sheffield, J.; Smith; Smithee; Strama; Taylor; Thompson, S.; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Bonnen, G.; Branch; Burkett; Button; Capriglione; Carter; Fallon; Goldman; Gooden; Harper-Brown; Hughes; Isaac; King, P.; Klick; Krause; Laubenberg; Leach; Miller, R.; Morrison; Perry; Phillips; Sanford; Schaefer; Simmons; Simpson; Springer; Stephenson; Stickland; Thompson, E.; Turner, E.S.; White.

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

Absent, Excused, Committee Meeting — Pitts.

Absent — Dukes; Giddings; Huberty; Raney; Ratliff.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 824. I intended to vote no.

Flynn

I was shown voting yes on Record No. 824. I intended to vote no.

Geren

I was shown voting yes on Record No. 824. I intended to vote no.

Harless

When Record No. 824 was taken, I was temporarily out of the house chamber. I would have voted yes.

Huberty

I was shown voting yes on Record No. 824. I intended to vote no.

Kolkhorst

When Record No. 824 was taken, my vote failed to register. I would have voted yes.

Ratliff

I was shown voting yes on Record No. 824. I intended to vote no.

Toth

I was shown voting yes on Record No. 824. I intended to vote no.

Zedler

**SB 211 ON THIRD READING**  
**(Dutton - House Sponsor)**

**SB 211**, A bill to be entitled An Act relating to the continuation and functions of the Texas Facilities Commission; authorizing fees.

**Amendment No. 1**

Representative Dutton offered the following amendment to **SB 211**:

Amend **SB 211** as follows:

(1) On page 6, line 11, between "Complex" and the period, insert the following:

, except as specifically granted the authority:

(1) by the legislature, if the legislature is in session; or

(2) jointly by the governor and the Legislative Budget Board, if the legislature is not in session

(2) On page 8, line 11, strike "The" and substitute "On completion of the negotiation phase for the development of a comprehensive agreement and before a comprehensive agreement is entered into, the".

(3) On page 17, lines 19-20, strike ", including the General Land Office".

(4) On page 19, line 15, strike "Subdivision (1-a)" and substitute "Subdivisions (1-a), (5-a), (9-a), (9-b), (9-c), and (10-a) and amending Subdivisions (10) and (12)".

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

(5-a) "Improvement" means:

(A) a building, structure, fixture, or fence erected on or affixed to land;

(B) the installation of water, sewer, or drainage lines on, above, or under land;

(C) the paving of undeveloped land; and

(D) specialized software that in any manner is related to the control, management, maintenance, or operation of an improvement.

(9-a) "Private entity" means any individual person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other business entity.

(9-b) "Property" means any matter or thing capable of public or private ownership.

(9-c) "Proposer" means a private entity that submits a proposal to a responsible governmental entity or affected jurisdiction.

(10) "Qualifying project" means:

(A) any ferry, mass transit facility, vehicle parking facility, port facility, power generation facility, fuel supply facility, oil or gas pipeline, water supply facility, public work, waste treatment facility, hospital, school, medical or nursing care facility, recreational facility, public building, or other similar facility currently available or to be made available to a governmental entity for public

use, including any structure, parking area, appurtenance, and other property required to operate the structure or facility and any technology infrastructure installed in the structure or facility that is essential to the project's purpose; or

(B) any improvements necessary or desirable to ~~unimproved~~ real property ~~estate~~ owned by a governmental entity.

(10-a) "Real property" means:

(A) improved or unimproved land;

(B) an improvement;

(C) a mine or quarry;

(D) a mineral in place;

(E) standing timber; or

(F) an estate or interest, other than a mortgage or deed of trust creating a lien on property or an interest securing payment or performance of an obligation, in a property described by Paragraphs (A) through (E).

(12) "Revenue" means all revenue, income, earnings, user fees, lease payments, or other service payments that arise out of or in connection with ~~support~~ the development or operation of a qualifying project, including money received as a grant or otherwise from the federal government, a governmental entity, or any agency or instrumentality of the federal government or governmental entity in aid of the project.

(6) On page 20, line 6, between "443.0071" and the period, insert the following:

, except as specifically granted the authority:

(A) by the legislature, if the legislature is in session; or

(B) jointly by the governor and the Legislative Budget Board, if the legislature is not in session

(7) On page 20, line 10, strike "2267.007, and 2267.008" and substitute "and 2267.007".

(8) Strike page 20, line 11, through page 22, line 17, and substitute the following:

Sec. 2267.005. PROHIBITED EMPLOYMENT OF RESPONSIBLE GOVERNMENTAL ENTITY EMPLOYEES. (a) An employee of a responsible governmental entity may not be employed or hired by another person to perform duties that relate to the employee's specific duties in developing and implementing a qualifying project, including review, evaluation, development, and negotiation of a qualifying project proposal.

(b) The responsible governmental entity shall obtain from each employee sufficient information to determine whether:

(1) the employee is employed by another person; and

(2) a potential conflict of interest exists between the employee's duties for the entity and the employee's duties with the other employer.

(c) Each employee of a responsible governmental entity whose duties relate to a qualifying project shall attest that the employee is aware of and agrees to the responsible governmental entity's ethics and conflict-of-interest policies.

(d) To the extent the other employment is authorized by the responsible governmental entity's policy, this section does not prohibit additional employment for an employee of a responsible governmental entity whose duties are not related to a qualifying project.

(9) On page 22, line 18, strike "2267.007" and substitute "2267.006".

(10) On page 22, line 25, strike "2267.008" and substitute "2267.007".

(11) On page 27, strike lines 20-21 and substitute the following:

commission consistent with the requirements of Section 2267.052(b). The commission shall prescribe the procedure for submitting the guidelines for review under this section, provided that the commission completes its review not later than the 60th day after the date the commission receives the guidelines and provides written comments and recommendations to the governmental entity to ensure timely compliance with Section 2267.052(b). The

(12) On page 27, line 27, strike "and (b)" and substitute ", (b), (g), and (h)".

(13) On page 29, lines 22-23, strike "approves a proposal for a qualifying project under Subsection (a)" and substitute "accepts an unsolicited proposal for a qualifying project under Subsection (a), in accordance with the requirements of Section 2267.052(b)(10)(B),".

(14) On page 31, between lines 15 and 16, insert the following:

(g) The responsible governmental entity shall take action appropriate under Section 552.153 to protect confidential and proprietary information provided by a private entity submitting the proposal and by the contracting person under an agreement.

(h) Before completing the negotiation and entering into [the negotiation of] an interim or comprehensive agreement, each responsible governmental entity described by Section 2267.001(5)(A) must submit copies of detailed proposals, including drafts of any interim agreement and the comprehensive agreement, to the Partnership Advisory Commission in accordance with Chapter 2268.

(15) On page 33, strike lines 20-25 and substitute the following:

(c) Trade secrets, proprietary information, financial records, and work product [or other records] of a proposer are [the contracting person] excluded from disclosure under Section 552.101 and may not be posted or made available for public inspection except as otherwise agreed to by the responsible governmental entity and the proposer [contracting person]. After submission by a responsible governmental entity of a detailed qualifying project proposal to the commission, the trade secrets, proprietary information, financial records, and work product of the proposer are not protected from disclosure unless expressly excepted from the requirements of Chapter 552 or considered confidential under other law.

(16) Strike page 35, line 16, through page 36, line 2.

(17) On page 36, line 8, strike "(a)" and substitute "(d)".

(18) On page 36, strike lines 10-12 and substitute the following:

(d) The Texas Facilities Commission, using the qualifying project fees authorized under Section 2165.353, [comptroller or a state agency] shall provide, on a cost recovery basis, professional services of its architectural, engineering, and real estate staff and the expertise of financial, technical, and other necessary

advisors and consultants, authorized under Section 2267.053(d), as necessary to support the Partnership Advisory Commission in its review and evaluation of proposals, including financial and risk allocation analysis and ongoing contract performance monitoring of qualifying projects. The Texas Facilities Commission shall assign staff and contracted advisors and consultants necessary to perform the duties required by this subsection ~~[additional assistance as needed]~~.

(19) On page 37, line 12, strike "negotiate" and substitute "enter into".

(20) On page 37, strike lines 17-22.

(21) On page 38, strike lines 13-15.

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

SECTION \_\_\_\_\_. Section 552.153, Government Code, as added by Chapter 1334 (**SB 1048**), Acts of the 82nd Legislature, Regular Session, 2011, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) Information in the custody of a responsible governmental entity that relates to a proposal for a qualifying project authorized under Chapter 2267 is excepted from the requirements of Section 552.021 if:

(1) the information consists of memoranda, staff evaluations, or other records prepared by the responsible governmental entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under Chapter 2267 for which:

(A) disclosure to the public before or after the execution of an interim or comprehensive agreement would adversely affect the financial interest or bargaining position of the responsible governmental entity; and

(B) the basis for the determination under Paragraph (A) is documented in writing by the responsible governmental entity; or

(2) the records are provided by a proposer ~~[contracting person]~~ to a responsible governmental entity or affected jurisdiction under Chapter 2267 and contain:

(A) trade secrets of the proposer ~~[contracting person]~~;

(B) financial records of the proposer ~~[contracting person]~~, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or other means; or

(C) work product related to a competitive bid or proposal ~~[other information]~~ submitted by the proposer ~~[contracting person]~~ that, if made public before the execution of an interim or comprehensive agreement, would provide a competing proposer an unjust advantage or adversely affect the financial interest or bargaining position of the responsible governmental entity or the proposer ~~[person]~~.

(d) In this section, "proposer" has the meaning assigned by Section 2267.001, as added by Chapter 1334 (SB 1048), Acts of the 82nd Legislature, Regular Session, 2011.

SECTION \_\_\_\_\_. Section 2152.104, Government Code, is amended by adding Subsection (e) to read as follows:

(e) The commission shall establish a public private partnership division to perform its duties assigned under Chapters 2165 and 2267. The commission may hire or assign the staff necessary for the division to perform the duties required under Subchapter H, Chapter 2165, and Chapters 2267 and 2268. The commission shall provide professional service staff and the expertise of financial, technical, and other necessary advisors and consultants, authorized under Section 2267.053(d), to support the Partnership Advisory Commission in its review and evaluation of qualifying project proposals.

SECTION \_\_\_\_\_. The heading to Chapter 2166, Government Code, is amended to read as follows:

CHAPTER 2166. BUILDING CONSTRUCTION AND ACQUISITION AND DISPOSITION OF REAL PROPERTY

SECTION \_\_\_\_\_. Section 2166.002, Government Code, is amended to read as follows:

Sec. 2166.002. APPLICABILITY OF CHAPTER. This chapter applies only to a building construction project of the state, the acquisition of real property for state purposes, and the disposition of real property owned by the state.

SECTION \_\_\_\_\_. Section 2267.055(a), Government Code, as added by Chapter 1334 (**SB 1048**), Acts of the 82nd Legislature, Regular Session, 2011, is amended to read as follows:

(a) A private entity whose proposal, other than a proposal for a service contract, is accepted for conceptual stage evaluation [A person submitting a proposal to a responsible governmental entity] under Section 2267.053 shall notify each affected jurisdiction by providing a copy of its proposal to the affected jurisdiction.

SECTION \_\_\_\_\_. Section 2267.058, Government Code, as added by Chapter 1334 (**SB 1048**), Acts of the 82nd Legislature, Regular Session, 2011, is amended by adding Subsection (g) to read as follows:

(g) The comprehensive agreement must provide that a security document or other instrument purporting to mortgage, pledge, encumber, or create a lien, charge, or security interest on or against the contracting party's interest may not extend to or affect the fee simple interest of the state in the qualifying project or the state's rights or interests under the comprehensive agreement. Any holder of debt shall acknowledge that the mortgage, pledge, or encumbrance or a lien, charge, or security interest on or against the contracting party's interest is subordinate to the fee simple interest of the state in the qualifying project and the state's rights or interests under the comprehensive agreement.

(23) Renumber the SECTIONS of the bill appropriately.

Amendment No. 1 was adopted. (E. Rodriguez and Strama recorded voting no.)

**Amendment No. 2**

Representative Raymond offered the following amendment to **SB 211**:

Amend **SB 211** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 2165.056(a), Government Code, is amended to read as follows:

(a) The commission may, at a state agency's request, exercise the powers and duties given to the commission by this subchapter and Subchapters A, D, E, and F, on or with respect to any property owned or leased by the state. The commission shall exercise the powers and duties granted to the commission under Subchapter I on or with respect to real property of the state and perform all acts and duties relating to public real property of the state or the rights of individuals with respect to public real property as required by law.

SECTION \_\_\_\_\_. Subchapter B, Chapter 2165, Government Code, is amended by adding Sections 2165.0561 and 2165.0562 to read as follows:

Sec. 2165.0561. AUTHORITY TO CONDUCT CERTAIN REAL ESTATE TRANSACTIONS. (a) Any real property owned by the state that the legislature has authorized or the governor has approved under Subchapter I may be directly sold or leased by the commission to a political subdivision or a development corporation organized under Chapter 501, Local Government Code, if the commission determines the real estate transaction is in the best interest of the state.

(b) The governor must approve any sale of real property, not later than the 30th day after the date the governor receives notice of the proposed sale under this section. Failure of the governor to expressly approve the sale constitutes a veto of the transaction.

(c) A real estate transaction under this chapter must be for market value and under other terms and conditions the commission determines to be in the best interest of the state.

Sec. 2165.0562. STANDING TO ENFORCE RESTRICTIONS. (a) The commission and the attorney general have standing to enforce a:

(1) restrictive covenant affecting real property owned by a state agency;  
(2) restriction expressed in a transfer document or legislative act conveying real property then owned by the state; or

(3) statutory restriction on the sale or lease of real property patented or leased by the state to a navigation district, including a restriction provided by Section 61.116 or 61.117, Water Code.

(b) The attorney general, on the attorney general's own initiative or at the request and on behalf of the commission, may bring suit to enforce the rights of the state under this section.

(c) This section does not apply to:

(1) permanent school fund land;  
(2) permanent university fund land; or  
(3) other real property controlled or administered by the board of regents of The University of Texas System.

SECTION \_\_\_\_\_. Chapter 2165, Government Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. COMPREHENSIVE REAL PROPERTY PLANNING,  
MANAGEMENT, ACCOUNTING, AND REPORTING

Sec. 2165.401. PURPOSES OF SUBCHAPTER. The intent and purposes of this subchapter are to:

(1) consolidate and coordinate all duties, efforts, requirements, and reports related to:

(A) statewide long-range planning for facilities and real property currently owned by the state and facilities and real property needed for the future operation of state government as required by this chapter and Chapter 2166;

(B) the life-cycle management of certain public buildings, grounds, and property, including real estate management, construction management, facilities management, and property management;

(C) statewide accounting, evaluation, and reporting regarding certain public buildings, grounds, and property;

(D) the acquisition of real property for state purposes subject to the limitations and requirements provided by Sections 2166.052(a), 2166.251, 2166.452, and 2166.453 and Chapter 2267;

(E) the disposition of real property owned by the state subject to the limitations and requirements provided in Sections 2165.410, 2165.411, and 2166.052(b); and

(F) the design and construction of public facilities necessary to support the current and future operations of state government;

(2) ensure the efficient and orderly development of the state building program so that the necessary working space in state-owned facilities does not fall behind or precede, to any considerable degree, the actual need for the space;

(3) avoid excessive and long-term reliance on facilities leased from private entities under Chapter 2167 due to insufficient and untimely planning for the construction or acquisition of state-owned facilities;

(4) avoid long-term facility-related rental costs that may be applied to construct or acquire state-owned facilities;

(5) prevent the sale, lease, or other disposition of real property owned by the state that conflicts with:

(A) the strategic facility plan and state building program as necessary to serve the space needs of current and future state government; or

(B) the historical integrity or significance of state property; and

(6) ensure that sufficient oversight and controls are in place so that the legislative intent and public purposes of the state building program are met.

Sec. 2165.402. DEFINITIONS. In this subchapter:

(1) "Appraiser" means a state-certified or state-licensed real estate appraiser who:

(A) is employed by or contracts with the commission; and

(B) performs professional valuation services in a manner that is independent, impartial, and objective.

(2) "Comprehensive agreement" has the meaning prescribed by Section 2267.001.

(3) "Contracting person" means an individual, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other business entity that enters into a comprehensive agreement, contract, or lease with the commission under this chapter.

(3) "Exchange" means an exchange of equal value or an exchange of real property accompanied by consideration.

(4) "Governor's real property report" means the report prepared by the commission under Section 2165.409.

(5) "Highway right-of-way" means all land acquired and owned by the Texas Department of Transportation that is cleared, graded, or paved for public transportation.

(6) "Institution of higher education" means the Texas State Technical College System, the Southwest Collegiate Institute for the Deaf, or an institution of higher education, excluding a public junior college, as defined by Section 61.003, Education Code.

(7) "Market value" means the price at which real property would transfer for cash or its equivalent under prevailing market conditions if:

(A) the real property is exposed for sale for a reasonable time in a competitive and open market under conditions necessary for a fair real estate transaction;

(B) the parties to the transaction act prudently and are knowledgeable of all the uses and purposes to which the real property is adapted and for which the real property is capable of being used and of the enforceable restrictions on its use; and

(C) the parties seek to maximize their gains and neither is in a position to take advantage of the exigencies of the other.

(8) "Political subdivision" means a municipality, county, public school district, levee improvement district, municipal utility district, or any other special purpose district authorized by state law.

(9) "Public purpose" means a governmental action or direction that purports to benefit the people of this state as a whole.

(10) "Real estate transaction" means a sale, lease, trade, exchange, gift, grant, or other conveyance of a real property interest.

(11) "Real property" means land and generally the improvements that are constructed, erected, or affixed to the land.

(12) "Real property evaluation report" means the annual report prepared by the commission under Section 2165.406.

(13) "Real property owned by the state" means any interest in real property, excluding mineral interests held by the General Land Office, owned by the state or a state agency, including real property held in trust by a state agency.

(14) "State agency" means a board, commission, department, institution, office, or other agency of state government, including an institution of higher education but excluding a special purpose district or authority.

(15) "Strategic facilities plan" means the comprehensive long-range strategic facilities plan prepared under Section 2165.406.

Sec. 2165.403. REAL PROPERTY ACCOUNTING AND RECORDS. (a) All real property owned by the state shall be accounted for by the state agency that possesses the real property.

(b) Each state agency shall maintain a record of each item of real property the agency possesses. The record must include the following information and shall be furnished to the commission:

(1) a description of each item of real property by reference to a volume number and page or image number or numbers of the official public records of real property in a particular county, or if not applicable, by a legal description;

(2) the date of purchase of the real property, if applicable;

(3) the purchase price of the real property, if applicable;

(4) the name of the state agency having record title to the real property;

(5) a description of the current uses of the real property and of the projected future uses of the real property; and

(6) a description of each building or other improvement located on the real property.

(c) If the description of real property required under this section is excessively voluminous, the commission may direct the agency in possession of the real property to provide the description only in summary form, as agreed to by the commission and the state agency involved.

(d) Each state agency, other than an institution of higher education, annually at the time set by the commission, shall furnish the Texas Historical Commission with a photograph and information that specifies and identifies the age of each building:

(1) that was acquired by the agency after the date of the preceding annual submission and that is at least 45 years old on the date of the current submission; or

(2) that is possessed by the agency and has become 45 years old since the date the information was previously submitted.

(e) On request, each state agency shall provide the commission with any photographs and information furnished to the Texas Historical Commission under this section.

Sec. 2165.404. REAL PROPERTY INVENTORY; RULES. (a) The commission shall review and keep inventory records of all real property owned by the state. The commission shall compile the inventory records from the information submitted under Sections 2165.403 and 2165.405.

(b) The commission may adopt and enforce rules necessary to perform its duties and functions under this subchapter.

Sec. 2165.405. SPECIAL STATUS OF CERTAIN STATE AGENCIES AND CERTAIN REAL PROPERTY. (a) The commission is not responsible for maintaining the inventory records, as provided by Section 2165.404, of the real property administered by the Texas Department of Transportation, an institution of higher education, the Employees Retirement System of Texas, or the Teacher Retirement System of Texas. The agencies administering the real property shall maintain those records.

(b) The Texas Department of Transportation, on the request of the commission, shall submit its real property inventory records to the commission. The real property inventory records of an institution of higher education, the Employees Retirement System of Texas, and the Teacher Retirement System of Texas, on the request of the commission, but not more frequently than semiannually, shall be submitted to the commission for informational purposes only. The commissioner of the General Land Office shall maintain the inventory records of the former Texas National Research Laboratory Commission, to the extent possible, and is responsible for the disposal of any real property interests held by the former commission as provided by Subchapter G, Chapter 31, Natural Resources Code.

(c) The commission may review and verify the records of the Texas Department of Transportation and make recommendations regarding the department's real property.

(d) The commission shall prepare an inventory of its real property.

(e) The commission's duty under this subchapter to review and verify real property records and to make recommendations regarding real property and 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 the General 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.

(f) The commission's duty to make recommendations regarding real property and to prepare a report involving real property under this subchapter does not apply to:

(1) the real property of the Texas Historical Commission;

(2) the real property comprising the Alamo;

(3) the real property comprising the French Legation;

(4) the real property comprising the Governor's Mansion;

(5) the real property comprising the Texas State Cemetery, more specifically described as 17.376 acres located at 801 Comal, Lot 5, Division B, City of Austin, Travis County, Texas;

(6) the real property administered by the State Preservation Board; and

(7) highway rights-of-way owned by the Texas Department of Transportation.

Sec. 2165.406. COMPREHENSIVE REAL PROPERTY EVALUATION AND STATEWIDE STRATEGIC FACILITY PLANNING AND REPORTING.

(a) The commission shall conduct statewide evaluations of the space usage and space requirements of state agencies as required by Section 2165.104, and evaluations of the real property owned by the state as required under Section 2165.407. Based on and in consideration of the findings of the evaluations, for state agencies that obtain space under Chapter 2166, 2167, or 2267, the

commission shall prepare and adopt a comprehensive long-range strategic facilities plan that includes the capital improvement plans and deferred maintenance plans required under Section 2166.108.

(b) The strategic facilities plan is a long-range facilities plan and state building program that addresses at least 10 years of state agency space needs. The plan must encompass the commission's real estate portfolio of owned assets and facilities leased from private entities and must establish strategic facility goals and a comprehensive capital improvement program to reduce the state's excessive reliance on leased facilities by planning for the construction and acquisition of state-owned facilities before the actual need for space occurs. The strategic facility goals, based on estimates of future space needs, outline biennial funding plans, including the prioritization of projects and estimates of cost as the basis for appropriation requests and project authorization for facilities constructed or acquired under Subchapters B and J and under Chapter 2166.

(c) The comprehensive long-range strategic facilities plan consolidates and must incorporate the requirements and current versions of:

(1) the report about improvements and repairs required under Section 2165.055;

(2) the space allocation and transition plans provided in Section 2165.1061;

(3) the real property evaluation report required under Section 2165.408;

(4) the report on real estate transactions, financial analyses, and revenue forecasts required under Section 2165.414;

(5) the report on the compilation of construction and maintenance information required in Section 2166.101;

(6) the long-range plan for state agency space needs under Section 2166.102;

(7) the biennial report on space needs required in Section 2166.103;  
and

(8) the biennial report on requested projects required in Section 2166.104.

(d) The commission shall update the comprehensive long-range strategic facilities plan biennially or more frequently as the commission determines necessary.

(e) On or before July 1 of each even-numbered year, the commission shall file the strategic facilities plan with the governor, the lieutenant governor, the speaker of the house of representatives, the comptroller, and the Legislative Budget Board.

Sec. 2165.407. REAL PROPERTY EVALUATION. (a) In consideration of the requirements for the strategic facilities plan and state building program, the commission shall evaluate the real property inventory of each state agency at least once every four years, and an evaluation shall be conducted during the calendar year before the agency is scheduled for review under Chapter 325. The commission may verify the accuracy of inventory records provided by an agency.

(b) The commission shall:

(1) identify real property owned or controlled by the state that is underperforming, not being used, or is being substantially underused;

(2) ascertain the market value of the real property; and

(3) make recommendations regarding the future use of the real property by state agencies or a real estate transaction involving the real property.

(c) The commission's recommendations under Subsection (b)(3) must include:

(1) an analysis of the highest and best use to which the real property may legally be developed, including market analyses and residual land value estimates for alternative uses of the real property addressing potential for commercial or agricultural lease of the real property or any other real estate transaction or use that the commission considers to be in the best interest of the state; and

(2) a description of the impacts of the recommended use or disposition of the real property on the comprehensive long-range strategic facilities plan and state building program.

(d) State agency staff shall submit to the commission information pertinent to the evaluation of a real estate transaction involving the real property, including an evaluation of any proposals received from private entities that would be of significant benefit to the state and:

(1) if the commission recommends a real estate transaction involving the real property, the market value of the real property based on the highest and best use, the current market conditions, and suggestions on use of the proceeds to benefit the state building program; or

(2) if the commission does not recommend a real estate transaction involving the real property, evidence of the real property's value in a form the commission determines to be appropriate.

(e) In any year the commission is scheduled to evaluate real property under the management and control of the adjutant general's department, the commission shall notify the adjutant general's department before the commission begins the evaluation.

Sec. 2165.408. REAL PROPERTY EVALUATION REPORT. (a) The commission shall prepare a draft real property evaluation report, which must include the results and findings of the evaluation of the real property owned by the state required under Section 2165.407.

(b) The draft report shall be submitted to the General Land Office, which shall make recommendations for potential purchases in accordance with Section 2165.416. The commission shall submit a draft report to each state agency that owns or holds in trust property that is the subject of the draft report. The state agency that owns or controls real property named in the report may comment on any findings or recommendations made by the commission. The General Land Office and any state agency that owns or controls real property named in the report shall complete a review of the draft report not later than the 60th day after the date the agency receives the report and forward all recommendations and comments to the commission.

(c) The commission shall prepare and issue a final real property evaluation report that incorporates recommendations of the General Land Office regarding the potential purchase of the real property by the School Land Board as required by Section 2165.416 and any comments from any state agency that owns or controls property named in the report.

(d) If, under the adjutant general's report submitted as provided by Section 431.030, the adjutant general determines that real property under the management and control of the adjutant general's department is used for military purposes, the commission may not recommend a real estate transaction involving that real property in the final report submitted as provided by Subsection (e).

(e) The final report, including a description of any draft development plan that may be adopted under Section 2165.418, shall be submitted to the governor, the lieutenant governor, the speaker of the house of representatives, the comptroller, and the Legislative Budget Board not later than July 1 of each year.

(f) Real property reported as underperforming, not being used, or being substantially underused under this section may not be annexed by a political subdivision of this state without prior written approval of the commission.

(g) A state agency that owns or controls real property identified in the real property evaluation report as not being used or being substantially underused shall notify the commission at least 30 days before the date of any planned development, acquisition, disposition, lease, or exchange of the real property, including any planned construction of new improvements or a major modification to an existing improvement.

(h) Each state agency owning real property identified in the real property evaluation report as underperforming, unused, or substantially underused shall provide to the commission, not later than the 30th day after the agency receives the commission's request, a real property use statement including information on the status of the property. The statement must include:

(1) a list of each item of individual property recommended for an alternative use or a real estate transaction by the commission;

(2) the status of the individual property; and

(3) any plans the agency owning the real property has to convert the use of or dispose of each real property.

(i) The commission may solicit proposals and shall accept unsolicited proposals regarding real estate transactions involving real property that would be of significant benefit to the state.

Sec. 2165.409. GOVERNOR'S REAL PROPERTY REPORT. (a) At any time, the commission may prepare and submit a real property report to the governor recommending real estate transactions or other actions involving any real property included in the most recent real property evaluation report.

(b) After the commission recommends a real estate transaction to the governor under this section, the commission shall notify the state agency that owns or controls the real property and the Texas Department of Housing and Community Affairs. Not later than the 60th day after the date the written recommendation is received, the state agency and the department may file with the governor their comments on or objections to the recommendation.

(c) If the commission recommends a real estate transaction to the governor involving real property identified as not used or substantially underused and the commission's analysis of the highest and best use for the real property is determined to be residential, the Texas Department of Housing and Community Affairs shall evaluate the property and identify any property suitable for affordable housing. The department shall submit comments concerning any property suitable for affordable housing and any documents supporting the comments to the governor not later than the 60th day after the date it receives the report prepared under this section.

(d) Any unused or underused state property may be sold or leased, or an easement over the property may be granted, to the United States for the use and benefit of the United States armed forces if the commission or the commission's designee, after consultation with appropriate military authorities, determines that the sale, lease, or easement would materially assist the military in accomplishing its mission. A sale, lease, or easement under this subsection must be at market value. The state shall retain all minerals it owns with respect to the land, but it may relinquish the right to use the surface to extract them.

(e) Notwithstanding any other law, real property that the commission has reported as underperforming, unused, or substantially underused and recommended for a real estate transaction may not be developed, sold, or otherwise disposed of by the state agency that owns or controls the real property before the earlier of:

(1) the date the governor rejects a recommended real estate transaction involving the real property; or

(2) two years after the date the recommendation is approved, unless extended by the governor.

(f) If a state agency that owns or controls real property reported as underperforming, unused, or substantially underused intends to dispose of or change the use of the real property before the time provided by Subsection (e), the governor may require a general development plan for future use of the real property or any other information. At any time, the governor may request that the state agency provide its general development plan or any other information to the commission for evaluation and may consult with the commission. The plan must be submitted not later than the 30th day before the date the real estate transaction must be approved by the governor. The governor may take the plan into consideration in determining whether to reject the commission's recommendation.

(g) The commission may conduct the real estate transaction if the governor gives the commission written notice approving the recommendation. The governor must provide written notice of approval or disapproval under this subsection on or before the 90th day after the date the governor receives the commission's written recommendation.

Sec. 2165.410. REAL ESTATE TRANSACTIONS AUTHORIZED BY GOVERNOR. (a) The commission shall take charge and control of real property and shall negotiate as necessary to conduct and close a real estate transaction authorized by the governor.

(b) The expenses incurred by the commission in conducting a real estate transaction, including the payment of reasonable brokerage fees, may be deducted from the proceeds of the transaction before the proceeds are deposited. The commission may adopt rules relating to the payment of reasonable brokerage fees.

(c) Unless otherwise dedicated by the Texas Constitution, the proceeds of the real estate transaction shall be deposited:

(1) to the credit of the facilities planning construction and real property trust fund; or

(2) notwithstanding Subdivision (1), as otherwise directed under the procedures of Chapter 317.

(d) The grant of an interest in real property owned by the state under this section must:

(1) comply with the requirements of Section 2165.411 to the extent the requirements do not conflict with a recommendation in the governor's report under Section 2165.409; and

(2) be conveyed by an instrument signed by the chair of the commission and, if the governor's approval is required, by the governor.

Sec. 2165.411. REAL ESTATE TRANSACTIONS AUTHORIZED BY LEGISLATURE. (a) If the legislature authorizes a real estate transaction involving real property owned by the state, the commission shall take possession and control of the real property and shall negotiate and close the real estate transaction on behalf of the state. In performing those duties, the commission shall act on behalf of the state agency that owns or controls the subject state real property.

(b) Proceeds from the real estate transaction shall be deposited in the state treasury to the credit of the facilities planning construction and real property trust fund unless the proceeds are dedicated by the Texas Constitution to another fund or unless the enabling legislation ordering the real estate transaction provides otherwise.

(c) Unless the enabling legislation or general law authorizing the real estate transaction specifies a different procedure, the commission, subject to this subsection, shall conduct the real estate transaction by sealed bid, by public auction, by transaction under Chapter 2267 or similar law, or as provided by Subsection (f). The School Land Board has the first option to purchase the real property under Section 2165.416.

(d) Subdivisions (3) through (8) of this subsection apply only to a sale or lease by sealed bid or public auction. When conducting a real estate transaction, the commission:

(1) shall determine the list price based on the highest and best use of the real property and set the terms and conditions under which the real property shall be sold, leased, or committed to a contract for development and perform any other duties that may be required by law to consummate the real estate transaction;

(2) shall consult with the chair, executive director, president, or other head of a state agency, as applicable, or with the representative of the head, on each matter before the commission that affects real property owned or held in trust for the use and benefit of a state agency;

(3) shall set the dates to open received bids for the real estate transaction under this chapter, and for the commitment of real property to a contract for development;

(4) shall publish notice of the real estate transaction as required by Section 2165.412;

(5) may accept only bids that meet the minimum value established by the commission, which may not be less than market value;

(6) may reject any and all bids, but if the commission does not reject any and all bids, it must accept the best bid submitted;

(7) if the award of a bid does not result in a closed transaction with the bidder, may solicit proposals, negotiate, and sell, exchange, or lease the real property, provided that the sales price is not less than market value;

(8) if, after proper notice has been posted, no bids meeting the minimum requirements are received at the appointed time and place for the sale or lease, may solicit proposals and negotiate the sale, exchange, or lease of the real property to any person, provided that the sales price is not less than the market value of the real property, the governor approves any sale or lease of real property negotiated under this section, and failure of the governor to approve the sale or lease constitutes a veto of the transaction;

(9) shall make each grant of an interest in real property under this section by an instrument signed by the chair of the commission and, if the governor's approval is required, by the governor; and

(10) may deduct from the proceeds of the transaction before deposit the expenses incurred by the commission in conducting the real estate transaction, including the payment of reasonable brokerage fees.

(e) The commission may adopt rules relating to the payment of reasonable brokerage fees.

(f) The commission may contract for the services of a real estate broker, private brokerage, or real estate firm in the course of a real estate transaction under this chapter if the commission determines contracting for those services is in the best interest of the state.

Sec. 2165.412. NOTICE OF REAL ESTATE TRANSACTIONS. (a) The commission shall publish notice of a request for bids for a real estate transaction in at least three issues of at least four daily newspapers and other publications, which may be Internet-based media, multiple listing services, trade publications, newsletters, or similar methods of advertising that the commission determines likely to have the broadest reach to private entities interested in responding to the notice of a real estate transaction.

(b) The notice shall:

(1) be published at least 60 days before the date the bids are due; and

(2) state that real property is to be offered for a real estate transaction or commitment to a contract for development on a certain date and at a certain time, describe general terms of the real estate transaction or commitment to a contract for development, and explain the method for obtaining additional information concerning the property offered for sale, lease, or commitment to a contract for development from the commission.

(c) The commission shall send a copy of the notice to the state representative and state senator of the district where the subject real property is located.

(d) The commission may solicit and include advertising in its publications. The commission shall deposit fees paid for advertising in its publications in the facilities planning construction and real property trust fund.

(e) Before the actual sale or lease of the real property, the commission shall:

(1) notify the state representative and state senator of the district where the subject real property is located of all efforts to sell or lease the real property and provide copies of all brokerage contracts relating to the sale or lease; and

(2) publish notice of the real estate transaction at least 30 days before the closing date of the real estate transaction on the commission's Internet website, and in at least three issues of four daily newspapers in this state.

(f) One of the newspapers under Subsection (e)(2) must be of general circulation in the county where the real property is located.

Sec. 2165.413. PERFORMANCE MONITORING. (a) For real estate transactions approved under this subchapter and Subchapter D and comprehensive agreements approved under Chapter 2267, the commission shall provide oversight, annually or more frequently as considered appropriate by the commission, by monitoring performance of each long-term contract, comprehensive agreement, or lease to ensure that:

(1) the contracting person, entity, or lessee is in compliance with terms, provisions, and conditions of the long-term contract, comprehensive agreement, or lease; and

(2) the state's real property assets are performing optimally at market rates and that receipt of fees, rents, and revenues, including escalations and participatory rents, are timely paid to the state in the amounts and in accordance with the terms, provisions, and conditions of the long-term contract, comprehensive agreement, or lease. Duties of the commission under this section include the conduct of property evaluations and reappraisals at the intervals stipulated in a long-term contract, comprehensive agreement, or lease.

(b) The attorney general, on the attorney general's own initiative or at the request and on behalf of the commission, may bring suit and seek damages to enforce the remedies and rights of the state as provided in a long-term contract, comprehensive agreement, or lease.

Sec. 2165.414. REPORT ON REAL ESTATE TRANSACTIONS; FINANCIAL ANALYSES AND REVENUE FORECASTS. (a) On or before July 1 of each even-numbered year, the commission shall electronically file with the governor, the lieutenant governor, the speaker of the house of representatives, the comptroller, and the Legislative Budget Board a report that includes:

(1) statements of revenue collected in the current fiscal year and financial analyses, including residual land value analyses, economic impact analyses, and forecasts of revenue and proceeds to be collected over the next 10 fiscal years, or more as considered appropriate by the commission, resulting from active and recommended real estate transactions authorized by Sections 2165.004, 2165.151, 2165.203, 2165.410, 2165.411, and 2166.052(b) and from qualifying projects authorized under Chapter 2267;

(2) statements of historical revenues received in the preceding five fiscal years generated from real estate transactions and qualifying projects;

(3) a listing of market values for active and recommended real estate transactions and qualifying projects under the commission's charge and control; and

(4) recommendations on the use of funds in the facilities planning construction and real property trust fund, that, in accordance with the strategic facilities plan and state building program, may be invested by the commission for state purposes to construct new state-owned facilities and acquire real property or qualifying projects for state purposes.

(b) Not later than the 90th day before the date the report is due, the commission shall provide a draft of the report to the Legislative Budget Board. Not later than the 60th day after the date the board receives the report, the board shall review the state's financial interest in long-term leases and qualifying projects of the commission and make recommendations to the commission on the use and management of revenue generated from long-term leases and qualifying projects. The commission shall incorporate the recommendations of the board in the final report required in Subsection (a).

Sec. 2165.415. TRANSFER OF REAL PROPERTY FOR USE AS AFFORDABLE HOUSING. (a) If the legislature authorizes or the governor approves the transfer of title to real property to an entity for use as affordable housing, the commission shall take possession and control of the real property and shall conduct the transaction as provided by the policy adopted under Subsection (b).

(b) The commission shall adopt a policy regarding the method of transferring title to real property designated as suitable for affordable housing to an entity for use as affordable housing. The policy must include monitoring and enforcement provisions to ensure that the real property is used for affordable housing.

Sec. 2165.416. FIRST OPTION TO PURCHASE. (a) The School Land Board has a first option to purchase real property authorized for sale by the legislature or the governor. The board may exercise its option by tendering cash for market value as mutually agreed on by the board and the state agency that owns the real property, but the purchase price may not be less than market value. For purposes of this section, the commission may request more than one appraisal to determine market value. If the parties cannot agree on a value, the board and the state agency that owns the real property shall follow the procedures provided by Subsections (d) and (e). The board may not pay more than market value.

(b) The commission shall inform the School Land Board of the proposed sale and its first option to purchase state agency real property. If the board decides to exercise its option under this section, the commission shall appoint an appraiser not later than the 30th day after the date the board notifies the commission of its decision.

(c) The School Land Board must complete the cash purchase not later than the 120th day after the date the board exercises its first option to purchase. If the School Land Board fails to complete the purchase within the time permitted, the commission may extend the time for completing the purchase or disposing of the real property as authorized by the legislature or approved by the governor.

(d) If the state agency that owns the real property disputes the market value, the School Land Board shall request a second appraisal. If the School Land Board fails to request a second appraisal, the commission shall appoint a second appraiser not later than the 21st day after the date the state agency notifies the School Land Board that it disputes the market value. On completion of the second appraisal, the two appraisers shall meet promptly and attempt to reach agreement on the market value. If the two appraisers fail to reach agreement before the 10th day after the date of the meeting, the commission shall request a third appraiser to reconcile the two previous appraisals. The determination of value by the third appraiser may not be less than the lower or more than the higher of the first two appraisals. The market value determined by the third appraiser is final and binding on all parties.

(e) Any appraiser used under this section must be selected in accordance with Subchapter A, Chapter 2254. The commission shall award the appraisal services contract to the provider of professional services after considering the factors identified in Chapter 2254. The party requesting the appraisal shall pay the expenses of the appraisal.

Sec. 2165.417. SURVEY OR SUBDIVISION OF LAND. The commission may survey or subdivide land owned by the state into tracts, lots, or blocks based on determination by the commission of which method will achieve the highest and best use and create or enhance the market value of the real property and facilitate an advantageous real estate transaction or the commitment of land to a contract, lease, or comprehensive agreement for development.

Sec. 2165.418. DEVELOPMENT PLAN. (a) If the state intends to conduct a sale or long-term lease for nongovernmental purposes of real property owned by the state, the commission shall promulgate a site development plan for the real property.

(b) The purpose of a development plan is to create and enhance the market value of real property owned by the state before disposition to a contracting person, taking into consideration the preservation of the health, safety, and general welfare of the communities in which the real property is situated.

(c) The plan may consider local land use planning ordinances, which may include the following:

(1) allocation and location of specific uses of the real property, including residential, commercial, industrial, recreational, or other appropriate uses;

- (2) densities and intensities of designated land uses;
- (3) the timing, rate, and phasing of development;
- (4) timely delivery of adequate facilities, infrastructure, and services, including electric, telecommunications, water, wastewater collection and treatment systems, parks and public recreational facilities, drainage facilities, school sites, and roads and transportation facilities; or
- (5) design guidelines, zoning, and other land use regulations.

(d) The plan may include building design standards, construction methods, setback requirements for property that fronts any street, building height specifications, streetscape and landscape standards, land use standards, utility and infrastructure requirements, right-of-way use or modifications for traffic and alternate transit modalities, and any other long-term planning criteria or design elements the commission considers necessary.

Sec. 2165.419. PUBLIC HEARING BEFORE ADOPTION OF DEVELOPMENT PLAN. (a) If the commission adopts a plan under Section 2165.418, the commission shall notify any affected local government in which the real property is located as required under Section 2165.420. The commission shall provide or transmit to the local government the following information relating to:

- (1) the location of the real property to be offered for sale or lease;
- (2) the highest and best use of the real property as determined by the commission;
- (3) an electronic draft copy of the plan; and
- (4) the process provided under Sections 2165.423 and 2165.424 for the interlocal planning board.

(b) Not later than the 30th day after the date the local government receives the notice provided under Subsection (a), the local government may request that the commission hold a public hearing to solicit public comment. If requested by the local government, the commission shall hold a public hearing. The local government shall provide notice of the hearing to real property owners in the same manner that notice is provided for adopting zoning regulations or subdivision requirements in the local government's jurisdiction. The commission shall set the agenda for the hearing, which must be completed not later than the 120th day after the date notice is provided under Subsection (a).

(c) If the local government does not request a public hearing under Subsection (b), the commission may hold a hearing to solicit public comment. The commission shall provide notice of the hearing in the same manner that a local government is required to provide notice under Subsection (b). The commission shall set the agenda for the hearing and must complete the hearing not later than the 120th day after the date the notice is provided under Subsection (a).

(d) A public hearing under this section may include:

- (1) a presentation by the commission relating to the commission's classification of the real property as underperforming, unused, or substantially underused and the commission's recommendation of the highest and best use to which the real property may legally be developed;

(2) a presentation by the local government relating to relevant local plans, development principles, and ordinances that may affect the development of the real property; and

(3) oral comments and presentations of information by, and written comments received from, other persons relating to the development of the real property.

(e) The commission staff shall prepare and deliver a development hearing report to the commission summarizing the information and testimony presented at the hearing and the views presented by the state, the affected local governments, and other persons who participated in the hearing process. The commission staff may develop recommendations based on the information and testimony presented at a hearing conducted under this section and set out that information in the development hearing report. The governing body of the commission shall review the report and may instruct the commission staff to incorporate information based on the report in adopting the plan under Section 2165.418.

(f) The commission may adopt rules to implement this section.

Sec. 2165.420. SUBMISSION OF DEVELOPMENT PLAN TO AFFECTED LOCAL GOVERNMENT. (a) The commission shall submit the development plan adopted under Section 2165.418 to any affected local government in which the real property is located.

(b) The affected local government shall evaluate the plan and either accept or reject the plan not later than the 120th day after the date the commission submits the plan.

(c) The plan may be rejected by the affected local government only on grounds that it does not comply with local zoning, subdivision ordinances, and land use regulations of the municipality.

(d) If the plan is rejected by the affected local government, the local government shall provide written notice specifically identifying any ordinance with which the plan conflicts and propose specific modifications to the plan that will bring it into compliance with the local ordinance.

(e) If the plan is rejected by the affected local government, the commission may modify the plan to conform to the ordinances specifically identified by the local government and resubmit the plan for approval, or the commission may apply for necessary rezoning or variances from the local ordinances.

(f) Failure by the local government to provide written notice of rejection within the 120-day period prescribed by Subsection (b) will be considered an acceptance by the local government of the plan.

Sec. 2165.421. REZONING. (a) If the plan would require zoning inconsistent with any existing zoning or other land use regulation, the commission or its designated representative may at any time submit a request for rezoning or variance to the affected local government.

(b) The rezoning or variance request shall be submitted in the same manner as the request is submitted to the affected local government. The local government shall take final action on the request not later than the 120th day after the date the request for rezoning or variance is submitted.

(c) Failure by the local government to act within the 120-day period prescribed by Subsection (b) will be considered an approval of the rezoning request by the local government.

Sec. 2165.422. FEES AND ASSESSMENTS. (a) The local government may not impose an application, filing, or other fee or assessment on the state for consideration of the development plan or the application for rezoning or variance submitted by the state.

(b) The local government may not require the submission of architectural, engineering, or impact studies to be completed at state expense before considering the plan or application for rezoning or variance.

Sec. 2165.423. INTERLOCAL PLANNING BOARD. (a) If the affected local government rejects the development plan or denies the rezoning or variance request, the matter may be appealed to the interlocal planning board consisting of the following members:

(1) the chair of the commission;

(2) the chair of the governing board of the agency or institution possessing the real property or the chair's designated representative;

(3) the mayor of the municipality within whose corporate boundaries or extraterritorial jurisdiction the real property is located;

(4) the county judge of the county within which the real property is located;

(5) one state senator selected by the lieutenant governor;

(6) one member of the house of representatives selected by the speaker of the house; and

(7) one public member appointed by the governor.

(b) The chair of the commission shall serve as chair of the interlocal planning board.

(c) If the real property is not located within the corporate boundaries or the extraterritorial jurisdiction of a city or town, the board shall consist of the members of the commission under Subsection (a), the agency chair, and the county judge. The chair of the commission shall serve as chair of the interlocal planning board.

Sec. 2165.424. HEARING. (a) The interlocal planning board shall conduct one or more public hearings to consider the proposed development plan. The hearing is not a contested case proceeding under Chapter 2001 and is not subject to appeal as provided by that chapter.

(b) Hearings shall be conducted in accordance with rules adopted by the commission for conduct of such special review.

(c) If real property is located in more than one municipality, the hearings on any single tract of real property may be combined.

(d) Any political subdivision in which the tract in question is located and the appropriate central appraisal district shall receive written notice of the interlocal planning board hearings not later than the 14th day before the date of the hearing.

(e) At least one hearing shall be conducted in the county where the real property is located.

(f) If after the hearings, the interlocal planning board determines that local zoning and land use regulations are detrimental to the best interest of the state, the interlocal planning board shall issue an order establishing a development plan to govern the use of the real property as provided in this section.

(g) Development of the real property shall be in accordance with the plan and must comply with all local rules, regulations, orders, or ordinances, except as specifically identified in an order of the interlocal planning board. If substantial progress, as determined by the commission at a public hearing, is not made toward development of the real property before the fifth anniversary of the date of adoption by the interlocal planning board, municipal zoning and land use regulations become applicable to development of the tract, unless the commission adopts a new plan.

Sec. 2165.425. BINDING EFFECT OF DEVELOPMENT PLAN. (a) Except as provided by this section, a development plan adopted by the commission and accepted by a local government or a development plan issued by order of the interlocal planning board shall be final and binding on the state, its lessees, successors in interest and assigns, and affected local governments or political subdivisions.

(b) A local government, political subdivision, owner, builder, or developer or any other person may not modify the development plan without specific approval of the commission or issuance of an order by the interlocal planning board, as applicable.

(c) The commission must file a copy of the development plan in the official public records for real property of the county in which the real property is located.

(d) Revisions to the development plan shall be made following the procedure provided in this subchapter unless the state no longer holds a financial or property interest in the real property subject to the development plan.

Sec. 2165.426. AUTHORITY TO ESTABLISH AND COLLECT FEES. (a) The commission shall establish and collect, for the use of the commission, reasonable fees in amounts necessary to carry out this chapter and Chapter 2267, including the costs of processing, reviewing, and evaluating bids, offers, or proposals and the costs of negotiating and implementing an executed contract, comprehensive agreement, or lease.

(b) Before proceeds or revenues are deposited in the facilities planning construction and real property trust fund, the commission shall deduct reasonable fees out of proceeds from real estate transactions or project revenues in amounts necessary to recover cost of services rendered in relation to other agency property as required by Section 2165.056(c) and to cover the costs of routine oversight, evaluations, and reappraisals throughout the duration of an executed contract, comprehensive agreement, or lease as required under Section 2165.413.

(c) The amounts collected under Subsections (a) and (b) must be reasonable in comparison to the level of professional expertise required for the transaction or project.

(d) The provisions of this section are controlling over other laws to the contrary.

Sec. 2165.427. EVALUATION FEE. (a) The commission shall charge offerors for the purchase or lease of real property owned by the state an evaluation fee to determine the highest and best use and market value for which the real property may be sold by or leased from the state.

(b) The evaluation fee must be in an amount set by the commission. Any part of the fee that, in the opinion of the commission, is unused shall be refunded to the offeror.

(c) The evaluation fee shall be paid to the commission and the commission shall deposit all fees that are not refunded into the state treasury to the credit of the facilities planning construction and real property trust fund.

Sec. 2165.428. TRANSACTION FEE. (a) In real estate transactions conducted by the commission, the bidder, buyer, or lessee shall pay the commission a transaction fee, by separate check, in an amount determined by the commission that does not exceed one and one-half percent of the contract price. The commission may waive the transaction fee on sales to any state agency, board, commission, political subdivision, or other governmental entity.

(b) If the real estate transaction is by bid, only the fees paid on the successful bid accepted by the commission that results in a closed transaction shall be deposited in the facilities planning construction and real property trust fund.

(c) Failure to pay the transaction fee may not void a bid, but the commission shall require payment of the fee before closing the transaction.

(d) Checks submitted by unsuccessful bidders shall be returned to the bidders.

(e) The commission may retain an amount from the proceeds of a real estate transaction conducted under this chapter to cover the cost of conducting the transaction, including advertising, appraisal, evaluation, and administrative costs. The balance of the proceeds shall be deposited in the state treasury to the credit of the facilities planning construction and real property trust fund.

Sec. 2165.429. AUTHORITY TO ACCEPT GIFTS, GRANTS, DEVISES, TRUSTS, AND BEQUESTS. The commission may accept a gift, grant, devise, or bequest of money, securities, services, or property to carry out a state purpose, including money raised or services provided by a nonprofit entity, volunteer, or volunteer group to promote the work of the commission. All gifts, grants, devises, or bequests of money under this section shall be deposited to the credit of the facilities planning construction and real property trust fund.

Sec. 2165.430. FACILITIES PLANNING CONSTRUCTION AND REAL PROPERTY TRUST FUND. The facilities planning construction and real property trust fund is a special fund created in the state treasury for the use of and administration by the commission as provided by this subchapter.

Sec. 2165.431. PURPOSE OF FACILITIES PLANNING CONSTRUCTION AND REAL PROPERTY TRUST FUND. (a) In accordance with this chapter and Chapter 2166, the commission has charge and control of certain state buildings, grounds, and property and is the coordinating authority for multiagency construction projects authorized by the legislature. The purposes of

the facilities planning construction and real property trust fund are to satisfy the requirements of this chapter and Chapter 2166, to effectuate the strategic facilities plan, and to ensure the orderly future development of the state building program.

(b) The purposes of the facilities planning construction and real property trust fund are in accordance with:

(1) the purposes of this subchapter as described in Section 2165.401;

(2) Section 2166.102, which requires the commission to semiannually conduct statewide long-range plans for state agency space needs; and

(3) Sections 2165.1061 and 2166.103, which require the commission to continuously survey the state's office space needs to determine the space needed and the location of the need and to develop transition plans to give preference to state-owned space as required by Section 2165.107.

Sec. 2165.432. SOURCES OF FACILITIES PLANNING CONSTRUCTION AND REAL PROPERTY TRUST FUND. (a) The facilities planning construction and real property trust fund consists of:

(1) general revenue and transfers made to the fund;

(2) fees, proceeds, rents, and revenue generated from real estate transactions or qualifying projects and management of real property under the charge and control or administration of the commission; and

(3) grants, donations, and bequests from any source designated for the benefit of the state to acquire, develop, or operate real property assets for state purposes.

(b) Interest earned on the facilities planning construction and real property trust fund and any money in the fund not used in a fiscal year remains in the fund. The fund is exempt under Section 403.095(d)(2).

Sec. 2165.433. USE OF FACILITIES PLANNING CONSTRUCTION AND REAL PROPERTY TRUST FUND. (a) The money in the facilities planning construction and real property trust fund may be used for:

(1) the construction of state facilities or acquisition of fee or lesser interests in state-owned buildings and real property, including adjoining parking facilities or lots, easements, improvements, infrastructure, and systems necessary for the commission to take an action under Sections 2166.052, 2166.053, and 2166.060 and Chapter 2267;

(2) the costs incurred by the commission on or with respect to any real property owned or leased by the state, including any property titled in the name of a state agency requesting a project that requires the commission to analyze, plan, design, construct, expand, initially furnish and equip, improve, install, operate, and manage new state-owned buildings, grounds, and property;

(3) the costs incurred by the commission to contract with private design professionals for planning, architectural, engineering, and other technical services to:

(A) prepare project analyses, as authorized by Section 2166.152, which are necessary or incidental to develop reliable project cost and life-cycle cost estimates, schematic plans, outlined specifications, and alternative analyses when determining the feasibility and practicability of state construction projects

by comparing new construction projects with the acquisition and rehabilitation of existing or historic structures, or a combination of new and existing structures, as authorized and required by Sections 2166.153 and 2166.154; and

(B) prepare preliminary and working plans and specifications as required by Section 2166.156, for facilities to-be-built or acquired and renovated for state purposes;

(4) properties for which the commission recommends a real estate transaction under Section 2165.407, the costs to hire or contract with private design professionals and other technical or professional services necessary for the commission to prepare:

(A) real estate market analyses, including determinations of the highest and best use;

(B) legal and regulatory analyses;

(C) financial analyses, including value for money analyses and buy versus build analyses, life-cycle cost analyses, and revenue and expenditure forecasts;

(D) preliminary and detailed site-specific proposals and plans for developing state property, including design guidelines, building standards, and proposals on the use of state property and space for public or private purposes; and

(E) other analyses or plans for real property subject to this chapter that the commission considers in the best interest of the state; and

(5) the administration of the commission's planning and real estate management division.

(b) Money deposited in the fund to the extent necessary is appropriated to the commission to carry out this chapter.

SECTION \_\_\_\_\_. Section 431.030, Government Code, is amended to read as follows:

Sec. 431.030. REPORT OF MILITARY USE OF PROPERTY. (a) If the adjutant general receives notice [~~from the asset management division of the General Land Office~~] as provided by Section 2165.407 [~~31.156, Natural Resources Code~~], the adjutant general shall produce a report evaluating the military use of any real property under the management and control of the department. The adjutant general shall evaluate the use of the property as required by this subsection according to military criteria for use of real property.

(b) Not later than August 1 of the year in which the Texas Facilities Commission [~~Commissioner of the General Land Office~~] submits a report as provided by Section 2165.408 [~~31.157, Natural Resources Code~~], the adjutant general shall submit a preliminary report of the report required under Subsection (a) to the commission [~~Commissioner of the General Land Office~~] identifying the real property used for military purposes. Not later than September 1 of the year in which the commission [~~Commissioner of the General Land Office~~] submits a report as provided by Section 2165.408 [~~31.157, Natural Resources Code~~], the adjutant general shall submit the report as required by Subsection (a) to:

(1) the governor;

(2) the presiding officer of each house of the legislature;

(3) the Legislative Budget Board; and

(4) the governor's budget office.

SECTION \_\_\_\_\_. Section 443.0071(a), Government Code, is amended to read as follows:

(a) Architectural and engineering plans [~~A proposal~~] to construct a building, monument, or other improvement in the Capitol complex must be submitted to the board for its review and comment at the earliest planning stages of any such project. The board must provide written comments under this subsection not later than the 60th day after the date the board receives the plans.

SECTION \_\_\_\_\_. Section 496.0021(a), Government Code, is amended to read as follows:

(a) The board may sell state-owned real property under the board's management and control at the real property's fair market value. The Texas Facilities Commission [~~General Land Office~~] shall negotiate and close a transaction under this section on behalf of the board using procedures under Section 2165.411 [~~31.158(e), Natural Resources Code~~]. Proceeds from the transaction shall be deposited in the Texas capital trust fund.

SECTION \_\_\_\_\_. Section 2165.156, Government Code, is amended to read as follows:

Sec. 2165.156. DEPOSIT OF LEASE PROCEEDS. Money received from a lease under this subchapter, minus the amount spent for advertising and [~~leasing~~] expenses incurred by the commission in preparing, evaluating, and negotiating the lease, including the payment of reasonable brokerage fees, may be deducted from the proceeds of the real estate transaction before the proceeds are [~~shall be~~] deposited:

(1) in the state treasury to the credit of the facilities planning construction and real property trust [~~general revenue~~] fund; or

(2) if the land leased belongs to an eleemosynary institution for which there is an appropriate special fund, to the credit of the institution in the appropriate special fund.

SECTION \_\_\_\_\_. Section 2165.213, Government Code, is amended to read as follows:

Sec. 2165.213. AD VALOREM TAXATION. (a) Improvements [~~Space~~] leased under this subchapter and Subchapters D and I to a private tenant, person, or entity are [~~is~~] subject to ad valorem taxation in accordance with Section 11.11(d), Tax Code.

(b) The improvement [~~space~~] is not subject to taxation if:

(1) the private tenant would be entitled to an exemption from taxation of the improvement [~~space~~] if the tenant owned the real property [~~space~~] instead of leasing it; or

(2) the tenant uses the improvement [~~space~~] for a child care facility.

SECTION \_\_\_\_\_. Section 2166.052(b), Government Code, is amended to read as follows:

(b) The commission may not sell or otherwise dispose of real property of the state except as provided by Subchapter I, Chapter 2165, or by specific authority:

- (1) granted by the legislature if the legislature is in session; or
- (2) granted jointly by the governor and the Legislative Budget Board if the legislature is not in session.

SECTION \_\_\_\_\_. Sections 2166.453(b) and (c), Government Code, are amended to read as follows:

(b) The commission may meet space needs of one or more state agencies that are being met through leased space by purchasing or constructing one or more buildings under this section. The purchase or construction of a building may include the purchase of the building's grounds and related improvements. The purchase or construction of a building under this section must be:

(1) financed through bonds issued by the Texas Public Finance Authority or funding sources authorized under Chapter 2267; and

(2) approved by the legislature if it is in session or by the Legislative Budget Board if the legislature is not in session.

(c) The commission may purchase or construct a building under this section only if the commission determines that the projected ~~[annual]~~ total ~~[space]~~ occupancy costs of the purchased or constructed space will not exceed, over the term of the ~~[bonded]~~ indebtedness, the projected ~~[annual]~~ total ~~[space]~~ occupancy costs over the term of a lease, including lease renewals or extensions, of meeting the same space needs through leased space.

SECTION \_\_\_\_\_. Section 401.267(b), Health and Safety Code, is amended to read as follows:

(b) The commission may sell land acquired under this section at the land's fair market value after the commission has taken corrective action to restore the land to a condition that does not compromise the public health or safety or the environment. The Texas Facilities Commission ~~[General Land Office]~~ shall negotiate and close a transaction under this subsection on behalf of the commission using procedures under Section 2165.411 ~~[31.158(e)]~~, Government ~~[Natural Resources]~~ Code. Proceeds from the transaction shall be deposited in the Texas capital trust fund.

SECTION \_\_\_\_\_. Section 31.065(d), Natural Resources Code, is amended to read as follows:

(d) If real property acquired by grant, gift, devise, or bequest is not held as part of the permanent school fund or possessed, administered, or used by a particular state agency, board, commission, department, or other particular state entity, the commissioner may manage that real property or sell or exchange the real property under terms and conditions the commissioner determines to be in the best interest of the state. Real property sold under this subsection must be sold in accordance with Section 2165.411, Government Code ~~[31.158]~~. Proceeds of the sale that are not required for the management of real property under this subsection shall be deposited in the Texas farm and ranch lands conservation fund established under Chapter 183. Real property acquired under this subsection may be dedicated by the commissioner to any state agency, board, commission, or department, a political subdivision or other governmental entity of this state, or

the federal government, for the benefit and use of the public in exchange for nonmonetary consideration, if the commissioner determines that the exchange is in the best interest of the state.

SECTION \_\_\_\_\_. Section 31.066(d), Natural Resources Code, is amended to read as follows:

(d) The commissioner may sell any title or interest acquired by the state under this section in accordance with Section 2165.411, Government Code [~~31.158~~]. Proceeds of the sale shall be deposited in the Texas farm and ranch lands conservation fund established under Chapter 183.

SECTION \_\_\_\_\_. Section 31.067, Natural Resources Code, is amended to read as follows:

Sec. 31.067. **AUTHORITY TO SELL CERTAIN AGENCY REAL PROPERTY.** The division is authorized to sell any real property acquired on behalf of the state pursuant to Section 402.025, Government Code. Sale of such real property shall be conducted in accordance with the provisions of Section 2165.411, Government Code, [~~31.158 of this code~~] unless otherwise provided by law. Proceeds of sale shall be deposited in the General Revenue Fund as specified in Section 402.025, Government Code.

SECTION \_\_\_\_\_. Sections 31.068(a) and (c), Natural Resources Code, are amended to read as follows:

(a) The commissioner and the attorney general have standing to enforce a:

(1) restrictive covenant affecting real property owned by the permanent school fund [~~or a state agency~~];

(2) restriction expressed in a transfer document or legislative act conveying real property then owned by the state; or

(3) statutory restriction on the sale or lease of real property patented or leased by the state to a navigation district, including a restriction provided by Section 61.116 or 61.117, Water Code.

(c) This section does not apply to:

(1) permanent university fund land; [~~or~~]

(2) other real property controlled or administered by the board of regents of The University of Texas System; or

(3) real property or a real estate transaction subject to Subchapter I, Chapter 2165, Government Code.

SECTION \_\_\_\_\_. Section 31.161(a), Natural Resources Code, is amended to read as follows:

(a) If the division is requested to prepare a development plan under Section 31.161, the division shall notify the local government to which the plan will be submitted under Section 31.162 of the division's intent to prepare a development plan. The division shall provide the local government with information relating to:

(1) the location of the real property to be offered for sale or lease;

(2) the highest and best use of the real property as provided in the division's report under Section 2165.408, Government Code [~~31.157~~]; and

(3) the process for preparing the development plan under Section 31.161 and the process provided under Sections 31.165 and 31.166 for the special board of review.

SECTION \_\_\_\_\_. The following provisions of the Natural Resources Code are repealed:

- (1) Section 31.001(7);
- (2) Section 31.0672;
- (3) Section 31.153;
- (4) Section 31.154;
- (5) Section 31.155;
- (6) Section 31.156;
- (7) Section 31.157;
- (8) Section 31.1571;
- (9) Section 31.1573;
- (10) Section 31.158;
- (11) Section 31.1581; and
- (12) Section 31.159.

SECTION \_\_\_\_\_. (a) On the effective date of this Act, all employees of the General Land Office who primarily perform duties related to a duty, function, or activity transferred by this Act, including employees who provide administrative support for those functions and services, are transferred to the Texas Facilities Commission.

(b) A rule, form, policy, procedure, or decision of the General Land Office that is related to a duty, function, or activity transferred by this Act continues in effect as a rule, form, policy, procedure, or decision of the Texas Facilities Commission until superseded by an act of the commission.

(c) A court case, administrative proceeding, contract negotiation, or other proceeding involving the General Land Office that is related to a duty, function, or activity transferred by this Act to the Texas Facilities Commission is transferred without change to the Texas Facilities Commission, and the Texas Facilities Commission assumes, without a change in status until superseded by an act of the commission, the position of the General Land Office in a negotiation or proceeding relating to a duty, function, or activity transferred by this Act to the Texas Facilities Commission to which the General Land Office is a party.

(d) On the effective date of this Act, all money, contracts, memoranda of understanding, leases, rights, bonds, or obligations of the General Land Office related to a duty, function, or activity transferred by this Act to the Texas Facilities Commission are transferred to the Texas Facilities Commission.

(e) On the effective date of this Act, all personal property, including databases, records, and related information technology, in the custody of the General Land Office related to a duty, function, or activity transferred by this Act to the Texas Facilities Commission becomes the property of the Texas Facilities Commission.

(f) On the effective date of this Act, all funds appropriated by the legislature to the General Land Office related to a duty, function, or activity transferred by this Act, including funds for providing administrative support, continue as appropriations to the Texas Facilities Commission.

SECTION \_\_\_\_\_. To accomplish the transfer of duties and functions under this Act, the Texas Facilities Commission and the General Land Office shall adopt a memorandum of understanding that identifies and allocates between the Texas Facilities Commission and the General Land Office the property, employees, appropriations, and other items transferred in accordance with this Act. The memorandum of understanding must also:

(1) identify and allocate between the Texas Facilities Commission and the General Land Office the employees and real and personal property of the General Land Office, including space, used to generally support the activities of the General Land Office related to a duty, function, or activity transferred by this Act; and

(2) provide a schedule for any necessary or advisable transfer of the physical location of employees and property.

Amendment No. 2 failed of adoption (not receiving the necessary two-thirds vote) by (Record 825): 81 Yeas, 62 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bohac; Branch; Button; Callegari; Capriglione; Carter; Coleman; Craddick; Creighton; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Fallon; Farias; Farrar; Fletcher; Frullo; Geren; Giddings; González, M.; Gonzalez, N.; Guillen; Gutierrez; Harless; Hilderbran; Huberty; Kacal; Keffer; Kolkhorst; Kuempel; Lavender; Lewis; Lozano; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Murphy; Nevárez; Otto; Parker; Perez; Perry; Phillips; Pickett; Ratliff; Raymond; Reynolds; Riddle; Rodriguez, J.; Rose; Sanford; Sheffield, J.; Smith; Stephenson; Strama; Taylor; Thompson, S.; Turner, C.; Turner, S.; Vo; White; Workman; Zedler; Zerwas.

Nays — Anderson; Bonnen, D.; Bonnen, G.; Burkett; Burnam; Canales; Clardy; Collier; Cook; Cortez; Crownover; Davis, J.; Eiland; Farney; Flynn; Frank; Goldman; Gonzales; Gooden; Guerra; Harper-Brown; Hernandez Luna; Herrero; Howard; Isaac; Johnson; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Larson; Laubenberg; Leach; Longoria; Lucio; Miller, D.; Miller, R.; Morrison; Naishtat; Oliveira; Orr; Paddie; Patrick; Price; Ritter; Rodriguez, E.; Schaefer; Sheets; Simmons; Simpson; Smithee; Springer; Stickland; Thompson, E.; Toth; Turner, E.S.; Villalba; Villarreal; Walle; Wu.

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

Absent, Excused, Committee Meeting — Pitts.

Absent — Hughes; Hunter; Krause; Raney.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 825. I intended to vote no.

Bell

When Record No. 825 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

I was shown voting no on Record No. 825. I intended to vote yes.

E. Rodriguez

**SB 211**, as amended, was passed by (Record 826): 141 Yeas, 2 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; 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; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; 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.

Nays — Davis, J.; Rodriguez, E.

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

Absent, Excused, Committee Meeting — Pitts.

Absent — Canales; Oliveira; Springer.

#### STATEMENTS OF VOTE

When Record No. 826 was taken, I was in the house but away from my desk. I would have voted yes.

Canales

When Record No. 826 was taken, I was in the house but away from my desk. I would have voted yes.

Springer

#### **SB 217 ON THIRD READING** **(Anchia - House Sponsor)**

**SB 217**, A bill to be entitled An Act relating to the continuation and functions of the state employee charitable campaign.

(Márquez in the chair)

**Amendment No. 1**

Representative Orr offered the following amendment to **SB 217**:

Amend **SB 217** (house committee report) as follows:

(1) On page 2, line 2, strike "and (e)" and substitute "(e), and (i)".

(2) On page 5, between lines 16 and 17, insert the following:

(i) The state employee charitable campaign policy committee is subject to the Texas Sunset Act. Unless continued in existence as provided by that chapter, the committee is abolished and Government Code Chapter 659, Subchapter I, and Sections 814.0095 and 814.0096 expire on September 1, 2025 [~~2013~~].

(3) Strike page 14, lines 4-6, and substitute the following:

SECTION 15. Subdivisions (1), (12), and (14), Section 659.131 and Sections 659.143 and 659.144, Government Code, are repealed.

Amendment No. 1 was adopted.

**SB 217**, as amended, was passed by (Record 827): 114 Yeas, 24 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Carter; Clardy; Coleman; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Fletcher; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Hunter; Johnson; Kacal; Keffer; King, K.; King, T.; Kolkhorst; Kuempel; Larson; Lewis; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Pickett; Price; Ratliff; Raymond; Reynolds; Ritter; Rodriguez, J.; Rose; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Stephenson; Strama; Taylor; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Anderson; Capriglione; Fallon; Flynn; Gooden; Huberty; Isaac; King, P.; Kleinschmidt; Klick; Krause; Laubenberg; Lavender; Leach; Miller, R.; Phillips; Riddle; Schaefer; Simpson; Springer; Stickland; Thompson, E.; Toth; White.

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

Absent, Excused, Committee Meeting — Pitts.

Absent — Canales; Collier; Cortez; Hughes; King, S.; Oliveira; Raney; Rodriguez, E.; Sanford.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 827. I intended to vote no.

Bell

When Record No. 827 was taken, I was in the house but away from my desk. I would have voted yes.

Canales

When Record No. 827 was taken, I was in the house but away from my desk. I would have voted yes.

Collier

When Record No. 827 was taken, my vote failed to register. I would have voted yes.

Cortez

I was shown voting yes on Record No. 827. I intended to vote no.

Harless

When Record No. 827 was taken, my vote failed to register. I would have voted yes.

Raney

**GENERAL STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 742 ON THIRD READING  
(Frullo - House Sponsor)**

**SB 742**, A bill to be entitled An Act relating to reports of missing children, missing persons, or attempted child abductions and to education and training for peace officers regarding missing or exploited children.

**SB 742** was passed by (Record 828): 140 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; 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.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer;

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 — King, P.

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

Absent, Excused, Committee Meeting — Pitts.

Absent — Anchia; Cortez; Hughes; King, S.; Rodriguez, E.; Stephenson.

### STATEMENTS OF VOTE

When Record No. 828 was taken, my vote failed to register. I would have voted yes.

Cortez

I was shown voting no on Record No. 828. I intended to vote yes.

P. King

### SB 1476 ON THIRD READING (R. Sheffield, R. Miller, et al. - House Sponsors)

**SB 1476**, A bill to be entitled An Act relating to the creation of the veteran entrepreneur program by the Texas Veterans Commission.

**SB 1476** was passed by (Record 829): 125 Yeas, 19 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Burkett; Burnam; 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; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, T.; Kleinschmidt; Kolkhorst; Krause; Kuempel; Larson; Leach; Lewis; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Patrick; Perez; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Smith; Smithee; Springer; Stephenson; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Bonnen, G.; Branch; Button; Goldman; Huberty; Klick; Laubenberg; Lavender; Orr; Perry; Schaefer; Simmons; Simpson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba.

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

Absent, Excused, Committee Meeting — Pitts.

Absent — Cortez; King, S.; Rodriguez, E.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 829. I intended to vote no.

Bell

When Record No. 829 was taken, my vote failed to register. I would have voted yes.

Cortez

I was shown voting yes on Record No. 829. I intended to vote no.

Creighton

I was shown voting yes on Record No. 829. I intended to vote no.

Flynn

I was shown voting yes on Record No. 829. I intended to vote no.

Gooden

I was shown voting yes on Record No. 829. I intended to vote no.

Hunter

**SB 383 ON THIRD READING  
(Kuempel - House Sponsor)**

**SB 383**, A bill to be entitled An Act relating to the repeal of certain provisions governing the sale and use of certain refrigerants.

**SB 383** was passed by (Record 830): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycocock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; 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, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Ritter; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; 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; Márquez(C).

Absent, Excused, Committee Meeting — Pitts.

Absent — Canales; Cortez; King, S.; Perry; Riddle; Rodriguez, E.; Smith.

### STATEMENTS OF VOTE

When Record No. 830 was taken, I was in the house but away from my desk. I would have voted yes.

Canales

When Record No. 830 was taken, my vote failed to register. I would have voted yes.

Cortez

### SB 875 ON THIRD READING (Smith - House Sponsor)

**SB 875**, A bill to be entitled An Act relating to the purchase of plastic bulk merchandise containers by certain businesses; providing a civil penalty.

**SB 875** was passed by (Record 831): 116 Yeas, 30 Nays, 2 Present, not voting.

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

Nays — Bonnen, D.; Bonnen, G.; Button; Capriglione; Craddick; Elkins; Fallon; Goldman; Hilderbran; Huberty; Hughes; Klick; Krause; Laubenberg; Leach; Perry; Phillips; Ratliff; Sanford; Schaefer; Simmons; Simpson; Springer; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; White; Zedler.

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

Absent, Excused, Committee Meeting — Pitts.

Absent — Miller, D.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 831. I intended to vote no.

Gooden

I was shown voting yes on Record No. 831. I intended to vote no.

Hunter

I was shown voting yes on Record No. 831. I intended to vote no.

R. Miller

### **SB 406 ON THIRD READING**

#### **(Kolkhorst, Coleman, Orr, Naishtat, Guerra, et al. - House Sponsors)**

**SB 406**, A bill to be entitled An Act relating to the practice of advanced practice registered nurses and physician assistants and the delegation of prescriptive authority by physicians to and the supervision by physicians of certain advanced practice registered nurses and physician assistants.

**SB 406** was passed by (Record 832): 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; 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; 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.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused, Committee Meeting — Pitts.

Absent — Turner, S.

### **SB 479 ON THIRD READING**

#### **(Lozano - House Sponsor)**

**SB 479**, A bill to be entitled An Act relating to the application of the professional prosecutors law to the district attorney for the 79th Judicial District.

**SB 479** was passed by (Record 833): 141 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; 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; 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.; 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.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Creighton; Laubenberg; Stickland.

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

Absent, Excused, Committee Meeting — Pitts.

Absent — Branch; Rose; Turner, S.

#### STATEMENTS OF VOTE

When Record No. 833 was taken, my vote failed to register. I would have voted yes.

Branch

I was shown voting yes on Record No. 833. I intended to vote no.

Gooden

#### SB 64 ON THIRD READING (Zerwas - House Sponsor)

**SB 64**, A bill to be entitled An Act relating to a policy on vaccine-preventable diseases for licensed child-care facilities.

**SB 64** was passed by (Record 834): 113 Yeas, 32 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bohac; Branch; Burkett; Burnam; Callegari; Canales; Carter; Clardy; Coleman; Collier; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Geren; Giddings; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Lewis;

Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Parker; Patrick; Perez; Perry; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Sheffield, R.; Smith; Smithee; Stephenson; Strama; Taylor; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Anderson; Bell; Bonnen, D.; Bonnen, G.; Button; Capriglione; Fallon; Farney; Frank; Goldman; Harless; Hilderbran; Krause; Laubenberg; Leach; Miller, D.; Miller, R.; Paddie; Phillips; Riddle; Sanford; Schaefer; Sheets; Simmons; Simpson; Springer; Stickland; Thompson, E.; Toth; Turner, E.S.; White; Zedler.

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

Absent, Excused, Committee Meeting — Pitts.

Absent — Cook; Klick.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 834. I intended to vote no.

Creighton

I was shown voting yes on Record No. 834. I intended to vote no.

Geren

I was shown voting yes on Record No. 834. I intended to vote no.

Gooden

I was shown voting yes on Record No. 834. I intended to vote no.

Perry

### SB 396 ON THIRD READING (Martinez - House Sponsor)

**SB 396**, A bill to be entitled An Act relating to the provision of state death benefits to certain employees of the Department of Public Safety of the State of Texas.

#### Amendment No. 1

Representative Menéndez offered the following amendment to **SB 396**:

Amend **SB 396** on third reading, on page 4, line 8, between "investigations" and the period, by inserting "including an assignment involving the Parks and Wildlife Department or any other state law enforcement agency".

Amendment No. 1 was adopted.

**SB 396**, as amended, was passed by (Record 835): 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; 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; 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; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused, Committee Meeting — Pitts.

Absent — White.

### **SB 441 ON THIRD READING**

**(J. Davis, E. Rodriguez, Deshotel, Howard, and Anderson - House Sponsors)**

**SB 441**, A bill to be entitled An Act relating to the establishment of the Texas Fast Start Program to promote rapid delivery of workforce education and development.

**SB 441** was passed by (Record 836): 147 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; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; 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; Márquez(C).

Absent, Excused, Committee Meeting — Pitts.

**SB 583 ON THIRD READING**  
**(Cook - House Sponsor)**

**SB 583**, A bill to be entitled An Act relating to eligibility for support from the universal service fund.

**SB 583** was passed by (Record 837): 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; 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, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; 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; Márquez(C).

Absent, Excused, Committee Meeting — Pitts.

Absent — King, S.

**SB 423 ON THIRD READING**  
**(Raymond - House Sponsor)**

**SB 423**, A bill to be entitled An Act relating to the flexible response system for investigations of child abuse or neglect reports by the Department of Family and Protective Services.

**SB 423** was passed by (Record 838): 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, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; 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, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused, Committee Meeting — Pitts.

Absent — King, S.; Turner, E.S.

### **SB 559 ON THIRD READING**

**(Pitts, Crownover, Darby, and Otto - House Sponsors)**

**SB 559**, A bill to be entitled An Act relating to the remittance dates of certain taxes and fees and the allocation dates of certain state money.

**SB 559** was passed by (Record 839): 144 Yeas, 0 Nays, 4 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; Krause; Kuempel; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; 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.; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Kolkhorst; Larson; Márquez(C).

Absent, Excused, Committee Meeting — Pitts.

Absent — Toth.

**STATEMENT OF VOTE**

I was shown voting present, not voting on Record No. 839. I intended to vote yes.

Larson

**SB 259 ON THIRD READING  
(Cook - House Sponsor)**

**SB 259**, A bill to be entitled An Act relating to telecommunications services and markets.

**SB 259** was passed by (Record 840): 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; Kal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; 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; Márquez(C).

Absent, Excused, Committee Meeting — Pitts.

Absent — Rodriguez, E.; Strama.

**SB 1023 ON THIRD READING  
(Naishtat - House Sponsor)**

**SB 1023**, A bill to be entitled An Act relating to the renewal and extension and modification of a 99-year lease of certain state property to the City of Austin.

**SB 1023** was passed by (Record 841): 144 Yeas, 3 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; Laubenberg; Lavender; Lewis; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; 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; Smithe; Springer; Stephenson; Stickland; Strama; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Leach; Taylor; Thompson, E.

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

Absent, Excused, Committee Meeting — Pitts.

#### COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Government Efficiency and Reform, during lunch recess today, Desk 77, for a formal meeting, to consider **SB 1512**, **SB 1650**, and pending business.

Homeland Security and Public Safety, during lunch recess today, Desk 15, for a formal meeting, to consider **SB 990**.

International Trade and Intergovernmental Affairs, during lunch recess today, Desk 147, for a formal meeting, to consider **SB 1551** and **SB 1599**.

Business and Industry, during lunch recess today, Desk 48, for a formal meeting, to consider **SB 947**, **SB 1040**, **SB 1268**, and pending business.

Higher Education, during lunch recess today, Desk 94, for a formal meeting, to consider **SB 143**, **SB 497**, and pending business.

Licensing and Administrative Procedures, during lunch recess today, Desk 95, for a formal meeting, to consider **SB 950** and pending business.

Public Education, during lunch recess today, Desk 110, for a formal meeting, to consider pending business.

Investments and Financial Services, during lunch recess today, Desk 127, for a formal meeting, to consider pending business.

Urban Affairs, during lunch recess today, Desk 115, for a formal meeting, to consider **SB 443**, **SB 659**, **SB 1400**, **SB 1506**, and **SB 1553**.

Select Committee on Transparency in State Agency Operations, during lunch recess today, Desk 3, for a formal meeting, to consider **SB 1368**.

Culture, Recreation, and Tourism, during lunch recess today, Desk 16, for a formal meeting, to consider **HR 1846**, **SB 930**, and **SB 1871**.

**SB 123 - HOUSE SPONSOR AUTHORIZED**

On motion of Representative Aycock, Representative N. Gonzalez was authorized as a house sponsor to **SB 123**.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Cook requested permission for the Committee on State Affairs to meet while the house is in session, at 1 p.m. today, in 1W.14, to consider pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

State Affairs, 1 p.m. today, 1W.14, for a formal meeting, to consider pending business.

**RECESS**

At 12:40 p.m., the chair announced that the house would stand recessed until 1:20 p.m. today.

**AFTERNOON SESSION**

The house met at 1:20 p.m. and was called to order by the speaker.

**MAJOR STATE CALENDAR  
SENATE BILLS  
SECOND READING**

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

**CSSB 215 ON SECOND READING  
(Anchia - House Sponsor)**

**CSSB 215**, A bill to be entitled An Act relating to the continuation and functions of the Texas Higher Education Coordinating Board, including related changes to the status and functions of the Texas Guaranteed Student Loan Corporation.

**Amendment No. 1**

Representative Anchia offered the following amendment to **CSSB 215**:

Amend **CSSB 215** (house committee printing) as follows:

- (1) On page 7, line 18, strike "created by general law".
- (2) On page 8, line 1, strike "September 1, 1979" and substitute "August 27, 1979".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Anchia offered the following amendment to **CSSB 215**:

Amend **CSSB 215** (house committee printing) by striking the text on page 15, lines 14 through 18, and substituting the following:

to the board. The board by rule may prescribe the timing and format of the notification required by this subsection. The board by rule shall require a private or independent institution of higher education to provide to the board the institution's external audit involving funds administered by the board. The private or independent institution of higher education's external audit must comply with the board's rules for auditing those funds.

Amendment No. 2 was adopted.

### MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

### CSSB 215 - (consideration continued)

#### Amendment No. 3

Representative Anchia offered the following amendment to **CSSB 215**:

Amend **CSSB 215** (house committee printing) as follows:

(1) On page 37, line 3, strike "and 57.50" and substitute "57.50, 58.001, 58.003, 58.004, and 58.005".

(2) Add the following appropriately numbered subdivisions to SECTION 41 of the bill and renumber the other subdivisions of that SECTION accordingly:

( ) Subchapter T, Chapter 61;

( ) Section 29.185(b);

( ) Subsections (b), (c), (d), and (e), Section 58.002;

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

SECTION \_\_\_\_\_. Section 28.009(d)(2), Education Code, is amended to read as follows:

(2) "Sequence of courses" means career and technical education courses approved by the State Board of Education or [;] innovative courses approved by the State Board of Education that are provided for local credit [~~or a tech prep program of study under Section 61.852~~].

SECTION \_\_\_\_\_. Section 39.301(c), Education Code, is amended to read as follows:

(c) Indicators for reporting purposes must include:

(1) the percentage of graduating students who meet the course requirements established by State Board of Education rule for the minimum high school program, the recommended high school program, and the advanced high school program;

(2) the results of the SAT, ACT, [~~articulated postsecondary degree programs described by Section 61.852,~~] and certified workforce training programs described by Chapter 311, Labor Code;

(3) for students who have failed to perform satisfactorily, under each performance standard under Section 39.0241, on an assessment instrument required under Section 39.023(a) or (c), the performance of those students on subsequent assessment instruments required under those sections, aggregated by grade level and subject area;

(4) for each campus, the number of students, disaggregated by major student subpopulations, that agree under Section 28.025(b) to take courses under the minimum high school program;

(5) the percentage of students, aggregated by grade level, provided accelerated instruction under Section 28.0211(c), the results of assessment instruments administered under that section, the percentage of students promoted through the grade placement committee process under Section 28.0211, the subject of the assessment instrument on which each student failed to perform satisfactorily under each performance standard under Section 39.0241, and the performance of those students in the school year following that promotion on the assessment instruments required under Section 39.023;

(6) the percentage of students of limited English proficiency exempted from the administration of an assessment instrument under Sections 39.027(a)(1) and (2);

(7) the percentage of students in a special education program under Subchapter A, Chapter 29, assessed through assessment instruments developed or adopted under Section 39.023(b);

(8) the percentage of students who satisfy the college readiness measure;

(9) the measure of progress toward dual language proficiency under Section 39.034(b), for students of limited English proficiency, as defined by Section 29.052;

(10) the percentage of students who are not educationally disadvantaged;

(11) the percentage of students who enroll and begin instruction at an institution of higher education in the school year following high school graduation; and

(12) the percentage of students who successfully complete the first year of instruction at an institution of higher education without needing a developmental education course.

SECTION \_\_\_\_\_. Section 42.154(a), Education Code, is amended to read as follows:

(a) For each full-time equivalent student in average daily attendance in an approved career and technology education program in grades nine through 12 or in career and technology education programs for students with disabilities in grades seven through 12, a district is entitled to:

(1) an annual allotment equal to the adjusted basic allotment multiplied by a weight of 1.35; and

(2) \$50, if the student is enrolled in~~[-~~  
~~[(A)]~~ two or more advanced career and technology education classes for a total of three or more credits~~[-or~~  
~~[(B) an advanced course as part of a tech prep program under Subchapter T, Chapter 61].~~

SECTION \_\_\_\_\_. Section 58.002(a), Education Code, is amended to read as follows:

(a) In this chapter:

(1) "Resident physician" means a person who is appointed a resident physician by a school of medicine in The University of Texas System, the Texas Tech University System, The Texas A&M University System, or the University of North Texas System [~~one of the schools of medicine listed in Section 58.001 of this code~~] and who:

(A) has received a Doctor of Medicine or a Doctor of Osteopathic Medicine degree from the Baylor College of Medicine or from a school of medicine in a university system listed in Subdivision (1) [~~one of the schools listed in Section 58.001 of this code~~]; or

(B) is a citizen of Texas and has received a Doctor of Medicine or a Doctor of Osteopathic Medicine degree from some other school of medicine that is accredited by the Liaison Committee on Medical Education or by the Bureau of Professional Education of the American Osteopathic Association.

(2) [~~"Primary teaching hospital" means a hospital at which one of the schools listed in Section 58.001 of this code educates and trains both resident physicians and undergraduate medical students.~~

~~(3)~~ "Compensation" includes:

(A) stipends;

(B) payments, if any, for services rendered; and

(C) fringe benefits when applied to payments to or for the benefit of resident physicians.

#### **Amendment No. 4**

Representative Anchia offered the following amendment to Amendment No. 3:

Amend Amendment No. 3 by Anchia to **CSSB 215** (house committee printing) on page 4, lines 5 and 6, by striking "a school of medicine in a university system listed in Subdivision (1)" and substituting "an approved school of medicine".

Amendment No. 4 was adopted.

Amendment No. 3, as amended, was adopted.

#### **Amendment No. 5**

Representative Anchia offered the following amendment to **CSSB 215**:

Amend **CSSB 215** (house committee printing) on page 37, line 6, between "(9)" and "Subsections (i)", by inserting "Subsection (e), Section 56.407;"

Amendment No. 5 was adopted.

#### **Amendment No. 6**

Representative Anchia offered the following amendment to **CSSB 215**:

Amend **CSSB 215** (house committee printing) as follows:

(1) Strike added Section 61.0512(d), Education Code (page 20, line 27, through page 21, line 2), and reletter the remaining subsections of amended Section 61.0512, Education Code, accordingly.

(2) Strike added Section 61.0512(f), Education Code (page 21, lines 7 through 16), and reletter the remaining subsections of amended Section 61.0512, Education Code, accordingly.

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

SECTION \_\_\_\_\_. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0518 to read as follows:

Sec. 61.0518. LOW-PRODUCING DEGREE PROGRAM REVIEW. (a) In this section:

(1) "Degree program" includes a certificate program.

(2) "Related degree program" means a degree program for which an institution of higher education may use common faculty and other resources.

(3) "Small class" means a section of a course offered by an institution of higher education that is considered a lecture, laboratory class, or seminar that is:

(A) an undergraduate class with fewer than 10 undergraduate registrants; or

(B) a graduate class with fewer than five graduate registrants.

(b) The board shall provide to each institution of higher education an annual list of those degree programs offered by the institution that do not meet the following applicable minimum standards for the number of degrees or certificates awarded in the program:

(1) for a career technical certificate or an associate's or bachelor's degree program, a total of at least 25 degrees or certificates awarded for the preceding five-year period;

(2) for a master's degree program, a total of at least 15 degrees awarded for the preceding five-year period; and

(3) for a doctoral or special professional degree program, a total of at least 10 degrees awarded for the preceding five-year period.

(c) The board shall notify an institution of higher education when a degree program offered by the institution has not met the applicable minimum standards prescribed by Subsection (b) for three consecutive academic years, and subsequently if that degree program has not met those standards for four consecutive academic years.

(d) For purposes of this section, the completion of a career technical certificate program that is classified in the same manner as an associate's degree program is counted as a completion of the corresponding associate's degree program.

(e) This section does not apply to:

(1) a new degree program during the first five academic years after its implementation; or

(2) a master's degree program requiring only courses taught in the corresponding doctoral program.

(f) If the board determines that a degree program offered by an institution of higher education has not met the applicable minimum standards prescribed by Subsection (b) for five consecutive years and the board substantiates and makes

available to the institution evidence of any cost-savings and efficiencies associated with the consolidation or elimination of the degree program, the board shall order the institution to consolidate or eliminate the degree program. On receipt of that order, the institution must:

(1) eliminate the degree program or consolidate the degree program with another program or programs in accordance with the order; or

(2) request a temporary exemption from the requirement of Subdivision (1).

(g) On request by an institution of higher education, the board shall grant a low-producing degree program a temporary exemption from the requirement of Subsection (f)(1) if the board determines that:

(1) based on a narrative explanation submitted by the institution in the institution's request:

(A) the institution has demonstrated that the degree program contributes to meeting the goals in "Closing the Gaps," the state's master plan for higher education, or other board priorities, including meeting workforce needs in specific industries; and

(B) the institution is making efforts in regard to the degree program to increase enrollments, limit cost inefficiencies, limit the number of small classes, and improve program success; or

(2) the degree program is composed exclusively of courses required for other existing degree programs at the institution and there is limited or no additional cost associated with the degree program.

(h) The board shall approve or deny a request for a temporary exemption under Subsection (f) not later than the 60th day after the date the request is submitted. If approved, the board, in cooperation with the institution of higher education, shall establish the duration, not to exceed four years, for the temporary exemption. If the request is denied, the board shall provide the institution with an explanation for the denial.

(i) An institution of higher education may appeal a denial of a temporary exemption under Subsection (h) to the board. The board by rule shall establish a process for appeal, including time frames for testimony and other evidence and the types of information the board may consider in making a decision on an appeal.

(j) Except as otherwise provided by this subsection, a program that has been discontinued due to low productivity may not be considered for reinstatement for a period of 10 years. To be eligible for reinstatement after that period, a program must satisfy the board's requirements for the approval of a new academic program. An institution may request the reinstatement of a program discontinued due to low productivity before the conclusion of the 10-year period by completing the applicable new academic program request form and providing compelling evidence of state or regional need that the board considers satisfactory. An institution may not request reinstatement of a program more than once per year.

(k) An institution of higher education may not add a new degree program that is a related degree program to one that has been discontinued due to low productivity without completing the applicable new program request form and providing compelling evidence of state or regional need that the board considers satisfactory.

(l) The board shall adopt rules to implement this section, including rules specifying the time frame and process for consolidating or eliminating a degree program.

(R. Sheffield in the chair)

### **Amendment No. 7**

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

Amend Floor Amendment No. 6 by Anchia to **CSSB 215** (house committee printing) as follows:

(1) On page 2, line 29, strike "any" and substitute "material".

(2) On page 3, strike lines 14 through 22 and substitute the following:

(A) the institution:

(i) has demonstrated that the degree program contributes to meeting the goals in "Closing the Gaps," the state's master plan for higher education, or other board priorities, including meeting workforce needs in specific industries; and

(ii) is making efforts in regard to the degree program to increase enrollments, limit cost inefficiencies, limit the number of small classes, and improve program success; or

(B) the degree program is related to the institution's efforts to comply with a federal consent decree; or

(3) On page 3, line 29, immediately following the period insert "A request for a temporary exemption is considered approved if the board does not act to approve or deny the request within that period."

(4) On page 4, line 11, strike "10 years" and substitute "five years".

(5) On page 4, line 16, strike "10-year" and substitute "five year".

(6) On page 4, line 27, between "rules" and "specifying" insert "establishing an amount that qualifies as material cost-savings for purposes of Subsection (f) and".

(7) On page 4, following line 28, add the following:

(m) On request, an institution of higher education shall cooperate with the board in providing any information required for the board to make a determination under this section.

Amendment No. 7 was adopted.

Representative Nevárez moved to table Amendment No. 6, as amended.

The motion to table prevailed by (Record 842): 124 Yeas, 17 Nays, 2 Present, not voting.

Yeas — Alvarado; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Clardy; Cook; Cortez; Craddick; Crownover; Dale; Darby; Davis, J.; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; 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, 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; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Sanford; Schaefer; Sheets; Sheffield, J.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, E.S.; Villalba; Vo; Walle; White; Wu; Zerwas.

Nays — Allen; Alonzo; Anchia; Branch; Collier; Davis, S.; Deshotel; Giddings; Morrison; Patrick; Rose; Strama; Turner, C.; Turner, S.; Villarreal; Workman; Zedler.

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

Absent, Excused, Committee Meeting — Pitts.

Absent — Carter; Coleman; Creighton; Davis, Y.; Hunter; Reynolds.

#### STATEMENTS OF VOTE

I was shown voting no on Record No. 842. I intended to vote yes.

Deshotel

When Record No. 842 was taken, I was in the house but away from my desk. I would have voted yes.

Hunter

#### Amendment No. 8

Representative Giddings offered the following amendment to **CSSB 215**:

Amend **CSSB 215** (house committee printing) as follows:

(1) On page 2, lines 3-4, strike "Subdivisions (2) and (3), Section 56.451, Education Code, are amended" and substitute "Section 56.451, Education Code, is amended by amending Subdivisions (2) and (3) and adding Subdivisions (4) and (5)".

(2) On page 2, between lines 16 and 17, insert the following:

(4) "Administering entity" means the coordinating board or institution of higher education, as applicable, that administers the Texas B-On-time loan program for students enrolled at one or more institutions.

(5) "Program" means the Texas B-On-time loan program.

(3) On page 2, between lines 22 and 23, insert the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. Section 56.453, Education Code, is amended to read as follows:

Sec. 56.453. ADMINISTRATION OF PROGRAM; RULES. (a) Each eligible institution that sets aside a portion of the tuition charged to students of the institution under Section 56.465 shall administer the Texas B-On-time loan program for students enrolled at that institution and shall adopt rules for that purpose.

(b) The coordinating board shall:

(1) administer the Texas B-On-time loan program for students enrolled at eligible institutions that are private or independent institutions of higher education; and

(2) ~~[determine the repayment and other terms of a Texas B-On-time loan; and~~

~~[(3)]~~ in consultation with the student financial aid officers of those eligible institutions, adopt any rules necessary to implement the program or this subchapter for students enrolled at those institutions.

(c) An administering entity:

(1) shall determine the repayment and other terms of a Texas B-On-time loan awarded by the entity; and

(2) ~~[(b) The coordinating board]~~ may charge and collect a loan origination fee from a person who receives a Texas B-On-time loan awarded by the entity to be used by the entity [board] to pay for the operating expenses for making loans under this subchapter.

(d) ~~[(e)]~~ The total amount of Texas B-On-time loans awarded may not exceed the amount available in the applicable Texas B-On-time student loan account under Section 56.463.

(4) Strike page 3, line 27, through page 4, line 2, and substitute the following:

(5) comply with any additional nonacademic requirement adopted by the administering entity for the institution at which the student enrolls [coordinating board] under this subchapter.

(5) On page 5, strike lines 1-2 and substitute the following:

(5) complies with any additional nonacademic requirement adopted by the applicable administering entity [coordinating board].

(6) On page 5, between lines 2-3, insert the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. Section 56.457, Education Code, is amended to read as follows:

Sec. 56.457. WAIVER OF COURSE LOAD REQUIREMENT. (a) The applicable administering entity [coordinating board] shall adopt rules to allow a person who is otherwise eligible to receive a Texas B-On-time loan, in the event of a hardship or other good cause, to receive a Texas B-On-time loan while enrolled in a number of semester credit hours that is less than the number of semester credit hours required under Section 56.455 or 56.456, as applicable.

(b) The administering entity ~~[coordinating board]~~ may not allow a person to receive a Texas B-On-time loan while enrolled in fewer than six semester credit hours.

(7) On page 5, line 3, strike "(a) and (b)" and substitute "(a), (b), (e), and (f)".

(8) Strike page 5, lines 5-12, and substitute the following:

(a) The amount of a Texas B-On-time loan for a semester or term for a student enrolled full-time at an eligible institution other than an institution covered by Subsection (b) ~~[(e), or (d)]~~ is an amount determined by the applicable administering entity ~~[coordinating board]~~ as the average ~~[statewide]~~ amount of tuition and required fees that a resident student enrolled full-time in a baccalaureate ~~[an undergraduate]~~ degree program would be charged for that semester or term at the eligible institution at which the student is enrolled ~~[general academic teaching institutions]~~.

(9) On page 5, between lines 19 and 20, insert the following:

(e) Not later than January 31 of each year, the coordinating board shall publish the amounts of each loan established by the board for each type of institution for which the coordinating board is the administering entity for the academic year beginning the next fall semester.

(f) If in any academic year the amount of money in the statewide Texas B-On-time student loan account is insufficient to provide the loans to all eligible persons enrolled at institutions for which the coordinating board is the administering entity in amounts specified by this section, the coordinating board shall determine the amount of available money and shall allocate that amount to eligible institutions for which the coordinating board is the administering entity in proportion to the number of full-time equivalent undergraduate students enrolled at each institution. Each institution shall use the money allocated to award Texas B-On-time loans to eligible students enrolled at the institution selected according to financial need.

(10) Insert the following appropriately numbered SECTIONS to the bill:

SECTION \_\_\_\_\_. Section 56.460(a), Education Code, is amended to read as follows:

(a) The coordinating board, in consultation with all eligible institutions, shall prepare materials designed to inform prospective students, their parents, and high school counselors about the program and eligibility for a Texas B-On-time loan. The coordinating board shall distribute to each eligible institution and to each school district a copy of the materials prepared ~~[rules adopted]~~ under this subchapter.

SECTION \_\_\_\_\_. Subchapter Q, Chapter 56, Education Code, is amended by adding Section 56.4621 to read as follows:

Sec. 56.4621. LOAN FORGIVENESS FOR TRANSFER STUDENTS. If a student becomes eligible for forgiveness of the student's Texas B-On-time loans under Section 56.462 and the student was awarded Texas B-On-time loans while attending more than one eligible institution, the student shall be forgiven all of the loans regardless of which institution the student attended when the student became eligible for forgiveness of the loans.

SECTION \_\_\_\_\_. Sections 56.463 and 56.464, Education Code, are amended to read as follows:

Sec. 56.463. TEXAS B-ON-TIME STUDENT LOAN ACCOUNTS [~~ACCOUNT~~]. (a) The statewide Texas B-On-time student loan account is an account in the general revenue fund. The account consists of gifts and grants and legislative appropriations received under Section 56.464, ~~tuition set aside under Section 56.465,~~ and other money required by law to be deposited in the account.

~~(b)~~ Money in the [~~Texas B-On-time student loan~~] account may be used only to pay any costs of the coordinating board related to the operation of the Texas B-On-time loan program and as otherwise provided by this subchapter.

(b) Each eligible institution that administers the program for students enrolled at that institution shall establish a Texas B-On-time student loan account at the institution. The account consists of gifts and grants, any legislative appropriations received under Section 56.464, tuition set aside at the institution under Section 56.465, and other money required by law to be deposited in the account. The account is considered institutional funds of the institution. Money in the institution's Texas B-On-time student loan account may be used only to pay any costs of the institution related to the operation of the Texas B-On-time loan program at the institution and as otherwise provided by this subchapter.

Sec. 56.464. FUNDING. (a) The coordinating board and each eligible institution may solicit and accept gifts and grants from any public or private source for the purposes of this subchapter.

(b) The coordinating board may issue and sell general obligation bonds under Subchapter F, Chapter 52, for the purposes of this subchapter. An eligible institution that administers the program for students enrolled at that institution, or the university system of which the eligible institution is a component, may issue and sell bonds, establish any necessary interest and sinking funds, and provide appropriate security for those bonds, as necessary to administer the program for those students.

(c) The coordinating board shall administer the program for students at eligible institutions for which the coordinating board is the administering entity using funds in the statewide Texas B-On-time student loan account established for those institutions under Section 56.463(a).

(d) The legislature may appropriate money for the purposes of this subchapter.

SECTION \_\_\_\_\_. Section 56.465, Education Code, is amended to read as follows:

Sec. 56.465. TUITION SET ASIDE FOR PROGRAM; UNUSED SET-ASIDE MONEY. (a) The governing board of each institution of higher education that charges tuition under Section 54.0513 shall cause to be set aside five percent of the amount of the tuition charged to a resident undergraduate student at the institution under that section [~~Section 54.0513~~] in excess of \$46 per semester credit hour. The amount of a student's tuition set aside under this subsection is considered a part of the amount required to be set aside from that tuition under Section 56.011.

(b) The amount of tuition set aside under Subsection (a) shall be deposited to the credit of the Texas B-On-time student loan account established by the institution under Section 56.463(b) [56.463 or to the interest and sinking fund established by the coordinating board under Section 52.91(b) in accordance with the resolution of the board establishing such fund].

(c) If the amount of money deposited in the Texas B-On-time student loan account established by an eligible institution under Section 56.463(b) for the preceding five academic years exceeds the amount necessary to administer the program for that period, the institution may transfer not more than one-fifth of the excess amount to an account established by the institution for that purpose. Money in the account established under this subsection may be used only:

(1) for providing additional money for Texas public educational grants awarded by the institution under Subchapter C; or

(2) for other purposes for which tuition set aside under Subchapter B may be used, if the institution determines that the amount in the account exceeds the amount necessary to fully fund grants to eligible students at the institution under Subchapter C for the next academic year.

SECTION \_\_\_\_. Subchapter Q, Chapter 56, Education Code, is amended by adding Section 56.466 to read as follows:

Sec. 56.466. TRANSITION PROVISIONS FOR TRANSFER OF LOAN PROGRAM TO PUBLIC INSTITUTIONS. (a) The coordinating board, in consultation with institutions of higher education, shall develop and adopt a transition plan to provide for the orderly and prompt transfer of administration of the program from the coordinating board to institutions of higher education that are authorized to administer the program for students enrolled at those institutions.

(b) Subject to the other provisions of this section, the transition plan shall permit institutions of higher education authorized to administer the program for students enrolled at those institutions to retain the tuition set aside under Section 56.465 beginning with tuition charged for the 2014-2015 academic year and to begin administering the program for their own students for that academic year. At the request of an institution authorized to administer the program for its own students, the coordinating board shall permit the institution to postpone to a later academic year the transfer of administration of the program at that institution and the retention of tuition set aside by the institution.

(c) The transition plan must provide for a portion of tuition set aside at an eligible institution under Section 56.465 to continue to be deposited to the credit of the statewide Texas B-On-time student loan account or to the interest and sinking fund established by the coordinating board under Section 52.91(b) as necessary to provide for the repayment of bonds issued on or before September 1, 2013, to support the Texas B-On-time loan program. The amount of tuition set aside at eligible institutions that continues to be deposited to the credit of the statewide Texas B-On-time student loan account or to the interest and sinking fund under this subsection must be allocated among the affected eligible

institutions in proportion to the average amount of loans made under this subchapter at those institutions for the 2009-2010, 2010-2011, 2011-2012, and 2012-2013 academic years.

(d) The transition plan may include any other provision the coordinating board determines necessary to implement the transfer of administration of the program to affected eligible institutions that is not inconsistent with this subchapter, including provisions necessary to ensure the repayment of outstanding state bonds and obligations.

(e) The Texas B-On-time student loan account established in the general revenue fund under this subchapter before January 1, 2013, is renamed as the statewide Texas B-On-time student loan account.

(11) Renumber the SECTIONS of the bill appropriately.

(Márquez in the chair)

### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a senate meeting:

Hunter on motion of Raymond.

### CSSB 215 - (consideration continued)

Amendment No. 8 was withdrawn.

### 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).

### CSSB 215 - (consideration continued)

#### Amendment No. 9

Representative Clardy offered the following amendment to **CSSB 215**:

Amend **CSSB 215** as follows:

Strike the text of Section 61.0331, Education Code, as added by SECTION 15 (page 11, line 21 through page 12, line 9) and substitute the following:

Sec. 61.0331. NEGOTIATED RULEMAKING REQUIRED. The board shall engage institutions in a negotiated rulemaking process as described by Chapter 2008, Government Code, when adopting a policy, procedure, or rule relating to:

(1) admission policy under Section 51.762 (common admission application), 51.807 (uniform admission policy), or 51.843 (graduate and professional admissions), or transfer of credit under Section 61.827;

(2) the allocation or distribution of funds, including financial aid or other trusteed funds under 61.07761;

(3) the revaluation of data requests under Section 51.406; or

(4) compliance monitoring under Section 61.035.

Amendment No. 9 was adopted.

**Amendment No. 10**

Representative Lewis offered the following amendment to **CSSB 215**:

Amend **CSSB 215** in SECTION 18 of the bill to add a new Subsection (h) to amended Section 61.0512, Education Code, to read as follows:

(h) The board may not consider undergraduate graduation or persistence rates in the criteria for approval of doctoral programs.

Representative Anchia moved to table Amendment No. 10.

The motion to table was lost.

Amendment No. 10 was adopted.

**Amendment No. 11**

Representative Howard offered the following amendment to **CSSB 215**:

Amend **CSSB 215** (house committee printing) on page 36, line 22, by striking "J".

Amendment No. 11 was adopted.

**Amendment No. 12**

Representative Zerwas offered the following amendment to **CSSB 215**:

Amend **CSSB 215** (house committee printing) by adding the following appropriately numbered SECTION to the bill and by renumbering existing SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 61.306, Education Code, is amended by adding Subsection (c) to read as follows:

(c) The board may not issue a certificate of authority for a private postsecondary institution to grant a professional degree or to represent that credits earned in this state are applicable towards a degree if the institution is chartered in a foreign country or has its principal office or primary educational program in a foreign country. In this section, "professional degree" includes a Doctor of Medicine (M.D.), Doctor of Osteopathy (D.O.), Doctor of Dental Surgery (D.D.S.), Doctor of Veterinary Medicine (D.V.M.), Juris Doctor (J.D.), and Bachelor of Laws (LL.B.).

**Amendment No. 13**

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

Amend Amendment No. 12 by Zerwas to **CSSB 215** (house committee printing) as follows:

(1) On page 1, line 5, strike "Subsection (c)" and substitute "Subsections (c), (d), and (e)".

(2) On page 1, after line 15, insert the following:

(d) Notwithstanding any other provision of this chapter, Subsection (c) does not apply to an applicant that:

(1) gives a resident of this state priority consideration in the admissions process; and

(2) gives a resident of this state who has passed the United States Medical Licensing Examination priority consideration in the process of assigning clinical rotations at teaching programs in this state.

(e) In this section, "resident of this state" means an individual who:

(1) completed high school in this state; or

(2) physically resided in this state for at least five years immediately before enrolling in a private postsecondary educational institution.

Representative Zerwas moved to table Amendment No. 13.

The motion to table prevailed.

Amendment No. 12 was adopted.

#### **Amendment No. 14**

Representative Branch offered the following amendment to **CSSB 215**:

Amend **CSSB 215** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 56, Education Code, is amended by adding Section 56.009 to read as follows:

Sec. 56.009. FINANCIAL ASSISTANCE FOR STUDENTS ENROLLED AT WGU TEXAS OR SIMILAR ONLINE COLLEGES OR UNIVERSITIES.

(a) In this section, "general academic teaching institution" and "private or independent institution of higher education" have the meanings assigned by Section 61.003.

(b) The Texas Higher Education Coordinating Board by rule shall:

(1) provide student financial assistance grants during the 2013-2014 and 2014-2015 academic years for students enrolled:

(A) at WGU Texas, or a similar nonprofit, tax-exempt, regionally accredited college or university operating in accordance with a memorandum of understanding with this state pursuant to an executive order issued by the governor and offering competency-based, exclusively online or other distance education; and

(B) in a degree program approved by the coordinating board for purposes of this section; and

(2) in consultation with representatives of the coordinating board's financial aid advisory committee, representatives of financial aid offices of institutions of higher education and private or independent institutions of higher education offering online or other distance education courses and programs similar to those offered by nonprofit colleges or universities described by Subdivision (1)(A), and representatives of financial aid offices of nonprofit colleges or universities described by Subdivision (1)(A):

(A) conduct a study regarding, and prepare proposed draft legislation for, the creation of a state-funded student financial assistance program:

(i) that is available only to students of nonprofit, tax-exempt, regionally accredited universities or colleges domiciled in this state that offer competency-based, exclusively online or other distance education; and

(ii) under which the highest priority is given to awarding grants to those eligible students who demonstrate the greatest financial need; and

(B) not later than October 1, 2014, submit to each standing committee of the legislature with primary jurisdiction of higher education a report of the results of the study conducted under Paragraph (A), together with the proposed draft legislation prepared under that paragraph.

(c) The rules adopted under Subsection (b)(1) must prescribe eligibility requirements for an award of a grant under that subdivision, including:

(1) a requirement that a student:

(A) be a resident of this state; and

(B) demonstrate financial need; and

(2) any additional eligibility requirements, such as academic achievement, satisfactory academic progress, course load, or course completion requirements, that the coordinating board considers reasonable and appropriate for students enrolled in online or other distance education programs.

(d) The amount of a grant awarded to a student under Subsection (b)(1) for an academic year may not exceed the lesser of:

(1) the amount prescribed under Section 61.227(c) as the maximum annual amount of a tuition equalization grant paid to a student; or

(2) the amount of the difference between:

(A) the tuition charged to the student by the college or university in which the student is enrolled for that academic year; and

(B) the average tuition charged to a similarly situated student by a general academic teaching institution for that academic year, as determined by the coordinating board.

(e) This section expires January 1, 2016.

SECTION \_\_\_\_\_. (a) The Texas Higher Education Coordinating Board shall adopt any rules necessary under Section 56.009, Education Code, as added by this Act, as soon as practicable after this Act takes effect. For that purpose, the coordinating board may adopt the initial rules in the manner provided by law for emergency rules.

(b) The coordinating board shall begin awarding grants in accordance with Section 56.009(b)(1), Education Code, as added by this Act, as soon as practicable after this Act takes effect.

### **Amendment No. 15**

Representative Branch offered the following amendment to Amendment No. 14:

Amend Floor Amendment No. 14 by Branch to **CSSB 215** (house committee printing) in added Section 56.009, Education Code, by striking page 1, line 11, through page 3, line 20, and substituting the following:

(b) The Texas Higher Education Coordinating Board shall, in consultation with representatives of the coordinating board's financial aid advisory committee, representatives of financial aid offices of WGU Texas and any similar nonprofit, tax-exempt, regionally accredited college or university operating in accordance with a memorandum of understanding with this state pursuant to an executive

order issued by the governor and offering competency-based, exclusively online or other distance education, and representatives of financial aid offices of institutions of higher education and private or independent institutions of higher education offering online or other distance education courses and programs similar to those offered by WGU Texas or any similar nonprofit colleges or universities:

(1) conduct a study regarding, and prepare proposed draft legislation for, the creation of a state-funded student financial assistance program:

(A) that is available only to students of nonprofit, tax-exempt, regionally accredited universities or colleges domiciled in this state that offer competency-based, exclusively online or other distance education; and

(B) under which the highest priority is given to awarding grants to those eligible students who demonstrate the greatest financial need; and

(2) not later than October 1, 2014, submit to each standing committee of the legislature with primary jurisdiction over higher education a report of the results of the study conducted under Subdivision (1), together with the proposed draft legislation prepared under that subdivision.

(c) This section expires January 1, 2016.

Amendment No. 15 was adopted.

Amendment No. 14, as amended, was adopted.

### **Amendment No. 16**

Representative Krause offered the following amendment to **CSSB 215**:

Amend **CSSB 215** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter G, Chapter 51, Education Code, is amended by adding Section 51.360 to read as follows:

Sec. 51.360. DUTY OF TEXAS HIGHER EDUCATION COORDINATING BOARD TO PROTECT DIVERSITY OF THOUGHT AND FREEDOM OF SPEECH. (a) It is the policy of this state, and the duty of the Texas Higher Education Coordinating Board, working in conjunction with governing boards, system administrations, and institutions, to promote diversity of thought and the marketplace of ideas on the campuses of institutions of higher education in this state, including by:

(1) protecting the rights of freedom of speech and freedom of association guaranteed by the constitutions of the United States and of this state so that all students of those institutions may assemble peaceably for a specific stated purpose and goal; and

(2) ensuring that those rights are not unnecessarily restricted or impeded by rules or policies adopted by those institutions.

(b) The Texas Higher Education Coordinating Board, working in conjunction with governing boards, system administrations, and institutions, shall ensure that each institution does not implement a policy or otherwise engage in a practice that requires a student organization, including a religious student organization, to accept for membership in the organization a student:

(1) who demonstrates opposition to the organization's stated beliefs and purposes; or

(2) whose membership in the organization:

(A) would affect in a significant way the organization's ability to advocate public or private viewpoints; or

(B) is designed for the subversive intent of undermining the organization's ability to assemble for its stated purposes.

#### **Amendment No. 16 - Point of Order**

Representatives S. Thompson and Miles raised a point of order against further consideration of Amendment No. 16 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

(Hunter now present)

#### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 3:30 p.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Calendars, 3:30 p.m. today, 3W.15, for a formal meeting, to set a calendar.

#### **CSSB 215 - (consideration continued)**

Amendment No. 16 was withdrawn.

#### **Amendment No. 17**

Representative Giddings offered the following amendment to **CSSB 215**:

Amend **CSSB 215** (house committee printing) as follows:

(1) On page 2, lines 3-4, strike "Subdivisions (2) and (3), Section 56.451, Education Code, are amended" and substitute "Section 56.451, Education Code, is amended by amending Subdivisions (2) and (3) and adding Subdivisions (4) and (5)".

(2) On page 2, between lines 16 and 17, insert the following:

(4) "Administering entity" means the coordinating board or institution of higher education, as applicable, that administers the Texas B-On-time loan program for students enrolled at one or more institutions.

(5) "Program" means the Texas B-On-time loan program.

(3) On page 2, between lines 22 and 23, insert the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. Section 56.453, Education Code, is amended to read as follows:

Sec. 56.453. ADMINISTRATION OF PROGRAM; RULES. (a) Each eligible institution that sets aside a portion of the tuition charged to students of the institution under Section 56.465 shall administer the Texas B-On-time loan program for students enrolled at that institution and shall adopt rules for that purpose.

(b) The coordinating board shall:

(1) administer the Texas B-On-time loan program for students enrolled at eligible institutions that are private or independent institutions of higher education; and

~~(2) [determine the repayment and other terms of a Texas B-On-time loan; and~~

~~[(3)]~~ in consultation with the student financial aid officers of those eligible institutions, adopt any rules necessary to implement the program or this subchapter for students enrolled at those institutions.

(c) An administering entity:

(1) shall determine the repayment and other terms of a Texas B-On-time loan awarded by the entity; and

(2) [(b) The coordinating board] may charge and collect a loan origination fee from a person who receives a Texas B-On-time loan awarded by the entity to be used by the entity [board] to pay for the operating expenses for making loans under this subchapter.

(d) [(e)] The total amount of Texas B-On-time loans awarded may not exceed the amount available in the applicable Texas B-On-time student loan account under Section 56.463.

(4) Strike page 3, line 27, through page 4, line 2, and substitute the following:

(5) comply with any additional nonacademic requirement adopted by the administering entity for the institution at which the student enrolls [coordinating board] under this subchapter.

(5) On page 5, strike lines 1-2 and substitute the following:

(5) complies with any additional nonacademic requirement adopted by the applicable administering entity [coordinating board].

(6) On page 5, between lines 2-3, insert the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. Section 56.457, Education Code, is amended to read as follows:

Sec. 56.457. WAIVER OF COURSE LOAD REQUIREMENT. (a) The applicable administering entity [coordinating board] shall adopt rules to allow a person who is otherwise eligible to receive a Texas B-On-time loan, in the event of a hardship or other good cause, to receive a Texas B-On-time loan while enrolled in a number of semester credit hours that is less than the number of semester credit hours required under Section 56.455 or 56.456, as applicable.

(b) The administering entity ~~[coordinating board]~~ may not allow a person to receive a Texas B-On-time loan while enrolled in fewer than six semester credit hours.

(7) On page 5, line 3, strike "(a) and (b)" and substitute "(a), (b), (e), and (f)".

(8) Strike page 5, lines 5-12, and substitute the following:

(a) The amount of a Texas B-On-time loan for a semester or term for a student enrolled full-time at an eligible institution other than an institution covered by Subsection (b) ~~[(e), or (d)]~~ is an amount determined by the applicable administering entity ~~[coordinating board]~~ as the average ~~[statewide]~~ amount of tuition and required fees that a resident student enrolled full-time in a baccalaureate ~~[an undergraduate]~~ degree program would be charged for that semester or term at the eligible institution at which the student is enrolled ~~[general academic teaching institutions]~~.

(9) On page 5, between lines 19 and 20, insert the following:

(e) Not later than January 31 of each year, the coordinating board shall publish the amounts of each loan established by the board for each type of institution for which the coordinating board is the administering entity for the academic year beginning the next fall semester.

(f) If in any academic year the amount of money in the statewide Texas B-On-time student loan account is insufficient to provide the loans to all eligible persons enrolled at institutions for which the coordinating board is the administering entity in amounts specified by this section, the coordinating board shall determine the amount of available money and shall allocate that amount to eligible institutions for which the coordinating board is the administering entity in proportion to the number of full-time equivalent undergraduate students enrolled at each institution. Each institution shall use the money allocated to award Texas B-On-time loans to eligible students enrolled at the institution selected according to financial need.

(10) Insert the following appropriately numbered SECTIONS to the bill:

SECTION \_\_\_\_\_. Section 56.460(a), Education Code, is amended to read as follows:

(a) The coordinating board, in consultation with all eligible institutions, shall prepare materials designed to inform prospective students, their parents, and high school counselors about the program and eligibility for a Texas B-On-time loan. The coordinating board shall distribute to each eligible institution and to each school district a copy of the materials prepared ~~[rules adopted]~~ under this subchapter.

SECTION \_\_\_\_\_. Subchapter Q, Chapter 56, Education Code, is amended by adding Section 56.4621 to read as follows:

Sec. 56.4621. LOAN FORGIVENESS FOR TRANSFER STUDENTS. If a student becomes eligible for forgiveness of the student's Texas B-On-time loans under Section 56.462 and the student was awarded Texas B-On-time loans while attending more than one eligible institution, the student shall be forgiven all of the loans regardless of which institution the student attended when the student became eligible for forgiveness of the loans.

SECTION \_\_\_\_\_. Sections 56.463 and 56.464, Education Code, are amended to read as follows:

Sec. 56.463. TEXAS B-ON-TIME STUDENT LOAN ACCOUNTS [~~ACCOUNT~~]. (a) The statewide Texas B-On-time student loan account is an account in the general revenue fund. The account consists of gifts and grants and legislative appropriations received under Section 56.464, ~~tuition set aside under Section 56.465,~~ and other money required by law to be deposited in the account.

~~(b)~~ Money in the [~~Texas B-On-time student loan~~] account may be used only to pay any costs of the coordinating board related to the operation of the Texas B-On-time loan program and as otherwise provided by this subchapter.

(b) Each eligible institution that administers the program for students enrolled at that institution shall establish a Texas B-On-time student loan account at the institution. The account consists of gifts and grants, any legislative appropriations received under Section 56.464, tuition set aside at the institution under Section 56.465, and other money required by law to be deposited in the account. The account is considered institutional funds of the institution. Money in the institution's Texas B-On-time student loan account may be used only to pay any costs of the institution related to the operation of the Texas B-On-time loan program at the institution and as otherwise provided by this subchapter.

Sec. 56.464. FUNDING. (a) The coordinating board and each eligible institution may solicit and accept gifts and grants from any public or private source for the purposes of this subchapter.

(b) The coordinating board may issue and sell general obligation bonds under Subchapter F, Chapter 52, for the purposes of this subchapter. An eligible institution that administers the program for students enrolled at that institution, or the university system of which the eligible institution is a component, may issue and sell bonds, establish any necessary interest and sinking funds, and provide appropriate security for those bonds, as necessary to administer the program for those students.

(c) The coordinating board shall administer the program for students at eligible institutions for which the coordinating board is the administering entity using funds in the statewide Texas B-On-time student loan account established for those institutions under Section 56.463(a).

(d) The legislature may appropriate money for the purposes of this subchapter.

SECTION \_\_\_\_\_. Section 56.465, Education Code, is amended to read as follows:

Sec. 56.465. TUITION SET ASIDE FOR PROGRAM; UNUSED SET-ASIDE MONEY. (a) The governing board of each institution of higher education that charges tuition under Section 54.0513 shall cause to be set aside five percent of the amount of the tuition charged to a resident undergraduate student at the institution under that section [Section 54.0513] in excess of \$46 per semester credit hour. The amount of a student's tuition set aside under this subsection is considered a part of the amount required to be set aside from that tuition under Section 56.011.

(b) The amount of tuition set aside under Subsection (a) shall be deposited to the credit of the Texas B-On-time student loan account established by the institution under Section 56.463(b) [~~56.463 or to the interest and sinking fund established by the coordinating board under Section 52.91(b) in accordance with the resolution of the board establishing such fund~~].

(c) If the amount of money deposited in the Texas B-On-time student loan account established by an eligible institution under Section 56.463(b) for the preceding five academic years exceeds the amount necessary to administer the program for that period, the institution may transfer not more than one-fifth of the excess amount to an account established by the institution for that purpose. Money in the account established under this subsection may be used only:

(1) for providing additional money for Texas public educational grants awarded by the institution under Subchapter C; or

(2) for other purposes for which tuition set aside under Subchapter B may be used, if the institution determines that the amount in the account exceeds the amount necessary to fully fund grants to eligible students at the institution under Subchapter C for the next academic year.

SECTION \_\_\_\_\_. Subchapter Q, Chapter 56, Education Code, is amended by adding Section 56.466 to read as follows:

Sec. 56.466. TRANSITION PROVISIONS FOR TRANSFER OF LOAN PROGRAM TO PUBLIC INSTITUTIONS. (a) The coordinating board, in consultation with institutions of higher education, shall develop and adopt a transition plan to provide for the orderly and prompt transfer of administration of the program from the coordinating board to institutions of higher education that are authorized to administer the program for students enrolled at those institutions.

(b) Subject to the other provisions of this section, the transition plan shall permit institutions of higher education authorized to administer the program for students enrolled at those institutions to retain the tuition set aside under Section 56.465 beginning with tuition charged for the 2014-2015 academic year and to begin administering the program for their own students for that academic year. At the request of an institution authorized to administer the program for its own students, the coordinating board shall permit the institution to postpone to a later academic year the transfer of administration of the program at that institution and the retention of tuition set aside by the institution.

(c) The transition plan must provide for a portion of tuition set aside at an eligible institution under Section 56.465 to continue to be deposited to the credit of the statewide Texas B-On-time student loan account or to the interest and sinking fund established by the coordinating board under Section 52.91(b) as necessary to provide for the repayment of bonds issued on or before September 1, 2013, to support the Texas B-On-time loan program. The amount of tuition set aside at eligible institutions that continues to be deposited to the credit of the statewide Texas B-On-time student loan account or to the interest and sinking fund under this subsection must be allocated among the affected eligible

institutions in proportion to the average amount of loans made under this subchapter at those institutions for the 2009-2010, 2010-2011, 2011-2012, and 2012-2013 academic years.

(d) The transition plan may include any other provision the coordinating board determines necessary to implement the transfer of administration of the program to affected eligible institutions that is not inconsistent with this subchapter, including provisions necessary to ensure the repayment of outstanding state bonds and obligations.

(e) The Texas B-On-time student loan account established in the general revenue fund under this subchapter before January 1, 2013, is renamed as the statewide Texas B-On-time student loan account.

(11) Renumber the SECTIONS of the bill appropriately.

Amendment No. 17 was adopted.

### **Amendment No. 18**

Representative Gonzales offered the following amendment to **CSSB 215**:

Amend **CSSB 215** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 52.39, Education Code, is amended to read as follows:

Sec. 52.39. DEFAULT; SUIT. When any person who has received or cosigned as a guarantor for a loan authorized by this chapter has failed or refused to make as many as six monthly payments due in accordance with an executed note, then the full amount of the remaining principal and interest becomes due and payable immediately, and the amount due, the person's name and [his] last known address, and other necessary information shall be reported by the board to the attorney general. Suit for the remaining sum may [shall] be instituted by the attorney general, or any county or district attorney acting for the attorney general [him], in the county of the person's residence, the county in which is located the institution at which the person was last enrolled, or in Travis County, unless the attorney general finds reasonable justification for delaying suit and so advises the board in writing.

SECTION \_\_\_\_\_. The changes in law made by this Act to Section 52.39, Education Code, apply only to a suit filed under that section on or after the effective date of this Act. A suit filed under Section 52.39, Education Code, before the effective date of this Act is governed by the law in effect on the date the suit is filed, and the former law is continued in effect for that purpose.

### **Amendment No. 19**

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

Amend Floor Amendment No. 18 by Gonzales to **CSSB 215** (house committee printing) as follows:

(1) On page 1, line 14, strike "may [shall]" and substitute "shall".

(2) On page 1, lines 14 through 20, strike "or any county or district attorney acting for the attorney general [~~him~~], in the county of the person's residence, the county in which is located the institution at which the person was last enrolled, or in Travis County, unless the attorney general finds reasonable justification for delaying suit and so advises the board in writing" and substitute "[~~or any county or district attorney acting for him, in the county of the person's residence, the county in which is located the institution at which the person was last enrolled, or in Travis County,~~] unless the attorney general finds reasonable justification for delaying suit and so advises the board in writing".

(3) On page 1, line 20, immediately following the period, insert "Venue for a suit arising under this section is exclusively conferred on a court of competent jurisdiction in Travis County.".

Amendment No. 19 was adopted.

Amendment No. 18, as amended, was adopted.

### LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Calendars:

Alonzo on motion of Lavender.

Alvarado on motion of Lavender.

Branch on motion of Lavender.

Button on motion of Lavender.

Cook on motion of Lavender.

Crownover on motion of Lavender.

S. Davis on motion of Crownover.

Eiland on motion of Lavender.

Frullo on motion of Lavender.

Geren on motion of Lavender.

Giddings on motion of Lavender.

Hunter on motion of Lavender.

Kuempel on motion of Lavender.

Lucio on motion of Lavender.

D. Miller on motion of Lavender.

### CSSB 215 - (consideration continued)

#### Amendment No. 20

Representative Capriglione offered the following amendment to **CSSB 215**:

Amend **CSSB 215** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 54, Education Code, is amended by adding Section 54.017 to read as follows:

Sec. 54.017. MAXIMUM TUITION RATE; STUDY. (a) In this section:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

(2) "General academic teaching institution" has the meaning assigned by Section 61.003.

(b) Notwithstanding any other provision of this chapter or other law, not later than February 1 of each year, the coordinating board, based on the most recent study conducted under Subsection (c), shall establish the maximum amount of tuition that a general academic teaching institution may charge a student for the next academic year.

(b-1) Subsection (b) does not apply to tuition charged for the 2013-2014 academic year. For the 2013-2014 academic year, the maximum amount of tuition that a general academic teaching institution may charge a student for that academic year is \$10,000. This subsection expires September 1, 2014.

(c) The coordinating board shall conduct an annual study regarding the affordability of tuition rates at general academic teaching institutions, including a comparison of rates at similar institutions in and outside of this state, the return on investment based on expected salaries of graduates of the institution, and other appropriate economic factors as determined by the coordinating board. The coordinating board shall use the results of its study in establishing the maximum amount of tuition for purposes of Subsection (b).

#### **Amendment No. 21**

Representative Hilderbran offered the following amendment to Amendment No. 20:

Amend Amendment No. 20 by Capriglione to **CSSB 215** by striking page 1, line 6, to page 2, line 2, and substituting the following:

Sec. 54.017. ELIMINATION OF TUITION DEREGULATION. (a) The Texas Higher Education Coordinating Board by rule shall adopt and implement a plan to eliminate the authority of institutions of higher education to increase tuition rates under Section 54.0513 in excess of the rates charged under that section for the 2013-2014 academic year.

(b) An institution of higher education may not charge tuition under Section 54.0513 in an academic year after the 2014-2015 academic year at a rate that exceeds the applicable rate permitted under the plan adopted under Subsection (a).

(c) It is the intent of the legislature that maximum tuition rates at institutions of higher education to which this section applies be determined by the legislature beginning with the 2015-2016 academic year.

Amendment No. 21 was withdrawn.

#### **Amendment No. 22**

Representative Capriglione offered the following amendment to Amendment No. 20:

Amend Amendment No. 20 by Capriglione to **CSSB 215** (house committee printing) as follows:

(1) On page 1, line 6, strike "MAXIMUM TUITION RATE" and substitute "RECOMMENDED LIMITATIONS ON TUITION AND FEE INCREASES".

(2) On page 1, line 15, strike "establish the maximum amount of tuition" and substitute "recommend the maximum percentage rate of increase in the amount of tuition and fees".

(3) On page 1, line 16, strike "a student" and substitute "a resident undergraduate student".

(4) On page 1, at the end of line 17, insert "The coordinating board shall submit the recommendations to affected institutions, the governor, and the legislative standing committees with primary jurisdiction over higher education."

(5) On page 1, strike lines 18 through 22.

(6) On page 1, line 24, between "tuition" and "rates", insert "and fee".

(7) On page 1, line 27, following the comma, insert "the employment rate of graduates of the institution,".

(8) On page 2, line 1, strike "maximum amount of tuition" and substitute "recommended maximum percentage rate of increase in the amount of tuition and fees".

(9) On page 2, after line 2, insert the following:

SECTION \_\_\_\_\_. The change in law made by this Act in adding Section 54.017, Education Code, applies beginning with tuition and fees charged for the 2014-2015 academic year.

Amendment No. 22 was adopted.

Amendment No. 20, as amended, was adopted. (Anderson, Button, and Harless recorded voting no.)

### **Amendment No. 23**

Representative Phillips offered the following amendment to **CSSB 215**:

Amend **CSSB 215** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 205.03(j), Alcoholic Beverage Code, is amended to read as follows:

(j) If the amount available for a fiscal year under Subsections (b)(1) and (2) exceeds the amount that may be appropriated under Subsections (c)-(g), the lesser of the amount remaining under Subsections (b)(1) and (2) or \$50,000 ~~shall [may]~~ be appropriated only for distribution to the Texas Higher Education Coordinating Board to fund the associate degree program at the T. V. Munson Viticulture and Enology Center at Grayson Community College at the direction of the board of trustees of the community college ~~[to fund the associate degree program at the center]~~. No money may be appropriated under any other provision of this section in any fiscal year if the maximum available amount required to be appropriated under this subsection is not appropriated.

Amendment No. 23 was withdrawn.

(S. Davis, Frullo, Geren, and Kuempel now present)

#### **Amendment No. 24**

Representatives Howard, Patrick, Alonzo, Darby, Murphy, and Martinez offered the following amendment to **CSSB 215**:

Amend **CSSB 215** (house committee printing) as follows:

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

SECTION \_\_\_\_\_. Sections 56.301(2) and (3), Education Code, are amended to read as follows:

(2) "Eligible institution" means a general academic teaching [an] institution or a medical and dental unit [of higher education] that offers one or more undergraduate degree or certification programs. The term does not include a public state college.

(3) "General academic teaching institution," "institution of higher education," "medical and dental unit," "public [Public] junior college," "public state college," and "public technical institute" have the meanings assigned by Section 61.003.

SECTION \_\_\_\_\_. Section 56.302(b), Education Code, is amended to read as follows:

(b) The purpose of this subchapter is to provide a grant of money to enable eligible students to attend eligible [public] institutions [of higher education] in this state.

SECTION \_\_\_\_\_. Sections 56.303(d-1), (e), and (f), Education Code, are amended to read as follows:

(d-1) In allocating among eligible [general academic teaching] institutions money available for initial TEXAS grants for an academic year, the coordinating board shall ensure that each of those institutions' proportional [percentage] share of the total amount of money for initial grants that is allocated to eligible [general academic teaching] institutions under this section [subsection] for that year does not, as a result of the number of students who establish eligibility at the institution for an initial grant under Section 56.3041(2)(A), change from the institution's proportional [percentage] share of the total amount of money for initial grants that is allocated to those institutions under this section [subsection] for the preceding academic year.

(e) In determining who should receive a TEXAS grant, the coordinating board and the eligible institutions shall give priority to awarding TEXAS grants to students who demonstrate the greatest financial need and whose expected family contribution, as determined according to the methodology used for federal student financial aid, does not exceed 60 percent of the average statewide amount of tuition and required fees described by Section 56.307(a). In giving priority based on financial need as required by this subsection to students who meet the requirements for the highest priority as provided by Subsection (f), an eligible [a general academic teaching] institution shall determine financial need according to the relative expected family contribution of those students, beginning with students who have the lowest expected family contribution.

(f) Beginning with TEXAS grants awarded for the 2013-2014 academic year, in determining who should receive an initial TEXAS grant, each eligible [~~general academic teaching~~] institution, in addition to giving priority as provided by Subsection (e), shall give highest priority to students who meet the eligibility criteria described by Section 56.3041(2)(A). If there is money available in excess of the amount required to award an initial TEXAS grant to all students meeting those criteria, an eligible [~~a general academic teaching~~] institution shall make awards to other students who meet the eligibility criteria described by Section 56.304(a)(2)(A), provided that the institution continues to give priority to students as provided by Subsection (e).

SECTION \_\_\_\_\_. Sections 56.304(a) and (e-1), Education Code, are amended to read as follows:

(a) To be eligible initially for a TEXAS grant, a person who graduated from high school before May 1, 2013, must:

(1) be a resident of this state as determined by coordinating board rules;

(2) meet either of the following academic requirements:

(A) be a graduate of a public or accredited private high school in this state who graduated not earlier than the 1998-1999 school year and who completed the recommended or advanced high school curriculum established under Section 28.002 or 28.025 or its equivalent; or

(B) have received an associate degree from a public or private institution of higher education not earlier than May 1, 2001;

(3) meet financial need requirements as defined by the coordinating board;

(4) be enrolled in a baccalaureate [~~an undergraduate~~] degree [~~or certificate~~] program at an eligible institution;

(5) be enrolled as:

(A) an entering undergraduate student for at least three-fourths of a full course load for an entering undergraduate student, as determined by the coordinating board, not later than the 16th month after the date of the person's graduation from high school; or

(B) an entering student for at least three-fourths of a full course load for an undergraduate student as determined by the coordinating board, not later than the 12th month after the month the person receives an associate degree from a public or private institution of higher education;

(6) have applied for any available financial aid or assistance; and

(7) comply with any additional nonacademic requirement adopted by the coordinating board under this subchapter.

(e-1) If a person is initially awarded a TEXAS grant during or after the 2005 fall semester, unless the person is provided additional time during which the person may receive a TEXAS grant under Subsection (e-2), the person's eligibility for a TEXAS grant ends on:

(1) the fifth anniversary of the initial award of a TEXAS grant to the person, if the person is enrolled in a degree [~~or certificate~~] program of four years [~~or less~~]; or

(2) the sixth anniversary of the initial award of a TEXAS grant to the person, if the person is enrolled in a degree program of more than four years.

SECTION \_\_\_\_\_. Section 56.3041, Education Code, is amended to read as follows:

Sec. 56.3041. INITIAL ELIGIBILITY OF PERSON GRADUATING FROM HIGH SCHOOL ON OR AFTER MAY 1, 2013~~[-, AND ENROLLING IN A GENERAL ACADEMIC TEACHING INSTITUTION]~~. To ~~[Notwithstanding Section 56.304(a), to]~~ be eligible initially for a TEXAS grant, a person graduating from high school on or after May 1, 2013, and enrolling in an eligible [a general academic teaching] institution must:

(1) be a resident of this state as determined by coordinating board rules;

(2) meet the academic requirements prescribed by Paragraph (A), (B), ~~[or]~~ (C), or (D) as follows:

(A) be a graduate of a public or accredited private high school in this state who completed the recommended high school program established under Section 28.025 or its equivalent and have accomplished any two or more of the following:

(i) graduation under the advanced high school program established under Section 28.025 or its equivalent, successful completion of the course requirements of the international baccalaureate diploma program, or earning of the equivalent of at least 12 semester credit hours of college credit in high school through courses described in Sections 28.009(a)(1), (2), and (3);

(ii) satisfaction of the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the coordinating board under Section 51.3062(f) on any assessment instrument designated by the coordinating board under Section 51.3062(c) ~~[or (e)]~~ or qualification for an exemption as described by Section 51.3062(p), (q), or (q-1);

(iii) graduation in the top one-third of the person's high school graduating class or graduation from high school with a grade point average of at least 3.0 on a four-point scale or the equivalent; or

(iv) completion for high school credit of at least one advanced mathematics course following the successful completion of an Algebra II course, as permitted by Section 28.025(b-3), or at least one advanced career and technical course, as permitted by Section 28.025(b-2);

(B) have received an associate degree from a public or private institution of higher education; ~~[or]~~

(C) be an undergraduate student who has:

(i) previously attended another institution of higher education;

(ii) received an initial Texas Educational Opportunity Grant under Subchapter P for the 2014 fall semester or a subsequent academic term;

(iii) completed at least 24 semester credit hours at any institution or institutions of higher education; and

(iv) earned an overall grade point average of at least 2.5 on a four-point scale or the equivalent on all course work previously attempted; or

(D) if sufficient money is available, meet the eligibility criteria described by Section 56.304(a)(2)(A);

(3) meet financial need requirements established by the coordinating board;

(4) be enrolled in an undergraduate degree or certificate program at an eligible [~~the general academic teaching~~] institution;

(5) except as provided under rules adopted under Section 56.304(h), be enrolled as:

(A) an entering undergraduate student for at least three-fourths of a full course load, as determined by the coordinating board, not later than the 16th month after the calendar month in which the person graduated from high school;

(B) an entering undergraduate student who entered military service not later than the first anniversary of the date the person graduated from high school and who enrolled for at least three-fourths of a full course load, as determined by the coordinating board, at the eligible [~~general academic teaching~~] institution not later than 12 months after being honorably discharged from military service; [~~or~~]

(C) a continuing undergraduate student for at least three-fourths of a full course load, as determined by the coordinating board, not later than the 12th month after the calendar month in which the person received an associate degree from a public or private institution of higher education; or

(D) an undergraduate student described by Subdivision (2)(C) who has never previously received a TEXAS grant;

(6) have applied for any available financial aid or assistance; and

(7) comply with any additional nonacademic requirements adopted by the coordinating board under this subchapter.

SECTION \_\_\_\_\_. Sections 56.3042(b) and (d), Education Code, are amended to read as follows:

(b) The coordinating board or the eligible institution may require the student to forgo or repay the amount of an initial TEXAS grant awarded to the student as described by Subsection (a) or (a-1) if the student fails to meet the eligibility requirements described by Subsection (a) or (a-1) [~~of Section 56.304(a)(2)(A), 56.3041(2)(A), 56.304(a)(2)(B), or 56.3041(2)(B)~~], as applicable to the student, after the issuance of the available high school or college transcript.

(d) A person who receives an initial TEXAS grant under Subsection (a) or (a-1) but does not satisfy the applicable eligibility requirement that the person was considered to have satisfied under the applicable subsection and who is not required to forgo or repay the amount of the grant under Subsection (b) may become eligible to receive a subsequent TEXAS grant under Section 56.305 only by satisfying the associate degree requirement prescribed by Section 56.304(a)(2)(B) or 56.3041(2)(B), as applicable to the person, in addition to the requirements of Section 56.305 at the time the person applies for the subsequent grant.

SECTION \_\_\_\_\_. Section 56.305(a), Education Code, is amended to read as follows:

(a) After initially qualifying for a TEXAS grant, a person may continue to receive a TEXAS grant during each semester or term in which the person is enrolled at an eligible institution only if the person:

(1) meets financial need requirements as defined by the coordinating board;

(2) is enrolled in a baccalaureate ~~[an undergraduate]~~ degree ~~[or certificate]~~ program at an eligible institution;

(3) is enrolled for at least three-fourths of a full course load for an undergraduate student, as determined by the coordinating board;

(4) makes satisfactory academic progress toward a baccalaureate ~~[an undergraduate]~~ degree ~~[or certificate]~~; and

(5) complies with any additional nonacademic requirement adopted by the coordinating board.

SECTION \_\_\_\_\_. Section 56.306, Education Code, is amended to read as follows:

Sec. 56.306. GRANT USE. A person receiving a TEXAS grant may use the money to pay any usual and customary cost of attendance at an eligible institution ~~[of higher education]~~ incurred by the student. The institution may disburse all or part of the proceeds of a TEXAS grant directly to an eligible person only if the tuition and required fees incurred by the person at the institution have been paid.

SECTION \_\_\_\_\_. Section 56.307, Education Code, is amended by amending Subsections (a), (d-1), and (i) and adding Subsection (b) to read as follows:

(a) Except as provided by Subsection (b), the ~~[The]~~ amount of a TEXAS grant for a semester or term for a person enrolled full-time at an eligible institution ~~[other than an institution covered by Subsection (c) or (d)]~~ is an ~~[the]~~ amount determined by the coordinating board as the average statewide amount of tuition, ~~[and]~~ required fees, and allowance for course materials that a resident student enrolled full-time in a baccalaureate degree program would be charged for that semester or term at general academic teaching institutions.

(b) An eligible institution may award a TEXAS grant to an eligible student for a semester or term in an amount that is less than the amount determined by the coordinating board under Subsection (a).

(d-1) The coordinating board shall determine the average statewide tuition, ~~[and]~~ fee amounts, and allowance for course materials for a semester or term of the next academic year for purposes of this section by using the amounts of tuition and required fees that will be charged by the ~~[applicable]~~ eligible institutions for that semester or term in that academic year. The board may estimate the amount of the charges for a semester or term in the next academic year by an institution if the relevant information is not yet available to the board.

(i) A public institution of higher education may not~~±~~

~~[(1) unless the institution complies with Subsection (j), charge a person attending the institution who also receives a TEXAS grant an amount of tuition and required fees in excess of the amount of the TEXAS grant received by the person; or~~

[(2)] deny admission to or enrollment in the institution based on a person's eligibility to receive a TEXAS grant or a person's receipt of a TEXAS grant.

SECTION \_\_\_\_\_. (a) The change in law made by this Act to Subchapter M, Chapter 56, Education Code, applies beginning with TEXAS grants awarded for the 2014 fall semester. Grants awarded for a semester or term before the 2014 fall semester are governed by the applicable law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(b) Notwithstanding Subsection (a) of this section, a student who first receives a TEXAS grant for attendance at a public junior college, public state college, or public technical institute for a semester or other academic term before the 2014 fall semester may continue to receive a TEXAS grant under Subchapter M, Chapter 56, Education Code, as that subchapter existed immediately before the effective date of this Act, as long as the student remains eligible for a TEXAS grant under the former law, and, if eligible, may continue to receive a TEXAS grant if the student enrolls at an eligible institution under Subchapter M, Chapter 56, Education Code, as amended by this Act. The Texas Higher Education Coordinating Board shall adopt rules to administer this subsection and shall notify each student who receives a TEXAS grant in the 2013-2014 academic year of the provisions of this subsection.

(2) Add the following appropriately numbered subdivision at the end of page 36:

(\_\_\_\_) Sections 56.307(c), (d), (e), (f), (i-1), (j), and (l);

(3) In SECTION 41 of the bill (page 36, line 19, through page 37, line 11), renumber the subdivisions as appropriate.

Amendment No. 24 was adopted.

### **Amendment No. 25**

Representative Branch offered the following amendment to **CSSB 215**:

Amend **CSSB 215** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 62, Education Code, is amended to read as follows:

**SUBCHAPTER C. TEXAS COMPETITIVE KNOWLEDGE [~~RESEARCH~~  
UNIVERSITY DEVELOPMENT] FUND**

Sec. 62.051. DEFINITIONS. In this subchapter:

(1) "Eligible institution" means an institution of higher education that:  
(A) is designated as a research university [~~or emerging research university~~] under the coordinating board's accountability system and, for any three consecutive state fiscal years beginning on or after September 1, 2010, made total annual research expenditures in an average annual amount of not less than \$450 million; or

(B) is designated as an emerging research university under the coordinating board's accountability system and, for any three consecutive state fiscal years beginning on or after September 1, 2010, made total annual research expenditures in an average annual amount of not less than \$50 million.

(2) "Fund" means the Texas competitive knowledge fund.

(3) "Institution of higher education" has the meaning assigned by Section 61.003.

Sec. 62.052. PURPOSE. The purpose of this subchapter is to provide funding to eligible research universities and emerging research universities to support faculty to ensure excellence in instruction and research [~~for the recruitment and retention of highly qualified faculty and the enhancement of research productivity at those universities~~].

Sec. 62.053. FUND [~~FUNDING~~]. (a) The Texas competitive knowledge fund consists of money [~~For each state fiscal year, the coordinating board shall distribute any funds~~] appropriated by the legislature for the purposes of this subchapter[, and any other funds made available for the purposes of this subchapter,] to eligible institutions [~~based on the average amount of total research funds expended by each institution annually during the three most recent state fiscal years, according to the following rates:~~

[~~(1) at least \$1 million for every \$10 million of the average annual amount of those research funds expended by the institution, if that average amount for the institution is \$50 million or more; and~~

[~~(2) at least \$500,000 for every \$10 million of the average annual amount of those research funds expended by the institution, if that average amount for the institution is less than \$50 million~~].

(b) For purposes of this section [~~Subsection (a)~~], the amount of total research funds expended by an eligible institution in a state fiscal year is the amount of those funds as reported to the coordinating board by the institution for that fiscal year, subject to any adjustment by the coordinating board in accordance with the standards and accounting methods the coordinating board prescribes for purposes of this section. [~~If the funds available for distribution for a state fiscal year under Subsection (a) are not sufficient to provide the amount specified by Subsection (a) for each eligible institution or exceed the amount sufficient for that purpose, the available amount shall be distributed in proportion to the total amount to which each institution is otherwise entitled under Subsection (a).~~]

Sec. 62.0535. INITIAL CONTRIBUTION. For the first state fiscal biennium in which an eligible institution receives an appropriation under this subchapter, the institution's other general revenue appropriations shall be reduced by an amount not to exceed the lesser of \$5 million for the biennium or the amount of the institution's appropriation under this subchapter for the biennium. The bill making the appropriation must expressly identify the purpose for which the appropriations were reduced in accordance with this section.

Sec. 62.054. APPROPRIATION AMOUNTS [RULES]. (a) Of the total amount appropriated for purposes of this subchapter in a state fiscal year, an eligible institution is entitled to receive an appropriation in the amount determined in accordance with this section.

(b) Not less than 50 percent of the total amount appropriated for purposes of this subchapter shall be appropriated to eligible institutions described by Section 62.051(1)(A). Each institution is entitled to receive a share of that amount in proportion to the average amount of total research funds expended by each institution annually during the three fiscal years preceding the state fiscal biennium for which the money is appropriated.

(c) The remainder of the total amount appropriated for purposes of this subchapter shall be appropriated to eligible institutions described by Section 62.051(1)(B). Each institution is entitled to receive a share of that amount in proportion to the average amount of total research funds expended by each institution annually during the three fiscal years preceding the state fiscal biennium for which the money is appropriated. [The coordinating board shall adopt rules for the administration of this subchapter, including any rules the coordinating board considers necessary regarding the submission to the coordinating board by eligible institutions of any student data required for the coordinating board to carry out its duties under this subchapter.]

Amendment No. 25 was adopted.

#### **Amendment No. 26**

Representative Darby offered the following amendment to **CSSB 215**:

Amend **CSSB 215** as follows:

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

SECTION \_\_\_\_\_. Subsections (b), (d), and (e), Section 61.0572, Education Code, are amended to read as follows:

(b) The board shall:

(1) determine formulas for space utilization in all educational and general buildings and facilities at institutions of higher education;

(2) devise and promulgate methods to assure maximum daily and year-round use of educational and general buildings and facilities, including but not limited to maximum scheduling of day and night classes and maximum summer school enrollment;

(3) consider plans for selective standards of admission when institutions of higher education approach capacity enrollment;

(4) require, and assist the public technical institutes, public senior colleges and universities, medical and dental units, and other agencies of higher education in developing long-range campus master plans for campus development;

~~(5) by rule adopt [endorse, or delay until the next succeeding session of the legislature has the opportunity to approve or disapprove, the proposed purchase of any real property by an institution of higher education, except a public junior college;~~

~~[(6) develop and publish] standards[, rules, and regulations] to guide the board's review [institutions and agencies of higher education in making application for the approval] of new construction and the [major] repair and rehabilitation of all buildings and facilities regardless of proposed use; and~~

(6) ~~[(7)]~~ ascertain that the board's standards and specifications for new construction, repair, and rehabilitation of all buildings and facilities are in accordance with Chapter 469, Government Code [Article 9102, Revised Statutes].

~~(d) [(4)]~~ The board~~[, for purposes of state funding,]~~ may review purchases of ~~[and approve as an addition to an institution's educational and general buildings and facilities inventory any]~~ improved real property added to an institution's educational and general buildings and facilities inventory [acquired by gifts or lease purchase only if:

~~[(A) the institution requests to place the improved real property on its educational and general buildings and facilities inventory; and~~

~~[(B) the value of the improved real property is more than \$300,000 at the time the institution requests the property to be added to the educational and general buildings and facilities inventory.~~

~~[(2) This subsection does not apply to gifts, grants, or lease purchase arrangements intended for clinical or research facilities.~~

~~[(c) Approval of the board is not required to acquire real property that is financed by bonds issued under Section 55.17(e)(3) or (4), 55.1713-55.1718, 55.1721-55.1728, 55.1735(a)(1), 55.174, 55.1742, 55.1743, 55.1744, 55.1751-55.17592, 55.1768, 55.1771, or 55.17721, except that the board shall review all real property to be financed by bonds issued under those sections] to determine whether the property meets the standards adopted by the board for cost, efficiency, and space use, but the purchase of the improved real property is not contingent on board review. If the property does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, the governing board of the applicable institution, and the Legislative Budget Board. This subsection does not impair the board's authority to collect data relating to the improved real property that is added each year to the educational and general buildings and facilities inventory of institutions of higher education.~~

SECTION \_\_\_\_\_. Subsections (a) and (b), Section 61.058, Education Code, are amended to read as follows:

(a) This section does not apply to [Except as provided by Subsection (b) of this section, the board shall approve or disapprove all new construction and repair and rehabilitation of all buildings and facilities at institutions of higher education financed from any source provided that:

~~[(A) the board's consideration and determination shall be limited to the purpose for which the new or remodeled buildings are to be used to assure conformity with approved space utilization standards and the institution's approved programs and role and mission if the cost of the project is not more than \$4,000,000, but the board may consider cost factors and the financial implications of the project to the state if the total cost is in excess of \$4,000,000;~~

~~[(B) the requirement of approval for new construction applies only to projects the total cost of which is in excess of \$4,000,000;~~

~~[(C) the requirement of approval for major repair and rehabilitation of buildings and facilities applies only to a project the total cost of which is more than \$4,000,000;~~

~~[(D) the requirement of approval or disapproval by the board does not apply to any new construction or major repair and rehabilitation project that is specifically approved by the legislature;~~

~~[(E) the requirement of approval by the board does not apply to a junior college's construction, repair, or rehabilitation financed entirely with funds from a source other than the state, including funds from ad valorem tax receipts of the college, gifts, grants, and donations to the college, and student fees; and~~

~~[(F) the requirement of approval by the board does not apply to construction, repair, or rehabilitation of privately owned buildings and facilities located on land leased from an institution of higher education if the construction, repair, or rehabilitation is financed entirely from funds not under the control of the institution, and provided further that:~~

~~[(i) the] buildings and facilities that are to be used exclusively for auxiliary enterprises[;] and~~

~~[(ii) the buildings and facilities] will not require appropriations from the legislature for operation, maintenance, or repair [unless approval by the board has been obtained].~~

(b) ~~The [This section does not apply to construction, repair, or rehabilitation financed by bonds issued under Section 55.17(e)(3) or (4), 55.1713 55.1718, 55.1721 55.1728, 55.174, 55.1742, 55.1743, 55.1744, 55.1751 55.17592, 55.1768, 55.1771, or 55.17721, except that the] board may [shall] review all construction, repair, or rehabilitation of buildings and facilities at institutions of higher education [to be financed by bonds issued under those sections] to determine whether the construction, rehabilitation, or repair meets the standards adopted by board rule for cost, efficiency, and space use, but the construction, rehabilitation, or repair is not contingent on board review. If the construction, rehabilitation, or repair does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, the governing boards of the applicable institutions, and the Legislative Budget Board. This subsection does not impair the board's authority to collect data relating to the construction, repair, or rehabilitation of buildings and facilities occurring each year at institutions of higher education.~~

(2) In SECTION 41 of the bill (on page 37, between lines 5 and 6), insert the following appropriately designated subdivisions and redesignate the other subdivisions of that SECTION appropriately:

( ) Section 61.0573;

( ) Subsection (c), Section 61.058;

Amendment No. 26 was withdrawn.

### **Amendment No. 27**

Representative Aycock offered the following amendment to **CSSB 215**:

Amend **CSSB 215** as follows:

(1) Add a new SECTION to the bill, appropriately numbered, to read as follows:

SECTION \_\_\_\_\_. Section 61.002, Education Code, is amended by adding Subsection (c) to read as follows:

(c) The Texas Higher Education Coordinating Board has only the powers expressly provided by this chapter or other law. A power not expressly granted to the board by law in regard to the administration, organization, control, management, jurisdiction, or governance of an institution of higher education is reserved to the governing board of the institution unless that power is expressly reposed by law in another officer or entity.

(2) In SECTION 17 of the bill, in amended Section 61.051(a), Education Code, (page 16, lines 12-13) strike "represents" [~~shall represent~~] the highest authority in the state in matters of public higher education and" and substitute "[~~shall represent the highest authority in the state in matters of public higher education and~~]".

Amendment No. 27 was withdrawn.

### **Amendment No. 28**

Representative Zedler offered the following amendment to **CSSB 215**:

Amend **CSSB 215** as follows:

SECTION \_\_\_\_\_. Subtitle H, Title 3, Education Code, is amended by adding Chapter 156 to read as follows:

#### CHAPTER 156. ADULT STEM CELL RESEARCH PROGRAM

Sec. 156.001. DEFINITIONS. In this chapter:

(1) "Adult stem cell" means an undifferentiated cell that is:

(A) found in differentiated tissue; and

(B) able to renew itself and differentiate to yield all or nearly all of the specialized cell types of the tissue from which the cell originated.

(2) "Consortium" means the Texas Adult Stem Cell Research Consortium.

(3) "Institution of higher education" means an institution of higher education as defined by Section 61.003 or a private college or university that receives state funds.

(4) "Program" means the adult stem cell research program established under this chapter.

(5) "Research coordinating board" means the Texas Adult Stem Cell Research Coordinating Board.

Sec. 156.002. COMPOSITION OF RESEARCH COORDINATING BOARD. (a) The Texas Adult Stem Cell Research Coordinating Board is composed of seven members appointed as follows:

(1) three members who are interested persons, including at least one person who represents an institution of higher education, appointed by the governor;

(2) two members who are interested persons appointed by the lieutenant governor; and

(3) two members who are interested persons appointed by the speaker of the house of representatives.

(b) The governor shall designate as the presiding officer of the research coordinating board a board member appointed under Subsection (a)(1) who represents an institution of higher education. The presiding officer serves in that capacity at the will of the governor.

(c) The members of the research coordinating board serve staggered six-year terms. If a vacancy occurs on the board, the appropriate appointing authority shall appoint, in the same manner as the original appointment, another person to serve for the remainder of the unexpired term.

Sec. 156.003. CONFLICT OF INTEREST. (a) In this section, "Texas trade association" means a cooperative and voluntarily joined association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person may not be a member of the research coordinating board if:

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

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

(3) the person is a member of the Texas Higher Education Coordinating Board.

(c) A person may not be a member of the research coordinating board if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the board.

Sec. 156.004. COMPOSITION OF CONSORTIUM. (a) The research coordinating board shall establish the Texas Adult Stem Cell Research Consortium.

(b) The consortium is composed of participating institutions of higher education and businesses that:

(1) accept public money for adult stem cell research; or

(2) otherwise agree to participate in the consortium.

Sec. 156.005. ADMINISTRATION OF PROGRAM; GUIDELINES AND PROCEDURES. (a) The research coordinating board shall administer the program to:

(1) make grants, investments, and loans to consortium members for:

(A) adult stem cell research activities and projects including but not limited to: pre-clinical trials and studies, treatment protocol development, state and/or regulatory submissions including FDA Investigational New Drug Applications and approvals, clinical trials including the use of Contract Research Organizations, Data Safety Monitoring Boards, intellectual property development; pathways and processes to commercialization as well as to address the collection; development; cGMP manufacturing; characterization and use of adult stem cells;

(B) the development of facilities to be used solely for adult stem cell research projects or for the cGMP manufacturing of adult stem cell and related projects; and

(C) the commercialization of products or technology involving adult stem cell research and treatments;

(2) support consortium members in all stages of the process of developing treatments and cures based on adult stem cell research, beginning with initial laboratory research through successful cGMP manufacturing and clinical trials;

(3) establish appropriate regulatory standards and oversight bodies for:

(A) adult stem cell research conducted by consortium members;

and

(B) the development of facilities for consortium members conducting adult stem cell research and cGMP manufacturing; and

(4) assist consortium members in applying for grants, investments, or loans under the program.

(b) The research coordinating board shall develop research priorities, guidelines, and procedures for providing grants, investments, and loans for specific research projects conducted by consortium members. The priorities, guidelines, and procedures must require the grants and loans to be made on a competitive, peer review basis.

Sec. 156.006. FUNDING. The program may only be funded by gifts, grants, investments, and donations described by Section 156.007.

Sec. 156.007. GIFTS, GRANTS, AND DONATIONS. The consortium shall solicit, and the research coordinating board may accept on behalf of the consortium, a gift, grant, or donation made from any public or private source for the purpose of promoting adult stem cell research or commercialization.

Sec. 156.008. BIENNIAL REPORT. Not later than September 1 of each even-numbered year, the research coordinating board shall submit a report of the board's activities and recommendations to the Texas Higher Education Coordinating Board and to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee or subcommittee with jurisdiction over higher education.

SECTION \_\_\_\_. Section 162.001, Health and Safety Code, is amended by adding Subdivision (4) to read as follows:

(4) "Adult stem cell" means an undifferentiated cell that is:

(A) found in differentiated tissue; and

(B) able to renew itself and differentiate to yield all or nearly all of

the specialized cell types of the tissue from which the cell originated.

SECTION \_\_\_\_. Chapter 162, Health and Safety Code, is amended by adding Section 162.020 to read as follows:

Sec. 162.020. ADULT STEM CELL COLLECTION. Blood obtained by a blood bank may be used for the collection of adult stem cells if the donor consents in writing to that use.

SECTION \_\_\_\_. Section 241.003, Health and Safety Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Adult stem cell" has the meaning assigned by Section 162.001.

(1-a) "Advanced practice nurse" means a registered nurse recognized as an advanced practice nurse by the Texas Board of Nursing.

SECTION \_\_\_\_\_. Subchapter A, Chapter 241, Health and Safety Code, is amended by adding Section 241.009 to read as follows:

Sec. 241.009. USE OF ADULT STEM CELLS. A hospital may use adult stem cells in a procedure if a physician providing services at the hospital determines that the use of adult stem cells in the procedure is appropriate and the patient consents in writing to the use.

SECTION \_\_\_\_\_. (a) As soon as practicable after the effective date of this Act, the governor, lieutenant governor, and speaker of the house of representatives shall appoint members to the Texas Adult Stem Cell Research Coordinating Board, as required by Section 156.002, Education Code, as added by this Act, as follows:

(1) the governor shall appoint one member to a term expiring February 1, 2015, one member to a term expiring February 1, 2017, and one member to a term expiring February 1, 2019;

(2) the lieutenant governor shall appoint one member to a term expiring February 1, 2017, and one member to a term expiring February 1, 2019; and

(3) the speaker of the house of representatives shall appoint one member to a term expiring February 1, 2017, and one member to a term expiring February 1, 2019.

(b) Not later than September 1, 2014, the Texas Adult Stem Cell Research Coordinating Board shall submit the first report of the board's activities and recommendations as required by Chapter 156, Education Code, as added by this Act.

(Alonzo, Alvarado, Branch, Button, Cook, Crownover, Eiland, Giddings, Hunter, Lucio, and D. Miller now present)

#### **Amendment No. 28 - Point of Order**

Representative Walle raised a point of order against further consideration of Amendment No. 28.

The point of order was withdrawn.

Amendment No. 28 was withdrawn.

#### **Amendment No. 29**

Representative Darby offered the following amendment to **CSSB 215**:

Amend **CSSB 215** as follows:

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

SECTION \_\_\_\_\_. Subsections (b), (d), and (e), Section 61.0572, Education Code, are amended to read as follows:

(b) The board shall:

(1) determine formulas for space utilization in all educational and general buildings and facilities at institutions of higher education;

(2) devise and promulgate methods to assure maximum daily and year-round use of educational and general buildings and facilities, including but not limited to maximum scheduling of day and night classes and maximum summer school enrollment;

(3) consider plans for selective standards of admission when institutions of higher education approach capacity enrollment;

(4) require, and assist the public technical institutes, public senior colleges and universities, medical and dental units, and other agencies of higher education in developing long-range campus master plans for campus development;

(5) ~~by rule adopt [endorse, or delay until the next succeeding session of the legislature has the opportunity to approve or disapprove, the proposed purchase of any real property by an institution of higher education, except a public junior college;~~

~~[(6) develop and publish] standards[, rules, and regulations] to guide the board's review [institutions and agencies of higher education in making application for the approval] of new construction and the [major] repair and rehabilitation of all buildings and facilities regardless of proposed use; and~~

~~(6) [(7)] ascertain that the board's standards and specifications for new construction, repair, and rehabilitation of all buildings and facilities are in accordance with Chapter 469, Government Code [Article 9102, Revised Statutes].~~

~~(d) [(4)] The board[, for purposes of state funding,] may review purchases of [and approve as an addition to an institution's educational and general buildings and facilities inventory any] improved real property added to an institution's educational and general buildings and facilities inventory [acquired by gifts or lease purchase only if:~~

~~[(A) the institution requests to place the improved real property on its educational and general buildings and facilities inventory; and~~

~~[(B) the value of the improved real property is more than \$300,000 at the time the institution requests the property to be added to the educational and general buildings and facilities inventory.~~

~~[(2) This subsection does not apply to gifts, grants, or lease purchase arrangements intended for clinical or research facilities.~~

~~[(e) Approval of the board is not required to acquire real property that is financed by bonds issued under Section 55.17(c)(3) or (4), 55.1713 55.1718, 55.1721 55.1728, 55.1735(a)(1), 55.174, 55.1742, 55.1743, 55.1744, 55.1751 55.17592, 55.1768, 55.1771, or 55.17721, except that the board shall review all real property to be financed by bonds issued under those sections] to determine whether the property meets the standards adopted by the board for cost, efficiency, and space use, but the purchase of the improved real property is not contingent on board review. If the property does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, the governing board of the applicable institution, and the Legislative Budget Board. This subsection does not impair the board's~~

authority to collect data relating to the improved real property that is added each year to the educational and general buildings and facilities inventory of institutions of higher education.

SECTION \_\_\_\_\_. Subsections (a) and (b), Section 61.058, Education Code, are amended to read as follows:

(a) This section does not apply to ~~[Except as provided by Subsection (b) of this section, the board shall approve or disapprove all new construction and repair and rehabilitation of all buildings and facilities at institutions of higher education financed from any source provided that:~~

~~[(A) the board's consideration and determination shall be limited to the purpose for which the new or remodeled buildings are to be used to assure conformity with approved space utilization standards and the institution's approved programs and role and mission if the cost of the project is not more than \$4,000,000, but the board may consider cost factors and the financial implications of the project to the state if the total cost is in excess of \$4,000,000;~~

~~[(B) the requirement of approval for new construction applies only to projects the total cost of which is in excess of \$4,000,000;~~

~~[(C) the requirement of approval for major repair and rehabilitation of buildings and facilities applies only to a project the total cost of which is more than \$4,000,000;~~

~~[(D) the requirement of approval or disapproval by the board does not apply to any new construction or major repair and rehabilitation project that is specifically approved by the legislature;~~

~~[(E) the requirement of approval by the board does not apply to a junior college's construction, repair, or rehabilitation financed entirely with funds from a source other than the state, including funds from ad valorem tax receipts of the college, gifts, grants, and donations to the college, and student fees; and~~

~~[(F) the requirement of approval by the board does not apply to construction, repair, or rehabilitation of privately owned buildings and facilities located on land leased from an institution of higher education if the construction, repair, or rehabilitation is financed entirely from funds not under the control of the institution, and provided further that:~~

~~[(i) the] buildings and facilities that are to be used exclusively for auxiliary enterprises[;] and~~

~~[(ii) the buildings and facilities] will not require appropriations from the legislature for operation, maintenance, or repair [unless approval by the board has been obtained].~~

(b) The [This section does not apply to construction, repair, or rehabilitation financed by bonds issued under Section 55.17(c)(3) or (4), 55.1713 55.1718, 55.1721 55.1728, 55.174, 55.1742, 55.1743, 55.1744, 55.1751 55.17592, 55.1768, 55.1771, or 55.17721, except that the] board may [shall] review all construction, repair, or rehabilitation of buildings and facilities at institutions of higher education [to be financed by bonds issued under those sections] to determine whether the construction, rehabilitation, or repair meets the standards adopted by board rule for cost, efficiency, and space use, but the construction, rehabilitation, or repair is not contingent on board review. If the construction,

rehabilitation, or repair does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, the governing boards of the applicable institutions, and the Legislative Budget Board. This subsection does not impair the board's authority to collect data relating to the construction, repair, or rehabilitation of buildings and facilities occurring each year at institutions of higher education.

(2) In SECTION 41 of the bill (on page 37, between lines 5 and 6), insert the following appropriately designated subdivisions and redesignate the other subdivisions of that SECTION appropriately:

Section 61.0573;

Subsection (c), Section 61.058;

### **Amendment No. 30**

Representative Branch offered the following amendment to Amendment No. 29:

Amend Amendment No. 29 by Darby to **CSSB 215** by adding the following appropriately numbered item to the amendment:

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

SECTION \_\_\_\_\_. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.05821 to read as follows:

Sec. 61.05821. CONDITION OF BUILDINGS AND FACILITIES; ANNUAL REPORT REQUIRED. Each institution of higher education, excluding each public junior college and excluding other agencies of higher education, annually shall report to the governing board of the institution information regarding the condition of the buildings and facilities of the institution, including information concerning deferred maintenance with respect to those buildings and facilities as defined by the board.

Amendment No. 30 was adopted.

Amendment No. 29, as amended, was adopted.

### **Amendment No. 31**

Representative Krause offered the following amendment to **CSSB 215**:

Amend **CSSB 215** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter G, Chapter 51, Education Code, is amended by adding Section 51.360 to read as follows:

Sec. 51.360. DUTY OF TEXAS HIGHER EDUCATION COORDINATING BOARD TO PROTECT DIVERSITY OF THOUGHT AND FREEDOM OF SPEECH. (a) It is the policy of this state, and the duty of the Texas Higher Education Coordinating Board, working in conjunction with governing boards, system administrations, and institutions, to promote diversity of thought and the marketplace of ideas on the campuses of institutions of higher education in this state, including by:

(1) protecting the rights of freedom of speech and freedom of association guaranteed by the constitutions of the United States and of this state so that all students of those institutions may assemble peaceably for a specific stated purpose and goal; and

(2) ensuring that those rights are not unnecessarily restricted or impeded by rules or policies adopted by those institutions.

(b) The Texas Higher Education Coordinating Board, working in conjunction with governing boards, system administrations, and institutions, shall ensure that each institution does not implement a policy or otherwise engage in a practice that requires a student organization, including a religious student organization, to accept for membership in the organization a student:

(1) who demonstrates opposition to the organization's stated beliefs and purposes; or

(2) whose membership in the organization:

(A) would affect in a significant way the organization's ability to advocate public or private viewpoints; or

(B) is designed for the subversive intent of undermining the organization's ability to assemble for its stated purposes.

#### **Amendment No. 31 - Point of Order**

Representatives S. Thompson and Miles raised a point of order against further consideration of Amendment No. 31 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

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

Representatives S. Thompson and Miles raised a point of order against further consideration of Amendment No. 31 to **SB 215**, asserting that the amendment is not germane to the bill. The point of order is respectfully overruled.

The bill relates to the continuation and functions of the Higher Education Coordinating Board under the Texas Sunset Act. Amendment No. 31 directs the board to work with governing boards, system administrations, and institutions to "ensure that each institution does not implement a policy or otherwise engage in a practice that requires a student organization, including a religious student organization, to accept for membership in the organization [certain students]." By conferring this additional duty on the board, the amendment affects the board's organization, powers, regulation, and management, and is therefore germane to the bill. See Rule 11, Section 2 of the House Rules.

#### **STATEMENT BY REPRESENTATIVE S. THOMPSON**

The amendment by Mr. Krause is not germane because it does not relate to the "organization, powers, regulation, and management" of the Texas Higher Education Coordinating Board, but instead relates to the "organization, powers, regulation, and management" of individual institutions of higher education and to the relationship of institutions of higher education with student organizations on those campuses.

In the 82nd Legislature, the speaker ruled out as not germane an amendment to the Texas Housing and Community Affairs Department sunset bill that would make auditors' opinions and IRS determinations related to an organization's operations as prima facie evidence of those facts for purposes of complying with a statutory provision requiring the department to oversee an exempt entity's compliance with the Tax Code's requirements, including abiding by the department's rules and submitting an annual audit to the department because the amendment was not related to the "organization, powers, regulation, and management" of the department.

Similarly, in the 73rd Legislature, the speaker ruled out as not germane an amendment to the State Board of Medical Examiners sunset bill that dealt with the right of health care consumers to choose therapies, products, or services that the consumer considered of benefit for the consumer's health or physical condition because the amendment was not related to the "organization, powers, regulation, and management" of the department.

Finally, in the 78th Legislature, the speaker ruled out as not germane an amendment to an omnibus bill related to the administration and functions of the Department of Human Services an amendment that would require persons receiving financial assistance under a program administered by the department to execute personal responsibility agreements and subjecting those persons to sanctions for failure to comply with the agreement's terms because the amendment addressed the conduct of persons and not the agency.

Here, the amendment in Subsections (1)-(2) and (b) seeks to regulate the relationship between the individual institutions and their students, not between the board and the institutions, and also seeks to regulate the relationship between student organizations and individual students. The amendment does not relate to the "organization, powers, regulation, and management" of the board, but to the "organization, powers, regulation, and management" of individual institutions of higher education, registered student organizations, and individual students.

(S. Davis in the chair)

Representative Anchia moved to table Amendment No. 31.

The motion to table was lost by (Record 843): 65 Yeas, 82 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Burnam; Canales; Coleman; Collier; Cortez; Dale; Davis, S.(C); Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farney; Farrar; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Herrero; Howard; Johnson; King, K.; King, T.; Kuempel; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishat; Nevárez; Oliveira; Otto; Patrick; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Workman; Wu.

Nays — Anderson; Ashby; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Elkins; Fallon; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gooden; Guillen; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Isaac; Kacal; Keffer; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Paddie; Parker; Perry; Phillips; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smith; Smithe; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused, Committee Meeting — Pitts.

Absent — Hunter.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 843. I intended to vote yes.

Guillen

When Record No. 843 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

I was shown voting yes on Record No. 843. I intended to vote no.

Workman

Amendment No. 31 was adopted by (Record 844): 78 Yeas, 67 Nays, 1 Present, not voting.

Yeas — Anderson; Ashby; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Davis, J.; Elkins; Fallon; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gooden; Guillen; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Morrison; Murphy; Orr; Paddie; Parker; Perry; Phillips; Price; Raney; Ratliff; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithe; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; White; Workman; Zedler.

Nays — Allen; Alonzo; Alvarado; Anchia; Aycoc; Burnam; Callegari; Canales; Coleman; Collier; Cortez; Crownover; Dale; Darby; Davis, S.(C); Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Gutierrez; Harless; Hernandez Luna; Herrero; Howard; Johnson; King, K.; King, T.; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Otto; Patrick; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Strama; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Wu; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused, Committee Meeting — Pitts.

Absent — Farney; Miller, R.; Riddle.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 844. I intended to vote no.

Guillen

When Record No. 844 was taken, I was in the house but away from my desk. I would have voted yes.

R. Miller

I was shown voting yes on Record No. 844. I intended to vote no.

Raney

**CSSB 215**, as amended, was passed to third reading.

(Speaker pro tempore in the chair)

#### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today for Committee on Calendars business:

Hunter on motion of Raymond.

#### FIVE-DAY POSTING RULE SUSPENDED

Representative Hilderbran moved to suspend the five-day posting rule to allow the Committee on Ways and Means to consider **SB 489**, **SB 1255**, **SB 1256**, **SB 1508**, **SB 1533**, **SB 1585**, **SB 1703**, **SB 1833**, and **SJR 32** at 2 p.m. or upon final adjournment tomorrow in E2.014.

The motion prevailed.

#### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Ways and Means, 2 p.m. or upon final adjournment tomorrow, E2.014, for a public hearing, to consider **SB 489**, **SB 1255**, **SB 1256**, **SB 1508**, **SB 1533**, **SB 1585**, **SB 1703**, **SB 1833**, and **SJR 32**.

#### CONSTITUTIONAL AMENDMENTS CALENDAR SENATE JOINT RESOLUTIONS SECOND READING

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

#### **SJR 13 ON SECOND READING** **(Larson - House Sponsor)**

**SJR 13**, A joint resolution proposing a constitutional amendment limiting to two the number of consecutive terms for which a person may be elected or appointed to hold certain state offices.

**SJR 13 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE KLEINSCHMIDT: Mr. Larson, I just want to make it eminently clear for legislative intent that this particular **SJR 13** is not intended to cover state house of representative offices or state senatorial offices, is that correct?

REPRESENTATIVE LARSON: You're right. It's in Section 1. It lays out that it's the executive branch, so it's all of the statewide elected officers, including the ag commissioner and the comptroller's office.

KLEINSCHMIDT: And when lines 10 and 11 on page 1 of the bill speak of any other state office normally filled by voters in a statewide election, a statewide election would not include state house of representatives and state senators, correct?

LARSON: Right, and speaking to Lege Council on that, they were talking about—we're elected by district, we're not elected statewide, and so that's the lineation in the language.

**REMARKS ORDERED PRINTED**

Representative Kleinschmidt moved to print remarks between Representative Larson and Representative Kleinschmidt.

The motion prevailed.

**SJR 13** failed of adoption by (Record 845): 61 Yeas, 80 Nays, 3 Present, not voting.

Yeas — Alonzo; Anchia; Ashby; Branch; Burnam; Canales; Capriglione; Carter; Collier; Cook; Cortez; Crownover; Davis, Y.; Eiland; Fallon; Farney; Frank; Frullo; Giddings; Guillen; Harless; Hernandez Luna; Herrero; Hilderbran; Huberty; Johnson; King, K.; King, S.; Larson; Lavender; Longoria; Lozano; Lucio; Miles; Moody; Muñoz; Naishtat; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Price; Raymond; Ritter; Rodriguez, E.; Sheets; Sheffield, J.; Smithee; Stephenson; Stickland; Strama; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Wu.

Nays — Allen; Alvarado; Anderson; Aycock; Bell; Bohac; Bonnen, G.; Burkett; Button; Callegari; Clardy; Craddick; Creighton; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Dukes; Dutton; Elkins; Farias; Farrar; Fletcher; Flynn; Geren; Goldman; Gonzales; Gonzalez, N.; Gooden; Guerra; Gutierrez; Harper-Brown; Howard; Hughes; Isaac; Kacal; Keffer; King, P.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Laubenberg; Leach; Lewis; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miller, D.; Miller, R.; Morrison; Murphy; Nevárez; Perry; Phillips; Pickett; Raney; Ratliff; Rodriguez, J.; Rose; Sanford; Schaefer; Sheffield, R.; Simmons; Simpson; Smith; Springer; Taylor; Toth; Turner, E.S.; Villalba; Walle; White; Zedler; Zerwas.

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

Absent, Excused, Committee Meeting — Hunter; Pitts.

Absent — Coleman; Reynolds; Riddle; Workman.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 845. I intended to vote no.

Carter

I was shown voting no on Record No. 845. I intended to vote yes.

Creighton

When Record No. 845 was taken, I was excused for committee business. I would have voted yes.

Hunter

I was shown voting no on Record No. 845. I intended to vote yes.

Isaac

I was shown voting no on Record No. 845. I intended to vote yes.

Kacal

### REASONS FOR VOTE

I voted against **SJR 13** because it dilutes and cheapens the single most powerful force in the shaping of a free and strong republic: the power of the vote. Our founding fathers had it absolutely right when they designed the system of periodic elections, which is the ultimate term limit. A statewide elected executive has but one four-year term to prove their mettle. After that, they must face the voters again for any hope at another chance. There is no alleged influence which can separate this relationship, nor which can, in reality, stand in between a voter at the voting booth and the name on the ballot in front of them. However, under **SJR 13**, this relationship would be severed by arbitrary and unnecessary means, and it's unnecessary because it purports to give voters a power which they already have.

To allege the improper influence of outside agents in the electoral process—be it money, incumbency itself, or some other distraction—is a rhetorically powerful but incorrect means to an end. And as long as that end is taking away your right to vote for a candidate of your choice, I cannot support term limit legislation. Term limits dilute public opinion and puts good and bad officeholders in the same light.

Anderson

I voted yes because I believe in term limits. However, I would also like term limits for all officeholders.

Lozano

### GENERAL STATE CALENDAR SENATE BILLS SECOND READING

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

**CSSB 1367 ON SECOND READING**  
**(Smithee - House Sponsor)**

**CSSB 1367**, A bill to be entitled An Act relating to abolishing the Texas Health Insurance Pool.

**CSSB 1367** was passed to third reading. (Simpson recorded voting no.)

**CSSB 734 ON SECOND READING**  
**(Smithee - House Sponsor)**

**CSSB 734**, A bill to be entitled An Act relating to the licensing of captive insurance companies; authorizing fees and authorizing and imposing taxes.

**Amendment No. 1**

Representative Smithee offered the following amendment to **CSSB 734**:

Amend **CSSB 734** (house committee printing) as follows:

- (1) On page 19, line 11, strike "direct" and substitute "the correctly reported gross".
- (2) On page 19, line 12, strike "for" and substitute "from writing insurance on".

Amendment No. 1 was adopted.

**CSSB 734**, as amended, was passed to third reading.

**SB 1406 - RECOMMITTED**

Representative Aycock moved to recommit **SB 1406** to the Committee on Public Education.

The motion prevailed.

**CSSB 462 ON SECOND READING**  
**(Lewis - House Sponsor)**

**CSSB 462**, A bill to be entitled An Act relating to specialty court programs in this state.

**CSSB 462** was passed to third reading.

**SB 109 ON SECOND READING**  
**(Dutton - House Sponsor)**

**SB 109**, A bill to be entitled An Act relating to a housing plan developed and certain housing information collected and reported by the Texas Department of Housing and Community Affairs.

**SB 109** was passed to third reading. (Flynn, Simpson, and Zedler recorded voting no.)

**CSSB 112 ON SECOND READING**  
**(Smithee - House Sponsor)**

**CSSB 112**, A bill to be entitled An Act relating to a requirement for and the contents of a declarations page required for certain standard insurance policy forms for residential property insurance.

**CSSB 112** was passed to third reading. (Anderson, Button, Flynn, Schaefer, Simpson, and Zedler recorded voting no.)

**SB 152 ON SECOND READING  
(Kolkhorst - House Sponsor)**

**SB 152**, A bill to be entitled An Act relating to the protection and care of persons who are elderly or disabled or who are children.

**SB 152** was passed to third reading.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Raymond requested permission for the Committee on Human Services to meet while the house is in session, at 5:20 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Human Services, 5:20 p.m. today, 3W.9, for a formal meeting, to consider pending business.

**SB 222 ON SECOND READING  
(Dukes - House Sponsor)**

**SB 222**, A bill to be entitled An Act relating to the venue for prosecution of certain computer crimes.

**SB 222** was passed to third reading.

**SB 246 ON SECOND READING  
(Harper-Brown - House Sponsor)**

**SB 246**, A bill to be entitled An Act relating to the electronic submission of a request for an attorney general opinion.

**SB 246** was passed to third reading.

**SB 286 ON SECOND READING  
(G. Bonnen - House Sponsor)**

**SB 286**, A bill to be entitled An Act relating to a home loan program operated by the Texas State Affordable Housing Corporation.

**SB 286** was passed to third reading. (Schaefer and Simpson recorded voting no.)

**SB 394 ON SECOND READING  
(Herrero - House Sponsor)**

**SB 394**, A bill to be entitled An Act relating to restricting access to records of children convicted of or receiving deferred disposition for certain fine-only misdemeanors.

**SB 394** was passed to third reading.

**SB 395 ON SECOND READING**  
**(Herrero - House Sponsor)**

**SB 395**, A bill to be entitled An Act relating to fines and court costs imposed on a child in a criminal case.

**SB 395** was passed to third reading. (Button, Flynn, and Zedler recorded voting no.)

**CSSB 673 ON SECOND READING**  
**(Smith - House Sponsor)**

**CSSB 673**, A bill to be entitled An Act relating to the requirements for elevators, escalators, and related equipment; providing penalties.

**Amendment No. 1**

Representative Smith offered the following amendment to **CSSB 673**:

Amend **CSSB 673** (house committee printing) by adding the following SECTION, appropriately numbered, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 754, Health and Safety Code, is amended by adding Section 754.0112 to read as follows:

Sec. 754.0112. INSTITUTION OF HIGHER EDUCATION: EMPLOYEE DUTIES AND INSURANCE REQUIREMENT. (a) In this section, "institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(b) Notwithstanding any contrary provision of this chapter, this chapter does not prohibit a registered elevator inspector or registered contractor from performing an activity regulated by this chapter or the rules adopted under this chapter if the inspector or contractor is performing the activity as an employee of an institution of higher education.

(c) Notwithstanding any contrary provision of this chapter, this chapter does not prohibit a registered elevator inspector or registered contractor performing an activity described by Subsection (b) as an employee of an institution of higher education from providing written evidence of self-insurance coverage to satisfy an insurance requirement under this chapter or rules adopted under this chapter.

Amendment No. 1 was adopted.

**CSSB 673**, as amended, was passed to third reading. (Schaefer and Simpson recorded voting no.)

**CSSB 700 ON SECOND READING**  
**(Kacal and Raney - House Sponsors)**

**CSSB 700**, A bill to be entitled An Act relating to energy and water management planning and reporting by state agencies and institutions of higher education.

**Amendment No. 1**

Representative Taylor offered the following amendment to **CSSB 700**:

Amend **CSSB 700** (house committee printing) on page 2, line 10, after the period, by inserting "This subsection expires September 1, 2019."

Amendment No. 1 was adopted.

**CSSB 700**, as amended, was passed to third reading. (Button, Schaefer, and Simpson recorded voting no.)

**SB 1372 ON SECOND READING**  
**(P. King - House Sponsor)**

**SB 1372**, A bill to be entitled An Act relating to timeshare owners' associations.

**Amendment No. 1**

Representative P. King offered the following amendment to **SB 1372**:

Amend **SB 1372** (house committee report) as follows:

- (1) On page 1, strike lines 9-11.
- (2) On page 1, line 12, strike "221.082" and substitute "221.081" and renumber subsequent sections and cross-references in added Subchapter I, Chapter 221, Property Code, accordingly.
- (3) On page 1, line 13, strike "and to" and substitute """.
- (4) On page 1, line 15, between "plan" and "regardless", insert ", and the association related to the timeshare plan,".
- (5) On page 1, line 18, strike "and to" and substitute """.
- (6) On page 1, line 20, between "plan" and "created", insert ", and the association related to the timeshare plan,".
- (7) On page 2, line 1, strike "subchapter" and substitute "chapter".
- (8) On page 10, line 16, strike ";" and substitute "or".
- (9) On page 10, line 17, strike ", or any other purpose".
- (10) On page 10, line 19, strike "subchapter" and substitute "chapter".
- (11) On page 12, between lines 13 and 14, insert the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 221, Property Code, is amended by adding Section 221.004 to read as follows:

Sec. 221.004. CONFLICTS OF LAW. (a) The provisions of this chapter prevail over a conflicting or inconsistent provision of law applicable to timeshare owners' associations.

(b) Provisions of this code relating to property owners' associations do not apply to an association subject to this chapter.

(12) On page 13, lines 13 and 14, strike "unless the project instrument provides otherwise, provisions required by Subchapter I" and substitute "the provisions required by Subchapter I to be included in a project instrument unless the provisions are included in one or more other project instruments".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Sheets offered the following amendment to **SB 1372**:

Amend **SB 1372** (house committee report), as follows:

- (1) On page 14, line 7, strike "Subsection (a),".
- (2) On page 14, line 8, between "amended" and "to read", insert "by adding Subsection (e)".
- (3) Strike page 14, line 9, through page 15, line 13, and substitute the following:

(e) A person, other than an owner of a timeshare interest who purchased the interest from a developer for the person's own personal use and occupancy, commits a false, misleading, or deceptive act or practice within the meaning of Sections 17.46(a) and (b), Business & Commerce Code, and an unconscionable action or course of action as defined by Section 17.45, Business & Commerce Code, by knowingly participating, for consideration or with the expectation of consideration, in any plan or scheme a purpose of which is to transfer a timeshare interest to a transferee who does not have the ability, means, or intent to pay all assessments and taxes for the timeshare interest. An association or other managing entity does not commit an act or action as described by this subsection by performing administrative acts and collecting fees or expenses as customary or required by law or under the project instruments in connection with a transfer by an owner of a timeshare interest in the timeshare property.

Amendment No. 2 was adopted.

**SB 1372**, as amended, was passed to third reading. (Simpson recorded voting no.)

**SB 123 ON SECOND READING**

**(Márquez, Moody, and N. Gonzalez - House Sponsors)**

**SB 123**, A bill to be entitled An Act relating to the authority of the commissioner of education to issue subpoenas and conduct accreditation investigations.

**Amendment No. 1**

Representative Kleinschmidt offered the following amendment to **SB 123**:

Amend **SB 123** (house committee printing) on page 1, line 18, by striking "shall" and substituting "may [~~shall~~]".

Amendment No. 1 was adopted.

**SB 123**, as amended, was passed to third reading.

**SB 270 ON SECOND READING**

**(Herrero - House Sponsor)**

**SB 270**, A bill to be entitled An Act relating to a limited exception to the prohibition on releasing personal information about a juror collected during the jury selection process in certain cases.

**Amendment No. 1**

On behalf of Representative Canales, Representative Herrero offered the following amendment to **SB 270**:

Amend **SB 270** (house committee printing) as follows:

- (1) On page 1, line 9, strike "(b) and (c)" and substitute "(b), (c), and (d)".
- (2) On page 1, line 15, strike "the defense counsel" and substitute "[the defense] counsel representing the defendant at trial or in a postconviction proceeding".
- (3) On page 1, line 16, strike "(b) On" and substitute "(b) Subject to Subsection (d), on".
- (4) On page 2, between lines 1 and 2, insert the following:
  - (d) On a written request, the court shall disclose the information described by Subsection (a) that was collected by the court, including providing copies of any juror summons, to counsel representing the defendant in a postconviction proceeding. A showing of good cause is not required for a disclosure under this subsection. This subsection does not authorize the disclosure of information described by Subsection (a) that was collected by a prosecuting attorney.

Amendment No. 1 was adopted.

**SB 270**, as amended, was passed to third reading.

**SB 344 ON SECOND READING**  
**(S. Turner and Wu - House Sponsors)**

**SB 344**, A bill to be entitled An Act relating to the procedure for an application for a writ of habeas corpus based on relevant scientific evidence.

**SB 344** was passed to third reading.

**SB 394 - HOUSE SPONSOR AUTHORIZED**

On motion of Representative Herrero, Representative Wu was authorized as a house sponsor to **SB 394**.

**SB 357 ON SECOND READING**  
**(Anchia - House Sponsor)**

**SB 357**, A bill to be entitled An Act relating to the issuance of protective orders for certain sexual, stalking, and trafficking offenses.

**Amendment No. 1**

Representative Anchia offered the following amendment to **SB 357**:

Amend **SB 357** (house committee report) on page 1, line 19, as follows:

- (1) Strike "previously issued".
- (2) Strike "with respect to" and substitute "involving".

Amendment No. 1 was adopted.

**SB 357**, as amended, was passed to third reading.

(Hunter now present)

**SB 361 ON SECOND READING**  
**(Anchia - House Sponsor)**

**SB 361**, A bill to be entitled An Act relating to the duties of a magistrate to inform an arrested person of consequences of a plea of guilty or nolo contendere.

**Amendment No. 1**

Representative Burkett offered the following amendment to **SB 361**:

Amend **SB 361** (house committee printing) as follows:

(1) On page 1, line 5, strike "Subsection (a),".

(2) On page 1, line 6, between "amended" and "to" insert "by amending Subsection (a) and adding Subsection (a-1)".

(3) On page 3, between lines 16 and 17, insert the following:

(a-1) If a magistrate admits to bail under Subsection (a) a person suspected of committing an offense described by Section 3g(a), Article 42.12, the magistrate and the attorney representing the state shall notify the victim or close relative of a deceased victim of any bail reduction or other subsequent proceeding relating to the bail of the person.

Amendment No. 1 was adopted.

**SB 361**, as amended, failed to pass to third reading by (Record 846): 60 Yeas, 86 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burkett; Burnam; Canales; Carter; Clardy; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Hernandez Luna; Herrero; Howard; Hughes; Johnson; King, T.; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Simpson; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

Nays — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Button; Callegari; Capriglione; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Harless; Harper-Brown; Hilderbran; Huberty; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler; Zerwas.

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

Absent, Excused, Committee Meeting — Pitts.

Absent — King, S.

## STATEMENT OF VOTE

I was shown voting yes on Record No. 846. I intended to vote no.

Carter

### HB 949 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

**HB 949**, A bill to be entitled An Act relating to continuation of automobile insurance coverage for certain motor vehicles acquired during a personal automobile insurance policy term.

Representative Smithee moved to concur in the senate amendments to **HB 949**.

The motion to concur in the senate amendments to **HB 949** prevailed by (Record 847): 143 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; 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, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; 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.; Vallalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused, Committee Meeting — Pitts.

Absent — Anchia; King, S.; Raymond.

### Senate Committee Substitute

**CSHB 949**, A bill to be entitled An Act relating to continuation of automobile insurance coverage for certain motor vehicles acquired during a personal automobile insurance policy term.

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

SECTION 1. Section 1952.001, Insurance Code, is amended to read as follows:

Sec. 1952.001. APPLICABILITY OF CHAPTER. Except as otherwise provided by this chapter [~~Section 1952.204~~], this chapter applies to an insurer writing automobile insurance in this state, including an insurance company, corporation, reciprocal or interinsurance exchange, mutual insurance company, association, Lloyd's plan, or other insurer.

SECTION 2. Subchapter B, Chapter 1952, Insurance Code, is amended by adding Section 1952.059 to read as follows:

Sec. 1952.059. REQUIRED PROVISION: COVERAGE FOR CERTAIN VEHICLES ACQUIRED DURING POLICY TERM. (a) This section applies to an insurer authorized to write automobile insurance in this state, including an insurance company, reciprocal or interinsurance exchange, mutual insurance company, capital stock company, county mutual insurance company, Lloyd's plan, or other entity.

(b) A personal automobile insurance policy must contain a provision defining a covered vehicle in accordance with this section for a motor vehicle acquired by the insured during the policy term.

(c) Coverage under this section is required only for a vehicle that is:

(1) a private passenger automobile; or

(2) a pickup, utility vehicle, or van with a gross vehicle weight of 25,000 pounds or less that is not used for the delivery or transportation of goods, materials, or supplies, other than samples, unless:

(A) the delivery of the goods, materials, or supplies is not the primary use for which the vehicle is employed; or

(B) the vehicle is used for farming or ranching.

(d) Coverage under this section is required only for a vehicle that is acquired during the policy term and of which the insurer is notified on or before:

(1) the 20th day after the date on which the insured becomes the owner of the vehicle; or

(2) a later date specified by the policy.

(e) Coverage under this section for a vehicle that replaces a covered vehicle shown in the declarations for the policy must be the same as the coverage for the vehicle being replaced. An insured must notify the insurer of a replacement vehicle during the time prescribed by Subsection (d) only if the insured wishes to:

(1) add coverage for damage to the vehicle; or

(2) continue existing coverage for damage to the vehicle after the period prescribed by Subsection (d) expires.

(f) Coverage under this section for a vehicle that is acquired during the policy term in addition to the covered vehicles shown in the declarations for the policy and of which the insurer is notified as prescribed by Subsection (d) must be the broadest coverage provided under the policy for any covered vehicle shown in the declarations.

SECTION 3. The change in law made by this Act applies only to an insurance policy delivered, issued for delivery, or renewed on or after January 1, 2014. An insurance policy delivered, issued for delivery, or renewed before January 1, 2014, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

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

**HB 740 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 740**, A bill to be entitled An Act relating to newborn screening for critical congenital heart disease and other disorders.

Representative Crownover moved to concur in the senate amendments to **HB 740**.

The motion to concur in the senate amendments to **HB 740** prevailed by (Record 848): 143 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, 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; 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.; Turner, C.; Turner, E.S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Stickland.

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

Absent, Excused, Committee Meeting — Pitts.

Absent — King, S.; Toth; Turner, S.

**STATEMENT OF VOTE**

I was shown voting no on Record No. 848. I intended to vote yes.

Stickland

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

Amend **HB 740** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. This Act shall be known as the Taryn Kennedy, Nash Sievers, and Rex Van de Putte Act.

**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. 27).

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Culture, Recreation, and Tourism, upon adjournment today, Desk 16, for a formal meeting, to consider pending business.

Select Committee on Federalism and Fiscal Responsibility, upon adjournment today, E2.036, for a public hearing, to consider **SCR 6**.

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

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

(K. King in the chair)

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Public Education, upon adjournment today, 3W.15, for a formal meeting, to consider **SB 401, SB 418, SB 832, SB 1406, SB 1718**, and pending business.

**ADJOURNMENT**

Representative S. Davis moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 6:08 p.m., adjourned until 10 a.m. tomorrow.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

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

**List No. 1**

**SB 950** to Licensing and Administrative Procedures.

**SB 1218** to Judiciary and Civil Jurisprudence.

**SB 1310** to Public Education.

**SB 1921** to Special Purpose Districts.

**List No. 2**

**HCR 122** (By Zerwas), Designating September 23, 2013, as Restless Legs Syndrome–Willis-Ekbom Disease Awareness Day in Texas.

To Rules and Resolutions.

**SB 220** to Pensions.

**SB 724** to Special Purpose Districts.

**SB 725** to Special Purpose Districts.

**SB 1029** to Transportation.

**SB 1034** to County Affairs.

**SB 1262** to Urban Affairs.

**SB 1554** to Agriculture and Livestock.

**SB 1560** to Land and Resource Management.

**SB 1915** to Special Purpose Districts.

**SB 1917** to Transportation.

**SCR 27** to International Trade and Intergovernmental Affairs.

**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 31**

**HB 1222, HB 1421, HB 2961, HCR 92**

**Senate List No. 27**

**SB 15, SB 50, SB 129, SB 130, SB 131, SB 165, SB 183, SB 194, SB 322, SB 323, SB 324, SB 328, SB 329, SB 426, SB 435, SB 529, SB 581, SB 630**

**MESSAGES FROM THE SENATE**

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

**Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Wednesday, May 15, 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:  
LOCAL AND UNCONTESTED CALENDAR

**HB 86** Callegari SPONSOR: Lucio  
Relating to the criteria for review by the Sunset Advisory Commission of an agency that licenses an occupation.  
(Committee Substitute)

**HB 144** Raymond SPONSOR: Nelson  
Relating to a mental examination of a child subject to the juvenile justice system.

**HB 243** Menéndez SPONSOR: Uresti  
Relating to the authority of a community center that provides mental health or mental retardation services to sell certain real property of the center.  
(Committee Substitute)

**HB 248** Walle SPONSOR: Ellis  
Relating to the regulation of automotive wrecking and salvage yards in certain counties.  
(Committee Substitute)

**HB 252** Larson SPONSOR: Hegar  
Relating to water shortage reporting by water utilities and providers of wholesale water service.  
(Committee Substitute)

**HB 341** Pitts SPONSOR: Nichols  
Relating to the exclusion of certain mineral interests from the property interests that may be condemned by a regional tollway authority.

**HB 347** Pitts SPONSOR: Nichols  
Relating to prohibiting using a wireless communication device while operating a motor vehicle on school property.  
(Committee Substitute)

**HB 389** Thompson, Senfronia SPONSOR: Rodríguez  
Relating to the enforcement of spousal maintenance agreements and property distribution agreements incident to divorce or annulment.

**HB 403** Davis, Sarah SPONSOR: Ellis  
Relating to liability of certain certified municipal inspectors for services rendered during an emergency or disaster.

**HB 410** King, Phil SPONSOR: Estes  
Relating to the administration and operation of the appellate judicial system for the Second Court of Appeals District; changing an appellate judicial system court costs fee in certain counties.

**HB 434** Riddle SPONSOR: Whitmire  
Relating to the persons authorized to take a blood specimen from a vehicle operator to test for alcohol concentration or other intoxicating substances.

- HB 480** Alvarado SPONSOR: Ellis  
Relating to the use of sick leave by state employees who are attending educational activities of their children.
- HB 511** Murphy SPONSOR: Carona  
Relating to the registration of token trailers.
- HB 567** Smith SPONSOR: Nichols  
Relating to the definition of an authorized emergency vehicle.
- HB 570** Alonzo SPONSOR: Rodríguez  
Relating to issuance of a magistrate's order for emergency protection.
- HB 622** Eiland SPONSOR: Hegar  
Relating to the report by the General Land Office to the legislature on the effectiveness of the coastal management program.
- HB 625** Harper-Brown SPONSOR: Carona  
Relating to the penalty for the operation of a vehicle without a license plate.
- HB 630** Larson SPONSOR: Huffman  
Relating to the filling of vacancies on a political party's county executive committee.  
(Committee Substitute)
- HB 634** Farias SPONSOR: Rodríguez  
Relating to the verification of an inmate's veteran status by the Texas Department of Criminal Justice.
- HB 695** Phillips SPONSOR: Nichols  
Relating to funding state highway markers.
- HB 748** Raymond SPONSOR: Nelson  
Relating to a waiver allowing the Department of Family and Protective Services to use certain federal funds to test innovation strategies in child welfare programs.
- HB 762** Guillen SPONSOR: Carona  
Relating to restrictions on disaster remediation contracts following a locally declared disaster.
- HB 768** Howard SPONSOR: Watson  
Relating to the application of the public and private facilities and infrastructure contracting requirements to technology facilities.
- HB 797** Thompson, Senfronia SPONSOR: Garcia  
Relating to certain written information the Windham School District must provide to a person before the person enrolls in a district vocational training program.
- HB 798** Thompson, Senfronia SPONSOR: Garcia  
Relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who has been convicted of a Class C misdemeanor.  
(Committee Substitute)
- HB 799** Thompson, Senfronia SPONSOR: Whitmire  
Relating to vocational training programs provided by the Windham School District.
- HB 878** Crownover SPONSOR: Estes

Relating to the filing with the state of electric logs by operators of oil-related or gas-related wells; providing a penalty.

**HB 938** Hughes SPONSOR: Eltife  
Relating to the designation of a segment of Farm-to-Market Road 2348 in Titus County as the Army Staff Sergeant Chauncy Mays Memorial Highway.

**HB 944** Riddle SPONSOR: Carona  
Relating to an exemption from license requirements for a limited number of sales of manufactured housing.  
(Committee Substitute)

**HB 1160** Geren SPONSOR: Nelson  
Relating to the transfer of a certificate of convenience and necessity in certain municipalities.  
(Committee Substitute)

**HB 1204** Parker SPONSOR: Nelson  
Relating to designating October 1 as Influenza Awareness Day.

**HB 1205** Parker SPONSOR: Carona  
Relating to the offense of failure to report abuse or neglect of a child.

**HB 1264** Huberty SPONSOR: Deuell  
Relating to information regarding the number of public school students with dyslexia.

**HB 1334** Márquez SPONSOR: Rodríguez  
Relating to the composition of the El Paso County juvenile board.

**HB 1347** González, Mary SPONSOR: Rodríguez  
Relating to the use of El Paso Mission Valley specialty license plate fees for the preservation and rehabilitation of the Socorro, San Elizario, and Ysleta Missions.

**HB 1395** King, Susan SPONSOR: Nelson  
Relating to the exemption of registered dental laboratories from certain distributing and manufacturing licensing requirements.

**HB 1445** Thompson, Senfronia SPONSOR: Duncan  
Relating to the distribution of certain civil penalties and civil restitution received by the attorney general.  
(Committee Substitute)

**HB 1534** Leach SPONSOR: Paxton  
Relating to the designation of a segment of U.S. Highway 75 in Collin County as the Prisoner of War Memorial Highway.  
(Committee Substitute)

**HB 1624** Cortez SPONSOR: Van de Putte  
Relating to the assumed name of a series limited liability company.

**HB 1648** Raymond SPONSOR: Nelson  
Relating to the confidentiality of certain information held by the Department of Family and Protective Services.

**HB 1711** Fletcher SPONSOR: Duncan  
Relating to barratry.

(Committee Substitute)

**HB 1718** Guillen SPONSOR: Estes  
Relating to the eligibility of certain terminally ill individuals to purchase a resident hunting license.

**HB 1760** Darby SPONSOR: Nelson  
Relating to the provision of services to certain individuals with developmental disabilities by a state supported living center.

**HB 1762** Price SPONSOR: Deuell  
Relating to workers' compensation and other remedies available to an injured temporary employee.  
(Committee Substitute)

**HB 1818** Kuempel SPONSOR: Deuell  
Relating to the disposition of confiscated game, animal parts, and animal products.  
(Committee Substitute)

**HB 1871** King, Tracy O. SPONSOR: Uresti  
Relating to the allocation of the expenses of a joint election to certain school districts.

**HB 1952** Thompson, Senfronia SPONSOR: Van de Putte  
Relating to professional development training for certain public school personnel regarding student disciplinary procedures.

**HB 1972** Kleinschmidt SPONSOR: Hancock  
Relating to the provision of 9-1-1 services; providing criminal penalties.

**HB 2016** Keffer SPONSOR: Duncan  
Relating to the receipt or consideration of a petition requesting detachment and annexation by the board of trustees of a school district after adoption of consolidation resolutions.

**HB 2051** Villalba SPONSOR: Carona  
Relating to the authority of public institutions of higher education to make certain investments to support technology commercialization.

**HB 2058** Allen SPONSOR: Ellis  
Relating to the administration of a high school equivalency examination.

**HB 2103** Villarreal SPONSOR: Seliger  
Relating to education research centers and the sharing of educational data between state agencies; redesignating certain fees as charges.

**HB 2105** Lucio III SPONSOR: Lucio  
Relating to municipally owned utility systems; authorizing the imposition of fees by a utility board of trustees.

**HB 2252** Ashby SPONSOR: Nichols  
Relating to eligibility of charitable organizations to participate in a state employee charitable campaign.

**HB 2256** Howard SPONSOR: Watson  
Relating to the view of the State Capitol.

**HB 2263** Miller, Rick SPONSOR: Huffman  
Relating to requesting a replacement voter registration certificate by telephone or electronically.

**HB 2459** Thompson, Senfronia SPONSOR: Carona  
Relating to the limitation on the amount that may be charged for certain debt cancellation agreements.

**HB 2462** Thompson, Senfronia SPONSOR: Carona  
Relating to automobile club memberships offered in connection with certain motor vehicle retail installment contracts.  
(Committee Substitute)

**HB 2475** Miller, Rick SPONSOR: Huffman  
Relating to the oath taken by a person who assists a voter.

**HB 2536** Geren SPONSOR: Nelson  
Relating to the composition of certain regional transportation authority subregional boards.

**HB 2571** Keffer SPONSOR: Fraser  
Relating to the inspection of certain information regarding the production, transportation, sale, and marketing of oil and gas from state land; imposing an administrative penalty.

**HB 2637** Frullo SPONSOR: Whitmire  
Relating to the fraudulent use of identifying information by certain sex offenders; providing criminal penalties.

**HB 2683** Price SPONSOR: Nelson  
Relating to employment in certain consumer-directed services and by certain facilities and to the nurse aide registry and the employee misconduct registry.  
(Committee Substitute)

**HB 2710** Gonzales, Larry SPONSOR: Schwertner  
Relating to the employment of an attorney by the Texas Funeral Service Commission.

**HB 2892** Raney SPONSOR: Hegar  
Relating to the authority of the board of regents of The Texas A&M University System to dispose of real property and mineral interests under its jurisdiction.

**HB 3031** Fletcher SPONSOR: Ellis  
Relating to fare enforcement officers for metropolitan rapid transit authorities.

**HB 3163** Smith SPONSOR: Taylor  
Relating to the San Jacinto Historical Advisory Board.

**HB 3337** King, Tracy O. SPONSOR: Uresti  
Relating to the authority of certain counties to impose a county hotel occupancy tax.

**HB 3559** Pickett SPONSOR: Eltife  
Relating to the Texas Peace Officers' Memorial Monument.  
(Committee Substitute)

**HB 3900** Geren SPONSOR: Hancock  
Relating to the board of directors of the Tarrant Regional Water District.

**HCR 55** Lucio III SPONSOR: Hinojosa  
 Urging the U.S. Department of State to take appropriate action to ensure that Mexico complies with the 1944 Treaty regarding shared water resources and that it make required water deliveries to the United States a priority.

**SB 1262** Rodríguez  
 Relating to the housing authorities in certain municipalities and counties.

**SB 1915** Campbell  
 Relating to the creation of the Comal County Water Improvement District No. 3; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

**SCR 27** Rodríguez  
 Urging Congress to reauthorize Section 5056 of the Water Resources Development Act of 2007 and to appropriate sufficient funds for the Rio Grande Environmental Management Program.

Respectfully,  
 Patsy Spaw  
 Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
 SENATE CHAMBER  
 Austin, Texas  
 Wednesday, May 15, 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:

**HB 15** Kolkhorst SPONSOR: Nelson  
 Relating to level of care designations for hospitals that provide neonatal and maternal services.  
 (Committee Substitute)

**HB 64** Craddick SPONSOR: Seliger  
 Relating to the liability of and the validation of certain acts of the Midland County Fresh Water Supply District No. 1.

**HB 915** Kolkhorst SPONSOR: Nelson  
 Relating to the administration and monitoring of health care provided to foster children.  
 (Committee Substitute)

**HB 1247** Clardy SPONSOR: Nichols

Relating to the authority of the board of directors of the Nacogdoches County Hospital District to employ physicians.

**HB 1265** Guillen SPONSOR: Zaffirini  
Relating to providing information to state employees about insurance available to those employees under a group coverage plan.

**HB 1917** Rodriguez, Eddie SPONSOR: Carona  
Relating to alcoholic beverage advertising on the outside of certain vehicles.  
(Committee Substitute/Amended)

**HB 1982** Murphy SPONSOR: Hinojosa  
Relating to the enterprise zone program.  
(Amended)

**HB 2302** Hunter SPONSOR: West  
Relating to signing electronic or digital court documents, to the electronic filing system established by the Texas Supreme Court, to the statewide electronic filing system fund, to certain court fees and court costs, and to recovery of electronic filing fees by taxing units; imposing and authorizing certain fees.  
(Committee Substitute)

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

**SB 15** (29 Yeas, 2 Nays)

**SB 385** (31 Yeas, 0 Nays)

**SB 1240** (31 Yeas, 0 Nays)

**SB 1487** (31 Yeas, 0 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 176**  
Senate Conferees: Carona - Chair/Davis/Ellis/Nelson/Williams

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 3**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Wednesday, May 15, 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 429** Guillen SPONSOR: Zaffirini  
 Relating to the definition of rural area for purposes of certain housing assistance administered by the Texas Department of Housing and Community Affairs.  
 (Amended)

**SB 724** 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, and taxes.

**SB 725** 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, and taxes.

**SB 1029** Campbell  
 Relating to the conversion of a nontolled state highway or segment of the state highway system to a toll project.

**SB 1554** Lucio  
 Relating to the establishment of a matching grant program for community development in certain municipalities and counties.

**SB 1560** Taylor  
 Relating to easements used for dune construction and maintenance projects in certain counties.

**SB 1917** Birdwell  
 Relating to the definition of an authorized emergency vehicle.

Respectfully,  
 Patsy Spaw  
 Secretary of the Senate

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**May 14**

Business and Industry - **SB 1388**

Criminal Jurisprudence - **SB 745**

Culture, Recreation, and Tourism - **SB 1432**

Defense and Veterans' Affairs - **SB 1200, SB 1536**

Economic and Small Business Development - **SB 507, SB 1084, SB 1226, SB 1390**

Elections - **SB 219, SB 1773**

Energy Resources - **SB 514**

Homeland Security and Public Safety - **SB 17, SB 159, SB 164, SB 1010, SB 1664, SB 1857**

Investments and Financial Services - **SB 1334**

Public Education - **SB 119, SB 122, SB 172, SB 503, SB 504, SB 684, SB 816, SB 833, SB 1474, SB 1799**

Public Health - **SB 149, SB 190**

Special Purpose Districts - **SB 1845, SB 1872, SB 1900, SB 1901, SB 1902, SB 1903**

Transportation - **SB 1350**

Ways and Means - **SB 163, SB 193, SB 475, SB 551, SB 656, SB 835, SB 843, SB 1151, SB 1662**

#### **ENGROSSED**

May 14 - **HB 2139, HB 3860, HB 3877, HB 3895, HB 3898, HB 3910, HB 3914, HB 3924, HB 3932, HB 3941, HB 3943, HB 3947**

#### **ENROLLED**

May 14 - **HB 458, HB 525, HB 535, HB 1061, HB 1222, HB 1238, HB 1421, HB 1600, HB 1844, HB 1869, HB 2311, HB 2738, HB 2961, HCR 92**

#### **SENT TO THE GOVERNOR**

May 14 - **HB 458, HB 525, HB 535, HB 839, HB 1061, HB 1238, HB 1600, HB 1844, HB 1869, HB 2311, HB 2738**

#### **SENT TO THE SECRETARY OF THE STATE**

May 14 - **HJR 79**

