

HOUSE JOURNAL

EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTIETH DAY — FRIDAY, MAY 24, 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 1185).

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

Absent, Excused — Kolkhorst.

The speaker recognized Representative Schaefer who introduced Dr. David Dykes, pastor, Green Acres Baptist Church, Tyler, who offered the invocation as follows:

Our Father, who is in heaven, we declare that your name is forever holy. Thank you for giving us life and breath today because it is in you that we live and move and have our being. We pause today to ask you to continue to give strength and mercy to the victims of the explosion in West, the tornadoes in Granbury, and for those devastated families in Moore, Oklahoma. Thank you for allowing us to live in the United States of America, and especially, thank you for allowing us to live in the great State of Texas. We praise you because you are the Author of Liberty. Your Word says: A king's heart is like streams of water in the Lord's

hand; you direct it wherever you choose. All a man's ways seem right to him, but, you, O Lord, evaluate the motives of the heart. You tell us that doing what is righteous and just is more acceptable than sacrifice. (Proverbs 21:1-3)

Today, I ask you to bless these leaders, your elected representatives. I pray for them the same request that King Solomon made: "Give your servants discerning hearts to govern your people and to distinguish between right and wrong. For who is able to govern this great people of yours?" Give them courage to do what is right, even when it isn't expedient. Give them grace to speak the truth in love, even when it isn't politically correct. Give them strength to conduct themselves with dignity, even when they're tempted to argue. Give them patience to endure the legislative process, even when the discussion seems tedious. Give them diligence to work hard, even when the reward can't be seen. You have told us "blessed is the nation whose God is the Lord." May this ever be true for our country and for our state. And Father, I close this prayer with the same words that the father of our nation, George Washington, used in his prayers: "These petitions I humbly implore thee to accept and answer for the sake of thy Dear Son, Jesus Christ our Lord." Amen.

The speaker recognized Representative Schaefer 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 because of family matters:

Kolkhorst on motion of Geren.

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative G. Bonnen who presented Dr. John Redman of Anahuac as the "Doctor for the Day."

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

(Harper-Brown in the chair)

HR 1075 - PREVIOUSLY ADOPTED

(by Guillen)

The chair laid out the following previously adopted resolution:

HR 1075, Honoring Alison Busse Savage for her service to Willacy County.

INTRODUCTION OF GUESTS

The chair recognized Representative Guillen who introduced Alison Busse Savage and members of her family.

(Márquez in the chair)

HR 1254 - PREVIOUSLY ADOPTED
(by Frullo)

The chair laid out the following previously adopted resolution:

HR 1254, Recognizing May 25, 2013, as National Missing Children's Day.

On motion of Representative Frullo, the names of all the members of the house were added to **HR 1254** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Frullo who introduced representatives of the National Center for Missing and Exploited Children.

LEAVE OF ABSENCE GRANTED

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

S. King on motion of Geren.

HR 2602 - ADOPTED
(by Strama)

Representative Strama moved to suspend all necessary rules to take up and consider at this time **HR 2602**.

The motion prevailed.

The following resolution was laid before the house:

HR 2602, Congratulating Barbara-Jane Paris on her selection as president of the National Association of Secondary School Principals.

HR 2602 was adopted.

On motion of Representatives Howard, Patrick, and R. Sheffield, the names of all the members of the house were added to **HR 2602** as signers thereof.

HR 2559 - ADOPTED
(by Nevárez)

Representative Nevárez moved to suspend all necessary rules to take up and consider at this time **HR 2559**.

The motion prevailed.

The following resolution was laid before the house:

HR 2559, In memory of former state representative Dick Slack of Pecos.

HR 2559 was read and was unanimously adopted by a rising vote.

On motion of Representative Lewis, the names of all the members of the house were added to **HR 2559** as signers thereof.

HCR 209 - ADOPTED
(by Geren)

Representative Schaefer moved to suspend all necessary rules to take up and consider at this time **HCR 209**.

The motion prevailed.

The following resolution was laid before the house:

HCR 209, Convening a joint memorial session to honor Texans killed while serving in the Global War on Terrorism, commemorating Memorial Day 2013, and paying tribute to all those who have died in the service of the United States.

HCR 209 was adopted.

On motion of Representative Schaefer, the names of all the members of the house were added to **HCR 209** as signers thereof.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 41).

HR 2327 - PREVIOUSLY ADOPTED
(by Villalba)

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

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

On motion of all members, the names of all the members of the house were added to **HR 2327** as signers thereof.

HR 2327 - REMARKS

REPRESENTATIVE VILLALBA: Memorial resolutions are so often about people we've heard of, or who have made their mark on society, or who had an impact back home in our districts. But today, members, I beg your indulgence. Allow me to talk about somebody who is very personal to me and someone who was taken much too young by a very horrible, horrible disease. Today, I'd like to tell you about my only sister, Andrea Lois Rodely, also known as Andie, who passed away last year at the age of 43, after a very short battle with lung cancer, even though she never smoked a single day in her life.

Words of remembrance for our friends and loved ones are often reserved for those who have lived long lives and who have fulfilled many of their life's ambitions. These words are most frequently spoken by the children or the grandchildren of the person who is no longer with us. They are, as many people say, a "celebration of life," because they honor the richness and fullness of a completed life.

But I can attest that there are no easy words that can take away our pain and anguish at having lost a loved one so prematurely. It is neither natural nor ordinary to lose someone who is so young, so vital, so alive, and so much a part of our lives, because they are in the prime of their own lives.

To know my sister well was to love her. Anyone who had been blessed enough to spend time with her, even for a brief moment, would immediately become aware of some fundamental truths about her and immediately fall in love with her. Andrea had a warm and loving heart the size of Texas. She was a friend to all, never was judgmental, always forgiving, and always sought peace and consensus over confrontation—an aspiration I try to live up to each and every day in this great chamber. My sister loved her husband and son more than her own life and she placed supreme importance on her family relationships. In the final year of her life, she spent as much time preparing for a life for all of us after she would go than she did taking care of her life to her awful disease. Andrea was a native of this great state. She was born in Dallas at Methodist Hospital near the Trinity River. She played and swam in the cooling rivers of Lakes Whitney, Grapevine, and Tawakoni; took photographs of her only son Samuel on the vivid hillsides of Ennis during the spring bluebonnet blooms, like many of us have before; and settled in my district in Dallas just a half a block away from me so that we could raise our families together.

But there is more to this story. Andrea was more than merely the sum of her experiences. In the final year of her life, I learned something about my sister that even I didn't know. It was during her fight with lung cancer that I learned of my sister's tremendous courage, and strength, and resolve. Growing up, Andie and I were like any two siblings. We played together, laughed together, and fought with one another occasionally. She taught me to read and count, and she blazed the trail for me at school. And my contribution in this compact was to do the things she didn't like to do—ask our parents for permission to drive the car, ask the nice man at the convenience store to let us buy the candy even if we were five cents short, and even find out a crafty way to get an extra chocolate chip cookie from my grandmother when my sister was too afraid to ask. I was her go-to guy, and I always assumed it was because she was too timid or meek to take on these kinds of chores on her own. I was the strong one, purportedly. But when she was originally diagnosed, ten months before she died, my childhood perceptions of my sister changed forever. We noticed that of all of us, Andrea was the one who was strongest in the face of her challenges. No matter how bad the news or how grim the prognosis—there were nights we had many bad prognoses—she smiled; she fought; she persevered with that radiant smile and that resolved positivity that was inspirational to me.

Toward the very end, as the disease began to take hold, it was easy to see the ravages of her struggle on her body. Her husband Jack, as usual, was strong and acted as Andrea's rock, and the rest of us were doing the best we could to face the challenges and be with her as she fought this horrible disease. But through it all, she fought. She fought valiantly. She never complained. She never asked for, nor would she accept any pity. She never showed fear, and she always maintained her faith, strength, positivity, and desire to live.

It is in the crucible of tribulation that a person's character is revealed. I can attest to you that based on what I witnessed with my own eyes that my sister is a paragon of courage and a titan of resiliency. She showed a strength and a fortitude during her darkest hours that changed me, and anyone who witnessed it, for the rest of our lives.

Some folks, after her death, like to comfort us by saying that there must be a "plan" in this tragedy that has not yet been revealed. I don't know much about God's plans or thoughts, but I do know that the source of my sister's strength and courage came from her faith in God. It's because of her beliefs that she was able to face the greatest challenge of her life with dignity, strength, and courage. To me, that's tangible, and real, and helps me to better understand why faith in God actually matters.

My sister may not have been a head of state, a powerful civic servant, a well-known businesswoman, or a celebrity, but today, on what would have been Andrea's 45th birthday, May 24, 2013, we honor her life because of one simple reason—she was a Texan. She was an ordinary Texan who lived an ordinary life. But because of her impact on me, her family, and her friends, to me she will always be extraordinary.

Andrea is the kind of person we all came down here to represent—an ordinary Texan. I love her so much, and I miss her every day. I am honored that I was able to share her story with you so that we might recognize, in this hallowed hall of the Texas House of Representatives, a person that we represent. For this reason, in addition to the resolution honoring the life of my sister, Andrea, I offer **HR 2468**, recognizing May 24th as Texas Lung Cancer Awareness Day. Thank you, members.

(Speaker pro tempore in the chair)

INTRODUCTION OF GUESTS

The chair recognized Representative Villalba who introduced representatives of the American Lung Association.

REMARKS ORDERED PRINTED

Representative J. Sheffield moved to print remarks by Representative Villalba.

The motion prevailed.

(R. Sheffield in the chair)

HR 2468 - ADOPTED **(by Villalba)**

Representative Villalba moved to suspend all necessary rules to take up and consider at this time **HR 2468**.

The motion prevailed.

The following resolution was laid before the house:

HR 2468, Recognizing May 24, 2013, as Lung Cancer Awareness Day in Texas.

HR 2468 was adopted.

RESOLUTIONS ADOPTED

Representative J. Rodriguez moved to suspend all necessary rules to take up and consider at this time the following congratulatory resolutions:

HR 2437 (by Stickland), Congratulating Ritisha Gupta on her receipt of the Spirit of Volunteerism Grant from the Colleyville Woman's Club.

HR 2438 (by Stickland), Congratulating Heather Meyer on her receipt of the President's Youth Volunteer Service Award from the Colleyville Woman's Club.

HR 2440 (by Stickland), Congratulating Mackenzie L. Bates on her receipt of the Youth Volunteer Service Award from the Colleyville Woman's Club.

HR 2441 (by Stickland), Congratulating Mike Wagner on his retirement as principal of Meadow Creek Elementary School in Bedford.

HR 2445 (by K. King), Congratulating Laurie Dodson of Austin on her retirement from the Texas Municipal League.

HR 2446 (by Frullo), Congratulating Matthew Alec Guzman of Lubbock on attaining the rank of Eagle Scout.

HR 2447 (by Frullo), Congratulating Joseph Douglas Sims of Lubbock on achieving the rank of Eagle Scout.

HR 2448 (by Frullo), Congratulating Cullen Quinn of Lubbock on achieving the rank of Eagle Scout.

HR 2449 (by Frullo), Congratulating Jon and Glenda Hataway of Lubbock on their 50th wedding anniversary.

HR 2450 (by Frullo), Congratulating Christopher Messenger of Lubbock on attaining the rank of Eagle Scout.

HR 2451 (by Frullo), Congratulating Johnie and Freda Gilbreth of Lubbock on their 60th wedding anniversary.

HR 2452 (by Hilderbran), Commending U.S. Army Brigadier General (Ret.) Walter Schellhase for his service to the Hill Country Veterans Council.

HR 2453 (by Longoria), Congratulating Nice Kicks of Austin for its success.

HR 2454 (by Raney), Commending the Chief Clerk's Office.

HR 2455 (by Frullo), Honoring the House Committee Coordinator's Office.

HR 2456 (by Hughes), Congratulating Kendall Gould of Mineola Elementary School for being named Kiwanis Teacher of the Year.

HR 2457 (by Menéndez), Honoring Nick Monreal of San Antonio for his advocacy in behalf of senior citizens, persons with disabilities, and persons with mental illness.

HR 2458 (by Canales), Honoring Dr. Robert Nelsen on his distinguished service as president of The University of Texas–Pan American.

HR 2460 (by Kuempel), Commending the House Business Office.

HR 2461 (by Dutton), Congratulating Cynthia R. Pharms on earning her master's degree in public administration from Texas Southern University.

HR 2462 (by J. Sheffield), Congratulating Nicholas Alexander on being named valedictorian of the Copperas Cove High School Class of 2013.

HR 2463 (by Huberty), Congratulating Tom Huberty and Audi Clyde of Atascocita on their engagement.

HR 2464 (by J. Sheffield), Congratulating Patrick DeJong on being named valedictorian of the Hamilton High School Class of 2013.

HR 2465 (by Howard), Honoring the staff of the house sergeant-at-arms.

HR 2466 (by Márquez), Commending the staff of the office of the House Journal Clerk.

HR 2469 (by Villalba), Honoring the Daughters of World War II.

HR 2472 (by White), Congratulating Karli Victoria Overstreet of Kountze on her many academic achievements.

HR 2473 (by White), Commemorating the 125th anniversary of the First United Methodist Church of Kountze.

HR 2474 (by White), Congratulating Robert Simonson on his appointment as chief of the Lumberton Fire Department.

HR 2475 (by White, Carter, and E. S. Turner), Commending Bill Calhoun, chair of the Texas Federation for Republican Outreach.

HR 2476 (by White, Carter, and E. S. Turner), Commending Mona Lisa Chambers, vice chair of the Texas Federation for Republican Outreach.

HR 2477 (by White, Carter, and E. S. Turner), Commending Zoia Jones of Houston for serving as a longtime Republican Party precinct chair.

HR 2478 (by White, Carter, and E. S. Turner), Commending Jim Bowie of Houston for serving as a longtime Republican Party precinct chair.

HR 2479 (by White, Carter, and E. S. Turner), Commending Aaron Adams of Harris County for serving as a Republican Party precinct chair.

HR 2480 (by White, Carter, and E. S. Turner), Commending Angelina Gooden of Harris County for serving as a Republican Party precinct chair.

HR 2481 (by White, Carter, and E. S. Turner), Commending Bill Holland of Harris County for serving as a Republican Party precinct chair.

HR 2482 (by White, Carter, and E. S. Turner), Commending Charles Cunningham of Harris County for serving as a Republican Party precinct chair.

HR 2483 (by White, Carter, and E. S. Turner), Commending Clyde Raymond Leuchtag of Harris County for serving as a Republican Party precinct chair.

HR 2484 (by White, Carter, and E. S. Turner), Commending Effie Hackett Williams of Harris County for serving as a Republican Party precinct chair.

HR 2485 (by White, Carter, and E. S. Turner), Commending Erroll Ivery of Harris County for serving as a Republican Party precinct chair.

HR 2486 (by White, Carter, and E. S. Turner), Commending Eugene Pack of Harris County for serving as a Republican Party precinct chair.

HR 2487 (by White, Carter, and E. S. Turner), Commending Grace Ekpo of Harris County for serving as a Republican Party precinct chair.

HR 2488 (by White, Carter, and E. S. Turner), Commending James Winston of Harris County for serving as a Republican Party precinct chair.

HR 2489 (by White, Carter, and E. S. Turner), Commending JoAnn Clack of Fort Bend County for serving as a Republican Party precinct chair.

HR 2490 (by White, Carter, and E. S. Turner), Commending Jon Taylor of Harris County for serving as a Republican Party precinct chair.

HR 2491 (by White, Carter, and E. S. Turner), Commending Langston Gillum of Harris County for serving as a Republican Party precinct chair.

HR 2492 (by White, Carter, and E. S. Turner), Commending Lula Mae Butler Rhodes of Harris County for serving as a Republican Party precinct chair.

HR 2493 (by White, Carter, and E. S. Turner), Commending Marc Pembroke of Harris County for serving as a Republican Party precinct chair.

HR 2494 (by White, Carter, and E. S. Turner), Commending Marjorie Adams of Fort Bend County for serving as a Republican Party precinct chair.

HR 2495 (by White, Carter, and E. S. Turner), Commending Marvin Evans of Harris County for serving as a Republican Party precinct chair.

HR 2496 (by White, Carter, and E. S. Turner), Commending Marvin McNeese, Jr., of Harris County for serving as a Republican Party precinct chair.

HR 2497 (by White, Carter, and E. S. Turner), Commending Melanie Flowers of Harris County for serving as a Republican Party precinct chair.

HR 2498 (by White, Carter, and E. S. Turner), Commending Pauline Nelson of Harris County for serving as a Republican Party precinct chair.

HR 2499 (by White, Carter, and E. S. Turner), Commending Rahsaan Burrell of Harris County for serving as a Republican Party precinct chair.

HR 2500 (by White, Carter, and E. S. Turner), Commending Ralph Collier of Harris County for serving as a Republican Party precinct chair.

The motion to suspend all necessary rules prevailed, and the resolutions were 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. 1).

HB 581 - MOTION TO CONFORM CAPTION

The chair moved to conform the caption of **HB 581** to the body of the bill.

The motion prevailed.

**HR 2525 - ADOPTED
(by Callegari)**

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 2525**.

The motion prevailed.

The following resolution was laid before the house:

HR 2525, Commending the House Research Organization.

HR 2525 was read and was adopted.

On motion of Representative Lewis, the names of all the members of the house were added to **HR 2525** as signers thereof.

(Speaker in the chair)

NOTICE GIVEN

At 11:39 a.m., the speaker announced that the motion to suspend all necessary rules to call up with senate amendments **HB 1025**, **HB 7**, **HB 500**, **HB 6**, and **HB 3390** would be made before the senate amendments are eligible for consideration.

(Márquez in the chair)

**HR 2324 - PREVIOUSLY ADOPTED
(by Anchia)**

The chair laid out the following previously adopted resolution:

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

On motion of Representative McClendon, the names of all the members of the house were added to **HR 2324** as signers thereof.

(Speaker pro tempore in the chair)

SB 200 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Anchia submitted the conference committee report on **SB 200**.

Representative Anchia moved to adopt the conference committee report on **SB 200**.

The motion to adopt the conference committee report on **SB 200** prevailed by (Record 1186): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; 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; Krause; Kuempel; Larson; Laubenberger; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — King, S.; Kolkhorst.

Absent — Fallon.

STATEMENT OF VOTE

When Record No. 1186 was taken, my vote failed to register. I would have voted yes.

Fallon

SB 910 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Morrison, the house granted the request of the senate for the appointment of a Conference Committee on **SB 910**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 910**: Morrison, chair; Miles, Simmons, Johnson, and Klick.

HCR 126 - PREVIOUSLY ADOPTED (by Márquez)

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

HCR 126, Paying tribute to the life of World War II veteran Juan C. Marquez of El Paso and commemorating the posthumous presentation of his military awards.

On motion of Representative Craddick, the names of all the members of the house were added to **HCR 126** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Márquez who introduced members of her family, speaking as follows:

I agonized this week about what to say at this particular memorial resolution. I took notes; I looked back into a history album of my family's to come up with the words to express how proud I am today. This resolution is for my grandfather, Juan C. Márquez, who was a World War II hero, but we didn't know he had received so many awards until 64 years after his death. The two most important men in my life are up on that dais. That's my father, Ricardo Márquez, and my uncle, Dr. Tony Márquez. I swore I wasn't going to cry.

My grandfather was a great man. I carry his name today. I'm so bless that I get to work with every single one of you in this house, and I know we don't agree, and I know I yell a lot sometimes, but I'm very passionate about the opportunity and the privilege that each of you have and that I have here, and because of a great man like Juan Márquez, that we continue to have that privilege here.

I want to thank you all for being here today. I want to thank my father and my uncle who have come from El Paso. I want to thank the governor for being here to honor such a great Texan, my grandfather. He did not have a burial with military honors. He was buried very quickly. My father was eight months, and my oldest uncle was nine years old, but they did well—they did very well and I'm very proud to honor my grandfather here today with all of you. He may not have had that beautiful ceremony and that beautiful funeral, but he has world-class 150 of the greatest Texans in this state honoring him today. So I thank you for the privilege. God bless you all. God bless you, Dad. God bless you, Uncle Tony. I'm very proud to be a part of this family, and I'm very proud to be a part of his legacy.

REMARKS ORDERED PRINTED

Representative Bell moved to print remarks by Representative Márquez.

The motion prevailed.

HR 2551 - ADOPTED (by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 2551**.

The motion prevailed.

The following resolution was laid before the house:

HR 2551, Honoring acclaimed Texas painter David Sanders.

HR 2551 was read and was adopted.

On motion of Representative R. Sheffield, the names of all the members of the house were added to **HR 2551** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Naishtat who introduced David Sanders and members of his family.

(Workman in the chair)

HR 2146 - PREVIOUSLY ADOPTED (by Wu and Harless)

The chair laid out the following previously adopted resolution:

HR 2146, Honoring the League of Women Voters of the Houston Area and its new president, Carolyn Mata.

On motion of Representative Wu, the names of all the members of the house were added to **HR 2146** as signers thereof.

HR 2147 - PREVIOUSLY ADOPTED (by Wu and Harless)

The chair laid out the following previously adopted resolution:

HR 2147, Honoring Linda Cohn for her service as president of the League of Women Voters of the Houston Area.

On motion of Representative Wu, the names of all the members of the house were added to **HR 2147** as signers thereof.

(Harper-Brown in the chair)

PROVIDING FOR RECESS

At 12:36 p.m., the chair stated that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 2:30 p.m. today.

The motion prevailed.

RESOLUTIONS REFERRED TO COMMITTEES

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

(Villarreal in the chair)

RECESS

In accordance with a previous motion, the house, at 12:52 p.m., recessed until 2:30 p.m. today.

AFTERNOON SESSION

The house met at 2:30 p.m. and was called to order by the speaker.

**HB 500 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 500, A bill to be entitled An Act relating to the computation of the franchise tax, including certain exclusions from the tax.

Representative Hilderbran moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 500**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 500**: Hilderbran, chair; Button, Bohac, T. King, and N. Gonzalez.

**HB 6 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 6, A bill to be entitled An Act relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

Representative Otto moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 6**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 6**: Otto, chair; Darby, Pitts, Geren, and D. Bonnen.

**HB 1366 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1366, A bill to be entitled An Act relating to certain procedures in family or juvenile law proceedings.

Representative Canales moved to concur in the senate amendments to **HB 1366**.

The motion to concur in the senate amendments to **HB 1366** prevailed by (Record 1187): 110 Yeas, 29 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Ashby; Aycock; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Dukes; Dutton; Fallon; Farias; Farney; Farrar; Flynn; Frank; Frullo; Geren; Giddings; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Hilderbran; Howard; Hughes; Hunter; Johnson; Kacal; Keffer; King, K.; King, T.; Kuempel; Larson; Laubenberg; Lewis; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Schaefer; Sheets; Sheffield, J.; Simpson; Smith; Stickland; Strama; Thompson, S.; Turner, C.; Turner, E.S.; Villalba; Villarreal; Vo; White; Workman; Wu; Zedler; Zerwas.

Nays — Anderson; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Creighton; Elkins; Fletcher; Goldman; Huberty; Isaac; King, P.; Kleinschmidt; Klick; Krause; Lavender; Leach; Miller, R.; Morrison; Riddle; Sanford; Sheffield, R.; Simmons; Smithee; Springer; Stephenson; Taylor; Thompson, E.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, S.; Kolkhorst.

Absent — Alonzo; Davis, Y.; Eiland; Herrero; Lozano; Menéndez; Toth; Walle.

STATEMENTS OF VOTE

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

Hunter

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

Sheets

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

Stickland

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

E. S. Turner

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

Amend **HB 1366** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The heading to Section 6.708, Family Code, is amended to read as follows:

Sec. 6.708. COSTS; ATTORNEY'S FEES AND EXPENSES.

SECTION _____. Section 6.708, Family Code, is amended by adding Subsection (c) to read as follows:

(c) In a suit for dissolution of a marriage, the court may award reasonable attorney's fees and expenses. The court may order the fees and expenses and any postjudgment interest to be paid directly to the attorney, who may enforce the order in the attorney's own name by any means available for the enforcement of a judgment for debt.

SECTION _____. Section 6.708(c), Family Code, as added by this Act, applies only to a suit for dissolution of a marriage filed on or after the effective date of this Act. A suit filed before that date is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

HB 2978 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2978, A bill to be entitled An Act relating to service of citation in connection with an expedited judicial foreclosure proceeding.

Representative Parker moved to concur in the senate amendments to **HB 2978**.

The motion to concur in the senate amendments to **HB 2978** prevailed by (Record 1188): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, S.; Kolkhorst.

Absent — Lozano; Naishtat; Toth; Workman.

Senate Committee Substitute

CSHB 2978, A bill to be entitled An Act relating to service of citation in connection with an expedited judicial foreclosure proceeding.

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

SECTION 1. Subchapter B, Chapter 17, Civil Practice and Remedies Code, is amended by adding Section 17.031 to read as follows:

Sec. 17.031. EXPEDITED FORECLOSURE PROCEEDINGS. For a power of sale exercised by the filing of an application for an expedited court order allowing the foreclosure of a contract lien under the Texas Rules of Civil Procedure 736, service of citation shall be completed in accordance with Rule 736 or 106, Texas Rules of Civil Procedure, or in any other manner provided for petitions under the Texas Rules of Civil Procedure.

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

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

Amend **CSHB 2978** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 22, Government Code, is amended by adding Section 22.018 to read as follows:

Sec. 22.018. PROMULGATION OF FORMS FOR CERTAIN EXPEDITED FORECLOSURE PROCEEDINGS. (a) The supreme court shall promulgate the following forms for use in expedited foreclosure proceedings described by Section 50(r), Article XVI, Texas Constitution:

- (1) a form for application for an expedited foreclosure proceeding;
- (2) a form for a supporting affidavit; and
- (3) a form for any court-required citation.

SECTION _____. Not later than March 1, 2014, The Texas Supreme Court shall promulgate the form required by section 22.018, Government Code, as added by this Act.

SECTION _____. Subchapter B, Chapter 154, Civil Practice and Remedies Code, is amended by adding Section 154.028 to read as follows:

Sec. 154.028. MEDIATION FOLLOWING APPLICATION FOR EXPEDITED FORECLOSURE. (a) A citation for expedited foreclosure may be served in the manner provided by Rule 106 or 736, Texas Rules of Civil Procedure. Following the filing of a response to an application for an expedited foreclosure proceeding under Rule 736.5, Texas Rules of Civil Procedure, a court may, in the court's discretion, conduct a hearing to determine whether to order mediation. A court may not order mediation without conducting a hearing. The petitioner or respondent may request a hearing to determine whether mediation is necessary or whether an application is defective.

(b) A hearing under Subsection (a) may not be conducted before the expiration of the respondent's deadline to file a response.

(c) Subject to Subsection (d), a hearing under Subsection (a) may be conducted by telephone.

(d) Not later than the 10th day before the date of a hearing under Subsection (a), the court shall send notice of the hearing to the parties concerning whether the hearing will be conducted by telephone and, if applicable, instructions for contacting the court and attending the hearing by telephone.

(e) At a hearing under Subsection (a), the court must consider any objections to the referral of the case to mediation.

(f) If the court orders the case to mediation, the mediation must be conducted before the expiration of any deadline imposed by Rule 736, Texas Rules of Civil Procedure.

(g) If the parties to a case that has been ordered to mediation are unable to agree on the appointment of a mediator, the court may appoint a mediator. If a mediator is appointed by the court, the court shall provide all parties with the name of the chosen mediator at the mediation hearing if the parties are unable to agree to a mediator at that hearing.

(h) A mediator's fee shall be divided equally between the parties.

(i) The parties may agree to waive the mediation process.

(j) The court may not conduct a hearing under this section if the applicant has served the citation in compliance with Rule 106, Texas Rules of Civil Procedure, and a response to the application has not been filed before the deadline provided by Rule 736, Texas Rules of Civil Procedure.

(k) If a respondent fails to attend a mediation hearing after notice in accordance with Subsection (d), the court:

(1) may not order mediation; and

(2) shall grant or deny the petitioner's motion for default order under Rule 736.7, Texas Rules of Civil Procedure.

(l) If a respondent attends a hearing and mediation is ordered, any mediation must take place not later than the 29th day after the date the petitioner filed a motion for default order.

(m) Notwithstanding Section 22.004, Government Code, the supreme court may not amend or adopt rules in conflict with this section.

HB 1847 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1847, A bill to be entitled An Act relating to continuing legal education in ethics or professional responsibility for prosecutors.

Representative Raymond moved to concur in the senate amendments to **HB 1847**.

The motion to concur in the senate amendments to **HB 1847** prevailed by (Record 1189): 142 Yeas, 1 Nays, 1 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; 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; Kalal; Keffer; King, K.; King, P.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Phillips.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, S.; Kolkhorst.

Absent — Anchia; Murphy; Naishtat; Strama.

REASON FOR VOTE

After consultation with the school districts in San Patricio County, **HB 1847** in its final version is a great bill and is needed to avert fiscal turmoil.

Lozano

Senate Committee Substitute

CSHB 1847, A bill to be entitled An Act relating to continuing legal education in ethics or professional responsibility for prosecutors.

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

SECTION 1. Subchapter B, Chapter 41, Government Code, is amended by adding Section 41.111 to read as follows:

Sec. 41.111. TRAINING RELATED TO PROSECUTING ATTORNEY'S DUTY TO DISCLOSE EXCULPATORY AND MITIGATING EVIDENCE. (a) Each attorney representing the state in the prosecution of felony and misdemeanor criminal offenses other than Class C misdemeanors shall complete a course of study relating to the duty of a prosecuting attorney to disclose exculpatory and mitigating evidence in a criminal case.

(b) The court of criminal appeals shall adopt rules relating to the training required by Subsection (a). In adopting the rules, the court shall consult with a statewide association of prosecuting attorneys in the development, provision, and documentation of the required training.

(c) The rules must:

(1) require that each attorney, within 180 days of assuming duties as an attorney representing the state described in Subsection (a), shall receive one hour of instruction relating to the duty of a prosecuting attorney to disclose exculpatory and mitigating evidence in a criminal matter;

(2) require additional training on a schedule or at a time as determined by the court;

(3) provide that the required training be specific with respect to a prosecuting attorney's duties regarding the disclosure of exculpatory and mitigating evidence in a criminal case, and must be consistent with case law and the Texas Disciplinary Rules of Professional Conduct; and

(4) provide for a method of certifying the completion of the training described in Subdivisions (1) and (2).

SECTION 2. (a) The court of criminal appeals shall adopt rules required by Section 41.111, Government Code, as added by this Act, not later than January 1, 2014.

(b) A person who on January 1, 2014, is serving as an attorney representing the state as described in Section 41.111(a), Government Code, as added by this Act, must comply with the training requirements of this section not later than January 1, 2015.

SECTION 3. This Act takes effect January 1, 2014.

**HB 3390 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 3390, A bill to be entitled An Act relating to the Texas Economic Development Act and the Tax Increment Financing Act; authorizing a fee.

Representative Hilderbran moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3390**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3390**: Hilderbran, chair; Murphy, J. Davis, Eiland, and Darby.

**HB 2859 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2859, A bill to be entitled An Act relating to the amount of money authorized to be used for Clean Air Act local initiative projects related to vehicles.

Representative Harless moved to concur in the senate amendments to **HB 2859**.

The motion to concur in the senate amendments to **HB 2859** prevailed by (Record 1190): 109 Yeas, 35 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Bohac; Bonnen, D.; Branch; Burkett; Burnam; Callegari; Canales; Carter; Coleman; Collier; Cook; Cortez; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Fletcher; Frank; Frullo; Geren; Giddings; Gonzales; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Johnson; Kacal; Keffer; King, K.; King, P.; King, T.; Kleinschmidt; Larson; Lavender; Lewis; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Patrick; Perez; Perry; Pickett; Pitts; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Schaefer; Sheffield, J.; Smith; Strama; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zerwas.

Nays — Ashby; Bell; Bonnen, G.; Button; Capriglione; Clardy; Craddick; Creighton; Fallon; Flynn; Goldman; Gooden; Isaac; Klick; Krause; Kuempel; Laubenberger; Leach; Miller, R.; Parker; Phillips; Price; Sanford; Sheets; Sheffield, R.; Simmons; Simpson; Smithee; Springer; Stephenson; Stickland; Taylor; Toth; Turner, E.S.; Zedler.

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

Absent, Excused — King, S.; Kolkhorst.

Absent — Hunter; Lozano.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1190. I intended to vote no.

Callegari

I was shown voting yes on Record No. 1190. I intended to vote no.

Hilderbran

When Record No. 1190 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. 1190. I intended to vote no.

Lavender

I was shown voting yes on Record No. 1190. I intended to vote no.

Perry

Senate Committee Substitute

CSHB 2859, A bill to be entitled An Act relating to the amount of money authorized to be used for Clean Air Act local initiative projects related to vehicles.

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

SECTION 1. Section 382.220(d), Health and Safety Code, is amended to read as follows:

(d) Fees collected under Sections 382.202 and 382.302 may be used[;] in an amount not to exceed \$7 [~~\$5~~] million per fiscal year[;] for projects described by Subsection (b), of which \$2 million may be used only for projects described by Subsection (b)(4). The remaining \$5 million may be used for any project described by Subsection (b). The fees shall be made available only to counties participating in the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement programs created under Section 382.209 and only on a matching basis, whereby the commission provides money to a county in the same amount that the county dedicates to a project authorized by Subsection (b). The commission may reduce the match requirement for a county that proposes to develop and implement independent test facility fraud detection programs, including the use of remote sensing technology for coordinating with law enforcement officials to detect, prevent, and prosecute the use of counterfeit state inspection stickers.

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

HB 2080 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2080, A bill to be entitled An Act relating to guardianships, including the assessment and payment of attorney's fees and other court costs in guardianships, and to court-created management trusts for persons who have physical disabilities or who are incapacitated; changing the amount of a fee and requiring the collection of a fee.

Representative S. Thompson moved to concur in the senate amendments to **HB 2080**.

The motion to concur in the senate amendments to **HB 2080** prevailed by (Record 1191): 142 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; 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; 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; 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; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff;

Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Schaefer.

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

Absent, Excused — King, S.; Kolkhorst.

Absent — Alonzo; Paddie; Simmons.

STATEMENT OF VOTE

I was shown voting present, not voting on Record No. 1191. I intended to vote yes.

Goldman

Senate Amendment No. 1 (Senate Committee Amendment No. 1)

Amend **HB 2080** (house engrossment) as follows:

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

SECTION _____. Section 1102.003, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 1102.003. INFORMATION LETTER. (a) An interested person who submits an information letter under Section 1102.002(1) about a person believed to be incapacitated must, to the best of the interested person's knowledge [may]:

(1) state [include] the person's name, address, telephone number, county of residence, and date of birth;

(2) state whether the person's residence is a private residence, health care facility, or other type of residence;

(3) describe the relationship between the person and the interested person submitting the letter;

(4) state [contain] the names and telephone numbers of any known friends and relatives of the person;

(5) state whether a guardian of the person or estate has been appointed in this state for the person;

(6) state whether the person has executed a power of attorney and, if so, the designee's name, address, and telephone number;

(7) describe any property of the person, including the estimated value of that property;

(8) list the amount and source of any monthly income of the person;

(9) describe the nature and degree of the person's alleged incapacity;
and

(10) state whether the person is in imminent danger of serious impairment to the person's physical health, safety, or estate.

(b) In addition to the requirements of Subsection (a), if an information letter under that subsection is submitted by an interested person who is a family member of the person believed to be incapacitated, the information letter must:

(1) be signed and sworn to before a notary public by the interested person; or

(2) include a written declaration signed by the interested person under penalty of perjury that the information contained in the information letter is true to the best of the person's knowledge.

(2) On page 27, between lines 24 and 25, insert the following:

(d) The changes in law made by this Act to Section 1102.003, Estates Code, apply to a guardianship proceeding that is commenced on or after the effective date of this Act. A guardianship proceeding commenced before that date is governed by the law in effect on the date the proceeding was commenced, and the former law is continued in effect for that purpose.

(3) Renumber SECTIONS of the bill appropriately.

HB 1223 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1223, A bill to be entitled An Act relating to the temporary exemption of certain tangible personal property related to data centers from the sales and use tax.

Representative Hilderbran moved to concur in the senate amendments to **HB 1223**.

The motion to concur in the senate amendments to **HB 1223** prevailed by (Record 1192): 143 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; 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; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Schaefer.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, S.; Kolkhorst.

Absent — Alonzo; Lozano; Paddie.

STATEMENT OF VOTE

I was shown voting no on Record No. 1192. I intended to vote yes.

Schaefer

Senate Committee Substitute

CSHB 1223, A bill to be entitled An Act relating to the temporary exemption of certain tangible personal property related to data centers from the sales and use tax.

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

SECTION 1. Subchapter H, Chapter 151, Tax Code, is amended by adding Section 151.359 to read as follows:

Sec. 151.359. PROPERTY USED IN CERTAIN DATA CENTERS; TEMPORARY EXEMPTION. (a) In this section:

(1) "County average weekly wage" means the average weekly wage in a county for all jobs during the most recent four quarterly periods for which data is available, as computed by the Texas Workforce Commission, at the time a data center creates a job used to qualify under this section.

(2) "Data center" means at least 100,000 square feet of space in a single building or portion of a single building, which space:

(A) is located in this state;

(B) is specifically constructed or refurbished and actually used primarily to house servers and related equipment and support staff for the processing, storage, and distribution of data;

(C) is used by a single qualifying occupant for the processing, storage, and distribution of data;

(D) is not used primarily by a telecommunications provider to place tangible personal property that is used to deliver telecommunications services; and

(E) has an uninterruptible power source, generator backup power, a sophisticated fire suppression and prevention system, and enhanced physical security that includes restricted access, video surveillance, and electronic systems.

(3) "Permanent job" means an employment position that will exist for at least five years after the date the job is created.

(4) "Qualifying data center" means a data center that meets the qualifications prescribed by Subsection (d).

(5) "Qualifying job" means a full-time, permanent job that pays at least 120 percent of the county average weekly wage in the county in which the job is based.

(6) "Qualifying operator" means a person who controls access to a qualifying data center, regardless of whether that person owns each item of tangible personal property located at the qualifying data center. A qualifying operator may also be the qualifying owner.

(7) "Qualifying owner" means a person who owns the building in which a qualifying data center is located. A qualifying owner may also be the qualifying operator.

(8) "Qualifying occupant" means a person who:

(A) contracts with a qualifying owner or qualifying operator to place, or cause to be placed, and to use tangible personal property at the qualifying data center; or

(B) in the case of a qualifying occupant who is also the qualifying owner and the qualifying operator, places or causes to be placed, and uses tangible personal property at the qualifying data center.

(b) Except as otherwise provided this section, tangible personal property that is necessary and essential to the operation of a qualified data center is exempted from the taxes imposed by this chapter if the tangible personal property is purchased for installation at, incorporation into, or in the case of Subdivision (1), use in a qualifying data center by a qualifying owner, qualifying operator, or qualifying occupant, and the tangible personal property is:

(1) electricity;

(2) an electrical system;

(3) a cooling system;

(4) an emergency generator;

(5) hardware or a distributed mainframe computer or server;

(6) a data storage device;

(7) network connectivity equipment;

(8) a rack, cabinet, and raised floor system;

(9) a peripheral component or system;

(10) software;

(11) a mechanical, electrical, or plumbing system that is necessary to operate any tangible personal property described by Subdivisions (2)-(10);

(12) any other item of equipment or system necessary to operate any tangible personal property described by Subdivisions (2)-(11), including a fixture; and

(13) a component part of any tangible personal property described by Subdivisions (2)-(10).

(c) The exemption provided by this section does not apply to:

(1) office equipment or supplies;

(2) maintenance or janitorial supplies or equipment;

(3) equipment or supplies used primarily in sales activities or transportation activities;

(4) tangible personal property on which the purchaser has received or has a pending application for a refund under Section 151.429;

(5) tangible personal property not otherwise exempted under Subsection (b) that is incorporated into real estate or into an improvement of real estate;

(6) tangible personal property that is rented or leased for a term of one year or less; or

(7) notwithstanding Section 151.3111, a taxable service that is performed on tangible personal property exempted under this section.

(d) Subject to Subsection (k), a data center may be certified by the comptroller as a qualifying data center for purposes of this section if, on or after September 1, 2013:

(1) a single qualifying occupant:

(A) contracts with a qualifying owner or qualifying operator to lease space in which the qualifying occupant will locate a data center; or

(B) occupies a space that was not previously used as a data center in which the qualifying occupant will locate a data center, in the case of a qualifying occupant who is also the qualifying operator and the qualifying owner; and

(2) the qualifying owner, qualifying operator, or qualifying occupant, jointly or independently:

(A) creates at least 20 qualifying jobs in the county in which the data center is located, not including jobs moved from one county in this state to another county in this state; and

(B) makes or agrees to make a capital investment, on or after September 1, 2013, of at least \$200 million in that particular data center over a five-year period beginning on the date the data center is certified by the comptroller as a qualifying data center.

(e) A data center that is eligible under Subsection (d) to be certified by the comptroller as a qualified data center shall apply to the comptroller for certification as a qualifying data center and for issuance of a registration number or numbers by the comptroller. The application must be made on a form prescribed by the comptroller and include the information required by the comptroller. The application must include the name and contact information for the qualifying occupant and, if applicable, the name and contact information for the qualifying owner and the qualifying operator who will claim the exemption authorized under this section. The application form must include a section for the applicant to certify that the capital investment required by Subsection (d)(2)(B) will be met independently or jointly by the qualifying occupant, qualifying owner, or qualifying operator within the time period prescribed by Subsection (d)(2)(B).

(f) The exemption provided by this section begins on the date the data center is certified by the comptroller as a qualifying data center and expires:

(1) on the 10th anniversary of that date, if the qualifying occupant, qualifying owner, or qualifying operator independently or jointly makes a capital investment of at least \$200 million but less than \$250 million as provided by Subsection (d)(2)(B); or

(2) on the 15th anniversary of that date, if the qualifying occupant, qualifying owner, or qualifying operator independently or jointly makes a capital investment of \$250 million or more as provided by Subsection (d)(2)(B).

(g) Each person who is eligible to claim an exemption authorized by this section must hold a registration number issued by the comptroller. The registration number must be stated on the exemption certificate provided by the purchaser to the seller of tangible personal property eligible for the exemption.

(h) The comptroller shall revoke all registration numbers issued in connection with a qualifying data center that the comptroller determines does not meet the requirements prescribed by Subsection (d). Each person who has the person's registration number revoked by the comptroller is liable for taxes, including penalty and interest from the date of purchase, imposed under this chapter on purchases for which the person claimed an exemption under this section, regardless of whether the purchase occurred before the date the registration number was revoked.

(i) The comptroller shall adopt rules consistent with and necessary to implement this section, including rules relating to:

(1) a qualifying data center, qualifying owner, qualifying operator, and qualifying occupant;

(2) issuance and revocation of a registration number required under this section; and

(3) reporting and other procedures necessary to ensure that a qualifying data center, qualifying owner, qualifying operator, and qualifying occupant comply with this section and remain entitled to the exemption authorized by this section.

(j) The exemption in this section does not apply to the taxes imposed under Chapter 321, 322, or 323.

(k) A data center is not eligible to receive an exemption under this section if the data center is subject to an agreement limiting the appraised value of the data center's property under Subchapter B or C, Chapter 313.

SECTION 2. Sections 151.317(a), (b), and (d), Tax Code, are amended to read as follows:

(a) Subject to Sections 151.359 and ~~[Section]~~ 151.1551 and Subsection (d) of this section, gas and electricity are exempted from the taxes imposed by this chapter when sold for:

(1) residential use;

(2) use in powering equipment exempt under Section 151.318 or 151.3185 by a person processing tangible personal property for sale as tangible personal property, other than preparation or storage of prepared food described by Section 151.314(c-2);

(3) use in lighting, cooling, and heating in the manufacturing area during the actual manufacturing or processing of tangible personal property for sale as tangible personal property, other than preparation or storage of prepared food described by Section 151.314(c-2);

(4) use directly in exploring for, producing, or transporting, a material extracted from the earth;

(5) use in agriculture, including dairy or poultry operations and pumping for farm or ranch irrigation;

(6) use directly in electrical processes, such as electroplating, electrolysis, and cathodic protection;

(7) use directly in the off-wing processing, overhaul, or repair of a jet turbine engine or its parts for a certificated or licensed carrier of persons or property;

(8) use directly in providing, under contracts with or on behalf of the United States government or foreign governments, defense or national security-related electronics, classified intelligence data processing and handling systems, or defense-related platform modifications or upgrades;

(9) use directly by a data center that is certified by the comptroller as a qualifying data center under Section 151.359 in the processing, storage, and distribution of data;

(10) ~~[(9)]~~ a direct or indirect use, consumption, or loss of electricity by an electric utility engaged in the purchase of electricity for resale; or

(11) ~~[(10)]~~ use in timber operations, including pumping for irrigation of timberland.

(b) The sale, production, distribution, lease, or rental of, and the use, storage, or other consumption in this state of, gas and electricity sold for the uses listed in Subsection (a), are exempted from the taxes imposed by a municipality under Chapter 321 except as provided by Sections 151.359(j) and [Section] 321.105.

(d) To qualify for the exemptions in Subsections (a)(2)-(9) ~~[(a)(2)-(8)]~~, the gas or electricity must be sold to the person using the gas or electricity in the exempt manner. For purposes of this subsection, the use of gas or electricity in an exempt manner by an independent contractor engaged by the purchaser of the gas or electricity to perform one or more of the exempt activities identified in Subsections (a)(2)-(9) ~~[(a)(2)-(8)]~~ is considered use by the purchaser of the gas or electricity.

SECTION 3. Section 151.1551(a), Tax Code, is amended to read as follows:

(a) This section applies to an exemption provided by:

(1) Sections 151.316(a)(6), (7), (8), (10), (11), and (12);

(2) Section 151.316(b) for tangible personal property used in the production of agricultural products for sale;

(3) Section 151.3162(b) for tangible personal property used in the production of timber for sale;

(4) Sections 151.317(a)(5) and (11) ~~[(10)]~~ for electricity used in agriculture or timber operations; and

(5) Section 151.3111 for services performed on tangible personal property exempted under Section 151.316(a)(6), (7), (8), (10), (11), or (12), 151.316(b), or 151.3162(b).

SECTION 4. Subchapter A, Chapter 313, Tax Code, is amended by adding Section 313.010 to read as follows:

Sec. 313.010. CERTAIN ENTITIES INELIGIBLE. An entity that has been issued a registration number under Section 151.359 is not eligible to receive a limitation on appraised value under this chapter.

SECTION 5. Section 321.208, Tax Code, is amended to read as follows:

Sec. 321.208. STATE EXEMPTIONS APPLICABLE. The exemptions provided by Subchapter H, Chapter 151, apply to the taxes authorized by this chapter, except as provided by Sections 151.359(j) and [Section] 151.317(b).

SECTION 6. Section 323.207, Tax Code, is amended to read as follows:

Sec. 323.207. STATE EXEMPTIONS APPLICABLE. The exemptions provided by Subchapter H, Chapter 151, apply to the taxes authorized by this chapter, except as provided by Sections 151.359(j) and [Section] 151.317(b).

SECTION 7. The change in law made by this Act does not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this Act had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

SECTION 8. This Act takes effect September 1, 2013.

HB 97 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 97, A bill to be entitled An Act relating to the exemption from ad valorem taxation of part of the appraised value of the residence homestead of a partially disabled veteran or the surviving spouse of a partially disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization and to the eligibility of the surviving spouse of a person who is disabled to receive a limitation on school district ad valorem taxes on the person's residence homestead.

Representative Perry moved to concur in the senate amendments to **HB 97**.

The motion to concur in the senate amendments to **HB 97** prevailed by (Record 1193): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberger; 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; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson;

Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, S.; Kolkhorst.

Absent — Paddie.

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

Amend **HB 97** (senate committee printing) as follows:

(1) Strike the heading to Article 1 of the bill (page 1, line 33) and renumber the SECTIONS of Article 1 of the bill accordingly.

(2) In SECTION 1.08 of the bill relating to the applicability of Article 1 (page 3, line 46) strike "article" and substitute "Act".

(3) In SECTION 1.08 of the bill relating to the applicability of Article 1 (page 3, line 48) strike "article" and substitute "Act".

(4) In SECTION 1.09 of the bill providing the effective date for Article 1 (page 3, line 49) strike "article" and substitute "Act".

(5) In SECTION 1.09 of the bill providing the effective date for Article 1 (page 3, line 57) strike "article" and substitute "Act".

(6) Strike Article 2 of the bill (page 3, line 58, through page 4, line 13).

HB 315 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 315, A bill to be entitled An Act relating to the applicability of the law governing the ad valorem taxation of a dealer's motor vehicle inventory.

Representative Otto moved to concur in the senate amendments to **HB 315**.

The motion to concur in the senate amendments to **HB 315** prevailed by (Record 1194): 146 Yeas, 0 Nays, 1 Present, not voting.

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

Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, S.; Kolkhorst.

Absent — Menéndez.

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

Amend **HB 315** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 23.121(a)(3)(D)(iii), Tax Code, between "chief appraiser" and "a" (page 2, line 3), insert "and the collector".

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

SECTION _____. Section 23.121, Tax Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A dealer who has elected to file the declaration described by Subsection (a)(3)(D)(iii) and to render the dealer's motor vehicle inventory as provided by Subsection (a)(3)(D)(iv) must continue to file the declaration and render the dealer's motor vehicle inventory so long as the dealer meets the requirements of Subsection (a)(3)(D)(ii)(a) or (b).

HB 1726 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1726, A bill to be entitled An Act relating to shipping logistics and coordination services for state agencies.

Representative Bohac moved to concur in the senate amendments to **HB 1726**.

The motion to concur in the senate amendments to **HB 1726** prevailed by (Record 1195): 141 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; 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; Krause; Kuempel; Larson; Laubenberger; Lavender; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Miller, R.;

Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Schaefer; Simpson; Stickland.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, S.; Kolkhorst.

Absent — Leach; Menéndez; Stephenson.

STATEMENT OF VOTE

When Record No. 1195 was taken, my vote failed to register. I would have voted yes.

Leach

Senate Committee Substitute

CSHB 1726, A bill to be entitled An Act relating to shipping logistics and coordination services for state agencies.

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

SECTION 1. Chapter 2172, Government Code, is amended by adding Section 2172.007 to read as follows:

Sec. 2172.007. SHIPPING LOGISTICS AND COORDINATION SERVICES. (a) The comptroller may contract with a vendor to oversee shipping logistics and coordination services for all state agencies and shall pay the contract from the anticipated cost savings realized under the contract. The vendor shall arrange the shipment of goods, parcels, and freight using the shipping company selected by the state agency through competitive bidding that provides the best value to the agency for the shipment.

(b) A state agency may arrange all shipments of goods, parcels, and freight under this section.

(c) The vendor under this section shall maintain a record of each shipment arranged for a state agency, including the cost of the shipment, the type of goods, parcels, or freight shipped, and the weight of the goods, parcels, or freight shipped.

(d) In contracting for the oversight of shipping logistics and coordination services under this section, the comptroller may provide contracting opportunities for vendors that employ veterans or other persons with disabilities whose products and services are available under Chapter 122, Human Resources Code.

(e) This section does not apply to the shipment of:

- (1) items of extraordinary value;
- (2) museum exhibits and antiquities;
- (3) antique furniture;
- (4) fine arts;
- (5) specialized materials or products; or

(6) coins and paper bills.

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

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

Amend **CSHB 1726** (senate committee printing) in SECTION 1 of the bill, in Subsection (e), Section 2171.007, as follows:

(1) In Subdivision (5) (page 1, line 48), after the semicolon, strike "or".

(2) In Subdivision (6) (page 1, line 49), strike the period and substitute ";
or".

(3) At the end of Subsection (e), add a new Subdivision (7) to read as follows:

"(7) items by the Texas Department of Transportation if the department determines that, because of the nature of the items or the circumstances related to the shipment, shipment of the items under a procedure established by the department is necessary."

**HB 2268 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2268, A bill to be entitled An Act relating to search warrants issued in this state and other states for certain customer data, communications, and other related information held in electronic storage in this state and other states by providers of electronic communications services and remote computing services.

Representative Frullo moved to concur in the senate amendments to **HB 2268**.

The motion to concur in the senate amendments to **HB 2268** prevailed by (Record 1196): 142 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; 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; 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.; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets;

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

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

Absent, Excused — King, S.; Kolkhorst.

Absent — Frank; Kleinschmidt; Leach; Menéndez.

STATEMENT OF VOTE

When Record No. 1196 was taken, my vote failed to register. I would have voted yes.

Leach

Senate Committee Substitute

CSHB 2268, A bill to be entitled An Act relating to search warrants issued in this state and other states for certain customer data, communications, and other related information held in electronic storage in this state and other states by providers of electronic communications services and remote computing services.

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

SECTION 1. Article 18.02, Code of Criminal Procedure, is amended to read as follows:

Art. 18.02. GROUNDS FOR ISSUANCE. (a) A search warrant may be issued to search for and seize:

(1) property acquired by theft or in any other manner which makes its acquisition a penal offense;

(2) property specially designed, made, or adapted for or commonly used in the commission of an offense;

(3) arms and munitions kept or prepared for the purposes of insurrection or riot;

(4) weapons prohibited by the Penal Code;

(5) gambling devices or equipment, altered gambling equipment, or gambling paraphernalia;

(6) obscene materials kept or prepared for commercial distribution or exhibition, subject to the additional rules set forth by law;

(7) a drug, controlled substance, immediate precursor, chemical precursor, or other controlled substance property, including an apparatus or paraphernalia kept, prepared, or manufactured in violation of the laws of this state;

(8) any property the possession of which is prohibited by law;

(9) implements or instruments used in the commission of a crime;

(10) property or items, except the personal writings by the accused, constituting evidence of an offense or constituting evidence tending to show that a particular person committed an offense;

(11) persons; ~~(e)~~

(12) contraband subject to forfeiture under Chapter 59 of this code; or

(13) electronic customer data held in electronic storage, including the contents of and records and other information related to a wire communication or electronic communication held in electronic storage.

(b) For purposes of Subsection (a)(13), "electronic communication," "electronic storage," and "wire communication" have the meanings assigned by Article 18.20, and "electronic customer data" has the meaning assigned by Article 18.21.

SECTION 2. Article 18.06(a), Code of Criminal Procedure, is amended to read as follows:

(a) A peace officer to whom a search warrant is delivered shall execute the warrant ~~[#]~~ without delay and forthwith return the warrant ~~[#]~~ to the proper magistrate. A search warrant issued under Section 5A, Article 18.21, must be executed in the manner provided by that section not later than the 11th day after the date of issuance. In all other cases, a search warrant ~~[#]~~ must be executed within three days from the time of its issuance. A warrant issued under this chapter ~~[, and]~~ shall be executed within a shorter period if so directed in the warrant by the magistrate.

SECTION 3. Article 18.07(a), Code of Criminal Procedure, is amended to read as follows:

(a) The period ~~[time]~~ allowed for the execution of a search warrant, exclusive of the day of its issuance and of the day of its execution, is:

(1) 15 whole days if the warrant is issued solely to search for and seize specimens from a specific person for DNA analysis and comparison, including blood and saliva samples;

(2) 10 whole days if the warrant is issued under Section 5A, Article 18.21; or

(3) ~~[(2)]~~ three whole days if the warrant is issued for a purpose other than that described by Subdivision (1) or (2).

SECTION 4. Section 1(20), Article 18.20, Code of Criminal Procedure, is amended to read as follows:

(20) "Electronic storage" means any storage of electronic customer data in a computer, computer network, or computer system, regardless of whether the data is subject to recall, further manipulation, deletion, or transmission, and includes any~~[-]~~

~~[(A) a temporary, intermediate storage of a wire or electronic communication that is incidental to the electronic transmission of the communication; or~~

~~[(B) storage of a wire or electronic communication by an electronic communications service or a remote computing service [for purposes of backup protection of the communication].~~

SECTION 5. Section 1, Article 18.21, Code of Criminal Procedure, is amended by adding Subdivisions (3-b) and (3-c) to read as follows:

(3-b) "Domestic entity" has the meaning assigned by Section 1.002, Business Organizations Code.

(3-c) "Electronic customer data" means data or records that:

(A) are acquired by or stored with the provider of an electronic communications service or a remote computing service; and

(B) contain:

(i) information revealing the identity of customers of the applicable service;

(ii) information about a customer's use of the applicable service;

(iii) information that identifies the recipient or destination of a wire communication or electronic communication sent to or by the customer;

(iv) the content of a wire communication or electronic communication sent to or by the customer; and

(v) any data stored by or on behalf of the customer with the applicable service provider.

SECTION 6. Sections 4(a), (b), (c), and (d), Article 18.21, Code of Criminal Procedure, are amended to read as follows:

(a) An authorized peace officer may require a provider of an electronic communications service to disclose the contents of a wire communication or an electronic communication that has been in electronic storage for not longer than 180 days by obtaining a warrant under Section 5A.

(b) An authorized peace officer may require a provider of an electronic communications service to disclose the contents of a wire communication or an electronic communication that has been in electronic storage for longer than 180 days:

(1) if notice is not being given to the subscriber or customer, by obtaining a warrant under Section 5A;

(2) if notice is being given to the subscriber or customer, by obtaining:

(A) an administrative subpoena authorized by statute;

(B) a grand jury subpoena; or

(C) a court order issued under Section 5 ~~[of this article]~~; or

(3) as otherwise permitted by applicable federal law.

(c)(1) An authorized peace officer may require a provider of a remote computing service to disclose the contents of a wire communication or an electronic communication as described in Subdivision (2) of this subsection:

(A) if notice is not being given to the subscriber or customer, by obtaining a warrant ~~[issued]~~ under Section 5A ~~[this code]~~;

(B) if notice is being given to the subscriber or customer, by:

(i) an administrative subpoena authorized by statute;

(ii) a grand jury subpoena; or

(iii) a court order issued under Section 5 ~~[of this article]~~; or

(C) as otherwise permitted by applicable federal law.

(2) Subdivision (1) of this subsection applies only to a wire communication or an electronic communication that is in electronic storage:

(A) on behalf of a subscriber or customer of the service and is received by means of electronic transmission from or created by means of computer processing of communications received by means of electronic transmission from the subscriber or customer; and

(B) solely for the purpose of providing storage or computer processing services to the subscriber or customer if the provider of the service is not authorized to obtain access to the contents of those communications for purposes of providing any service other than storage or computer processing.

(d) An authorized peace officer may require a provider of an electronic communications service or a provider of a remote computing service to disclose electronic customer data not otherwise described by ~~records or other information pertaining to a subscriber or customer of the service, other than communications described in Subsection (e) of~~ this section~~;~~ without giving the applicable subscriber or customer notice:

- (1) by obtaining an administrative subpoena authorized by statute;
- (2) by obtaining a grand jury subpoena;
- (3) by obtaining a warrant under Section 5A;
- (4) by obtaining the consent of the subscriber or customer to the disclosure of the customer data ~~records or information~~;
- (5) by obtaining a court order under Section 5 ~~[of this article]~~; or
- (6) as otherwise permitted by applicable federal law.

SECTION 7. Article 18.21, Code of Criminal Procedure, is amended by adding Sections 5A and 5B to read as follows:

Sec. 5A. WARRANT ISSUED IN THIS STATE FOR STORED CUSTOMER DATA OR COMMUNICATIONS. (a) This section applies to a warrant required under Section 4 to obtain electronic customer data, including the contents of a wire communication or electronic communication.

(b) On the filing of an application by an authorized peace officer, a district judge may issue a search warrant under this section for electronic customer data held in electronic storage, including the contents of and records and other information related to a wire communication or electronic communication held in electronic storage, by a provider of an electronic communications service or a provider of a remote computing service described by Subsection (h), regardless of whether the customer data is held at a location in this state or at a location in another state. An application made under this subsection must demonstrate probable cause for the issuance of the warrant and must be supported by the oath or affirmation of the authorized peace officer.

(c) A search warrant may not be issued under this section unless the sworn affidavit required by Article 18.01(b) sets forth sufficient and substantial facts to establish probable cause that:

- (1) a specific offense has been committed; and
- (2) the electronic customer data sought:

(A) constitutes evidence of that offense or evidence that a particular person committed that offense; and

(B) is held in electronic storage by the service provider on which the warrant is served under Subsection (i).

(d) Only the electronic customer data described in the sworn affidavit required by Article 18.01(b) may be seized under the warrant.

(e) A warrant issued under this section shall run in the name of "The State of Texas."

(f) Article 18.011 applies to an affidavit presented under Article 18.01(b) for the issuance of a warrant under this section, and the affidavit may be sealed in the manner provided by that article.

(g) The peace officer shall execute the warrant not later than the 11th day after the date of issuance, except that the officer shall execute the warrant within a shorter period if so directed in the warrant by the district judge. For purposes of this subsection, a warrant is executed when the warrant is served in the manner described by Subsection (i).

(h) A warrant under this section may be served only on a service provider that is a domestic entity or a company or entity otherwise doing business in this state under a contract or a terms of service agreement with a resident of this state, if any part of that contract or agreement is to be performed in this state. The service provider shall produce all electronic customer data, contents of communications, and other information sought, regardless of where the information is held and within the period allowed for compliance with the warrant, as provided by Subsection (j). A court may find any officer, director, or owner of a company or entity in contempt of court if the person by act or omission is responsible for the failure of the company or entity to comply with the warrant within the period allowed for compliance. The failure of a company or entity to timely deliver the information sought in the warrant does not affect the admissibility of that evidence in a criminal proceeding.

(i) A search warrant issued under this section is served when the authorized peace officer delivers the warrant by hand, by facsimile transmission, or, in a manner allowing proof of delivery, by means of the United States mail or a private delivery service to:

- (1) a person specified by Section 5.255, Business Organizations Code;
- (2) the secretary of state in the case of a company or entity to which Section 5.251, Business Organizations Code, applies; or
- (3) any other person or entity designated to receive the service of process.

(j) The district judge shall indicate in the warrant that the deadline for compliance by the provider of an electronic communications service or the provider of a remote computing service is the 15th business day after the date the warrant is served if the warrant is to be served on a domestic entity or a company or entity otherwise doing business in this state, except that the deadline for compliance with a warrant served in accordance with Section 5.251, Business Organizations Code, may be extended to a date that is not later than the 30th day after the date the warrant is served. The judge may indicate in a warrant that the deadline for compliance is earlier than the 15th business day after the date the warrant is served if the officer makes a showing and the judge finds that failure to comply with the warrant by the earlier deadline would cause serious jeopardy to an investigation, cause undue delay of a trial, or create a material risk of:

- (1) danger to the life or physical safety of any person;
- (2) flight from prosecution;
- (3) the tampering with or destruction of evidence; or
- (4) intimidation of potential witnesses.

(k) If the authorized peace officer serving the warrant under this section also delivers an affidavit form to the provider of an electronic communications service or the provider of a remote computing service responding to the warrant, and the peace officer also notifies the provider in writing that an executed affidavit is required, then the provider shall verify the authenticity of the customer data, contents of communications, and other information produced in compliance with the warrant by including with the information the affidavit form completed and sworn to by a person who is a custodian of the information or a person otherwise qualified to attest to its authenticity that states that the information was stored in the course of regularly conducted business of the provider and specifies whether it is the regular practice of the provider to store that information.

(l) On a service provider's compliance with a warrant under this section, an authorized peace officer shall file a return of the warrant and a copy of the inventory of the seized property as required under Article 18.10.

(m) The district judge shall hear and decide any motion to quash the warrant not later than the fifth business day after the date the service provider files the motion. The judge may allow the service provider to appear at the hearing by teleconference.

(n) A provider of an electronic communications service or a provider of a remote computing service responding to a warrant issued under this section may request an extension of the period for compliance with the warrant if extenuating circumstances exist to justify the extension. The district judge shall grant a request for an extension based on those circumstances if:

(1) the authorized peace officer who applied for the warrant or another appropriate authorized peace officer agrees to the extension; or

(2) the district judge finds that the need for the extension outweighs the likelihood that the extension will cause an adverse circumstance described by Subsection (j).

Sec. 5B. WARRANT ISSUED IN ANOTHER STATE FOR STORED CUSTOMER DATA OR COMMUNICATIONS. Any domestic entity that provides electronic communications services or remote computing services to the public shall comply with a warrant issued in another state and seeking information described by Section 5A(b), if the warrant is served on the entity in a manner equivalent to the service of process requirements provided in Section 5A(h).

SECTION 8. Sections 6(a), (b), (d), (e), (f), and (g), Article 18.21, Code of Criminal Procedure, are amended to read as follows:

(a) A subpoena or court order for disclosure of the contents of an electronic communication held in electronic storage by a provider of an electronic communications service under Section 4(b) or by a provider of a remote computing service under Section 4(c) ~~[of this article]~~ may require that ~~the~~ ~~service~~ provider to ~~[whom the request is directed]~~ create a copy of the contents of the electronic communications sought by the subpoena or court order for the purpose of preserving those contents. The ~~[service]~~ provider may not inform the subscriber or customer whose communications are being sought that the

subpoena or court order has been issued. The ~~[service]~~ provider shall create the copy not later than two business days after the date of the receipt by the ~~[service]~~ provider of the subpoena or court order.

(b) The provider of an electronic communications service or the provider of a remote computing service shall immediately notify the authorized peace officer who presented the subpoena or court order requesting the copy when the copy has been created.

(d) The provider of an electronic communications service or the provider of a remote computing service shall release the copy to the requesting authorized peace officer not earlier than the 14th day after the date of the peace officer's notice to the subscriber or customer if the ~~[service]~~ provider has not:

(1) initiated proceedings to challenge the request of the peace officer for the copy; or

(2) received notice from the subscriber or customer that the subscriber or customer has initiated proceedings to challenge the request.

(e) The provider of an electronic communications service or the provider of a remote computing service may not destroy or permit the destruction of the copy until the information has been delivered to the applicable ~~[designated]~~ law enforcement ~~[office or]~~ agency or until the resolution of any court proceedings, including appeals of any proceedings, relating to the subpoena or court order requesting the creation of the copy, whichever occurs last.

(f) An authorized peace officer who reasonably believes that notification to the subscriber or customer of the subpoena or court order would result in the destruction of or tampering with information sought may request the creation of a copy of the information. The peace officer's belief is not subject to challenge by the subscriber or customer or the provider of an electronic communications service or the provider of a remote computing service.

(g)(1) A subscriber or customer who receives notification as described in Subsection (c) ~~[of this section]~~ may file a written motion to quash the subpoena or vacate the court order in the court that issued the subpoena or court order not later than the 14th day after the date of the receipt of the notice. The motion must contain an affidavit or sworn statement stating ~~[that]~~:

(A) that the applicant is a subscriber or customer of the provider of an electronic communications service or the provider of a remote computing service from which the contents of electronic communications stored for the subscriber or customer have been sought; and

(B) the applicant's reasons for believing that the information sought is not relevant to a legitimate law enforcement inquiry or that there has not been substantial compliance with the provisions of this article in some other respect.

(2) The subscriber or customer shall give written notice to the provider of an electronic communications service or the provider of a remote computing service of the challenge to the subpoena or court order. The authorized peace officer ~~[or designated law enforcement office or agency]~~ requesting the subpoena or court order must ~~[shall]~~ be served a copy of the papers filed by personal delivery or by registered or certified mail.

SECTION 9. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

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

Amend **CSHB 2268** (senate committee printing) as follows:

(1) Strike SECTION 6 of the bill (page 2, line 64, through page 3, line 61) and substitute the following appropriately numbered SECTION:

SECTION _____. Section 4, Article 18.21, Code of Criminal Procedure, is amended to read as follows:

Sec. 4. REQUIREMENTS FOR GOVERNMENT ACCESS TO STORED COMMUNICATIONS. (a) An authorized peace officer may require a provider of an electronic communications service or a provider of a remote computing service to disclose electronic customer data the contents of a wire communication or an electronic communication that is [has been] in electronic storage [for not longer than 180 days] by obtaining a warrant under Section 5A.

(b) ~~[An authorized peace officer may require a provider of electronic communications service to disclose the contents of a wire communication or an electronic communication that has been in electronic storage for longer than 180 days:~~

~~[(1) if notice is not being given to the subscriber or customer, by obtaining a warrant;~~

~~[(2) if notice is being given to the subscriber or customer, by obtaining:~~

~~[(A) an administrative subpoena authorized by statute;~~

~~[(B) a grand jury subpoena; or~~

~~[(C) a court order issued under Section 5 of this article; or~~

~~[(3) as otherwise permitted by applicable federal law.~~

~~[(c)(1) An authorized peace officer may require a provider of a remote computing service to disclose the contents of a wire communication or an electronic communication as described in Subdivision (2) of this subsection:~~

~~[(A) if notice is not being given to the subscriber or customer, by obtaining a warrant issued under this code;~~

~~[(B) if notice is being given to the subscriber or customer, by:~~

~~[(i) an administrative subpoena authorized by statute;~~

~~[(ii) a grand jury subpoena; or~~

~~[(iii) a court order issued under Section 5 of this article; or~~

~~[(C) as otherwise permitted by applicable federal law.~~

~~[(2) Subdivision (1) of this subsection applies only to a wire communication or an electronic communication that is in electronic storage:~~

~~[(A) on behalf of a subscriber or customer of the service and is received by means of electronic transmission from or created by means of computer processing of communications received by means of electronic transmission from the subscriber or customer; and~~

~~[(B) solely for the purpose of providing storage or computer processing services to the subscriber or customer if the provider of the service is not authorized to obtain access to the contents of those communications for purposes of providing any service other than storage or computer processing.~~

[(d)] An authorized peace officer may require a provider of an electronic communications service or a provider of a remote computing service to disclose only the following electronic customer data:

(i) information revealing the identity of customers of the applicable service;

(ii) information about a customer's use of the applicable service; ~~[records or other information pertaining to a subscriber or customer of the service, other than communications described in Subsection (e) of] this section~~^[7] without giving the subscriber or customer notice:

- (1) by obtaining an administrative subpoena authorized by statute;
- (2) by obtaining a grand jury subpoena;
- (3) by obtaining a warrant under Section 5A;
- (4) by obtaining the consent of the subscriber or customer to the disclosure of the data ~~[records or information]~~;
- (5) by obtaining a court order under Section 5 ~~[of this article]~~; or
- (6) as otherwise permitted by applicable federal law.

(c) [(e)] A provider of telephonic communications service shall disclose to an authorized peace officer, without any form of legal process, subscriber listing information, including name, address, and telephone number or similar access code that:

(1) the service provides to others in the course of providing publicly available directory or similar assistance; or

(2) is solely for use in the dispatch of emergency vehicles and personnel responding to a distress call directed to an emergency dispatch system or when the information is reasonably necessary to aid in the dispatching of emergency vehicles and personnel for the immediate prevention of death, personal injury, or destruction of property.

(d) [(f)] A provider of telephonic communications service shall provide an authorized peace officer with the name of the subscriber of record whose published telephone number is provided to the service by an authorized peace officer.

(2) Strike SECTION 8 of the bill (page 5, line 55, through page 6, line 54) and substitute the following appropriately numbered SECTION:

SECTION _____. Section 6, Article 18.21, Code of Criminal Procedure, is amended to read as follows:

Sec. 6. BACKUP PRESERVATION. (a) A subpoena or court order for disclosure of certain electronic customer data held ~~[the contents of an electronic communication]~~ in electronic storage by a provider of an electronic communications service or a provider of a remote computing service under Section 4(b) [4(e) of this article] may require that ~~[the service]~~ provider to ~~[whom the request is directed]~~ create a copy of the customer data ~~[contents of the electronic communications]~~ sought by the subpoena or court order for the

purpose of preserving that data [those contents]. The [service] provider may not inform the subscriber or customer whose data is [communications are] being sought that the subpoena or court order has been issued. The [service] provider shall create the copy within a reasonable time as determined by the court issuing not later than two business days after the date of the receipt by the service provider of the subpoena or court order.

(b) The provider of an electronic communications service or the provider of a remote computing service shall immediately notify the authorized peace officer who presented the subpoena or court order requesting the copy when the copy has been created.

(c) The [Except as provided by Section 7 of this article, the] authorized peace officer shall notify the subscriber or customer whose electronic customer data is [communications are] the subject of the subpoena or court order of the creation of the copy not later than three days after the date of the receipt of the notification from the applicable [service] provider that the copy was created.

(d) The provider of an electronic communications service or the provider of a remote computing service shall release the copy to the requesting authorized peace officer not earlier than the 14th day after the date of the peace officer's notice to the subscriber or customer if the [service] provider has not:

(1) initiated proceedings to challenge the request of the peace officer for the copy; or

(2) received notice from the subscriber or customer that the subscriber or customer has initiated proceedings to challenge the request.

(e) The provider of an electronic communications service or the provider of a remote computing service may not destroy or permit the destruction of the copy until the electronic customer data [information] has been delivered to the applicable [designated] law enforcement [office or] agency or until the resolution of any court proceedings, including appeals of any proceedings, relating to the subpoena or court order requesting the creation of the copy, whichever occurs last.

(f) An authorized peace officer who reasonably believes that notification to the subscriber or customer of the subpoena or court order would result in the destruction of or tampering with electronic customer data [information] sought may request the creation of a copy of the data [information]. The peace officer's belief is not subject to challenge by the subscriber or customer or by a [service] provider of an electronic communications service or a provider of a remote computing service.

(g)(1) A subscriber or customer who receives notification as described in Subsection (c) [of this section] may file a written motion to quash the subpoena or vacate the court order in the court that issued the subpoena or court order not later than the 14th day after the date of the receipt of the notice. The motion must contain an affidavit or sworn statement stating [that]:

(A) that the applicant is a subscriber or customer of the provider of an electronic communications service or the provider of a remote computing service from which the electronic customer data held in [contents of] electronic storage [communications stored] for the subscriber or customer has [have] been sought; and

(B) the applicant's reasons for believing that the customer data [information] sought is not relevant to a legitimate law enforcement inquiry or that there has not been substantial compliance with the provisions of this article in some other respect.

(2) The subscriber or customer shall give written notice to the provider of an electronic communications service or the provider of a remote computing service of the challenge to the subpoena or court order. The authorized peace officer ~~[or designated law enforcement office or agency]~~ requesting the subpoena or court order must [shall] be served a copy of the papers filed by personal delivery or by registered or certified mail.

(h)(1) The court shall order the authorized peace officer to file a sworn response to the motion filed by the subscriber or customer if the court determines that the subscriber or customer has complied with the requirements of Subsection (g) ~~[of this section]~~. On request of the peace officer, the court may permit the response to be filed in camera. The court may conduct any additional proceedings the court considers appropriate if the court is unable to make a determination on the motion on the basis of the parties' initial allegations and response.

(2) The court shall rule on the motion as soon after the filing of the officer's response as practicable. The court shall deny the motion if the court finds that the applicant is not the subscriber or customer whose electronic customer data held in electronic storage is [stored communications are] the subject of the subpoena or court order or that there is reason to believe that the peace officer's inquiry is legitimate and that the customer data [communications] sought is ~~[are]~~ relevant to that inquiry. The court shall quash the subpoena or vacate the order if the court finds that the applicant is the subscriber or customer whose data is [stored communications are] the subject of the subpoena or court order and that there is not a reason to believe that the data is [communications sought are] relevant to a legitimate law enforcement inquiry or that there has not been substantial compliance with the provisions of this article.

(3) A court order denying a motion or application under this section is not a final order and no interlocutory appeal may be taken from the denial.

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

SECTION _____. Section 8, Article 18.21, Code of Criminal Procedure, is amended to read as follows:

Sec. 8. PRECLUSION OF NOTIFICATION. (a) An ~~[When an]~~ authorized peace officer seeking electronic customer data [information] under Section 4 ~~[of this article is not required to give notice to the subscriber or customer or is delaying notification under Section 7 of this article, the peace officer]~~ may apply to the court for an order commanding the service provider to whom a warrant, subpoena, or court order is directed not to disclose to any ~~[other]~~ person the

existence of the warrant, subpoena, or court order. The order is effective for the period the court considers appropriate. The court shall enter the order if the court determines that there is reason to believe that notification of the existence of the warrant, subpoena, or court order will have an adverse result [~~as described in Section 7(e) of this article~~].

(b) In this section, an "adverse result" means:

- (1) endangering the life or physical safety of an individual;
- (2) flight from prosecution;
- (3) destruction of or tampering with evidence;
- (4) intimidation of a potential witness; or
- (5) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

SECTION _____. Sections 9(a) and (b), Article 18.21, Code of Criminal Procedure, are amended to read as follows:

(a) Except as provided by Subsection (c) of this section, an authorized peace officer who obtains electronic customer data under Section 4 or other information under this article shall reimburse the person assembling or providing the data or information for all costs that are reasonably necessary and that have been directly incurred in searching for, assembling, reproducing, or otherwise providing the data or information. These costs include costs arising from necessary disruption of normal operations of a provider of an electronic communications service or a provider of a remote computing service in which the electronic customer data may be held in electronic storage or in which the other information may be stored.

(b) The authorized peace officer and the person providing the electronic customer data or other information may agree on the amount of reimbursement. If there is no agreement, the court that issued the order for production of the data or information shall determine the amount. If no court order was issued for production of the data or information, the court before which the criminal prosecution relating to the data or information would be brought shall determine the amount.

SECTION _____. Section 10, Article 18.21, Code of Criminal Procedure, is amended to read as follows:

Sec. 10. NO CAUSE OF ACTION. A subscriber or customer of a provider of an [~~wire or~~] electronic communications service or a provider of a remote computing service does not have a cause of action against a provider or [~~wire or electronic communications or remote computing service,~~] its officers, employees, or agents[;] or against other specified persons for providing information, facilities, or assistance as required by a court order, warrant, subpoena, or certification under this article.

SECTION _____. Section 12(a), Article 18.21, Code of Criminal Procedure, is amended to read as follows:

(a) Except as provided by Section 10 of this article, a provider of an electronic communications service or a provider of a remote computing service, or a subscriber or customer of that provider, that is [~~an electronic communications~~

~~service~~] aggrieved by a violation of this article has a civil cause of action if the conduct constituting the violation was committed knowingly or intentionally and is entitled to:

- (1) injunctive relief;
- (2) a reasonable attorney's fee and other litigation costs reasonably incurred; and
- (3) the sum of the actual damages suffered and any profits made by the violator as a result of the violation or \$1,000, whichever is more.

SECTION _____. Section 7, Article 18.21, Code of Criminal Procedure, is repealed.

(3) Strike SECTION 7 of the bill (page 3, line 62, through page 5, line 54) and substitute the following appropriately numbered SECTION:

SECTION _____. Section 4, Article 18.21, Code of Criminal Procedure, is amended to read as follows:

Sec. 5A. WARRANT ISSUED IN THIS STATE FOR STORED CUSTOMER DATA OR COMMUNICATIONS. (a) This section applies to a warrant required under Section 4 to obtain electronic customer data, including the contents of a wire communication or electronic communication.

(b) On the filing of an application by an authorized peace officer, a district judge may issue a search warrant under this section for electronic customer data held in electronic storage, including the contents of and records and other information related to a wire communication or electronic communication held in electronic storage, by a provider of an electronic communications service or a provider of a remote computing service described by Subsection (h), regardless of whether the customer data is held at a location in this state or at a location in another state. An application made under this subsection must demonstrate probable cause for the issuance of the warrant and must be supported by the oath or affirmation of the authorized peace officer.

(c) A search warrant may not be issued under this section unless the sworn affidavit required by Article 18.01(b) sets forth sufficient and substantial facts to establish probable cause that:

- (1) a specific offense has been committed; and
- (2) the electronic customer data sought:

(A) constitutes evidence of that offense or evidence that a particular person committed that offense; and

(B) is held in electronic storage by the service provider on which the warrant is served under Subsection (i).

(d) Only the electronic customer data described in the sworn affidavit required by Article 18.01(b) may be seized under the warrant.

(e) A warrant issued under this section shall run in the name of "The State of Texas."

(f) Article 18.011 applies to an affidavit presented under Article 18.01(b) for the issuance of a warrant under this section, and the affidavit may be sealed in the manner provided by that article.

(g) The peace officer shall execute the warrant not later than the 11th day after the date of issuance, except that the officer shall execute the warrant within a shorter period if so directed in the warrant by the district judge. For purposes of this subsection, a warrant is executed when the warrant is served in the manner described by Subsection (i).

(h) A warrant under this section may be served only on a service provider that is a domestic entity or a company or entity otherwise doing business in this state under a contract or a terms of service agreement with a resident of this state, if any part of that contract or agreement is to be performed in this state. The service provider shall produce all electronic customer data, contents of communications, and other information sought, regardless of where the information is held and within the period allowed for compliance with the warrant, as provided by Subsection (j). A court may find any designated officer, designated director, or designated owner of a company or entity in contempt of court if the person by act or omission is responsible for the failure of the company or entity to comply with the warrant within the period allowed for compliance. The failure of a company or entity to timely deliver the information sought in the warrant does not affect the admissibility of that evidence in a criminal proceeding.

(i) A search warrant issued under this section is served when the authorized peace officer delivers the warrant by hand, by facsimile transmission, or, in a manner allowing proof of delivery, by means of the United States mail or a private delivery service to:

(1) a person specified by Section 5.255, Business Organizations Code;

(2) the secretary of state in the case of a company or entity to which Section 5.251, Business Organizations Code, applies; or

(3) any other person or entity designated to receive the service of process.

(j) The district judge shall indicate in the warrant that the deadline for compliance by the provider of an electronic communications service or the provider of a remote computing service is the 15th business day after the date the warrant is served if the warrant is to be served on a domestic entity or a company or entity otherwise doing business in this state, except that the deadline for compliance with a warrant served in accordance with Section 5.251, Business Organizations Code, may be extended to a date that is not later than the 30th day after the date the warrant is served. The judge may indicate in a warrant that the deadline for compliance is earlier than the 15th business day after the date the warrant is served if the officer makes a showing and the judge finds that failure to comply with the warrant by the earlier deadline would cause serious jeopardy to an investigation, cause undue delay of a trial, or create a material risk of:

(1) danger to the life or physical safety of any person;

(2) flight from prosecution;

(3) the tampering with or destruction of evidence; or

(4) intimidation of potential witnesses.

(k) If the authorized peace officer serving the warrant under this section also delivers an affidavit form to the provider of an electronic communications service or the provider of a remote computing service responding to the warrant, and the peace officer also notifies the provider in writing that an executed affidavit is required, then the provider shall verify the authenticity of the customer data, contents of communications, and other information produced in compliance with the warrant by including with the information the affidavit form completed and sworn to by a person who is a custodian of the information or a person otherwise qualified to attest to its authenticity that states that the information was stored in the course of regularly conducted business of the provider and specifies whether it is the regular practice of the provider to store that information.

(l) On a service provider's compliance with a warrant under this section, an authorized peace officer shall file a return of the warrant and a copy of the inventory of the seized property as required under Article 18.10.

(m) The district judge shall hear and decide any motion to quash the warrant not later than the fifth business day after the date the service provider files the motion. The judge may allow the service provider to appear at the hearing by teleconference.

(n) A provider of an electronic communications service or a provider of a remote computing service responding to a warrant issued under this section may request an extension of the period for compliance with the warrant if extenuating circumstances exist to justify the extension. The district judge shall grant a request for an extension based on those circumstances if:

(1) the authorized peace officer who applied for the warrant or another appropriate authorized peace officer agrees to the extension; or

(2) the district judge finds that the need for the extension outweighs the likelihood that the extension will cause an adverse circumstance described by Subsection (j).

Sec. 5B. WARRANT ISSUED IN ANOTHER STATE FOR STORED CUSTOMER DATA OR COMMUNICATIONS. Any domestic entity that provides electronic communications services or remote computing services to the public shall comply with a warrant issued in another state and seeking information described by Section 5A(b), if the warrant is served on the entity in a manner equivalent to the service of process requirements provided in Section 5A(h).

(3) Strike SECTION 5 of the bill (page 2, line 42, through page 2, line 63) and substitute the following appropriately numbered SECTION:

SECTION _____. Section 1, Article 18.21, Code of Criminal Procedure, is amended to read as follows:

(3-b) "Domestic entity" has the meaning assigned by Section 1.002, Business Organizations Code.

(3-c) "Electronic customer data" means data or records that:

(A) are in the possession, care, custody or control of a provider of an electronic communications service or a remote computing service; and

(B) contain:

(i) information revealing the identity of customers of the applicable service;

(ii) information about a customer 's use of the applicable service;

(iii) information that identifies the recipient or destination of a wire communication or electronic communication sent to or by the customer;

(iv) the content of a wire communication or electronic communication sent to or by the customer; and

(v) any data stored by or on behalf of the customer with the applicable service provider.

**HB 489 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 489, A bill to be entitled An Act relating to rights and responsibilities of persons with disabilities, including with respect to the use of service animals that provide assistance to those persons; providing penalties.

Representative Alvarado moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 489**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 489**: Menéndez, chair; Dale, Moody, R. Miller, and Collier.

HB 3523 - RETURNED TO SENATE BY THE SPEAKER

Pursuant to the provisions of Rule 13, Section 5A of the House Rules, the speaker returned **HB 3523** with senate amendments to the senate and submitted the following statement:

Pursuant to Rule 13, Section 5A of the House Rules, the house returned **HB 3523** to the senate for further consideration because the amendment added by the senate is not germane, would add a second subject to the bill, and would change the original purpose of the bill in violation of Rule 11, Sections 2 and 3; Rule 8, Section 3 of the House Rules; and Article III, Sections 30 and 35 of the Texas Constitution.

**HB 3954 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3954, A bill to be entitled An Act relating to the creation of Kendleton Improvement District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

Representative Stephenson moved to concur in the senate amendments to **HB 3954**.

The motion to concur in the senate amendments to **HB 3954** prevailed by (Record 1197): 144 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, S.; Kolkhorst.

Absent — Button; Flynn; Menéndez.

STATEMENT OF VOTE

When Record No. 1197 was taken, I was in the house but away from my desk. I would have voted yes.

Button

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

Amend **HB 3954** as follows:

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

SECTION _____. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8446 to read as follows:

CHAPTER 8446. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT

NO. 184

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8446.001. DEFINITIONS. In this chapter:

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

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

(3) "Director" means a board member.

(4) "District" means the Fort Bend County Municipal Utility District No. 184.

Sec. 8446.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8446.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8446.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8446.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 8446.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.
(a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8446.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section _____ of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section _____ of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8446.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8446.052, directors serve staggered four-year terms.

Sec. 8446.052. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8446.003; or

(2) the fourth anniversary of the effective date of the Act enacting this chapter.

(c) If permanent directors have not been elected under Section 8446.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8446.003; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8446.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8446.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8446.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8446.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 8446.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8446.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 8446.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 8446.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8446.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 8446.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8446.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8446.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8446.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION ____. The Fort Bend County Municipal Utility District No. 184 initially includes all the territory contained in the following area:

506.74 acres of land situated in the Wiley Martin Survey, Abstract 56, and the E.P. Everett Survey, Abstract 387, Fort Bend County, Texas, being that certain called 376.1612 acre tract of land as described in deed and recorded in Volume 1934, Page 712 of the Deed Records of Fort Bend County, Texas and being that certain called 130.5756 acre tract of land as described in deed and recorded in the Official Public Records of Real Property of Fort Bend County, Texas under

County Clerk's File Number 1999107785, said 506.74 acres of land being more particularly described by metes and bounds as follows, bearing orientation is based on the Texas Coordinate System of 1983, South Central Zone:

BEGINNING at a 1/2 inch iron rod found at the intersection of the centerline of Myers Road (based on a width of 60.00 feet) with the northwesterly right-of-way line of Berdette Road (based on a width of 60.00 feet);

Thence, S 21°34'18" W, with the northwesterly right-of-way line of Berdette Road, a distance of 3266.25 feet to a 3/4 inch iron rod with cap set in the northeasterly line of that certain called 607.75 acre tract of land as described in deed and recorded in Volume 64, Page 109 of the Deed Records of Fort Bend County, Texas, being in the northeasterly line of the Henry Wilcox Survey, Abstract 342;

Thence, N 67°27'46" W, with the northeasterly line of said called 607.75 acre tract and the common line of the Wiley Martin and Henry Wilcox Surveys, a distance of 5698.02 feet to an angle point, from which a found T Rail bears N 08°28' W, a distance of 0.35 feet;

Thence, N 67°36'40" W, a distance of 547.46 feet to a 3/4 inch iron rod with cap set for corner;

Thence, S 42°08'14" W, a distance of 2046.63 feet to a 3/4 inch iron rod with cap set in the northeasterly line of Rice Field Road;

Thence, N 47°59'25" W, with the northeasterly line of Rice Field Road, a distance of 344.35 feet to a T Rail found for corner;

Thence, N 42°05'03" E, a distance of 1924.14 feet to an angle point, from which a found 2 inch iron pipe (bent) bears N 79°02' W, a distance of 2.69 feet;

Thence, N 22°20'28" E, at a distance of 3195.31 feet pass a 1/2 inch iron pipe found in the southwesterly right-of-way line of Myers Road, continuing a total distance of 3225.31 feet to a point for corner;

Thence, S 67°49'42" E, with the centerline of Myers Road, a distance of 6569.03 feet to the POINT OF BEGINNING and containing 506.74 acres of land.

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

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

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

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

SECTION _____. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8446, Special District Local Laws Code, as added by this Act, is amended by adding Section 8446.106 to read as follows:

Sec. 8446.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

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

(2) Renumber the SECTIONS of the bill appropriately.

(3) Correct cross-references in the bill accordingly.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **HB 3954** (senate committee printing) as follows:

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

SECTION _____. Chapter 7209, Special District Local Laws Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. BONDS

Sec. 7209.101. AUTHORITY TO ISSUE BONDS. (a) The district has the rights, powers, duties, and obligations of an issuer under Chapter 1371, Government Code.

(b) Sections 49.181 and 49.182, Water Code, do not apply to the district.

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

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

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

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

HB 2305 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 2305, A bill to be entitled An Act relating to motor vehicle inspection requirements for vehicles equipped with compressed natural gas containers.

Representative Alonzo moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2305**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2305**: E. Rodriguez, chair; Harper-Brown, Martinez, Workman, and Johnson.

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).

HB 2862 - HOUSE CONCURS IN SENATE AMENDMENTS

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

HB 2862, A bill to be entitled An Act relating to procedures related to juvenile cases.

Representative Dukes moved to concur in the senate amendments to **HB 2862**.

The motion to concur in the senate amendments to **HB 2862** prevailed by (Record 1198): 145 Yeas, 0 Nays, 1 Present, not voting. (The vote was reconsidered later today, and the motion to concur in the senate amendments to **HB 2862** prevailed by Record No. 1200.)

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; Krause; Kuempel; Larson; Laubenberger; Lavender; Leach; Lewis; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, S.; Kolkhorst.

Absent — Lozano; Sheffield, J.

HB 2862 - VOTE RECONSIDERED

Representative Zedler moved to reconsider the vote by which the motion to concur in the senate amendments to **HB 2862** prevailed.

The motion to reconsider prevailed.

**HB 3433 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3433, A bill to be entitled An Act relating to the regulation of certain private security companies and occupations; creating an offense.

Representative Fletcher moved to concur in the senate amendments to **HB 3433**.

The motion to concur in the senate amendments to **HB 3433** prevailed by (Record 1199): 131 Yeas, 13 Nays, 1 Present, not voting.

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

Nays — Capriglione; Clardy; Fallon; Isaac; King, P.; Krause; Larson; Leach; Schaefer; Simpson; Springer; Stickland; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, S.; Kolkhorst.

Absent — Aycock; Davis, S.; Phillips.

STATEMENTS OF VOTE

When Record No. 1199 was taken, I was in the house but away from my desk. I would have voted yes.

S. Davis

When Record No. 1199 was taken, my vote failed to register. I would have voted no.

Phillips

I was shown voting yes on Record No. 1199. I intended to vote no.

E. S. Turner

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

Amend **HB 3433** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 1702.105, Occupations Code, is amended to read as follows:

Sec. 1702.105. ALARM SYSTEMS COMPANY. (a) A person acts as an alarm systems company for the purposes of this chapter if the person sells, installs, services, monitors, or responds to an alarm system or detection device.

(b) An alarm systems company may sell, install, maintain, or service, or offer to sell, install, maintain, or service, an electronic access control device or a mechanical security device that is capable of activation through a wireless signal. An alarm systems company may not rekey an electronic access control device or mechanical security device that can be activated by a key. This subsection does not apply to a mechanical security device or electronic access control device installed in a motor vehicle.

SECTION _____. Section 1702.223(b), Occupations Code, is amended to read as follows:

(b) An alarm systems installer may sell, install, maintain, [or] repair, or service an electronic access control device or a mechanical security device that is capable of activation through a wireless signal. An alarm systems installer may not rekey an electronic access control device or mechanical security device that can be activated by a key. This subsection does not apply to a mechanical security device or electronic access control device installed in a motor vehicle.

SECTION _____. Section 1702.324(b), Occupations Code, is amended to read as follows:

(b) This chapter does not apply to:

(1) a manufacturer or a manufacturer's authorized distributor while selling equipment intended for resale;

(2) a person engaged exclusively in the business of obtaining and providing information to:

(A) determine creditworthiness;

(B) collect debts; or

(C) ascertain the reliability of information provided by an applicant for property, life, or disability insurance or an indemnity or surety bond;

(3) a person engaged exclusively in the business of repossessing property that is secured by a mortgage or other security interest;

(4) a person who is engaged in the business of psychological testing or other testing and interviewing services, including services to determine attitudes, honesty, intelligence, personality, and skills, for preemployment purposes;

(5) a person who:

(A) is engaged in obtaining information that is a public record under Chapter 552, Government Code, regardless of whether the person receives compensation;

(B) is not a full-time employee, as defined by Section 61.001, Labor Code, of a person licensed under this chapter; and

(C) does not perform any other act that requires a license under this chapter;

(6) a licensed engineer practicing engineering or directly supervising engineering practice under Chapter 1001, including forensic analysis, burglar alarm system engineering, and necessary data collection;

(7) an employee of a cattle association who inspects livestock brands under the authority granted to the cattle association by the Grain Inspection, Packers and Stockyards Administration of the United States Department of Agriculture;

(8) a landman performing activities in the course and scope of the landman's business;

(9) an attorney while engaged in the practice of law;

(10) a person who obtains a document for use in litigation under an authorization or subpoena issued for a written or oral deposition;

(11) an admitted insurer, insurance adjuster, agent, or insurance broker licensed by the state, performing duties in connection with insurance transacted by that person;

(12) a person who on the person's own property or on property owned or managed by the person's employer:

(A) installs, changes, or repairs a mechanical security device;

(B) repairs an electronic security device; or

(C) cuts or makes a key for a security device;

(13) security personnel, including security contract personnel, working at a commercial nuclear power plant licensed by the United States Nuclear Regulatory Commission;

(14) a person or firm licensed as an accountant or accounting firm under Chapter 901, an owner of an accounting firm, or an employee of an accountant or accounting firm while performing services regulated under Chapter 901;

(15) a retailer, wholesaler, or other person who sells mechanical security devices, including locks and deadbolts, but who does not:

(A) service mechanical security devices for the public outside of the person's premises; or

(B) claim to act as a locksmith;

(16) an employee while performing investigative services that would otherwise be subject to this chapter for an entity regulated by the:

(A) Texas Department of Insurance;

- (B) Office of Thrift Supervision;
- (C) Securities and Exchange Commission;
- (D) Federal Deposit Insurance Corporation; or
- (E) Financial Industry Regulatory Authority;

(17) a social worker who holds a license issued under Chapter 505 who is engaged in the practice of social work;

(18) persons licensed under Chapter 1101, Occupations Code, an association thereof, their authorized agents, or a multiple listing service, engaged in the business of selling, maintaining, repairing, programming, or placing lockboxes used for accessing real property; or

(19) an automobile club that holds a certificate of authority under Chapter 722, Transportation Code, its subcontractor, or a business that provides similar services, that unlocks a vehicle at the request of the owner or operator of the vehicle and that does not otherwise perform a locksmith service.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **HB 3433** (senate committee report) as follows:

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

SECTION _____. Section 1702.288, Occupations Code, is amended by adding Subsection (f) to read as follows:

(f) A license holder acting as an alarm systems company does not have to provide the notice required under Subsection (d) if the contact information, including the address and the telephone numbers for the alarm systems company, has not changed.

(2) In SECTION 10 of the bill, in added Section 1702.3841, Occupations Code (page 4, line 16), between "notice" and "and", insert "from the department".

Senate Amendment No. 3 (Senate Floor Amendment No. 3)

Amend **HB 3433** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 1302, Occupations Code, is amended by adding Section 1302.064 to read as follows:

Sec. 1302.064. TECHNOLOGY INTEGRATION. This chapter does not apply to a person licensed under Chapter 1702 of this code or Chapter 6002, Insurance Code, who sells, designs, or offers to sell or design a product or technology, including a burglar alarm or fire alarm, that is integrated with an air conditioning or refrigeration system if the sale, design, or offer does not include the installation of any part of an air conditioning or refrigeration system by that person.

HB 2862 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2862, A bill to be entitled An Act relating to procedures related to juvenile cases.

Representative McClendon moved to concur in the senate amendments to **HB 2862**.

The motion to concur in the senate amendments to **HB 2862** prevailed by (Record 1200): 146 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, S.; Kolkhorst.

Absent — Lozano.

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

Amend **HB 2862** (senate committee printing) as follows:

(1) In the recital to SECTION 4 of the bill (page 2, lines 23-24), strike "adding Subsection (s)" and substitute "adding Subsections (h-1) and (s) and amending Subsections (k) and (l)".

(2) Immediately following the recital to SECTION 4 of the bill (page 2, between lines 24 and 25), insert the following:

(h-1) If the juvenile court orders a person detained in a certified juvenile detention facility under Subsection (h), the juvenile court shall set or deny bond for the person as required by the Code of Criminal Procedure and other law applicable to the pretrial detention of adults accused of criminal offenses.

(k) The petition and notice requirements of Sections 53.04, 53.05, 53.06, and 53.07 of this code must be satisfied, and the summons must state that the hearing is for the purpose of considering waiver of jurisdiction under Subsection (j) ~~[of this section]~~. The person's parent, custodian, guardian, or guardian ad

litem is not considered a party to a proceeding under Subsection (j) and it is not necessary to provide the parent, custodian, guardian, or guardian ad litem with notice.

(l) The juvenile court shall conduct a hearing without a jury to consider waiver of jurisdiction under Subsection (j) ~~[of this section]~~. Except as otherwise provided by this subsection, a waiver of jurisdiction under Subsection (j) may be made without the necessity of conducting the diagnostic study or complying with the requirements of discretionary transfer proceedings under Subsection (d). If requested by the attorney for the person at least 10 days before the transfer hearing, the court shall order that the person be examined pursuant to Section 51.20(a) and that the results of the examination be provided to the attorney for the person and the attorney for the state at least five days before the transfer hearing.

(3) In SECTION 14 of the bill (page 5, lines 48-59), add the following appropriately lettered subsections to that SECTION and reletter subsequent subsections accordingly:

() Article 4.19, Code of Criminal Procedure, and Section 51.07, Family Code, as amended by this Act, apply to a juvenile case transfer that occurs on or after the effective date of this Act, regardless of whether the delinquent conduct or conduct indicating a need for supervision that is the basis of the case occurred before, on, or after the effective date of this Act.

() Article 24.011, Code of Criminal Procedure, and Section 52.0151, Family Code, as amended by this Act, apply to the detention of a witness that occurs on or after the effective date of this Act, regardless of whether any prior event connected to the proceeding, action, or decision occurred before the effective date of this Act.

() Section 51.072, Family Code, as amended by this Act, applies to a request for interim supervision that is initiated on or after the effective date of this Act, regardless of whether the child was placed on probation before, on, or after the effective date of this Act.

() Section 243.005, Human Resources Code, as amended by this Act, applies to a child who is committed to the Texas Juvenile Justice Department on or after the effective date of this Act, regardless of whether the delinquent conduct or conduct indicating a need for supervision for which the child was committed occurred before, on, or after the effective date of this Act.

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

SECTION _____. Article 4.19, Code of Criminal Procedure, is amended to read as follows:

Art. 4.19. TRANSFER OF PERSON CERTIFIED TO STAND TRIAL AS AN ADULT ~~[CHILD]~~. (a) Notwithstanding the order of a juvenile court to detain a person under the age of 17 who has been certified to stand trial as an adult ~~[child]~~ in a certified juvenile detention facility under Section 54.02(h), Family Code, the judge of the criminal court having jurisdiction over the person ~~[child]~~ may order the person ~~[child]~~ to be transferred to an adult ~~[another]~~ facility

~~[and treated as an adult as provided by this code].~~ A child who is transferred to an adult facility must be detained under conditions meeting the requirements of Section 51.12, Family Code.

(b) On the 17th birthday of a person described by Subsection (a) who is detained in a certified juvenile detention facility under Section 54.02(h), Family Code, the judge of the criminal court having jurisdiction over the person shall order the person to be transferred to an adult facility.

SECTION _____. Article 24.011, Code of Criminal Procedure, is amended by amending Subsection (c) and adding Subsection (d-1) to read as follows:

(c) If the witness is in a placement in the custody of the Texas Juvenile Justice Department ~~[Youth Commission]~~, a juvenile secure detention facility, or a juvenile secure correctional facility, the court may issue a bench warrant or direct that an attachment issue to require a peace officer or probation officer to secure custody of the person at the placement and produce the person in court. When the person is no longer needed as a witness or the period prescribed by Subsection (d-1) has expired without extension, the court shall order the peace officer or probation officer to return the person to the placement from which the person was released.

(d-1) A witness younger than 17 years of age held in custody under this article may be placed in a certified juvenile detention facility for a period not to exceed 30 days. The length of placement may be extended in increments of 30 days by the court that issued the original bench warrant. If the placement is not extended, the period under this article expires and the witness may be returned as provided by Subsection (c).

SECTION _____. Subsection (f), Article 45.0216, Code of Criminal Procedure, is amended to read as follows:

(f) The court shall order the conviction, together with all complaints, verdicts, sentences, and prosecutorial and law enforcement records, and any other documents relating to the offense, expunged from the person's record if the court finds that:

(1) for a person applying for the expunction of a conviction for an offense described by Section 8.07(a)(4) or (5), Penal Code, the person was not convicted of any other offense described by Section 8.07(a)(4) or (5), Penal Code, while the person was a child; and

(2) for a person applying for the expunction of a conviction for an offense described by Section 43.261, Penal Code, the person was not found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(8) ~~[51.03(b)(7)]~~, Family Code, while the person was a child.

SECTION _____. Subsection (b), Section 51.03, Family Code, as amended by Chapters 1150 (**HB 2015**) and 1322 (**SB 407**), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(b) Conduct indicating a need for supervision is:

(1) subject to Subsection (f), conduct, other than a traffic offense, that violates:

(A) the penal laws of this state of the grade of misdemeanor that are punishable by fine only; or

- (B) the penal ordinances of any political subdivision of this state;
- (2) the absence of a child on 10 or more days or parts of days within a six-month period in the same school year or on three or more days or parts of days within a four-week period from school;
- (3) the voluntary absence of a child from the child's home without the consent of the child's parent or guardian for a substantial length of time or without intent to return;
- (4) conduct prohibited by city ordinance or by state law involving the inhalation of the fumes or vapors of paint and other protective coatings or glue and other adhesives and the volatile chemicals itemized in Section 485.001, Health and Safety Code;
- (5) an act that violates a school district's previously communicated written standards of student conduct for which the child has been expelled under Section 37.007(c), Education Code;
- (6) conduct that violates a reasonable and lawful order of a court entered under Section 264.305; ~~[or]~~
- (7) notwithstanding Subsection (a)(1), conduct described by Section 43.02(a)(1) or (2), Penal Code; or
- (8) notwithstanding Subsection (a)(1), ~~[(7)]~~ conduct that violates Section 43.261, Penal Code.

SECTION _____. Section 51.0412, Family Code, is amended to read as follows:

Sec. 51.0412. JURISDICTION OVER INCOMPLETE PROCEEDINGS. The court retains jurisdiction over a person, without regard to the age of the person, who is a respondent in an adjudication proceeding, a disposition proceeding, a proceeding to modify disposition, a proceeding for waiver of jurisdiction and transfer to criminal court under Section 54.02(a), or a motion for transfer of determinate sentence probation to an appropriate district court if:

- (1) the petition or motion ~~[to modify]~~ was filed while the respondent was younger than 18 ~~[years of age]~~ or ~~[the motion for transfer was filed while the respondent was younger than]~~ 19 years of age, as applicable;
- (2) the proceeding is not complete before the respondent becomes 18 or 19 years of age, as applicable; and
- (3) the court enters a finding in the proceeding that the prosecuting attorney exercised due diligence in an attempt to complete the proceeding before the respondent became 18 or 19 years of age, as applicable.

SECTION _____. Section 51.07, Family Code, is amended to read as follows:

Sec. 51.07. TRANSFER TO ANOTHER COUNTY FOR DISPOSITION.
(a) When a child has been found to have engaged in delinquent conduct or conduct indicating a need for supervision under Section 54.03, the juvenile court may transfer the case and transcripts of records and documents to the juvenile court of the county where the child resides for disposition of the case under Section 54.04. Consent by the court of the county where the child resides is not required.

(b) For purposes of Subsection (a), while a child is the subject of a suit under Title 5, the child is considered to reside in the county in which the court of continuing exclusive jurisdiction over the child is located.

SECTION _____. Section 51.072, Family Code, is amended by amending Subsection (f) and adding Subsections (f-2), (j-1), and (j-2) to read as follows:

(f) Not later than 10 business days after a receiving county has agreed to provide interim supervision of a child, the juvenile probation department of the sending county shall provide the juvenile probation department of the receiving county with a copy of the following documents:

(1) the petition and the adjudication and disposition orders for the child, including the child's thumbprint;

(2) the child's conditions of probation;

(3) the social history report for the child;

(4) any psychological or psychiatric reports concerning the child;

(5) the Department of Public Safety CR 43J form or tracking incident number concerning the child;

(6) any law enforcement incident reports concerning the offense for which the child is on probation;

(7) any sex offender registration information concerning the child;

(8) any juvenile probation department progress reports concerning the child and any other pertinent documentation for the child's probation officer;

(9) case plans concerning the child;

(10) the Texas Juvenile Justice Department [~~Probation Commission~~] standard assessment tool results for the child;

(11) the computerized referral and case history for the child, including case disposition;

(12) the child's birth certificate;

(13) the child's social security number or social security card, if available;

(14) the name, address, and telephone number of the contact person in the sending county's juvenile probation department;

(15) Title IV-E eligibility screening information for the child, if available;

(16) the address in the sending county for forwarding funds collected to which the sending county is entitled;

(17) any of the child's school or immunization records that the juvenile probation department of the sending county possesses; [~~and~~]

(18) any victim information concerning the case for which the child is on probation; and

(19) if applicable, documentation that the sending county has required the child to provide a DNA sample to the Department of Public Safety under Section 54.0405 or 54.0409 or under Subchapter G, Chapter 411, Government Code.

(f-2) On initiating a transfer of probation supervision under this section, for a child ordered to submit a DNA sample as a condition of probation, the sending county shall provide to the receiving county documentation of compliance with

the requirements of Section 54.0405 or 54.0409 or of Subchapter G, Chapter 411, Government Code, as applicable. If the sending county has not provided the documentation required under this section within the time provided by Subsection (f), the receiving county may refuse to accept interim supervision until the sending county has provided the documentation.

(j-1) Notwithstanding Subsection (j), the sending county may request interim supervision from the receiving county that issued a directive under Subsection (i)(2). Following the conclusion of any judicial proceedings in the sending county or on the completion of any residential placement ordered by the juvenile court of the sending county, the sending and receiving counties may mutually agree to return the child to the receiving county. The sending and receiving counties may take into consideration whether:

(1) the person having legal custody of the child resides in the receiving county;

(2) the child has been ordered by the juvenile court of the sending county to reside with a parent, guardian, or other person who resides in the sending county or any other county; and

(3) the case meets the statutory requirements for collaborative supervision.

(j-2) The period of interim supervision under Subsection (j-1) may not exceed the period under Subsection (m).

SECTION _____. Subsections (d) and (e), Section 51.13, Family Code, are amended to read as follows:

(d) An adjudication under Section 54.03 that a child engaged in conduct that occurred on or after January 1, 1996, and that constitutes a felony offense resulting in commitment to the Texas Juvenile Justice Department [~~Youth Commission~~] under Section 54.04(d)(2), (d)(3), or (m) or 54.05(f) is a final felony conviction only for the purposes of Sections 12.42(a), (b), and (c)(1), [~~and (e)~~], Penal Code.

(e) A finding that a child engaged in conduct indicating a need for supervision as described by Section 51.03(b)(8) [~~51.03(b)(7)~~] is a conviction only for the purposes of Sections 43.261(c) and (d), Penal Code.

SECTION _____. Subsection (c), Section 51.17, Family Code, is amended to read as follows:

(c) Except as otherwise provided by this title, the Texas Rules of Evidence applicable [~~apply~~] to criminal cases and Articles 33.03 and 37.07 and Chapter 38, Code of Criminal Procedure, apply in a judicial proceeding under this title.

SECTION _____. Section 52.0151, Family Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) If a witness is in a placement in the custody of the Texas Juvenile Justice Department [~~Youth Commission~~], a juvenile secure detention facility, or a juvenile secure correctional facility, the court may issue a bench warrant or direct that an attachment issue to require a peace officer or probation officer to secure custody of the person at the placement and produce the person in court. Once the

person is no longer needed as a witness or the period prescribed by Subsection (c) has expired without extension, the court shall order the peace officer or probation officer to return the person to the placement from which the person was released.

(c) A witness held in custody under this section may be placed in a certified juvenile detention facility for a period not to exceed 30 days. The length of placement may be extended in 30-day increments by the court that issued the original bench warrant. If the placement is not extended, the period under this section expires and the witness may be returned as provided by Subsection (a).

SECTION _____. The heading to Section 53.045, Family Code, is amended to read as follows:

Sec. 53.045. OFFENSES ELIGIBLE FOR DETERMINATE SENTENCE ~~[VIOLENT OR HABITUAL OFFENDERS]~~.

SECTION _____. Subsection (e), Section 54.011, Family Code, is amended to read as follows:

(e) A status offender may be detained for a necessary period, not to exceed the period allowed under the Interstate Compact for Juveniles ~~[five days]~~, to enable the child's return to the child's home in another state under Chapter 60.

SECTION _____. Subsection (a), Section 54.0404, Family Code, is amended to read as follows:

(a) If a child is found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(8) ~~[51.03(b)(7)]~~, the juvenile court may enter an order requiring the child to attend and successfully complete an educational program described by Section 37.218, Education Code, or another equivalent educational program.

SECTION _____. The heading to Section 56.03, Family Code, is amended to read as follows:

Sec. 56.03. APPEAL BY STATE IN CASES OF OFFENSES ELIGIBLE FOR DETERMINATE SENTENCE ~~[VIOLENT OR HABITUAL OFFENDER]~~.

SECTION _____. Subsection (c-3), Section 58.003, Family Code, as added by Chapter 1322 (**SB 407**), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Subsection (c-5), Section 58.003, Family Code, to read as follows:

(c-5) ~~(c-3)~~ Notwithstanding Subsections (a) and (c) and subject to Subsection (b), a juvenile court may order the sealing of records concerning a child found to have engaged in conduct indicating a need for supervision that violates Section 43.261, Penal Code, or taken into custody to determine whether the child engaged in conduct indicating a need for supervision that violates Section 43.261, Penal Code, if the child attends and successfully completes an educational program described by Section 37.218, Education Code, or another equivalent educational program. The court may:

(1) order the sealing of the records immediately and without a hearing;

or

(2) hold a hearing to determine whether to seal the records.

SECTION _____. Subsection (c-4), Section 58.003, Family Code, as added by Chapter 1322 (**SB 407**), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Subsection (c-6), Section 58.003, Family Code, and amended to read as follows:

(c-6) ~~[(c-4)]~~ A prosecuting attorney or juvenile probation department may maintain until a child's 17th birthday a separate record of the child's name and date of birth and the date on which the child successfully completed the educational program, if the child's records are sealed under Subsection (c-5) ~~[(c-3)]~~. The prosecuting attorney or juvenile probation department, as applicable, shall send the record to the court as soon as practicable after the child's 17th birthday to be added to the child's other sealed records.

SECTION _____. Subsection (d), Section 58.003, Family Code, as amended by Chapters 1150 (**HB 2015**) and 1322 (**SB 407**), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(d) The court may grant to a child the relief authorized in Subsection (a), (c-1), ~~[(c-3)]~~, or (c-5) at any time after final discharge of the child or after the last official action in the case if there was no adjudication, subject, if applicable, to Subsection (e). If the child is referred to the juvenile court for conduct constituting any offense and at the adjudication hearing the child is found to be not guilty of each offense alleged, the court shall immediately and without any additional hearing order the sealing of all files and records relating to the case.

SECTION _____. Subsection (g-1), Section 58.003, Family Code, is amended to read as follows:

(g-1) Statistical data ~~[Any records]~~ collected or maintained by the Texas Juvenile Justice Department, including statistical data submitted under Section 221.007, Human Resources Code, is is ~~[are]~~ not subject to a sealing order issued under this section.

SECTION _____. Subsection (a), Section 58.203, Family Code, is amended to read as follows:

(a) The department shall certify to the juvenile probation department to which a referral was made that resulted in information being submitted to the juvenile justice information system that the records relating to a person's juvenile case are subject to automatic restriction of access if:

- (1) the person is at least 17 years of age;
- (2) the juvenile case did not include ~~[violent or habitual felony]~~ conduct resulting in determinate sentence proceedings in the juvenile court under Section 53.045; and
- (3) the juvenile case was not certified for trial in criminal court under Section 54.02.

SECTION _____. Subsection (b), Section 58.204, Family Code, is amended to read as follows:

(b) On certification of records in a case under Section 58.203, the department may permit access to the information in the juvenile justice information system relating to the case of an individual only:

- (1) by a criminal justice agency for a criminal justice purpose, as those terms are defined by Section 411.082, Government Code; ~~[(c)]~~

(2) for research purposes, by the Texas Juvenile Justice Department;
 (3) by the person who is the subject of the records on an order from the juvenile court granting the petition filed by or on behalf of the person who is the subject of the records;

(4) with the permission of the juvenile court at the request of the person who is the subject of the records; or

(5) with the permission of the juvenile court, by a party to a civil suit if the person who is the subject of the records has put facts relating to the person's records at issue in the suit [Probation Commission, the Texas Youth Commission, or the Criminal Justice Policy Council].

SECTION _____. Section 58.207, Family Code, is amended to read as follows:

Sec. 58.207. JUVENILE COURT ORDERS ON CERTIFICATION.

(a) On certification of records in a case under Section 58.203, the juvenile court shall order:

(1) that the following records relating to the case may be accessed only as provided by Section 58.204(b):

(A) if the respondent was committed to the Texas Juvenile Justice Department ~~[Youth Commission]~~, records maintained by the department ~~[commission]~~;

(B) records maintained by the juvenile probation department;

(C) records maintained by the clerk of the court;

(D) records maintained by the prosecutor's office; and

(E) records maintained by a law enforcement agency; and

(2) the juvenile probation department to make a reasonable effort to notify the person who is the subject of records for which access has been restricted of the action restricting access and the legal significance of the action for the person, but only if the person has requested the notification in writing and has provided the juvenile probation department with a current address.

(b) Except as provided by Subsection (c), on [On] receipt of an order under Subsection (a)(1), the agency maintaining the records:

(1) may allow access only as provided by Section 58.204(b); and

(2) shall respond to a request for information about the records by stating that the records do not exist.

(c) Subsection (b) does not apply if:

(1) the subject of an order issued under Subsection (a)(1) is under the jurisdiction of the juvenile court or the Texas Juvenile Justice Department; or

(2) the agency has received notice that the records are not subject to restricted access under Section 58.211.

(d) Notwithstanding Subsection (b) and Section 58.206(b), with the permission of the subject of the records, an agency listed in Subsection (a)(1) may permit the state military forces or the United States military forces to have access to juvenile records held by that agency. On receipt of a request from the state military forces or the United States military forces, an agency may provide access to juvenile records held by that agency in the same manner authorized by law for records that have not been restricted under Subsection (a).

SECTION _____. Section 58.209, Family Code, is amended to read as follows:

Sec. 58.209. INFORMATION TO CHILD BY PROBATION OFFICER OR TEXAS JUVENILE JUSTICE DEPARTMENT ~~[YOUTH COMMISSION]~~.

(a) When a child is placed on probation for an offense that may be eligible for automatic restricted access at age 17 or when a child is received by the Texas Juvenile Justice Department ~~[Youth Commission]~~ on an indeterminate commitment, a probation officer or an official at the Texas Juvenile Justice Department ~~[Youth Commission]~~ reception center, as soon as practicable, shall explain the substance of the following information to the child:

(1) if the child was adjudicated as having committed delinquent conduct for a felony or jailable misdemeanor, that the child probably has a juvenile record with the department and the Federal Bureau of Investigation;

(2) that the child's juvenile record is a permanent record that is not destroyed or erased unless the record is eligible for sealing and the child or the child's family hires a lawyer and files a petition in court to have the record sealed;

(3) that the child's juvenile record, other than treatment records made confidential by law, can be accessed by police, sheriff's officers, prosecutors, probation officers, correctional officers, and other criminal and juvenile justice officials in this state and elsewhere;

(4) that the child's juvenile record, other than treatment records made confidential by law, can be accessed by employers, educational institutions, licensing agencies, and other organizations when the child applies for employment or educational programs;

(5) if the child's juvenile record is placed on restricted access when the child becomes 17 years of age, that access will be denied to employers, educational institutions, and others except for criminal justice agencies; ~~and~~

(6) that restricted access does not require any action by the child or the child's family, including the filing of a petition or hiring of a lawyer, but occurs automatically at age 17; and

(7) that if the child is under the jurisdiction of the juvenile court or the Texas Juvenile Justice Department on or after the child's 17th birthday, the law regarding restricted access will not apply until the person is discharged from the jurisdiction of the court or department, as appropriate.

(b) The probation officer or Texas Juvenile Justice Department ~~[Youth Commission]~~ official shall:

(1) give the child a written copy of the explanation provided; and

(2) communicate the same information to at least one of the child's parents or, if none can be found, to the child's guardian or custodian.

(c) The Texas Juvenile Justice Department ~~[Probation Commission and the Texas Youth Commission]~~ shall adopt rules to implement this section and to facilitate the effective explanation of the information required to be communicated by this section.

SECTION _____. Subsection (a), Section 23.101, Government Code, is amended to read as follows:

(a) The trial courts of this state shall regularly and frequently set hearings and trials of pending matters, giving preference to hearings and trials of the following:

(1) temporary injunctions;

(2) criminal actions, with the following actions given preference over other criminal actions:

(A) criminal actions against defendants who are detained in jail pending trial;

(B) criminal actions involving a charge that a person committed an act of family violence, as defined by Section 71.004, Family Code;

(C) an offense under:

(i) Section 21.02 or 21.11, Penal Code;

(ii) Chapter 22, Penal Code, if the victim of the alleged offense is younger than 17 years of age;

(iii) Section 25.02, Penal Code, if the victim of the alleged offense is younger than 17 years of age;

(iv) Section 25.06, Penal Code;

(v) Section 43.25, Penal Code; or

(vi) Section 20A.03, Penal Code;

(D) an offense described by Article 62.001(6)(C) or (D), Code of Criminal Procedure; and

(E) criminal actions against persons [~~children~~] who are detained as provided by Section 51.12, Family Code, after transfer for prosecution in criminal court under Section 54.02, Family Code;

(3) election contests and suits under the Election Code;

(4) orders for the protection of the family under Subtitle B, Title 4, Family Code;

(5) appeals of final rulings and decisions of the division of workers' compensation of the Texas Department of Insurance regarding workers' compensation claims and claims under the Federal Employers' Liability Act and the Jones Act;

(6) appeals of final orders of the commissioner of the General Land Office under Section 51.3021, Natural Resources Code;

(7) actions in which the claimant has been diagnosed with malignant mesothelioma, other malignant asbestos-related cancer, malignant silica-related cancer, or acute silicosis; and

(8) appeals brought under Section 42.01 or 42.015, Tax Code, of orders of appraisal review boards of appraisal districts established for counties with a population of less than 175,000.

SECTION _____. Section 243.005, Human Resources Code, is amended to read as follows:

Sec. 243.005. INFORMATION PROVIDED BY COMMITTING COURT. In addition to the information provided under Section 243.004, a court that commits a child to the department shall provide the department with a copy of the following documents:

- (1) the petition and the adjudication and disposition orders for the child, including the child's thumbprint;
- (2) if the commitment is a result of revocation of probation, a copy of the conditions of probation and the revocation order;
- (3) the social history report for the child;
- (4) any psychological or psychiatric reports concerning the child;
- (5) the contact information sheet for the child's parents or guardian;
- (6) any law enforcement incident reports concerning the offense for which the child is committed;
- (7) any sex offender registration information concerning the child;
- (8) any juvenile probation department progress reports concerning the child;
- (9) any assessment documents concerning the child;
- (10) the computerized referral and case history for the child, including case disposition;
- (11) the child's birth certificate;
- (12) the child's social security number or social security card, if available;
- (13) the name, address, and telephone number of the court administrator in the committing county;
- (14) Title IV-E eligibility screening information for the child, if available;
- (15) the address in the committing county for forwarding funds collected to which the committing county is entitled;
- (16) any of the child's school or immunization records that the committing county possesses;
- (17) any victim information concerning the case for which the child is committed; ~~and~~
- (18) any of the child's pertinent medical records that the committing court possesses;
- (19) the Texas Juvenile Justice Department standard assessment tool results for the child;
- (20) the Department of Public Safety CR-43J form or tracking incident number concerning the child; and
- (21) documentation that the committing court has required the child to provide a DNA sample to the Department of Public Safety.

SECTION _____. The heading to Section 244.014, Human Resources Code, is amended to read as follows:

Sec. 244.014. REFERRAL OF DETERMINATE SENTENCE ~~[VIOLENT AND HABITUAL]~~ OFFENDERS FOR TRANSFER.

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

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **HB 2862** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 203, Human Resources Code, is amended by adding Section 203.016 to read as follows:

Sec. 203.016. DATA REGARDING PLACEMENT IN DISCIPLINARY SECLUSION. (a) In this section:

(1) "Disciplinary seclusion" means the separation of a resident from other residents for disciplinary reasons and the placement of the resident alone in an area from which egress is prevented for more than 90 minutes.

(2) "Juvenile facility" means a facility that serves juveniles under juvenile court jurisdiction and that is operated as a pre-adjudication secure detention facility, a short-term detention facility, or a post-adjudication secure correctional facility.

(b) The department shall collect the following data during the annual registration of juvenile facilities and make the data publicly available:

(1) the number of placements in disciplinary seclusion lasting at least 90 minutes but less than 24 hours;

(2) the number of placements in disciplinary seclusion lasting 24 hours or more but less than 48 hours; and

(3) the number of placements in disciplinary seclusion lasting 48 hours or more.

**HB 2912 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2912, A bill to be entitled An Act relating to decedents' estates.

Representative S. Thompson moved to concur in the senate amendments to **HB 2912**.

The motion to concur in the senate amendments to **HB 2912** prevailed by (Record 1201): 145 Yeas, 0 Nays, 1 Present, not voting.

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

Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithe; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, S.; Kolkhorst.

Absent — Burkett; Stickland.

STATEMENT OF VOTE

When Record No. 1201 was taken, I was in the house but away from my desk. I would have voted yes.

Stickland

Senate Amendment No. 1 (Senate Committee Amendment No. 1)

Amend **HB 2912** (house engrossment) as follows:

(1) On page 13, lines 8-9, strike "until the applicant files the affidavit required by this section" and substitute "until the affidavit or certificate required by Subsection (a) is filed".

(2) On page 46, line 4, strike "405.001(b)",

(3) On page 46, line 12, strike "and 403.056(a)" and substitute "403.056(a), and 405.001(b)".

Senate Amendment No. 2 (Senate Committee Amendment No. 2)

Amend **HB 2912** (house engrossment) as follows:

(1) Strike SECTION 11 of the bill.

(2) On page 46, lines 10 and 11, strike "201.001(f) and (g)",

(3) On page 46, line 13, strike "201.001(i) and (j)",

(4) Renumber SECTIONS of the bill appropriately.

HR 2706 - ADOPTED

(by Y. Davis)

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 2706**.

The motion prevailed.

The following resolution was laid before the house:

HR 2706, Honoring Gaven Norris of Houston for his participation in the Texas Legislative Internship Program.

HR 2706 was adopted.

RESOLUTIONS ADOPTED

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

HR 2501 (by White, Carter, and E. S. Turner), Commending Reginald Grant, Jr., of Harris County for serving as a Republican Party precinct chair.

HR 2502 (by White, Carter, and E. S. Turner), Commending Shaheen Mubaark of Harris County for serving as a Republican Party precinct chair.

HR 2503 (by White, Carter, and E. S. Turner), Commending Starlet Davis of Harris County for serving as a Republican Party precinct captain.

HR 2504 (by White, Carter, and E. S. Turner), Commending Marcelyn Curry for past service as a Republican Party precinct chair.

HR 2505 (by White, Carter, and E. S. Turner), Commending Courtney Daffin for past service as a Republican Party precinct chair.

HR 2506 (by White, Carter, and E. S. Turner), Commending Donna A. Dawkins for past service as a Republican Party precinct chair.

HR 2507 (by White, Carter, and E. S. Turner), Commending William Henry Dibrell for past service as a Republican Party precinct chair.

HR 2508 (by White, Carter, and E. S. Turner), Commending Joseph Dotson for past service as a Republican Party precinct chair.

HR 2509 (by White, Carter, and E. S. Turner), Commending Floyd Griffith for past service as a Republican Party precinct chair.

HR 2510 (by White, Carter, and E. S. Turner), Commending Chris Harvey for past service as a Republican Party precinct chair.

HR 2511 (by White, Carter, and E. S. Turner), Commending Charles Jackson for past service as a Republican Party precinct chair.

HR 2512 (by White, Carter, and E. S. Turner), Commending Elmo Johnson for past service as a Republican Party precinct chair.

HR 2513 (by White, Carter, and E. S. Turner), Commending Justin Jordan for past service as a Republican Party precinct chair.

HR 2514 (by White, Carter, and E. S. Turner), Commending Anthony Leatherman for past service as a Republican Party precinct chair.

HR 2515 (by White, Carter, and E. S. Turner), Commending Clyde Lemon for past service as a Republican Party precinct chair.

HR 2516 (by White, Carter, and E. S. Turner), Commending Margie Phelps for past service as a Republican Party precinct chair.

HR 2517 (by White, Carter, and E. S. Turner), Commending Linda Faye Reed for past service as a Republican Party precinct chair.

HR 2518 (by White, Carter, and E. S. Turner), Commending Joyce Smith for past service as a Republican Party precinct chair.

HR 2519 (by White, Carter, and E. S. Turner), Commending Kimberly R. Snagg for past service as a Republican Party precinct chair.

HR 2520 (by White, Carter, and E. S. Turner), Commending Willie Wright for past service as a Republican Party precinct chair.

HR 2521 (by White, Carter, and E. S. Turner), Commending Billy Calhoun II for past service as a Republican Party precinct chair.

HR 2523 (by Y. Davis), Honoring Cedar Hill City Manager Alan Sims on being named Man of the Year by the Cedar Hill Chamber of Commerce.

HR 2524 (by Collier), Commemorating the opening of Memorial Park in Forest Hill.

HR 2527 (by Perry), Congratulating Heather Keister of Lubbock on her selection as the 2013 Young Engineer of the Year by the South Plains Chapter of the Texas Society of Professional Engineers.

HR 2529 (by Flynn), Commemorating the dedication of an official Texas Historical Marker honoring G. W. Tull, Sr., in Canton.

HR 2530 (by Flynn), Commemorating the 135th anniversary of Wesley Chapel Christian Methodist Episcopal Church in Greenville.

HR 2531 (by Flynn), Congratulating Colonel Amy F. Cook of Salado on her appointment as Brigade Commander for the Training Center Garrison Command of the Texas Army National Guard.

HR 2533 (by Springer), Congratulating Matador Ranch on its receipt of the 2013 Best Remuda Award from the American Quarter Horse Association and Zoetis.

HR 2534 (by Paddie), Congratulating Cristi Parsons of Hallsville on being named the 2013 National Distinguished Principal for the State of Texas by the Texas Elementary Principals and Supervisors Association.

HR 2535 (by Farney), Commemorating the 125th anniversary of Immanuel Lutheran Church of Taylor.

HR 2536 (by Farney), Congratulating Savannah Page of Thorndale High School on her receipt of a 2013 Luminant Power Track Scholarship.

HR 2537 (by Farney), Congratulating Patty Rodgers on being named Citizen of the Year by the Florence Chamber of Commerce.

HR 2538 (by Farney), Commemorating the 140th anniversary of St. Paul United Methodist Church in Georgetown.

HR 2539 (by Farney), Congratulating Nina Lindsey of Bertram on her 103rd birthday.

HR 2540 (by Farney), Recognizing Dr. Daniel Voss on his service to the Texas Legislature as a Physician of the Day.

HR 2541 (by Farney), Recognizing Dr. James Phil McCurdy for his service to the Texas Legislature as Physician of the Day for May 2, 2013.

HR 2543 (by Simpson), Congratulating Thomas Sharpe Wilmeth of Daingerfield on the occasion of his 100th birthday.

HR 2544 (by J. Davis, et al.), Congratulating Cameron Lee Alexander on achieving the rank of Eagle Scout.

HR 2545 (by Howard), Commemorating the 2013 NEW Leadership Texas class.

HR 2547 (by Huberty), Congratulating Gia Jones on being named the Atascocita Middle School Teacher of the Year.

HR 2548 (by Isaac), Commending Elizabeth Ann Bounds for her service as an intern in the office of State Representative Jason Isaac.

HR 2549 (by J. Sheffield), Congratulating Weronika Konwent on being named salutatorian of the Hamilton High School Class of 2013.

HR 2550 (by Fletcher), Congratulating Jacqueline Eber on her retirement from the Texas Comptroller of Public Accounts.

HR 2552 (by Longoria), Congratulating Sammy Garcia of Seabrook on receiving a 2013 Rotary NASA Stellar Award.

HR 2554 (by Phillips), Congratulating Connie Bohuslav on her retirement from the Texas Department of Transportation.

HR 2555 (by J. Sheffield), Congratulating Lisa Marie Rivera, salutatorian of the Copperas Cove High School Class of 2013.

HR 2556 (by J. Sheffield), Congratulating Sierra Dawn Kash, valedictorian of the Hico High School Class of 2013.

HR 2557 (by J. Sheffield), Congratulating Glen Rose High School students Nathan Burroughs and Christine Sheets on their performance at the UIL Cross-Examination Debate State Meet.

HR 2558 (by Springer), Congratulating Shelby Smith of Paducah ISD on winning the Family, Career and Community Leaders of America state design competition.

HR 2561 (by J. Sheffield), Congratulating Alicen Cryer, salutatorian of the Hico High School Class of 2013.

HR 2562 (by J. Sheffield), Congratulating Maggie Wright, valedictorian of the Evant High School Class of 2013.

HR 2563 (by Y. Davis), Congratulating Deborah Johnston on receiving a 2012 Sam Winstead Volunteer of the Year Award from the YMCA of Metropolitan Dallas.

HR 2564 (by Y. Davis), Congratulating Vivian Thompson on receiving a 2012 Sam Winstead Volunteer of the Year Award from the YMCA of Metropolitan Dallas.

HR 2565 (by Y. Davis), Congratulating Rossi Walter on receiving a 2012 Sam Winstead Volunteer of the Year Award from the YMCA of Metropolitan Dallas.

HR 2566 (by Y. Davis and C. Turner), Congratulating Charles England on his retirement as mayor of Grand Prairie.

HR 2567 (by D. Miller), Honoring Sandra K. Voelker on her retirement as a team leader with the Teacher Retirement System of Texas.

The motion to suspend all necessary rules prevailed, and the resolutions were adopted.

RESOLUTIONS ADOPTED

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

HR 2470 (by White), In memory of Frances Helen Russell of Brookeland.

HR 2471 (by White), In memory of Woodrow Arendall of Silsbee.

HR 2522 (by Y. Davis), In memory of Norman Lee Whitlow of Dallas.

HR 2526 (by Perry), In memory of Irene McGregor Ratliff of Lubbock.

HR 2542 (by P. King), In memory of Parker County treasurer James Garland Thorp II.

HR 2553 (by Phillips), In memory of David Austin Griffin of Prosper.

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

RESOLUTIONS ADOPTED

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

HR 2568 (by Villalba), Commending Chase Fruge for his service as legislative director for State Representative Jason Villalba during the 83rd Legislative Session.

HR 2569 (by Villalba), Honoring Ashley Juergens for her outstanding service as a legislative assistant in the office of State Representative Jason Villalba.

HR 2570 (by Villalba), Commending Cecile Fernandez for her outstanding service as director of the district office of State Representative Jason Villalba.

HR 2571 (by Villalba), Commending Michael Stinebaugh for his contributions as a legislative assistant to Representative Jason Villalba during the 83rd Legislative Session.

HR 2573 (by Gonzales), Congratulating Edwin and Neva LeBreton of Round Rock on their 70th wedding anniversary.

HR 2575 (by White), Congratulating Dale "D. J." Dean of Newton High School on winning gold medals in the 2A 400-meter dash and the 4 x 100-meter relay at the 2013 UIL Track & Field State Meet.

HR 2576 (by Villalba), Congratulating Jan Sharry on being named the 2013 Advisor Dealmaker of the Year by the Dallas Business Journal.

HR 2577 (by Herrero), Congratulating Felix and Yolanda Landin of Corpus Christi on their 50th wedding anniversary.

HR 2578 (by Herrero), Honoring the Tejano Gold Countdown radio program.

HR 2579 (by Herrero), Congratulating Aaron M. Garcia of Corpus Christi on achieving the rank of Eagle Scout.

HR 2580 (by Herrero), Congratulating Lindsey London of Driscoll on being named a winner in the 2013 Treasures of the Texas Coast Children's Art Contest.

HR 2581 (by Herrero), Congratulating Corey Wittig, valedictorian of Calallen High School in Corpus Christi.

HR 2582 (by Herrero), Congratulating Samuel Alaniz, Jr., of Robstown on his receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

HR 2583 (by Herrero), Congratulating Cheyenne Frost of Alice on her receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

HR 2584 (by Herrero), Congratulating Brittany Donald of Robstown on her receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

HR 2585 (by Herrero), Congratulating Kathleen Geuea of Agua Dulce on her receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

HR 2586 (by Herrero), Congratulating Laurn Hefte of Corpus Christi on her receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

HR 2587 (by Herrero), Congratulating Rachel Kaplan of Robstown on her receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

HR 2588 (by Herrero), Congratulating Andria Ramirez of Bishop on her receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

HR 2589 (by Herrero), Congratulating Kaitlyn Pittman of Corpus Christi on her receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

HR 2590 (by Herrero), Congratulating Matthew Wyatt McCown of Mathis on his receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

HR 2591 (by Herrero), Congratulating Justin Pawlik of Bishop on his receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

HR 2592 (by Herrero), Congratulating Samantha Green of Corpus Christi on her receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

HR 2593 (by Herrero), Congratulating Martin Gutierrez of Robstown on his receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

HR 2594 (by Herrero), Congratulating Michael Harrington of Corpus Christi on his receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

HR 2595 (by Hilderbran), Recognizing the rich history of Bandera.

HR 2598 (by Craddick), Congratulating Will and Mikell Abney and their children on their selection as the 2013 Samaritan Counseling Center of West Texas Midland Family of the Year.

HR 2599 (by Canales), Commending Noe Andres Gonzalez for his service as a legislative aide in the office of State Representative Terry Canales.

HR 2600 (by Canales), Honoring Emily Campbell for her service as a legislative intern in the office of State Representative Terry Canales.

HR 2601 (by Canales), Commending Jonathan Gonzalez-Smith for his service as legislative director with the office of State Representative Terry Canales.

HR 2603 (by J. Sheffield), Congratulating the Glen Rose High School boys' 1,600-meter relay team on qualifying for the 2013 UIL Track & Field State Meet.

HR 2605 (by Gooden), Congratulating James R. Thompson of Kaufman on his receipt of a Texas A&M University and The Association of Former Students 2013 Distinguished Alumnus Award.

HR 2606 (by Guillen), Commemorating the 100th anniversary of the City of Three Rivers.

HR 2607 (by Anderson), Honoring the late Charles Morgan "Chuck" Slough of Waco for his efforts in behalf of area children with special needs.

HR 2608 (by Anderson), Honoring Donnie Rowe of Eddy on his 2013 induction into the Wall of Fame at the Heart O' Texas Speedway.

HR 2609 (by Anderson), Congratulating James and Jo Ann Cox of McGregor on their 50th wedding anniversary.

HR 2610 (by Anderson), Congratulating Vantso and Sandra Bailey of Lorena on their 50th wedding anniversary.

HR 2611 (by Anderson), Congratulating Kyle Karnei of Midway High School on qualifying for the 2013 UIL Golf State Tournament.

HR 2612 (by Anderson), Congratulating the boys' and girls' track teams of Rosebud-Lott High School on winning championships at the UIL 2A Region 2 meet.

HR 2613 (by Anderson), Congratulating Lauren Taylor and Hayley Davis of Baylor University on being named to the 2013 All-Big 12 Women's Golf Team.

HR 2614 (by Anderson), Congratulating the McGregor Garden Club on earning multiple awards at the District V and state competitions.

HR 2615 (by Springer), Commending Janell Rochelle for coaching the Paducah ISD students that qualified for the Business Professionals of America 2013 National Leadership Conference.

HR 2616 (by Springer), Commending Andre Patterson for helping coach the Paducah ISD middle-level students who qualified for the Business Professionals of America 2013 National Leadership Conference.

HR 2617 (by Springer), Congratulating Kaleb Rochelle of the Paducah ISD on his performance in the mid-level keyboard event at the Business Professionals of America National Leadership Conference.

HR 2618 (by Springer), Congratulating the members of the Paducah ISD video production team on their success at the 2013 Business Professionals of America National Leadership Conference.

HR 2619 (by Springer), Congratulating Charlie Holley of Paducah ISD on qualifying for the 2013 Business Professionals of America National Leadership Conference.

HR 2620 (by Springer), Congratulating Mandy Mayo of Paducah High School on her performance in the senior keyboarding event at the 2013 Business Professionals of America National Leadership Conference.

HR 2621 (by Springer), Congratulating Sawyer Thompson of the Paducah ISD on placing third in the web design event at the Business Professionals of America National Leadership Conference.

HR 2622 (by Springer), Congratulating the Paducah High School boys' 400-meter relay team on winning the UIL 1A Division 2 state championship and establishing a new state record.

HR 2623 (by Springer), Congratulating the Paducah High School girls' golf team on its seventh-place finish among the 1A competitors at the 2013 UIL Golf State Tournament.

HR 2625 (by Sanford), Commending Katherine Munal for her service as chief of staff in the office of State Representative Scott Sanford.

HR 2627 (by G. Bonnen), Honoring Constable Jimmy Fullen of Galveston County for his 26 years of service in law enforcement.

HR 2628 (by G. Bonnen), Congratulating Chief Jeff Smith on his retirement from the Galveston Fire Department.

The motion to suspend all necessary rules prevailed, and the resolutions were adopted.

HB 1025 - RULES SUSPENDED

Pursuant to notice of intent given earlier today, Representative Pitts moved to suspend all necessary rules to consider **HB 1025** with senate amendments at this time.

The motion prevailed by (Record 1202): 136 Yeas, 3 Nays, 1 Present, not voting.

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

Nays — Laubenberg; Simpson; Stickland.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, S.; Kolkhorst.

Absent — Clardy; Fallon; Farney; Hernandez Luna; Herrero; Hughes; Lucio; Naishtat.

STATEMENTS OF VOTE

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

Fallon

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

Herrero

**HB 1025 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS**

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

HB 1025, A bill to be entitled An Act relating to making supplemental appropriations and reductions in appropriations and giving direction and adjustment authority regarding appropriations.

Representative Pitts moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1025**.

The motion prevailed.

HB 1025 - MOTION TO INSTRUCT CONFEREES

Representative Taylor moved to instruct the Conference Committee on **HB 1025** in providing for appropriations from the economic stabilization fund, appropriations from the economic stabilization fund must not exceed an amount that at any time during the period for which the appropriated money may be spent would result in a balance in the economic stabilization fund that is less than 7 percent of the amount of the biennial state taxes and fees general revenue estimate provided in advance of the 83rd Legislature, Regular Session, 2013, as required by Section 49a(a), Article III, Texas Constitution.

The motion to instruct conferees was lost by (Record 1203): 25 Yeas, 120 Nays, 1 Present, not voting.

Yeas — Anderson; Burkett; Capriglione; Carter; Fallon; Flynn; Goldman; Gooden; Hughes; Isaac; King, P.; Krause; Laubenberg; Lavender; Perry; Schaefer; Sheets; Simpson; Springer; Stickland; Taylor; Toth; Turner, E.S.; White; Zedler.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, S.; Kolkhorst.

Absent — Bell; Reynolds.

STATEMENTS OF VOTE

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

Hunter

When Record No. 1203 was taken, I was in the process of checking in, but the vote was closed before my vote could be cast. I would have voted no.

S. King

(S. King now present)

HB 1025 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1025**: Pitts, chair; Otto, Darby, Martinez Fischer, and Oliveira.

HB 7 - RULES SUSPENDED

Pursuant to notice of intent given today, Representative Darby moved to suspend all necessary rules to consider **HB 7** with senate amendments at this time.

The motion prevailed.

**HB 7 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 7, A bill to be entitled An Act relating to the amounts, availability, and use of certain statutorily dedicated revenue and accounts; reducing or affecting the amounts or rates of certain statutorily dedicated fees and assessments; imposing certain court costs.

Representative Darby moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 7**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 7**: Darby, chair; Pitts, Otto, S. Turner, and Eiland.

(Keffer in the chair)

LEAVE OF ABSENCE GRANTED

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

Anchia on motion of Muñoz.

**HB 2422 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2422, A bill to be entitled An Act relating to consideration of cloud computing services when a state agency purchases services for a major information resources project.

HB 2422 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE GONZALES: Members, the senate amendments to **HB 2422** changed the term "cloud computing" to "advanced Internet-based computing" because of concerns that one overzealous senate staffer has that the term cloud computing is just temporary industry jargon and will be obsolete in two years. I, along with Google, Microsoft, CenturyLink, Verizon, Time Warner, and TechAmerica, do not believe this concern is valid and have made our objections very clear.

Cloud computing is defined by the National Institute of Standards and Technology (NIST), a division of the U.S. Department of Commerce. This definition was discussed in the recent Joint Interim Committee on State Affairs and Technology.

I intend to concur with the amendments; however, I want to read into the record that the phrase "advanced Internet-based computing" specifically refers to "cloud computing" as defined by the NIST. Second, I want to express my intentions to work with Chariman Elkins, the Committee on Technology, and the body on a cloud computing policy for all state agencies and publicly funded institutions. Mr. Speaker and members, I move to concur with senate amendments, but I'm changing it back next session.

REMARKS ORDERED PRINTED

Representative Gonzales moved to print his remarks.

The motion prevailed.

Representative Gonzales moved to concur in the senate amendments to **HB 2422**.

The motion to concur in the senate amendments to **HB 2422** prevailed by (Record 1204): 146 Yeas, 0 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; 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; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano;

Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Anchia; Kolkhorst.

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

Amend **HB 2422** (Senate Committee printing) as follows:

(1) In SECTION 1 of the bill strike "cloud" (page 1, line 23) and insert "advanced internet-based".

(2) In SECTION 1 of the bill strike "cloud" (page 1, line 24) and insert "advanced internet-based".

(3) In SECTION 1 of the bill strike "must" (page 1, line 32) and insert "may".

(4) In SECTION 1 of the bill strike "cloud" (page 1, line 32) and insert "advanced internet-based".

(5) In SECTION 1, add subsection (c) (page 1, between lines 34 and 35) accordingly: (c) A state agency shall ensure that information resources projects that use advanced internet-based computing service options meet or exceed required state standards for cybersecurity.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **HB 2422** (senate committee printing) as follows:

(1) In SECTION 1, subsection (b), (page 1, line 34) insert after "option" and before "," including any cost associated with purchasing those service options.

(2) In SECTION 1 add subsection (d), (page 1, between line 34 and 35) accordingly: (d) Using existing resources, the department may review the process for the coordinated development, hosting, and management of computer software for state agencies that use advanced internet-based computing services.

HB 2612 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2612, A bill to be entitled An Act relating to prohibitions and restrictions on using county roads in certain circumstances.

Representative Flynn moved to concur in the senate amendments to **HB 2612**.

The motion to concur in the senate amendments to **HB 2612** prevailed by (Record 1205): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Ashby; Aycock; Bell; 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; 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; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Bohac; Farias; Martinez Fischer.

STATEMENT OF VOTE

When Record No. 1205 was taken, my vote failed to register. I would have voted yes.

Bohac

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

Amend **HB 2612** (senate committee printing) by striking Section 3(a) (page 2, lines 1-5) and inserting the following:

(a) A commissioners court may identify an alternate route to a road and require heavy vehicles having a gross weight of more than 60,000 pounds to travel the alternate route in order to prevent excessive damage to the road due to the volume of traffic by such heavy vehicles. An alternate route identified under this subsection must be:

HB 1803 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1803, A bill to be entitled An Act relating to the renewal of a controlled substance registration by physicians; changing the payment schedule for a fee.

Representative Callegari moved to concur in the senate amendments to **HB 1803**.

The motion to concur in the senate amendments to **HB 1803** prevailed by (Record 1206): 144 Yeas, 0 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; 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; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; 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; Keffer(C).

Absent, Excused — Anchia; Kolkhorst.

Absent — McClendon; Sheets.

Senate Committee Substitute

CSHB 1803, A bill to be entitled An Act relating to the renewal of a controlled substance registration by physicians; changing the payment schedule for a fee.

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

SECTION 1. Section 481.061(c), Health and Safety Code, is amended to read as follows:

(c) A separate registration is required at each principal place of business or professional practice where the applicant manufactures, distributes, analyzes, dispenses, or possesses a controlled substance[~~—However~~], except that the director may not require separate registration for:

(1) a physician licensed under Subtitle B, Title 3, Occupations Code; or
(2) a practitioner engaged in research with a nonnarcotic controlled substance listed in Schedules II through V if the registrant is already registered under this subchapter in another capacity.

SECTION 2. Section 481.063(g), Health and Safety Code, is amended to read as follows:

(g) Except as otherwise provided by Section 481.0645 for a physician licensed under Subtitle B, Title 3, Occupations Code, a [A] registration is valid until the first anniversary of the date of issuance and may be renewed annually under rules adopted by the director, unless a rule provides for a longer period of validity or renewal.

SECTION 3. Section 481.064, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as otherwise provided by Section 481.0645 for a physician licensed under Subtitle B, Title 3, Occupations Code, the [The] director may charge a nonrefundable fee of not more than \$25 before processing an application for annual registration and may charge a late fee of not more than \$50 for each application for renewal the department receives after the date the registration expires. The director by rule shall set the amounts of the fees at the amounts that are necessary to cover the cost of administering and enforcing this subchapter. Except as provided by Subsection (b) or Section 156.004, Occupations Code, registrants shall pay the fees to the director. Not later than 60 days before the date the registration expires, the director shall send a renewal notice to the registrant at the last known address of the registrant according to department records, unless the registrant is a physician to whom notice of expiration is provided under Section 156.004, Occupations Code.

(a-1) Notwithstanding Subsection (a), the director shall continue to send renewal notices to registrants who are physicians. This subsection expires January 1, 2016.

SECTION 4. Subchapter C, Chapter 481, Health and Safety Code, is amended by adding Section 481.0645 to read as follows:

Sec. 481.0645. REGISTRATION, RENEWAL, AND FEES FOR PHYSICIANS. (a) The registration under this chapter of a physician licensed under Subtitle B, Title 3, Occupations Code, is valid for a period of not less than two years and expires on the same date the physician's registration permit issued by the Texas Medical Board under Chapter 156, Occupations Code, expires.

(a-1) Notwithstanding Subsection (a), a registration of a physician licensed under Subtitle B, Title 3, Occupations Code, that is in effect on January 1, 2014, expires on the date on which the physician's registration permit issued by the Texas Medical Board under Chapter 156, Occupations Code, expires. This subsection expires January 1, 2017.

(b) The director may charge a physician registered under this section a nonrefundable registration fee of not more than \$50 and a late fee for each application submitted after the expiration of the grace period described by Section 156.004(b), Occupations Code.

(c) A physician may request the renewal of the physician's registration under this chapter by remitting the information required under Section 481.063 and the fee required under Subsection (b) to the Texas Medical Board. The Texas Medical Board must allow a physician to submit the information and pay the fee electronically.

(d) A physician requesting renewal under this section must meet all eligibility requirements under Section 481.063(e).

(e) The director shall adopt any rules necessary to administer this section. The director shall coordinate with the Texas Medical Board in the adoption of rules necessary under this section to prevent any conflicts between rules adopted by the agencies and to ensure that administrative burden to physicians is minimized.

SECTION 5. Subchapter A, Chapter 156, Occupations Code, is amended by adding Section 156.0035 to read as follows:

Sec. 156.0035. RENEWAL OF CONTROLLED SUBSTANCE REGISTRATION. (a) The board shall accept the renewal application and fee submitted by a physician under Section 481.0645, Health and Safety Code, for a registration under Subchapter C, Chapter 481, Health and Safety Code.

(b) The board by rule shall adopt a procedure for submitting a registration renewal application and remitting the registration fee to the Department of Public Safety.

(c) The board shall coordinate a physician's controlled substance registration renewal with the registration required under this chapter so that the times of registration, payment, and notice are the same and provide a minimum of administrative burden to the board and to physicians.

SECTION 6. Section 156.004, Occupations Code, is amended to read as follows:

Sec. 156.004. NOTICE OF EXPIRATION. (a) At least 60 days before the date on which a physician's registration permit expires, the [The] board shall send [a registration permit renewal application notice] to each physician at the physician's last known address according to the board's records:

(1) a [at least 30 days before the expiration date of the] registration permit renewal application notice; and

(2) a renewal notice for the physician's registration with the Department of Public Safety under Subchapter C, Chapter 481, Health and Safety Code.

(b) The board shall provide for a 30-day grace period for renewing the registration permit from the date of the expiration of the permit.

SECTION 7. (a) The changes in law made to Subchapter C, Chapter 481, Health and Safety Code, by this Act apply only to a registration under that subchapter that expires on or after the effective date of this Act.

(b) The changes in law made to Chapter 156, Occupations Code, by this Act apply only to a registration permit under that chapter that expires on or after the effective date of this Act.

(c) An unexpired registration under Subchapter C, Chapter 481, Health and Safety Code, held by a physician on the effective date of this Act expires on the date on which the registration permit issued to the physician under Chapter 156, Occupations Code, expires.

SECTION 8. This Act takes effect January 1, 2014.

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

Amend **CSHB 1803** by adding the appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 168.002, Occupations Code, is amended to read as follows:

Sec. 168.002. EXEMPTIONS. This chapter does not apply to:

- (1) a medical or dental school or an outpatient clinic associated with a medical or dental school;
- (2) a hospital, including any outpatient facility or clinic of a hospital;
- (3) a hospice established under 40 T.A.C. Section 97.403 or defined by 42 C.F.R. Section 418.3;
- (4) a facility maintained or operated by this state;
- (5) a clinic maintained or operated by the United States;
- (6) a health organization certified by the board under Section 162.001;
- (7) a clinic owned or operated by a physician who treats patients within the physician's area of specialty and who personally uses other forms of treatment, including surgery, with the issuance of a prescription for a majority of the patients; or
- (8) a clinic owned or operated by an advanced practice nurse licensed in this state who treats patients in the nurse's area of specialty and who personally uses other forms of treatment with the issuance of a prescription for a majority of the patients.

SECTION _____. Section 168.201, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) A person who owns or operates a pain management clinic is engaged in the practice of medicine.

**HB 586 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 586, A bill to be entitled An Act relating to the waiver of sovereign immunity for certain design and construction claims arising under written contracts with state agencies.

Representative Workman moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 586**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 586**: Workman, chair; Farrar, Callegari, Menéndez, and Leach.

**HB 3509 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative D. Bonnen called up with senate amendments for consideration at this time,

HB 3509, A bill to be entitled An Act relating to endangered species habitat conservation and to the creation of a committee to oversee and guide the state's coordinated response to federal actions regarding endangered species.

Representative D. Bonnen moved to concur in the senate amendments to **HB 3509**.

The motion to concur in the senate amendments to **HB 3509** prevailed by (Record 1207): 134 Yeas, 10 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Ashby; Aycock; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hunter; Isaac; Johnson; Kacal; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; 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; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Capriglione; Fallon; Hughes; Klick; Schaefer; Simpson; Stickland; Toth; White; Zedler.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Bell; Parker.

HB 3509 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE D. BONNEN: It is the intent of the legislature that the amendment to Government Code Section 490E.000 is to authorize the task force to coordinate the state's official position on listings and potential listings of endangered species. It is not the legislature's intent to require a state agency to work through the task force in connection with a state agency's day-to-day communications and responses to the USFWS, NOAA, or other federal agency regarding endangered or threatened species or potential endangered or threatened species. These changes are agreeable to all parties.

REMARKS ORDERED PRINTED

Representative D. Bonnen moved to print his remarks.

The motion prevailed.

Senate Committee Substitute

CSHB 3509, A bill to be entitled An Act relating to endangered species habitat conservation and to the creation of a board to oversee and guide the state's coordinated response to federal actions regarding endangered species.

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

SECTION 1. Section 83.005(b), Parks and Wildlife Code, is amended to read as follows:

(b) In this section, "conservation agreement" includes an agreement between ~~[the state or]~~ a political subdivision of the state and the United States Department of the Interior under the federal act that does not relate to a federal permit as defined by Section 83.011.

SECTION 2. Section 83.011, Parks and Wildlife Code, is amended by adding Subdivisions (1-a), (1-b), and (13) and amending Subdivision (4) to read as follows:

(1-a) "Candidate conservation plan" means a plan to implement actions necessary for the conservation of one or more candidate species or species likely to become a candidate species in the near future.

(1-b) "Candidate species" means a species identified by the United States Department of the Interior as appropriate for listing as threatened or endangered.

(13) "Governing Board" means the Coordinated State Endangered Species Governing Board established under Subchapter D.

SECTION 3. The heading to Section 83.013, Parks and Wildlife Code, is amended to read as follows:

Sec. 83.013. **AUTHORITY OF ~~[DEPARTMENT OR]~~ POLITICAL SUBDIVISION.**

SECTION 4. Sections 83.013(a) and (b), Parks and Wildlife Code, are amended to read as follows:

(a) A ~~[The department or a]~~ political subdivision may participate in the study and preparation for and creation of a habitat conservation plan.

(b) Subject to this subchapter, ~~[the department or]~~ a political subdivision may participate in the study and preparation for and creation of a regional habitat conservation plan.

SECTION 5. Chapter 83, Parks and Wildlife Code, is amended by adding Subchapters C and D to read as follows:

SUBCHAPTER C. HABITAT CONSERVATION BY THE DEPARTMENT

Sec. 83.050. DEFINITIONS. Notwithstanding the definitions contained in Subchapter B, the following words and terms, when used in this subchapter, shall have the following meanings:

(1) "Habitat conservation plan" means a plan or program to protect endangered species by habitat preserves or other protection strategies developed in order to obtain a federal permit."

(2) "State agency" means state officer, board, commission, or department with statewide jurisdiction, excluding an institution of higher education.

Sec. 83.051. DEPARTMENT AND STATE AGENCY AUTHORITY. (a)The department may:(1) apply for and hold a federal permit issued in connection with a habitat conservation plan, candidate conservation plan, or similar plan, authorized or required by federal law in connection with a candidate species or endangered species, that is developed or coordinated by the department; or(2) enter into an agreement with the United States Department of the Interior or other federal agency in connection with a habitat conservation plan, candidate conservation plan, or similar plan authorized or required by federal law in connection with a candidate species or endangered species.(b) A state agency may:(1) apply for or hold a federal permit issued in connection with a habitat conservation plan, candidate conservation plan, or similar plan authorized or required by federal law in connection with a candidate species or endangered species; or(c) An agency that takes an action described by Subsection (b) must:(1) cooperate with the department; and(2) enter into an interagency contract that may provide for the payment of funds held by the department, or funds to which the department has access, for purposes of carrying out the action.(d) The Department shall provide the state's scientific response to proposed listings as the state agency with authority for fish and wildlife management.Sec. 83.052. PUBLIC NOTICE AND INPUT. (a) Before engaging in an activity authorized by Section 83.051, the department or state agency shall:(1) provide public notice; and(2) solicit and consider comments from:(A) members of the task force on economic growth and endangered species created under Section 490E.003, Government Code;(B) affected landowners;(C) conservation interests; and(D) business interests affected by the activity.(b) The public notice required by this section may be made by:(1) publication in the Texas Register;(2) posting on the department's Internet website;(3) written correspondence;(4) announcement at a public meeting; or(5) any means likely to ensure actual notice.(c) The department or state agency shall create at least one advisory committee to assist the department or state agency in carrying out an activity authorized by Section 83.051(a) or (b). The membership of an advisory committee created under this subsection must be appointed so that one-third of the members are representatives of affected landowners or property owners.(c-1) The composition of an advisory committee created under Subsection (c) must provide the balance necessary to address economic, environmental, and policy issues related to the specific issue or action under consideration.

(d) Chapter 2110, Government Code, does not apply to the size, composition, or duration of an advisory committee created under this section.

Sec. 83.053. HABITAT PROTECTION RESEARCH FUND. (a) The habitat protection research fund is held by the comptroller outside the treasury and consists of money appropriated to the fund, interest earned on the investment of money in the fund, and gifts and grants made to the fund.

(b) Money in the habitat protection research fund may be used only to:

(1) provide grants to institutions for research into candidate species and endangered species;

(2) employ research personnel dedicated to research described by Subdivision (1); and

(3) fund capital expenditures necessary to conduct research described by Subdivision (1).

(c) Research grants described by Subsection (b) shall be awarded by the state agency.

(d) Gifts to the fund can be used for other purposes besides research.

Sec. 83.054 CONFIDENTIAL INFORMATION. Information collected under this subchapter by an agency, or an entity acting on the agency's behalf, from a private landowner or other participant or potential participant in a habitat conservation plan, proposed habitat conservation plan, candidate conservation plan, or proposed candidate conservation plan is confidential and exempt from disclosure under Chapter 552 if the information relates to the specific location, species identification, or quantity of any animal or plant life for which a plan is under consideration or development or has been established under this subchapter.

SUBCHAPTER D. COORDINATED STATE ENDANGERED SPECIES GOVERNING BOARD

Sec. 83.101. BOARD COMPOSITION. The Governing Board is composed of the following members or their designees:

(1) the commissioner of the Department of Agriculture;

(2) the commissioner of the General Land Office;

(3) the chair of the Railroad Commission of Texas;

(4) the comptroller;

(5) the executive director of the Parks and Wildlife Department;

(6) the director of the Texas A&M AgriLife Extension Service; and

(7) the executive director of the Texas Economic Development and Tourism Office.

Sec. 83.102. PRESIDING OFFICER; SUPPORT STAFF. (a) The position of chair of the Governing Board rotates among the statewide elected members specified in Section 83.101 regardless of who occupies the named office at the time of the rotation. The position of chair rotates every two years in the order listed in Section 83.101, beginning with the commissioner of the Department of Agriculture.

(b) The chair, with the consent of other Governing Board members, shall:

(1) select the location of meetings of the Governing Board; and

(2) set the agenda for meetings of the Governing Board.

(c) Agency staff of the chair of the Governing Board shall provide support for the board.

Sec. 83.103. MEETINGS. (a) The Governing Board shall meet at least quarterly. Notice of meetings must be posted, and meetings must be open to the public.

(b) Information regarding the meetings of the Governing Board shall be posted on a website maintained by the comptroller that contains information about the economic impact of federal action on endangered species.

(c) The Governing Board may not meet or make a decision unless a quorum is present.

(d) Notwithstanding Section 402.045, Government Code, the attorney general, at the request of the Governing Board, shall provide legal advice to the Governing Board.

Sec. 83.104. DUTIES OF GOVERNING BOARD. The Governing Board shall:

(a) select the holder of a federal permit issued in connection with a habitat conservation plan, candidate conservation plan, or similar plan, authorized or required by federal law in connection with a candidate species or endangered species; and

(b) coordinate the response to listings and potential listings of endangered species in this state.

Sec. 83.105. RULES. The Governing Board may adopt rules as necessary to implement administrative procedures of the board.

Sec. 83.106. REPORT. Not later than December 1 of each even-numbered year, the Governing Board shall submit to the governor, lieutenant governor, and speaker of the house of representatives and to the appropriate committees in each chamber of the legislature a report containing:

(1) the board's findings and recommendations;

(2) proposed legislation necessary to implement the purposes of the board;

(3) a summary of the board's activities; and

(4) any administrative recommendations proposed by the board.

Sec. 83.107. SCIENCE AND BIOLOGY WORKGROUP. The Science and Biology Workgroup will work under the direction of the Governing Board and is composed of the following members:

(1) the State Geologist of Texas, director of the Bureau of Economic Geology at the University of Texas at Austin;

(2) a designee of the director of the Texas A&M AgriLife Extension Service with species expertise;

(3) a designee from the Parks & Wildlife Department with science and biology expertise; and

(4) any other persons the Governing Board deems appropriate who have science and biology expertise.

Sec. 803.108. SCIENCE AND BIOLOGY WORKGROUP PRESIDING OFFICER. The position of chair of the Science and Biology Workgroup rotates among the persons designated in Section 83.106 (1), (2), and (3) regardless of

who occupies the named office at the time of the rotation. The position of chair rotates every two years in the order listed in Section 83.106, beginning with the state geologist.

Sec. 83.109. PAYMENT TO UNIVERSITIES. The comptroller shall identify funds to reimburse state institutions of higher education for their science and biology research and work.

SECTION 6. Section 403.452, Government Code, is amended by adding Subsection (e) to read as follows:

(e) Funds to pay for the mitigation costs shall be held only by the comptroller.

SECTION 7. Section 403.454, Government Code, is amended as follows:

CONFIDENTIAL INFORMATION. Information collected under this subchapter by an agency, or an entity acting on the agency's behalf, from a private landowner or other participant or potential participant in a habitat conservation plan, proposed habitat conservation plan, candidate conservation plan, or proposed candidate conservation plan is confidential ~~[not]~~ subject to Chapter 552 ~~[and may not be disclosed to any person, including a state or federal agency]~~, if the information relates to the specific location, species identification, or quantity of any animal or plant life for which a plan is under consideration or development or has been established under this subchapter. The agency may disclose information described by this section only to the person who provided the information unless the person consents in writing to full or specified partial disclosure of the information.

SECTION 8. Section 490E.004(a), Government Code, is amended to read as follows:

(a) The task force may~~[-~~:

~~[(1)]~~ assess the economic impact on the state of federal, state, or local regulations relating to endangered species~~[-~~;

~~[(2)] assist landowners and other persons in this state to identify, evaluate, and implement cost efficient strategies for mitigation of impacts to and recovery of endangered species that will promote economic growth and development in this state; and~~

~~[(3)] facilitate state and local governmental efforts to effectively implement endangered species regulations in a cost efficient manner].~~

SECTION 9. (a) Section 490E.001, Government Code, is repealed;

(b) Section 490E.004(b), Government Code, is repealed;

(c) Section 490E.005, Government Code, is repealed;

(d) Section 490E.006, Government Code, is repealed; and

(e) Subchapter Q, Chapter 403, Government Code, expires September 1, 2015.

SECTION 10. Any mitigation lands will be identified by the Governing Board. Mitigation costs will be based on the reimbursement by affected parties at the lowest cost of the acquisition of the mitigation land.

SECTION 11. The Governing Board, in collaboration with three members of the House State Affairs Committee appointed by the Speaker of the House and three members of the Senate Natural Resources Committee appointed by the

Lieutenant Governor, one stakeholder representing landowner interests appointed by the Speaker of the House and one stakeholder representing landowner interests appointed by the Lieutenant Governor, shall conduct a study to determine state policies to defend against the overreaching inclusion of species on the Endangered Species List by the United States Fish and Wildlife Service. The Governing Board shall submit a report regarding the study to the governor, lieutenant governor, speaker, and members of the legislature not later than December 1, 2014.

SECTION 12. The changes in law made by Section 83.051(b), Parks and Wildlife Code, as added by this Act, apply only to a federal permit issued, an application for a federal permit submitted, or a conservation agreement entered into on or after the effective date of this Act. A federal permit issued, an application for a federal permit submitted, or a conservation agreement entered into before the effective date of this Act is governed by the law in effect at the time the action was taken, and the former law is continued in effect for that purpose.

SECTION 13. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

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

Amend **CSHB 3509** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subtitle F, Title 4, Government Code, is amended by adding Chapter 490F to read as follows:

CHAPTER 490F. HABITAT CONSERVATION BY A STATE AGENCY

Sec. 490F.001. DEFINITIONS. Notwithstanding the definitions contained in Subchapter B, Chapter 83, Parks and Wildlife Code, the following words and terms, when used in this subchapter, shall have the following meanings:

(1) "Habitat conservation plan" means a plan or program to protect a candidate species or endangered species by habitat preserves or other protection strategies developed in order to prevent listing a species or if necessary to obtain a federal permit."

(2) "State agency" means state officer, board, commission, or department with statewide jurisdiction, excluding an institution of higher education.

(3) "Federal permit" means a permit issued under Section 10(a) of the federal act.

Sec. 490F.002. STATE AGENCY AUTHORITY. (a) Under the provisions of 490E.004(c), Government Code, a state agency may apply for or hold a federal permit issued in connection with a habitat conservation plan, candidate conservation plan, or similar plan authorized or required by federal law in connection with a candidate, threatened, or endangered species. A state agency that takes an action under this section must notify other members of the task force described in section 490E.003 (a).

(b) An agency that takes an action described by Subsection (a) must:

(1) cooperate with all appropriate member agencies of the task force;
and

(2) enter into an interagency contract that may provide for the payment of funds held by the comptroller inside the treasury, at the direction of the task force established in section 490E, Government Code, for the purposes of carrying out this chapter.

Sec. 490F.003. PUBLIC NOTICE AND INPUT. (a) Before engaging in an activity authorized by Section 490F.002 (a), a state agency shall:

(1) provide public notice; and

(2) solicit and consider comments from:

(A) the task force on economic growth and endangered species created under Section 490E.003, Government Code;

(B) affected landowners;

(C) conservation interests; and

(D) business interests affected by the activity; and

(E) mineral owners.

Sec. 490F.004. HABITAT PROTECTION AND RESEARCH FUND. (a) The habitat protection and research fund is held by the comptroller inside the treasury and consists of money appropriated to the fund, interest earned on the investment of money in the fund, and gifts and grants made to the fund. This fund does not apply to activities related to species proposed for listing under the Endangered Species Act prior to September 1, 2013.

(b) Money in the habitat protection and research fund may be used only to:

(1) provide grants to institutions for research into candidate, threatened, and endangered species;

(2) employ research personnel dedicated to research described by Subdivision (1); and

(3) fund capital expenditures necessary to conduct research described by Subdivision (1).

(c) Private money contributed to the habitat protection fund under Government Code Section 403.452 is held by the comptroller outside the treasury.

(d) Private funds collected pursuant to a mitigation plan shall be held only by the comptroller outside the treasury for the use prescribed by the plan.

(e) The comptroller may identify funds to reimburse state institutions of higher education from the habitat protection and research fund for science and biology research and work related to threatened or endangered species.

Sec. 490F.005. CONFIDENTIAL INFORMATION. Information collected under this subchapter by an agency, or an entity acting on the agency's behalf, from a private landowner or other participant or potential participant in a habitat conservation plan, proposed habitat conservation plan, candidate conservation plan, or proposed candidate conservation plan is confidential and exempt from disclosure under Chapter 552, if the information relates to the specific location, property owner identification, species identification, or quantity of any animal or plant life at a specific location for which a plan is under consideration or

development or has been established under this subchapter. Information may be disclosed to a state agency or state officer upon signature of a confidentiality agreement, but may not be disclosed to a federal agency.

SECTION 2. Section 490E.000, Government Code, is added as follows:

490E.000. DUTIES. The task force on economic growth and endangered species:

(a) shall select the holder of a federal permit issued in connection with a habitat conservation plan, candidate conservation plan, or similar plan, authorized or required by federal law in connection with a candidate species or endangered species that is to be held by a state agency; and

(b) may coordinate the comments, positions and response to listings and potential listings of endangered species for state agencies.

SECTION 3. Sections 490E.003 (a) and (b), Government Code, are amended to read as follows:

(a) The task force on economic growth and endangered species is created and composed of the following or their designee:

- (1) the comptroller;
- (2) the commissioner of agriculture;
- (3) the commissioner of the General Land Office;
- (4) the chair of the Railroad Commission;
- (5) the executive director of the State Soil and Water Conservation

Board;

~~(3)~~ (6) the executive director of the Parks and Wildlife Department;

~~(4)~~ (7) the executive director of the Texas Department of Transportation;

(8) the director of the Texas A&M AgriLife Extension Service; and

(9) the executive director of the Texas Commission on Environmental Quality.

(b) ~~The comptroller is the presiding officer of the task force.~~ The position of presiding officer rotates among the statewide elected members specified in Subsection (a) regardless of who occupies the named office at the time of the rotation. The position of chair rotates every two years in the order listed in Subsection (a), beginning with the comptroller.

SECTION 4. Section 490E.004, Government Code, is amended by amending subsection (b) and adding subsections (c) and (d) as follows:

(b) If requested by a landowner, other person in this state, or a local government or state official, the task force may review state and local governmental efforts to address endangered species issues and provide recommendations to make those efforts more cost effective.

(c) If determined by the task force, a state agency that is represented on the task force may hold a permit issued under the federal Endangered Species Act.

(d) The permit holder shall inform members of the task force of any mitigation plan, including costs, at least 10 days prior to the plan being submitted to the U.S. Fish and Wildlife Service for approval.

SECTION 5. Section 490E.005, Government Code, is amended by amending subsections (a) and (c) and adding subsections (f) and (g) to read as follows:

(a) With the advice of the task force, the presiding officer shall ~~comptroller may~~ create at least one advisory committees for each species to assist the task force with its work. Of the members of an advisory committee:

(1) one-fourth ~~one-third~~ must be representatives of affected landowners;

(2) one-fourth ~~one-third~~ must be representatives of conservation interests; ~~and~~

(3) one-fourth ~~one-third~~ must be representatives of municipalities or other affected jurisdictions; and

(4) one-fourth must be representatives of affected business interests.

(c) The presiding officer ~~comptroller~~ shall designate one member of an advisory committee as interim presiding officer for the purpose of calling and conducting the initial meeting of the committee.

(f) The task force may create a Science and Biology Advisory Committee for a specific species composed of the following members:

(1) the State Geologist of Texas, director of the Bureau of Economic Geology at the University of Texas at Austin;

(2) a designee of the director of the Texas A&M AgriLife Extension Service with species expertise;

(3) a designee from the Parks & Wildlife Department with science and biology expertise; and

(4) any other persons the task force deems appropriate who have science and biology expertise.

SECTION 6. Section 490E.008, Government Code, is amended to read as follows:

ADMINISTRATIVE SUPPORT. The presiding officer's ~~comptroller's~~ office shall provide administrative support and maintain a public website for to the task force.

SECTION 7. Section 490E.009, Government Code, is added as follows:

490E.009. ATTORNEY GENERAL. Notwithstanding Section 402.045, Government Code, the attorney general, at the request of the task force, shall provide legal advice to the task force.

SECTION 8. Section 403.452, Chapter 403, Government Code, is amended by adding Subsection (e) to read:

(e) Except as provided under Section 490E.004 (c), the authority of the comptroller to enter into an agreement for any species other than the dunes sagebrush lizard, under this section, with the United States Fish and Wildlife Service for the implementation of a candidate conservation plan or a habitat conservation plan, expires September 1, 2013.

SECTION 9. Section 490E.006, Government Code, is repealed.

SECTION 10. The Task Force on Economic Growth and Endangered Species, in collaboration with three members of the House State Affairs Committee appointed by the Speaker and three members of the Senate Natural

Resources Committee appointed by the Lieutenant Governor, and one stakeholder representing landowner interests appointed by the Governor, shall conduct a study to determine state policies to defend against the overreaching inclusion of species on the Endangered Species List by the United States Fish and Wildlife Service. The study shall be submitted to the Governor, Lieutenant Governor, Speaker, and members of the legislature not later than December 1, 2014.

SECTION 11. Nothing in this Act precludes a person or group of persons from working together and with the United States Fish and Wildlife Service to address threatened or endangered species issues.

SECTION 12. An approved conservation plan, federal permit issued, an application for a federal permit submitted, or a conservation agreement entered into prior to the effective date of this bill is governed by the law in effect at the time the permit was acquired or the plan was approved and the former law continues in effect for the purpose of full implementation of the conservation plan, including the authority to apply for a federal permit in the event of a listing decision for the species covered by the conservation plan.

SECTION 13. This Act takes effect September 1, 2013.

HB 697 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 697, A bill to be entitled An Act relating to a sales and use tax exemption for certain items sold by school booster clubs and support organizations; authorizing a sales and use tax exemption.

Representative Springer moved to concur in the senate amendments to **HB 697**.

The motion to concur in the senate amendments to **HB 697** prevailed by (Record 1208): 146 Yeas, 0 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; 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; Hughes; Hunter; Isaac; Johnson; Kacal; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberger; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.;

Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Anchia; Kolkhorst.

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

Amend **HB 697** (senate committee report) by striking SECTION 2 of the bill (page 1, line 52, through page 2, line 7) and renumbering subsequent SECTIONS of the bill accordingly.

HB 232 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 232, A bill to be entitled An Act relating to allowing certain minors convicted of certain alcohol offenses to perform community service instead of attending an alcohol awareness program.

HB 232 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE RAYMOND: In the senate version of this bill, which states on page 1, line 53: "If the defendant is not enrolled in public school, the defendant's residence is determined as provided by commission rule." The statute being amended is the Alcoholic Beverage Code, so the "commission" in this statute refers to the Alcoholic Beverage Commission. Is the intent of the bill to have the Department of State Health Services establish rules associated with this bill?

REPRESENTATIVE GUILLEN: It is the intent of the bill for DSHS to establish rules associated with this bill. That was not made clear in the Legislative Council draft.

REMARKS ORDERED PRINTED

Representative Raymond moved to print remarks between Representative Guillen and Representative Raymond.

The motion prevailed.

Representative Guillen moved to concur in the senate amendments to **HB 232**.

The motion to concur in the senate amendments to **HB 232** prevailed by (Record 1209): 140 Yeas, 4 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Clardy; Coleman; Collier; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings;

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

Nays — Capriglione; Fallon; Laubenberg; Turner, E.S.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Cook.

STATEMENTS OF VOTE

When Record No. 1209 was taken, I was in the house but away from my desk. I would have voted yes.

Cook

I was shown voting yes on Record No. 1209. I intended to vote no.

S. King

Senate Committee Substitute

CSHB 232, A bill to be entitled An Act relating to allowing certain minors convicted of certain alcohol offenses to perform community service instead of attending an alcohol awareness program.

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

SECTION 1. Section 106.115, Alcoholic Beverage Code, is amended by adding Subsections (b-1), (b-2), and (b-3) to read as follows:

(b-1) If the defendant resides in a county with a population of 75,000 or less and access to an alcohol awareness program is not readily available in the county, the court may allow the defendant to take an online alcohol awareness program if the Department of State Health Services approves online courses or require the defendant to perform not less than eight hours of community service related to alcohol abuse prevention or treatment and approved by the Department of State Health Services under Subsection (b-3) instead of attending the alcohol awareness program. Community service ordered under this subsection is in addition to community service ordered under Section 106.071(d).

(b-2) For purposes of Subsection (b-1), if the defendant is enrolled in an institution of higher education located in a county in which access to an alcohol awareness program is readily available, the court may consider the defendant to be a resident of that county. If the defendant is not enrolled in such an institution

of higher education or if the court does not consider the defendant to be a resident of the county in which the institution is located, the defendant's residence is the residence listed on the defendant's driver's license or personal identification certificate issued by the Department of Public Safety. If the defendant does not have a driver's license or personal identification certificate issued by the Department of Public Safety, the defendant's residence is the residence on the defendant's voter registration certificate. If the defendant is not registered to vote, the defendant's residence is the residence on file with the public school district on which the defendant's enrollment is based. If the defendant is not enrolled in public school, the defendant's residence is determined as provided by commission rule.

(b-3) The Department of State Health Services shall create a list of community services related to alcohol abuse prevention or treatment in each county in the state to which a judge may sentence a defendant under Subsection (b-1).

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

HB 31 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 31, A bill to be entitled An Act relating to certain requirements applicable to meetings of the governing board of a general academic teaching institution or a state university system.

Representative Branch moved to concur in the senate amendments to **HB 31**.

The motion to concur in the senate amendments to **HB 31** prevailed by (Record 1210): 146 Yeas, 0 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; 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; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.;

Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Anchia; Kolkhorst.

Senate Committee Substitute

CSHB 31, A bill to be entitled An Act relating to certain requirements applicable to meetings of the governing board of a general academic teaching institution or a state university system.

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

SECTION 1. Subchapter F, Chapter 551, Government Code, is amended by adding Section 551.1281 to read as follows:

Sec. 551.1281. GOVERNING BOARD OF GENERAL ACADEMIC TEACHING INSTITUTION OR UNIVERSITY SYSTEM: INTERNET POSTING OF MEETING MATERIALS AND BROADCAST OF OPEN MEETING. (a) In this section, "general academic teaching institution" and "university system" have the meanings assigned by Section 61.003, Education Code.

(b) The governing board of a general academic teaching institution or of a university system that includes one or more component general academic teaching institutions, for any regularly scheduled meeting of the governing board for which notice is required under this chapter, shall:

(1) post as early as practicable in advance of the meeting on the Internet website of the institution or university system, as applicable, any written agenda and related supplemental written materials provided to the governing board members in advance of the meeting by the institution or system for the members' use during the meeting;

(2) broadcast the meeting, other than any portions of the meeting closed to the public as authorized by law, over the Internet in the manner prescribed by Section 551.128; and

(3) record the broadcast and make that recording publicly available in an online archive located on the institution's or university system's Internet website.

(c) Subsection (b)(1) does not apply to written materials that the general counsel or other appropriate attorney for the institution or university system certifies are confidential or may be withheld from public disclosure under Chapter 552.

(d) The governing board of a general academic teaching institution or of a university system is not required to comply with the requirements of this section if that compliance is not possible because of an act of God, force majeure, or a similar cause not reasonably within the governing board's control.

SECTION 2. The change in law made by this Act applies only to a meeting of the governing board of a general academic teaching institution or of a state university system for which notice is given under Chapter 551, Government Code, on or after January 1, 2014.

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

HB 796 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 796, A bill to be entitled An Act relating to the regulation of electrical contracting, including the licensing of a journeyman lineman.

Representative S. Thompson moved to concur in the senate amendments to **HB 796**.

The motion to concur in the senate amendments to **HB 796** prevailed by (Record 1211): 124 Yeas, 21 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Branch; Burnam; Button; Callegari; Canales; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; 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; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Larson; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Pickett; Pitts; Price; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smith; Strama; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; Wu; Zerwas.

Nays — Bonnen, G.; Burkett; Capriglione; Fallon; Fletcher; Flynn; Klick; Krause; Laubenberg; Lavender; Perry; Phillips; Raney; Schaefer; Simpson; Springer; Stephenson; Stickland; Toth; White; Zedler.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Workman.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1211. I intended to vote no.

Callegari

I was shown voting yes on Record No. 1211. I intended to vote no.

R. Miller

I was shown voting yes on Record No. 1211. I intended to vote no.

Parker

Senate Committee Substitute

CSHB 796, A bill to be entitled An Act relating to the licensing of a journeyman lineman.

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

SECTION 1. Section 1305.002, Occupations Code, is amended by redesignating existing Subdivision (12) as Subdivision (11-a) and adding a new Subdivision (12) to read as follows:

(11-a) [(42)] "Executive director" means the executive director of the department.

(12) "Journeyman lineman" means an individual who engages in electrical work involving the maintenance and operation of equipment associated with the transmission and distribution of electricity from the electricity's original source to a substation for further distribution.

SECTION 2. Section 1305.102(a), Occupations Code, is amended to read as follows:

(a) The executive director shall adopt rules for the licensing of electricians, sign electricians, electrical sign contractors, electrical contractors, journeyman linemen, residential appliance installers, and residential appliance installation contractors as prescribed by this chapter.

SECTION 3. Subchapter D, Chapter 1305, Occupations Code, is amended by adding Section 1305.1605 to read as follows:

Sec. 1305.1605. JOURNEYMAN LINEMAN. (a) An applicant for a license as a journeyman lineman must:

(1) have at least:

(A) 7,000 hours of training in an apprenticeship program approved by the United States Department of Labor; or

(B) 3-1/2 years of experience as a journeyman lineman for an electric utility, electric cooperative, municipally owned utility, or electrical contractor in this state; and

(2) pass a journeyman lineman examination administered under this chapter.

(b) A journeyman lineman license is not required for:

(1) a person performing work exempt under Section 1305.003(a)(5); or

(2) a person who:

(A) is performing journeyman lineman work;

(B) possesses a journeyman electrician license; and

(C) is employed by an institution of higher education, as defined by Section 61.003, Education Code.

SECTION 4. Section 1305.168(a), Occupations Code, is amended to read as follows:

(a) To renew a master electrician, journeyman electrician, master sign electrician, journeyman sign electrician, maintenance electrician, journeyman lineman, or residential wireman license, the license holder must complete four hours of continuing education annually.

SECTION 5. (a) Not later than January 1, 2014, the executive director of the Texas Department of Licensing and Regulation shall adopt rules regulating the licensing of a journeyman lineman, as required by Section 1305.102, Occupations Code, as amended by this Act.

(b) A person is not required to hold a license as a journeyman lineman under Chapter 1305, Occupations Code, as amended by this Act, before June 1, 2014.

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

HB 437 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 437, A bill to be entitled An Act relating to career and technical education programs.

Representative J. Davis moved to concur in the senate amendments to **HB 437**.

The motion to concur in the senate amendments to **HB 437** prevailed by (Record 1212): 143 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; 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; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Zedler; Zerwas.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Canales; Creighton.

Senate Committee Substitute

CSHB 437, A bill to be entitled An Act relating to career and technical education and workforce development grant programs.

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

SECTION 1. Section 134.004, Education Code, is amended to read as follows:

Sec. 134.004. JOBS AND EDUCATION FOR TEXANS (JET) GRANT PROGRAM. (a) The comptroller shall establish and administer the Jobs and Education for Texans (JET) Grant Program to provide grants to public junior colleges and [;] public technical institutes[~~-, and eligible nonprofit organizations~~] that apply to the advisory board in the manner prescribed by the advisory board. The comptroller shall award the grants on the advice and recommendations of the advisory board.

(b) Grants may be awarded under this chapter from the Jobs and Education for Texans (JET) fund [for the following purposes:

~~[(1) to develop, support, or expand programs of nonprofit organizations that meet the requirements of Section 134.005 and that prepare low income students for careers in high demand occupations;~~

~~[(2)] to defray the start-up costs associated with the development of new career and technical education programs at public junior colleges and public technical institutes that meet the requirements of Section 134.006[; and~~

~~[(3) to provide scholarships for students in career and technical education programs who meet the requirements of Section 134.007].~~

SECTION 2. Subtitle G, Title 3, Education Code, is amended by adding Chapter 136 to read as follows:

CHAPTER 136. TEXAS INNOVATIVE ADULT CAREER EDUCATION GRANT PROGRAM

Sec. 136.001. DEFINITIONS. In this chapter:

(1) "Nonprofit organization" means an organization exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code.

(2) "Nonprofit workforce intermediary and job training organization" means a nonprofit organization that engages in comprehensive long-term job training in partnership with a public junior college, public state college, or public technical institute and provides labor market intermediary services to participant students.

(3) "Program" means the Texas Innovative Adult Career Education (ACE) Grant Program established under Section 136.005.

(4) "Public junior college," "public state college," and "public technical institute" have the meanings assigned by Section 61.003.

Sec. 136.002. GRANT ADMINISTRATOR. (a) The Texas Higher Education Coordinating Board shall designate the governing board of a junior college district primarily located in a municipality with a population of 750,000

or more that is primarily located in a county with a population of 1.5 million or less as the grant administrator of the program, including the funds available under Section 136.003.

(b) The grant administrator may participate in the program if the grant administrator is otherwise an eligible organization under Section 136.006.

Sec. 136.003. TEXAS INNOVATIVE ADULT CAREER EDUCATION (ACE) GRANT FUND. (a) The comptroller shall establish the Texas Innovative Adult Career Education (ACE) Grant fund as a dedicated account in the general revenue fund.

(b) The following amounts shall be deposited in the fund:

(1) any amounts appropriated by the legislature for the fund for purposes of this chapter;

(2) interest earned on the investment of money in the fund; and

(3) gifts, grants, and other donations received for the fund.

Sec. 136.004. PROGRAM ADVISORY BOARD. (a) The grant administrator shall establish a program advisory board that provides input and recommendations for the awarding of grants under this chapter.

(b) The program advisory board must be composed of members representing the philanthropic community, the business employer community, and public junior colleges and public technical institutes and must include the mayor of one of the five most populous municipalities in this state. The grant administrator may appoint a nonvoting, ex officio member to the program advisory board. The program advisory board shall elect a chair of the board from among its members.

(c) The program advisory board shall provide oversight to ensure that the grant administrator:

(1) establishes and adheres to an appropriate system that provides acceptable standards for ensuring accountability in the awarding and monitoring of grants;

(2) enters into a written grant agreement or contract with each grantee that establishes clear goals and obligations in unambiguous terms;

(3) acts with due diligence to monitor the implementation of a grant agreement, including carrying out appropriate monitoring activities including reviews at reasonable intervals; and

(4) takes prompt and appropriate corrective action on becoming aware of any evidence of a violation by a grantee of this chapter or of rules adopted under this chapter.

(d) The program advisory board shall meet as needed to review received grant applications and make recommendations to the grant administrator regarding awarding grants under this chapter.

Sec. 136.005. TEXAS INNOVATIVE ADULT CAREER EDUCATION (ACE) GRANT PROGRAM. (a) The grant administrator shall establish and administer the Texas Innovative Adult Career Education (ACE) Grant Program to provide grants to eligible nonprofit workforce intermediary and job training organizations. In awarding grants under the program, the grant administrator shall take into consideration the recommendations of the program advisory board.

(b) Grants may be awarded under this chapter from the Texas Innovative Adult Career Education (ACE) Grant fund only to develop, support, or expand programs of eligible nonprofit workforce intermediary and job training organizations to prepare low-income students to enter careers in high-demand and significantly higher-earning occupations.

Sec. 136.006. ELIGIBLE ORGANIZATIONS. (a) To be eligible for a grant under the program, a nonprofit workforce intermediary and job training organization must:

(1) apply to the grant administrator in the manner prescribed by the grant administrator;

(2) provide to eligible low-income students, in partnership with public junior colleges, public state colleges, or public technical institutes:

(A) job training; and

(B) a continuum of services designed to move a program participant from application to employment, including outreach, assessment, case management, support services, and career placement;

(3) be governed by a board or other governing structure that includes recognized leaders of broad-based community organizations and executive-level or managerial-level members of the local business community;

(4) demonstrate to the satisfaction of the program advisory board that the organization's program has achieved or will achieve the following measures of success among program participants:

(A) above-average completion of developmental education among participating public junior college, public state college, or public technical institute students;

(B) above-average persistence rates among participating public junior college, public state college, or public technical institute students;

(C) above-average certificate or degree completion rates by participating students within a three-year period compared to demographically comparable public junior college, public state college, and public technical institute students; and

(D) entry into careers with significantly higher earnings for program participants than previously achieved; and

(5) provide matching funds in accordance with rules adopted under this chapter.

(b) The matching funds required under Subsection (a)(5) may be obtained from any source available to the organization, including in-kind contributions, community or foundation grants, individual contributions, and local governmental agency operating funds. The grant administrator may adopt rules requiring an organization to demonstrate compliance with the matching funds requirement before the payment of the next installment under an awarded grant.

Sec. 136.007. RULES. (a) The grant administrator shall adopt rules as necessary for the administration of this chapter in the manner provided by Chapter 2001, Government Code, for a state agency.

(b) The grant administrator, with recommendations of the program advisory board, shall adopt rules regarding eligibility, program tuition and fees, administrative costs, matching funds, and case management and other supports for the program. The rules may include provisions for the payment in periodic installments of grant awards.

SECTION 3. (a) Sections 134.001(1), 134.005, and 134.007, Education Code, are repealed.

(b) Subchapter O, Chapter 403, Government Code, is repealed.

(c) Subchapter Q, Chapter 403, Government Code, is repealed.

SECTION 4. A person receiving a scholarship or other financial assistance under Chapter 134, Education Code, or Subchapter O, Chapter 403, Government Code, before the effective date of this Act for the 2013-2014 academic year may continue to receive a scholarship or other financial assistance under that law as applicable to the person immediately before that date, until the person is no longer eligible for the scholarship or other assistance under Chapter 134, Education Code, or Subchapter O, Chapter 403, Government Code, as the applicable law exists on January 1, 2013, and the former law is continued in effect for that purpose.

SECTION 5. The Texas Higher Education Coordinating Board shall designate a grant administrator as required by Section 136.002, Education Code, as added by this Act, as soon as possible after the effective date of this Act.

SECTION 6. Grants provided under the Texas Innovative Adult Career Education (ACE) Grant Program established under Chapter 136, Education Code, as added by this Act, may benefit only a permanent legal resident or citizen of the United States.

SECTION 7. This Act does not make an appropriation. This Act takes effect regardless of whether a specific appropriation for the implementation of this Act is provided in a general appropriations act of the 83rd Legislature.

SECTION 8. This Act takes effect September 1, 2013.

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

Amend **CSHB 437** (senate committee printing) in SECTION 3 of the bill, on page 3, lines 58 and 59 by striking subsection (c).

HB 1435 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1435, A bill to be entitled An Act relating to certain notices, reports, and descriptions provided by or filed with court and county clerks.

Representative Darby moved to concur in the senate amendments to **HB 1435**.

The motion to concur in the senate amendments to **HB 1435** prevailed by (Record 1213): 144 Yeas, 0 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; 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; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Moody; Morrison; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Miller, R.; Muñoz.

STATEMENTS OF VOTE

When Record No. 1213 was taken, I was in the house but away from my desk. I would have voted yes.

R. Miller

When Record No. 1213 was taken, I was in the house but away from my desk. I would have voted yes.

Muñoz

Senate Committee Substitute

CSHB 1435, A bill to be entitled An Act relating to certain notices, reports, and descriptions provided by or filed with court and county clerks.

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

SECTION 1. Article 46C.003, Code of Criminal Procedure, is amended to read as follows:

Art. 46C.003. VICTIM NOTIFICATION OF RELEASE. If the court issues an order that requires the release of an acquitted person on discharge or on a regimen of outpatient care, the clerk of the court issuing the order, using the information provided on any victim impact statement received by the court under Article 56.03 or other information made available to the court, shall notify the victim or the victim's guardian or close relative of the release. Notwithstanding Article 56.03(f), the clerk of the court may inspect a victim impact statement for

the purpose of notification under this article. On request, a victim assistance coordinator may provide the clerk of the court with information or other assistance necessary for the clerk to comply with this article.

SECTION 2. Section 58.110(c), Family Code, is amended to read as follows:

(c) The clerk of the court exercising jurisdiction over a juvenile offender's case shall report the disposition of the case to the department. ~~[A clerk of the court who violates this subsection commits an offense. An offense under this subsection is a Class C misdemeanor.]~~

SECTION 3. Section 85.042(a-1), Family Code, is amended to read as follows:

(a-1) This subsection applies only if the respondent, at the time of issuance of an original or modified protective order under this subtitle, is a member of the state military forces or is serving in the armed forces of the United States in an active-duty status and the applicant or the applicant's attorney provides to the clerk of the court the mailing address of the staff judge advocate or provost marshal, as applicable. In addition to complying with Subsection (a), the clerk of the court shall also provide a copy of the protective order and the information described by that subsection to the staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation to which the respondent is assigned with the intent that the commanding officer will be notified, as applicable.

SECTION 4. Section 402.010, Government Code, is amended by amending Subsections (a) and (c) and adding Subsection (a-1) to read as follows:

(a) In an action in which a party to the litigation files a petition, motion, or other pleading challenging the constitutionality of a statute of this state, the party shall file the form required by Subsection (a-1). The court shall, if the attorney general is not a party to or counsel involved in the litigation, serve notice of the constitutional challenge ~~[question]~~ and a copy of the petition, motion, or other pleading that raises the challenge on the attorney general either by certified or registered mail or electronically to an e-mail address designated by the attorney general for the purposes of this section~~[- Notice under this section must identify the statute in question, state the basis for the challenge, and specify the petition, motion, or other pleading that raises the challenge].~~

(a-1) The Office of Court Administration of the Texas Judicial System shall adopt the form that a party challenging the constitutionality of a statute of this state must file with the court in which the action is pending indicating which pleading should be served on the attorney general in accordance with this section.

(c) A party's failure to file as required by Subsection (a) or a court's failure to [file or] serve notice as required by Subsection (a) does not deprive the court of jurisdiction or forfeit an otherwise timely filed claim or defense based on the challenge to the constitutionality of a statute of this state.

SECTION 5. Sections 363.064(b) and (c), Health and Safety Code, are amended to read as follows:

(b) If the boundaries of a municipal solid waste unit that is no longer operating are known to be wholly on an identifiable tract, the council of governments for the area in which the former landfill unit is located shall notify the owner of land that overlays the former landfill unit of the former use of the land and shall notify the county clerk of the county or counties in which the former landfill unit is located of the former use. The notice to the county clerk must include:

(1) a description of the exact boundaries of the former landfill unit or, if the exact boundaries are not known, the best approximation of each unit's boundaries;

(2) a legal description of the parcel or parcels of land in which the former landfill unit is located;

(3) notice of the former landfill unit's former use; and

(4) notice of the restrictions on the land imposed by this subchapter.

~~[The notice requirements of this subsection do not apply if the exact boundaries of a former landfill unit are not known.]~~

(c) The county clerk shall record the descriptions and notices submitted by a council of governments under Subsection (b). The county clerk may prescribe the method of arranging and indexing the descriptions and notices ~~[on the deed records of land formerly used as a municipal solid waste landfill a description of the exact boundaries of the former landfill unit, or, if the exact boundaries are not known, the best approximation of each unit's boundaries, together with a legal description of the parcel or parcels of land in which the former landfill unit is located, notice of its former use, and notice of the restrictions on the development or lease of the land imposed by this subchapter].~~ The county clerk shall make the descriptions and notices [records] available for public inspection.

SECTION 6. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 7. The changes in law made by this Act apply only to a notice, report, description, petition, motion, or other pleading provided or filed on or after the effective date of this Act.

SECTION 8. This Act takes effect September 1, 2013.

**HB 194 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 194, A bill to be entitled An Act relating to considering ownership interests of certain disabled veterans in determining whether a business is a historically underutilized business for purposes of state contracting and to promoting state contract awards to historically underutilized businesses based on that ownership.

Representative Farias moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 194**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 194**: Farias, chair; Menéndez, Guillen, Sheets, and R. Miller.

HB 195 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 195, A bill to be entitled An Act relating to the availability on the Internet of reports of political expenditures and contributions filed in connection with certain county and municipal offices.

Representative Farias moved to concur in the senate amendments to **HB 195**.

The motion to concur in the senate amendments to **HB 195** prevailed by (Record 1214): 144 Yeas, 0 Nays, 3 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; 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; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenber; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Wall; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Stickland.

STATEMENT OF VOTE

When Record No. 1214 was taken, I was in the house but away from my desk. I would have voted yes.

Stickland

Senate Committee Substitute

CSHB 195, A bill to be entitled An Act relating to the availability on the Internet of reports of political expenditures and contributions filed in connection with certain county and municipal offices.

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

SECTION 1. The heading to Section 254.0401, Election Code, is amended to read as follows:

Sec. 254.0401. AVAILABILITY OF [~~ELECTRONIC~~] REPORTS ON INTERNET.

SECTION 2. Section 254.0401, Election Code, is amended by adding Subsections (a-1) and (c) and amending Subsection (f) to read as follows:

(a-1) The county clerk of a county with a population of 800,000 or more shall make a report filed with the clerk by a candidate, officeholder, or specific-purpose committee under this subchapter in connection with a county office or the office of county commissioner available to the public on the county's Internet website not later than the fifth business day after the date the report is received.

(c) The clerk of a municipality with a population of 500,000 or more shall make a report filed with the clerk by a candidate, officeholder, or specific-purpose committee under this subchapter in connection with the office of mayor or member of the municipality's governing body available to the public on the municipality's Internet website not later than the fifth business day after the date the report is received.

(f) The commission shall clearly state on the Internet website on which reports are provided [~~under Subsection (b)~~] that reports filed by an independent candidate, a third-party candidate, or a specific-purpose committee for supporting or opposing an independent or third-party candidate will not be available if the candidate or committee has not yet filed a report.

SECTION 3. (a) Section 254.0401(b), Election Code, is repealed.

(b) Effective January 1, 2014, Section 176.009(b), Local Government Code, is repealed.

SECTION 4. Section 254.0401, Election Code, as amended by this Act, and Section 176.009, Local Government Code, as amended by this Act, apply only to a report of political contributions and expenditures that is required to be filed under Chapter 254, Election Code, on or after January 1, 2014.

SECTION 5. Except as otherwise provided by this Act, this Act takes effect September 1, 2013.

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. 42).

**HB 1324 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1324, A bill to be entitled An Act relating to exclusion of land from certain water districts that fail to provide service to the land; clarifying and limiting the authority of those districts with outstanding bonds payable from ad valorem taxes to impose taxes on excluded land.

Representative J. Davis moved to concur in the senate amendments to **HB 1324**.

The motion to concur in the senate amendments to **HB 1324** prevailed by (Record 1215): 145 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Burkett.

Senate Committee Substitute

CSHB 1324, A bill to be entitled An Act relating to exclusion of land from certain water districts that fail to provide service to the land; clarifying and limiting the authority of those districts with outstanding bonds payable from ad valorem taxes to impose taxes on excluded land; providing for a financial review.

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

SECTION 1. Section 49.3076, Water Code, is amended by amending Subsections (a), (b), (c), (d), and (f) and adding Subsections (c-1) and (g-1) to read as follows:

(a) The board of a district that has a total area of more than 10,000 ~~[5,000]~~ acres shall call a hearing on the exclusion of land from the district on or before the 60th day after receiving a written petition filed with the secretary of the board by one or more owners of ~~[a landowner whose]~~ land more than half the acreage of which has been for more than 20 years included in and taxable by the district ~~[for more than 28 years]~~ if any bonds issued by the district payable in whole or in part from taxes of the district are outstanding and the petition:

(1) is ~~[includes a]~~ signed by ~~[petition evidencing the consent of]~~ the owners of a majority of the acreage proposed to be excluded, as reflected by the most recent certified tax roll of the district;

(2) includes a claim that the district does ~~[has]~~ not provide ~~[provided]~~ the land with retail utility services;

(3) describes the property to be excluded; and

(4) provides facts necessary for the board to make the findings required by Subsection (b) ~~[; and~~

~~[(5) is filed before August 31, 2007].~~

(b) The board of a district shall ~~[may]~~ exclude land under this section if ~~[only on finding that]~~:

(1) the district does not provide ~~[has never provided]~~ retail utility service ~~[services]~~ to the land described by the petition;

(2) the district has imposed a tax on more than half the acreage of the land for at least 20 years ~~[more than:~~

~~[(A) 28 years if the board calls a hearing under Subsection (a); or~~

~~[(B) 40 years if the board calls a hearing under Subsection (a-1)];~~

and

(3) all taxes the district has levied and assessed against the land and all fees and assessments the district has imposed against the land or the owner that are due and payable on or before the date of the petition are fully paid.

(c) Subject to Subsection (c-1), unless ~~[Unless]~~ the district presents evidence at the hearing that conclusively demonstrates that the requirements and grounds for exclusion described by Subsection (a) ~~[or (a-1), as appropriate, and Subsection (b)]~~ have not been met, the board shall enter an order excluding the land from the district and shall redefine in the order the boundaries of the district to embrace all land not excluded.

(c-1) If on or before the date of the exclusion hearing required by Subsection (a) the district and the owner or owners enter into an agreement for utility service to the land proposed to be excluded, the district is not required to enter an order excluding the land from the district. An owner of all or part of the land is not required to enter into a utility agreement that as of the date of the petition:

(1) is not comparable economically or in the level of service provided to the land to the owner's current source of utility service, as may be determined by the owner; or

(2) does not include all utility services required to serve the land.

(d) A copy of an order excluding land and redefining the boundaries of the district shall be filed in the deed records of each county in which the district is located and with the commission.

(f) After any land is excluded under this section, the district may issue any unissued additional debt approved by the voters of the district before exclusion of the land under this section without holding a new election. Additional debt issued after land is excluded from the district may not be payable from taxes levied against and does not create a lien against the taxable value of the excluded land.

(g-1) This section does not apply to a district:

(1) whose primary activity is the wholesale supply of raw water and that has fewer than 500 retail customers; or

(2) whose jurisdiction covers four counties and that was created under Section 59, Article XVI, Texas Constitution.

SECTION 2. Section 49.3077, Water Code, is amended to read as follows:

Sec. 49.3077. TAX LIABILITY OF EXCLUDED LAND; BONDS OUTSTANDING. (a) In this section:

(1) "Adjusted gross value" means the gross assessed value of property, as of January 1, including land, improvements, and personal property, as determined by the appraisal district for the tax year in which the determination is made, reduced by any state-mandated exemptions but not reduced for any exemptions from taxation that are within the discretion of the governing body of the district.

(2) "Carry costs" means interest calculated at an annual rate equal to the weighted average interest rate of the district debt that accrues on the excluded land's share of the district debt, with reductions for prior payments, from the later of the exclusion date or the last interest payment date for district debt for which district taxes have been levied and collected to the earlier of:

(A) the date of the final interest payment on district debt before the next delinquency for the district's tax collection; or

(B) the earliest dates on which an aggregate amount of district obligations equal to the district debt may be paid at maturity or redeemed at the option of the district, provided the amount is paid in advance of any future district tax levy, using the redemption dates available for the district's outstanding obligations as of the exclusion date.

(3) "District debt" means the principal outstanding from time to time of the tax-supported debt of the district outstanding on the exclusion date, including debt used to refund district debt outstanding on the exclusion date.

(4) "Excluded land" means land that is excluded from a district under Section 49.3076.

(5) "Excluded land payment" means, with respect to excluded land, the sum of the excluded land's share of district debt plus the carry costs, less any taxes collected by the district under Subsection (b).

(6) "Excluded land's share of district debt" means the portion of the district debt that is calculated by multiplying the district debt by a fraction the numerator of which is the adjusted gross value of the excluded land on the exclusion date and the denominator of which is the adjusted gross value of all property in the district on the exclusion date.

(7) "Exclusion date" means the date that the owner files the petition requesting that the excluded land be excluded from the district with the district secretary.

(8) "Termination date" means the earlier of:

(A) the date on which the amount of taxes collected from the excluded land equals the excluded land payment; or

(B) the date on which the excluded land payment is made in full.

(b) Excluded land that has been pledged as security for any outstanding debt of the district remains pledged for the excluded land's share of district debt until the excluded land payment is paid. A district is entitled to continue to levy and collect debt service taxes on the excluded land until the termination date at the same rate those taxes are levied on the land remaining in the district. From the exclusion date to the termination date, the excluded land remains in the district for the limited purpose of assessment and collection of such taxes. After the termination date, the excluded land is excluded from the district for all purposes, and the district may not levy any further tax on the excluded land.

(c) The district shall apply the taxes collected on the excluded land only to payment of the excluded land payment, which shall be reduced by the amount of taxes collected.

(d) A person is entitled to pay to the district the excluded land payment, in whole or in part, at any time on or after the exclusion date by delivering payment to the district tax assessor-collector. If partial payment is made, the payment is credited first against all carry costs due and owing, and any remainder is credited against the excluded land's share of district debt. After a partial payment, carry costs must be calculated and assessed and collected only on the remaining excluded land's share of district debt. ~~[Land excluded from a district under Section 49.3076 that is pledged as security for any outstanding debt of the district remains pledged for its pro rata share of the debt until final payment is made. The district shall continue to levy and collect taxes on the excluded land at the same rate levied on land remaining in the district until the amount of taxes collected from the excluded land equals the land's pro rata share of the district's debt outstanding at the time the land was excluded from the district.]~~

~~[(b) The district shall apply the taxes collected on the excluded land only to the payment of the excluded land's pro rata share of the debt.]~~

~~[(e) The owner of any part of the excluded land may pay in full the owner's share of the pro rata share of the district's debt outstanding at the time the land is excluded.]~~

SECTION 3. Subchapter J, Chapter 49, Water Code, is amended by adding Section 49.3078 to read as follows:

Sec. 49.3078. PETITION FOR EXCLUSION: ADDITIONAL DUTIES. A landowner who signs a petition for the exclusion of land that is filed with a district under Section 49.3076 must submit a copy of the petition to the commission. On receipt of a copy of a petition, the executive director shall review the most recent financial information for the applicable district, including current debt requirements, debt service cash flow, and proposed debt obligations, to confirm that an exclusion of land conducted in accordance with Sections 49.3076 and 49.3077 does not adversely affect the interests of district bondholders. The executive director shall notify the landowner and the district when the review is complete.

SECTION 4. Sections 49.312(a) and (c), Water Code, are amended to read as follows:

(a) Except as provided by Section 49.3077, on [Upon] issuance of an order excluding property, that property is no longer a part of the district and is not entitled to water service from the district.

(c) Except as provided by Section 49.3077, once land is [Once] excluded, the landowner has no further liability to the district for future taxes, assessments, or other charges of the district.

SECTION 5. Section 49.3076(a-1), Water Code, is repealed.

SECTION 6. Section 49.3076, Water Code, as amended by this Act, applies only to a petition for exclusion of land that is filed with a district on or after the effective date of this Act. A petition filed before the effective date of this Act is governed by the law in effect on the date the petition is filed, and that law continues in effect for that purpose.

SECTION 7. This Act takes effect September 1, 2013.

HB 680 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS

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

HB 680, A bill to be entitled An Act relating to provisions in the dedicatory instruments of property owners' associations regarding display of flags.

Representative Burkett moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 680**.

The motion prevailed.

HB 680 - CONFERENCE COMMITTEE INSTRUCTED

Representative Flynn moved to instruct the Conference Committee on **HB 680** to restore the language of the house engrossed version, which amends Section 202.001 and 202.0011, Property Code, relating to provisions in the dedicatory instruments of property owners' associations regarding the display of a flag.

The motion to instruct prevailed.

HB 680 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 680**: Burkett, chair; Sheets, Farias, Fletcher, and Cortez.

**HB 1864 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1864, A bill to be entitled An Act relating to certain energy security technologies for critical governmental facilities.

Representative Wu moved to concur in the senate amendments to **HB 1864**.

The motion to concur in the senate amendments to **HB 1864** prevailed by (Record 1216): 144 Yeas, 0 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; 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; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; 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.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Raney; Stephenson.

STATEMENT OF VOTE

When Record No. 1216 was taken, I was in the house but away from my desk. I would have voted yes.

Raney

Senate Committee Substitute

CSHB 1864, A bill to be entitled An Act relating to certain energy security technologies for critical governmental facilities.

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

SECTION 1. Chapter 2311, Government Code, as added by Chapter 1280 (HB 1831), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

CHAPTER 2311. ENERGY SECURITY TECHNOLOGIES FOR CRITICAL GOVERNMENTAL FACILITIES

Sec. 2311.001. DEFINITIONS. In this chapter:

- (1) "Combined heating and power system" means a system that:
 - (A) is located on the site of a facility;
 - (B) is the primary source of both electricity and thermal energy for the facility;
 - (C) can provide all of the electricity needed to power the facility's critical emergency operations for at least 14 days; and
 - (D) has an overall efficiency of energy use that exceeds 60 percent.
- (2) "Critical governmental facility" means a building owned by the state, including by an institution of higher education, as defined by Section 61.003, Education Code, or a political subdivision of the state that is expected to:
 - (A) be continuously occupied;
 - (B) maintain operations for at least 6,000 hours each year;
 - (C) have a peak electricity demand exceeding 500 kilowatts; and
 - (D) serve a critical public health or public safety function during a natural disaster or other emergency situation that may result in a widespread power outage, including a:
 - (i) command and control center;
 - (ii) shelter;
 - (iii) prison or jail;
 - (iv) police or fire station;
 - (v) communications or data center;
 - (vi) water or wastewater facility;
 - (vii) hazardous waste storage facility;
 - (viii) biological research facility;
 - (ix) hospital; or
 - (x) food preparation or food storage facility.

Sec. 2311.002. COMBINED HEATING AND POWER SYSTEMS. (a) When constructing or extensively renovating a critical governmental facility or replacing major heating, ventilation, and air-conditioning equipment for a critical governmental facility, the entity with charge and control of the facility shall evaluate whether equipping the facility with a combined heating and power system would result in expected energy savings that would exceed the expected costs of purchasing, operating, and maintaining the system over a 20-year period. Notwithstanding Chapter 2302, the entity may equip the facility with a combined heating and power system if the expected energy savings exceed the expected costs.

(b) The State Energy Conservation Office shall establish guidelines for the evaluation under Subsection (a).

SECTION 2. Chapter 2311, Government Code, as added by Chapter 1408 (**HB 4409**), Acts of the 81st Legislature, Regular Session, 2009, is repealed.

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

**HB 1751 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1751, A bill to be entitled An Act relating to the public school educator excellence innovation program.

Representative Patrick moved to concur in the senate amendments to **HB 1751**.

The motion to concur in the senate amendments to **HB 1751** prevailed by (Record 1217): 140 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; 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; Hughes; Hunter; Isaac; Johnson; Kacal; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Laubenberg; Schaefer; Stickland.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Allen; Huberty; Paddie.

STATEMENT OF VOTE

When Record No. 1217 was taken, I was temporarily out of the house chamber. I would have voted yes.

Huberty

Senate Amendment No. 1 (Senate Committee Amendment No. 1)

Amend **HB 1751** as follows and adjust accordingly:
Section 21.7061, page 6, line 20, strike "21.402."

**HB 1023 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1023, A bill to be entitled An Act relating to the creation of a task force to investigate and make recommendations regarding mental health workforce shortages.

Representative Burkett moved to concur in the senate amendments to **HB 1023**.

The motion to concur in the senate amendments to **HB 1023** prevailed by (Record 1218): 142 Yeas, 2 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; 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; Hughes; Hunter; Isaac; Johnson; Kacal; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberger; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Schaefer; Stickland.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Huberty; Rodriguez, E.

STATEMENT OF VOTE

When Record No. 1218 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

Senate Committee Substitute

CSHB 1023, A bill to be entitled An Act relating to recommendations by the Health and Human Services Commission or a designated health and human services agency regarding mental health workforce shortages.

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

SECTION 1. RECOMMENDATIONS ON MENTAL HEALTH WORKFORCE SHORTAGE. (a) The Health and Human Services Commission, or a health and human services agency designated by the commission, shall use existing information and data available through the commission, the Department of State Health Services, the statewide health coordinating council, and nongovernmental entities with expertise in mental health workforce issues to make recommendations regarding mental health workforce shortages in this state.

(b) Not later than September 1, 2014, the Health and Human Services Commission, or the health and human services agency designated by the commission, shall submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, and the appropriate standing committees of the legislature that includes:

(1) specific recommendations to alleviate mental health workforce shortages in this state;

(2) an assessment of the feasibility of implementing each recommendation;

(3) the estimated costs and benefits of each recommendation; and

(4) the specific legislative action, if any, needed to implement each recommendation.

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

**HB 2645 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative C. Turner called up with senate amendments for consideration at this time,

HB 2645, A bill to be entitled An Act relating to certification and operation of independent review organizations.

Representative C. Turner moved to concur in the senate amendments to **HB 2645**.

The motion to concur in the senate amendments to **HB 2645** prevailed by (Record 1219): 139 Yeas, 6 Nays, 3 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; 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; King, K.; King, S.; King, T.; Kleinschmidt; 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; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; 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.; Perry; Schaefer; Simpson; Stephenson; Stickland.

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

Absent, Excused — Anchia; Kolkhorst.

Senate Committee Substitute

CSHB 2645, A bill to be entitled An Act relating to certification and operation of independent review organizations.

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

SECTION 1. Section 4202.002, Insurance Code, is amended by amending Subsection (c) and adding Subsections (d), (e), and (f) to read as follows:

(c) In addition to the standards described by Subsection (b), the commissioner shall adopt standards and rules that:

(1) prohibit:

(A) more than one independent review organization from operating out of the same office or other facility;

(B) an individual or entity from owning more than one independent review organization;

(C) an individual from owning stock in or serving on the board of more than one independent review organization;

(D) an individual who has served on the board of an independent review organization whose certification was revoked for cause from serving on the board of another independent review organization before the fifth anniversary of the date on which the revocation occurred;

(E) an individual who serves as an officer, director, manager, executive, or supervisor of an independent review organization from serving as an officer, director, manager, executive, supervisor, employee, agent, or independent contractor of another independent review organization ~~[an attorney who is, or has in the past served as, the registered agent for an independent review organization from representing the independent review organization in legal proceedings];~~ and

(F) an independent review organization from:

(i) publicly disclosing ~~[confidential]~~ patient information protected by the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.); or

(ii) transmitting the information to a subcontractor involved in the independent review process that has not signed an agreement similar to the business associate agreement required by regulations adopted under the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) ~~[, except to a provider who is under contract to perform the review]; and~~

(2) require:

(A) an independent review organization to:

(i) maintain a physical address and a mailing address in this state;

(ii) be incorporated in this state;

(iii) be in good standing with the comptroller; and

(iv) be based and certified in this state and to locate the organization's primary offices in this state;

(B) an independent review organization to ~~[voluntarily]~~ surrender the organization's certification ~~[while the organization is under investigation or]~~ as part of an agreed order; and

(C) an independent review organization to:

(i) notify the department of an agreement to sell the organization or shares in the organization;

(ii) not later than the 60th day before the date of the sale, submit the name of the purchaser and a complete and legible set of fingerprints for each officer of the purchaser and for each owner or shareholder of the purchaser or, if the purchaser is publicly held, each owner or shareholder described by Section 4202.004(a)(1), and any additional information necessary to comply with Section 4202.004(d); and

(iii) complete the transfer of ownership after the department has sent written confirmation in accordance with Subsection (d) that the requirements of this chapter have been satisfied ~~[apply for and receive a new certification after the organization is sold to a new owner].~~

(d) The department shall send the written confirmation required by Subsection (c)(2)(C)(iii) not later than the expiration of the fourth week after the date the department determines the requirements are satisfied.

(e) Standards to ensure the confidentiality of medical records transmitted to an independent review organization under Subsection (b)(2) must require organizations and utilization review agents to transmit and store records in compliance with the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and the regulations and standards adopted under that Act.

(f) The commissioner shall adopt standards requiring that:

(1) on application for certification, an officer of the organization attest that the office is located at a physical address;

(2) the office be equipped with a computer system capable of:

(A) processing requests for independent review; and

(B) accessing all electronic records related to the review and the independent review process;

(3) all records be maintained electronically and made available to the department on request; and

(4) in the case of an office located in a residence, the working office be located in a room set aside for independent review business purposes and in a manner to ensure confidentiality in accordance with Subsection (e).

SECTION 2. Section 4202.003, Insurance Code, is amended to read as follows:

Sec. 4202.003. REQUIREMENTS REGARDING TIMELINESS OF DETERMINATION. The standards adopted under Section 4202.002 must require each independent review organization to make the organization's determination:

(1) for a life-threatening condition as defined by Section 4201.002, not later than the earlier of:

~~[(A)] the third ~~fourth~~~~ day after the date the organization receives the information necessary to make the determination~~[-]~~ or, with respect to:

(A) a review of a health care service provided to a person eligible for workers' compensation medical benefits, ~~[(B)] the eighth day after the date the organization receives the request that the determination be made; or~~

(B) a review of a health care service other than a service described by Paragraph (A), the third day after the date the organization receives the request that the determination be made; or ~~and~~

(2) for a condition other than a life-threatening condition, not later than the earlier of:

(A) the 15th day after the date the organization receives the information necessary to make the determination; or

(B) the 20th day after the date the organization receives the request that the determination be made.

SECTION 3. Section 4202.004, Insurance Code, is amended to read as follows:

Sec. 4202.004. CERTIFICATION. (a) To be certified as an independent review organization under this chapter, an organization must submit to the commissioner an application in the form required by the commissioner. The application must include:

(1) for an applicant that is publicly held, the name of each shareholder or owner of more than five percent of any of the applicant's stock or options;

(2) the name of any holder of the applicant's bonds or notes that exceed \$100,000;

(3) the name and type of business of each corporation or other organization described by Subdivision (4) that the applicant controls or is affiliated with and the nature and extent of the control or affiliation;

(4) the name and a biographical sketch of each director, officer, and executive of the applicant and of any entity listed under Subdivision (3) and a description of any relationship the applicant or the named individual has with:

(A) a health benefit plan;

(B) a health maintenance organization;

- (C) an insurer;
 - (D) a utilization review agent;
 - (E) a nonprofit health corporation;
 - (F) a payor;
 - (G) a health care provider; ~~[or]~~
 - (H) a group representing any of the entities described by Paragraphs (A) through (G); or
 - (I) any other independent review organization in the state;
- (5) the percentage of the applicant's revenues that are anticipated to be derived from independent reviews conducted under Subchapter I, Chapter 4201;
- (6) a description of:
- (A) the areas of expertise of the physicians or other health care providers making review determinations for the applicant;
 - (B) the procedures used by the applicant to verify physician and provider credentials, including the computer processes, electronic databases, and records, if any, used; and
 - (C) the software used by the credentialing manager for managing the processes, databases, and records described by Paragraph (B); ~~and~~
- (7) the procedures to be used by the applicant in making independent review determinations under Subchapter I, Chapter 4201; and
- (8) a description of the applicant's use of communications, records, and computer processes to manage the independent review process.
- (b) The commissioner shall establish certifications for independent review of health care services provided to persons eligible for workers' compensation medical benefits and other health care services after considering accreditation, if any, by a nationally recognized accrediting organization that imposes requirements for accreditation that are the same as, substantially similar to, or more stringent than the department's requirements for accreditation.
- (c) The department shall make available to applicants applications for certification to review health care services provided to persons eligible for workers' compensation medical benefits and other health care services.
- (d) The commissioner shall require that each officer of the applicant and each owner or shareholder of the applicant or, if the purchaser is publicly held, each owner or shareholder described by Subsection (a)(1) submit a complete and legible set of fingerprints to the department for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation. The department shall conduct a criminal history check of each applicant using information:
- (1) provided under this section; and
 - (2) made available to the department by the Department of Public Safety, the Federal Bureau of Investigation, and any other criminal justice agency under Chapter 411, Government Code.
- (e) An application for certification for review of health care services must require an organization that is accredited by an organization described by Subsection (b) to provide the department evidence of the accreditation. The commissioner shall consider the evidence if the accrediting organization

published and made available to the commissioner the organization's requirements for and methods used in the accreditation process. An independent review organization that is accredited by an organization described by Subsection (b) may request that the department expedite the application process.

(f) A certified independent review organization that becomes accredited by an organization described by Subsection (b) may provide evidence of that accreditation to the department that shall be maintained in the department's file related to the independent review organization's certification.

(g) Certification must be renewed biennially.

SECTION 4. Section 4202.005, Insurance Code, is amended to read as follows:

Sec. 4202.005. PERIODIC REPORTING OF INFORMATION; BIENNIAL ~~[ANNUAL]~~ DESIGNATION; UPDATES AND INSPECTION. (a) An independent review organization shall biennially ~~[annually]~~ submit the information required in an application for certification under Section 4202.004. Anytime there is a material change in the information the organization included in the application, the organization shall submit updated information to the commissioner.

(b) The commissioner shall designate biennially ~~[annually]~~ each organization that meets the standards for an independent review organization adopted under Section 4202.002.

(c) Information regarding a material change must be submitted on a form adopted by the commissioner not later than the 30th day after the date the material change occurs. If the material change is a relocation of the organization:

(1) the organization must inform the department that the location is available for inspection before the date of the relocation by the department; and

(2) on request of the department, an officer shall attend the inspection.

SECTION 5. Chapter 4202, Insurance Code, is amended by adding Sections 4202.011, 4202.012, 4202.013, and 4202.014 to read as follows:

Sec. 4202.011. ADVISORY GROUP. (a) The commissioner shall establish a group to advise the department and make recommendations related to the efficiency of independent review.

(b) The commissioner shall appoint as a member of the group a department employee to report to the commissioner group recommendations and policies. The commissioner shall appoint as members of the group individuals who have applied for membership, including:

(1) two officers of different independent review organizations certified under this chapter;

(2) an officer of a utilization review organization certified under Chapter 4201;

(3) an officer or representative of an association of physicians with knowledge of and interest in the independent review process;

(4) an officer or representative of an association of insurance carriers with knowledge of and interest in the independent review process; and

(5) two officers or representatives of different patient advocacy associations with knowledge of and interest in the independent review process.

(c) A recommendation of the advisory group does not bind the commissioner.

(d) Members of the group serve two-year terms. The commissioner shall appoint a replacement member in the event of a vacancy to serve the remainder of the unexpired term.

(e) The commissioner shall designate one member to serve as presiding member of the group. A member may serve more than one term as presiding member.

(f) The advisory group shall meet annually and otherwise at the request of the presiding member or the commissioner. The group shall make recommendations at least annually to the commissioner.

(g) A member of the group may not receive compensation for service as a group member.

Sec. 4202.012. REFERRAL. The commissioner by rule shall require referral by random assignment of adverse determinations under Subchapter I, Chapter 4201, to independent review organizations. On referral of a determination, the commissioner shall notify:

(1) the utilization review agent;

(2) the payor;

(3) the independent review organization;

(4) the patient, as defined by Section 4201.002, or the patient's representative; and

(5) the provider of record as defined by Section 4201.002.

Sec. 4202.013. PRIMARY OFFICE IN THIS STATE REQUIRED. An independent review organization operating under this chapter must maintain the organization's primary office in this state.

Sec. 4202.014. PREEMPTION. The commissioner shall suspend enforcement of any provision of this chapter that the commissioner determines to be preempted by 42 U.S.C. Section 300gg-19.

SECTION 6. Chapter 4202, Insurance Code, as amended by this Act, applies only to an independent review organization that applies for an initial certification or renewal certification on or after January 1, 2014. An organization certified before that date is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 7. This Act takes effect September 1, 2013.

HB 3605 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3605, A bill to be entitled An Act relating to the evaluation by the Texas Water Development Board of applications for financial assistance for certain retail public utilities.

Representative Burnam moved to concur in the senate amendments to **HB 3605**.

The motion to concur in the senate amendments to **HB 3605** prevailed by (Record 1220): 146 Yeas, 0 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; 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; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Anchia; Kolkhorst.

Senate Committee Substitute

CSHB 3605, A bill to be entitled An Act relating to the evaluation by the Texas Water Development Board of applications for financial assistance for certain retail public utilities.

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

SECTION 1. Section 16.0121, Water Code, is amended by adding Subsections (g) and (h) to read as follows:

(g) A retail public utility providing potable water that receives from the board financial assistance shall use a portion of that financial assistance, or any additional financial assistance provided by the board for the purpose described by this subsection, to mitigate the utility's system water loss if, based on a water audit filed by the utility under this section, the water loss meets or exceeds the threshold established by board rule.

(h) For each category of retail public utility listed in Subsection (c), the board shall adopt rules regarding:

(1) the amount of system water loss that requires a utility to take action under Subsection (g); and

(2) the use of financial assistance from the board as required by Subsection (g) to mitigate system water loss.

SECTION 2. Section 17.1245, Water Code, as added by this Act, applies only to an application for financial assistance submitted on or after the effective date of this Act. An application for financial assistance submitted before the

effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

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

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

Amend **CSHB 3605** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 17, Water Code, is amended by adding Section 17.1245 to read as follows:

Sec. 17.1245. EVALUATION. (a) In passing on an application for financial assistance from a retail public utility that provides potable water service to 3,300 or more connections, the board shall:

(1) evaluate for compliance with the board's best management practices the utility's water conservation plan required under Section 13.146; and

(2) issue a report to a utility detailing the results of the evaluation conducted under Subdivision (1).

(b) Not later than January 1 of each odd-numbered year, the board shall submit to the legislature a written summary of the results of evaluations conducted under Subsection (a)(1).

SECTION _____. Section 17.1245, Water Code, as added by this Act, applies only to an application for financial assistance submitted on or after the effective date of this Act. An application for financial assistance submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **CSHB 3605** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 17.183, Water Code, is amended to read as follows:

Sec. 17.183. CONSTRUCTION CONTRACT REQUIREMENTS. (a) The governing body of each political subdivision receiving financial assistance from the board shall require in all contracts for the construction of a project:

(1) that each bidder furnish a bid guarantee equivalent to five percent of the bid price;

(2) that each contractor awarded a construction contract furnish performance and payment bonds:

(A) the performance bond shall include without limitation guarantees that work done under the contract will be completed and performed according to approved plans and specifications and in accordance with sound construction principles and practices; and

(B) the performance and payment bonds shall be in a penal sum of not less than 100 percent of the contract price and remain in effect for one year beyond the date of approval by the engineer of the political subdivision; ~~and~~

(3) that payment be made in partial payments as the work progresses;

(4) that each partial payment shall not exceed 95 percent of the amount due at the time of the payment as shown by the engineer of the project, but, if the project is substantially complete, a partial release of the five percent retainage may be made by the political subdivision with approval of the executive administrator;

(5) that payment of the retainage remaining due upon completion of the contract shall be made only after:

(A) approval by the engineer for the political subdivision as required under the bond proceedings;

(B) approval by the governing body of the political subdivision by a resolution or other formal action; and

(C) certification by the executive administrator in accordance with the rules of the board that the work to be done under the contract has been completed and performed in a satisfactory manner and in accordance with approved plans and specifications ~~[sound engineering principles and practices]~~;

(6) that no valid approval may be granted unless the work done under the contract has been completed and performed in a satisfactory manner according to approved plans and specifications; and

(7) that, if a political subdivision receiving financial assistance under Subchapter K of this chapter, labor from inside the political subdivision be used to the extent possible.

(b) Plans and specifications submitted to the board in connection with an application for financial assistance must include a seal by a licensed engineer affirming that the plans and specifications are consistent with and conform to current industry design and construction standards.

HB 2029 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative C. Turner called up with senate amendments for consideration at this time,

HB 2029, A bill to be entitled An Act relating to the eligibility requirements for electrician licenses issued to applicants with military service.

Representative C. Turner moved to concur in the senate amendments to **HB 2029**.

The motion to concur in the senate amendments to **HB 2029** prevailed by (Record 1221): 144 Yeas, 0 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; 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; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; 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; Pitts; Price; Raney; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Márquez; Ratliff.

STATEMENT OF VOTE

When Record No. 1221 was taken, I was in the house but away from my desk. I would have voted yes.

Márquez

Senate Committee Substitute

CSHB 2029, A bill to be entitled An Act relating to the eligibility requirements for electrician licenses issued to applicants with military experience.

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

SECTION 1. Subchapter D, Chapter 1305, Occupations Code, is amended by adding Section 1305.1645 to read as follows:

Sec. 1305.1645. LICENSE ELIGIBILITY REQUIREMENTS FOR APPLICANTS WITH MILITARY EXPERIENCE. (a) Notwithstanding any other law, the department shall credit verified military service, training, or education toward the licensing requirements, other than examination requirements, for a license issued under this chapter by the department.

(b) The department shall expedite the issuance of a temporary license or a license by endorsement or reciprocity under this chapter to an applicant who:

(1) has verified military experience; and

(2) holds a current license issued by another jurisdiction that has license requirements that are substantially equivalent to the license requirements of this state.

(c) The commission shall adopt rules necessary to implement this section.

SECTION 2. (a) Section 1305.1645, Occupations Code, as added by this Act, applies only to an application for a license filed on or after May 1, 2014. An application for a license filed before May 1, 2014, is governed by the law in effect on the date the application was filed, and that law is continued in effect for that purpose.

(b) The Texas Commission of Licensing and Regulation shall adopt rules under Section 1305.1645, Occupations Code, as added by this Act, not later than March 1, 2014.

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

HB 2733 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2733, A bill to be entitled An Act relating to the administration and operation of the Texas Juvenile Justice Department.

Representative White moved to concur in the senate amendments to **HB 2733**.

The motion to concur in the senate amendments to **HB 2733** prevailed by (Record 1222): 145 Yeas, 0 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; Cortez; Craddick; Creighton; Crownover; 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; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Dale.

Senate Committee Substitute

CSHB 2733, A bill to be entitled An Act relating to the administration and operation of the Texas Juvenile Justice Department.

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

SECTION 1. Section 411.1141, Government Code, is amended to read as follows:

Sec. 411.1141. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS JUVENILE JUSTICE DEPARTMENT [~~YOUTH COMMISSION~~]. (a) The Texas Juvenile Justice Department is entitled to obtain from the department criminal history record information maintained by the department that relates to:

- (1) a person described by Section 242.010(b), Human Resources Code;
- (2) an applicant for a certification from the Texas Juvenile Justice Department;
- (3) a holder of a certification from the Texas Juvenile Justice Department;
- (4) a child committed to the custody of the Texas Juvenile Justice Department by a juvenile court;
- (5) a person requesting visitation access to a facility of the Texas Juvenile Justice Department; or
- (6) any person, as necessary to conduct an evaluation of the home under Section 245.051(a), Human Resources Code.

(b) Criminal history record information obtained by the Texas Juvenile Justice Department [~~Youth Commission~~] under Subsection (a) may not be released to any person except:

- (1) on court order;
- (2) with the consent of the entity or person who is the subject of the criminal history record information;
- (3) for purposes of an administrative hearing held, or an investigation conducted, by the Texas Juvenile Justice Department [~~Youth Commission~~] concerning the person who is the subject of the criminal history record information; ~~or~~
- (4) a juvenile board by which a certification applicant or holder is employed; or
- (5) as provided by Subsection (c) or (f).

(c) The Texas Juvenile Justice Department [~~Youth Commission~~] is not prohibited from releasing criminal history record information obtained under Subsection (a) to:

- (1) the person who is the subject of the criminal history record information; or
- (2) a business entity or person described by Subsection (a)(1) [~~(a)(4) or (a)(5)~~] who uses or intends to use the services of the volunteer or intern or employs or is considering employing the person who is the subject of the criminal history record information.

(d) The Texas Juvenile Justice Department [~~Youth Commission~~] may charge an entity or a person who requests criminal history record information under Subsection (c)(2) [~~(a)(4) or (a)(5)~~] a fee in an amount necessary to cover the costs of obtaining the information on the person's or entity's behalf.

(e) After a person is certified by the Texas Juvenile Justice Department, the Texas Juvenile Justice Department shall destroy the criminal history record information that relates to a person described by Subsection (a)(2).

(f) The Texas Juvenile Justice Department is not prohibited from disclosing criminal history record information obtained under Subsection (a) in a criminal proceeding or in a hearing conducted by the Texas Juvenile Justice Department.

SECTION 2. Section 552.117(a), Government Code, is amended to read as follows:

(a) Information is excepted from the requirements of Section 552.021 if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of the following person or that reveals whether the person has family members:

(1) a current or former official or employee of a governmental body, except as otherwise provided by Section 552.024;

(2) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or a security officer commissioned under Section 51.212, Education Code, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable;

(3) a current or former employee of the Texas Department of Criminal Justice or of the predecessor in function of the department or any division of the department, regardless of whether the current or former employee complies with Section 552.1175;

(4) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or other law, a reserve law enforcement officer, a commissioned deputy game warden, or a corrections officer in a municipal, county, or state penal institution in this state who was killed in the line of duty, regardless of whether the deceased complied with Section 552.024 or 552.1175;

(5) a commissioned security officer as defined by Section 1702.002, Occupations Code, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable;

(6) an officer or employee of a community supervision and corrections department established under Chapter 76 who performs a duty described by Section 76.004(b), regardless of whether the officer or employee complies with Section 552.024 or 552.1175; ~~or~~

(7) a current or former employee of the office of the attorney general who is or was assigned to a division of that office the duties of which involve law enforcement, regardless of whether the current or former employee complies with Section 552.024 or 552.1175;

(8) a current or former employee of the Texas Juvenile Justice Department or of the predecessors in function of the department, regardless of whether the current or former employee complies with Section 552.1175;

(9) a juvenile probation or supervision officer certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code; or

(10) employees of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code.

SECTION 3. The heading to Section 552.1175, Government Code, is amended to read as follows:

Sec. 552.1175. CONFIDENTIALITY OF CERTAIN PERSONAL
~~[ADDRESSES, TELEPHONE NUMBERS, SOCIAL SECURITY NUMBERS,~~
~~AND PERSONAL FAMILY]~~ INFORMATION OF PEACE OFFICERS,
COUNTY JAILERS, SECURITY OFFICERS, AND EMPLOYEES OF
CERTAIN ~~[THE TEXAS DEPARTMENT OF]~~ CRIMINAL OR JUVENILE
JUSTICE AGENCIES OR OFFICES ~~[A PROSECUTOR'S OFFICE]~~.

SECTION 4. Section 552.1175(a), Government Code, is amended to read as follows:

(a) This section applies only to:

(1) peace officers as defined by Article 2.12, Code of Criminal Procedure;

(2) county jailers as defined by Section 1701.001, Occupations Code;

(3) current or former employees of the Texas Department of Criminal Justice or of the predecessor in function of the department or any division of the department;

(4) commissioned security officers as defined by Section 1702.002, Occupations Code;

(5) employees of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;

(6) officers and employees of a community supervision and corrections department established under Chapter 76 who perform a duty described by Section 76.004(b);

(7) criminal investigators of the United States as described by Article 2.122(a), Code of Criminal Procedure;

(8) police officers and inspectors of the United States Federal Protective Service; ~~and~~

(9) current and former employees of the office of the attorney general who are or were assigned to a division of that office the duties of which involve law enforcement;

(10) juvenile probation and detention officers certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code;

(11) employees of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code; and

(12) current or former employees of the Texas Juvenile Justice Department or the predecessors in function of the department.

SECTION 5. Section 203.0081(a), Human Resources Code, is amended to read as follows:

(a) The advisory council on juvenile services consists of:

(1) the executive director of the department or the executive director's designee;

(2) the director of probation services of the department or the director's designee;

(3) the director of state programs and facilities of the department or the director's designee;

(4) the executive commissioner of the Health and Human Services Commission or the commissioner's designee;

(5) ~~(4)~~ one representative of the county commissioners courts appointed by the board;

(6) ~~(5)~~ two juvenile court judges appointed by the board; and

(7) ~~(6)~~ seven chief juvenile probation officers appointed by the board as provided by Subsection (b).

SECTION 6. Sections 242.002(b) and (d), Human Resources Code, are amended to read as follows:

(b) On or before December 31 of each even-numbered year, the department shall make a report on the effectiveness of the programs to the Legislative Budget Board.

(d) If the department is unable to offer or make available programs described by Subsection (a) in the manner provided by Subsection (c), the department shall, not later than December 31 ~~[January 10]~~ of each even-numbered ~~[odd-numbered]~~ year, provide the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities with a report explaining:

(1) which programs are not offered or are unavailable; and

(2) the reason the programs are not offered or are unavailable.

SECTION 7. Section 242.010, Human Resources Code, is amended by amending Subsections (b), (c), and (d) and adding Subsections (b-1), (b-2), and (b-3) to read as follows:

(b) The department ~~[executive director]~~ shall review the national criminal history record information, state criminal history record information maintained by the Department of Public Safety, and previous and current employment references of each person who:

(1) is an employee, ~~[contractor,~~ volunteer, ombudsman, or advocate working for the department or working in a department facility or a facility under contract with the department;

(2) is a contractor or an employee or subcontractor of a contractor who has direct access to children in department facilities;

(3) provides direct delivery of services to children in the custody of the department; or

(4) ~~(3)~~ has access to records in department facilities or offices.

(b-1) The department may review criminal history record information of:

(1) a person requesting visitation access to a department facility; or

(2) any person, as necessary to conduct an evaluation of the home under Section 245.051(a).

(b-2) The department may not deny visitation access to an immediate family member of a child committed to the department based solely on a review of criminal history record information under Subsection (b-1)(1).

(b-3) If visitation access is denied or limited based in part on a review of criminal history record information under Subsection (b-1)(1), the department shall retain the criminal history record information of the person for whom access is denied or limited until the child the person requested visitation access to is released from the department.

(c) To enable the department ~~[executive director]~~ to conduct the review, the board shall adopt rules requiring a person described by Subsection (b) to electronically provide the Department of Public Safety with a complete set of the person's fingerprints in a form and of a quality acceptable to the Department of Public Safety and the Federal Bureau of Investigation.

(d) For each person described by Subsection (b), the department ~~[executive director]~~ shall review on an annual basis the person's national criminal history record information.

SECTION 8. Section 245.0535(i), Human Resources Code, is amended to read as follows:

(i) Not later than December 31 ~~[+]~~ of each even-numbered year, the department shall deliver a report of the results of research conducted or coordinated under Subsection (h) to the lieutenant governor, the speaker of the house of representatives, and the standing committees of each house of the legislature with primary jurisdiction over juvenile justice and corrections.

SECTION 9. Section 261.051(b), Human Resources Code, is amended to read as follows:

(b) A person appointed as independent ombudsman is eligible for reappointment ~~[but may not serve more than three terms in that capacity]~~.

SECTION 10. Section 411.137, Government Code, is repealed.

SECTION 11. This Act takes effect September 1, 2013.

HB 1692 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1692, A bill to be entitled An Act relating to the regulation of motor vehicle dealers, manufacturers, and distributors.

Representative Gutierrez moved to concur in the senate amendments to **HB 1692**.

The motion to concur in the senate amendments to **HB 1692** prevailed by (Record 1223): 90 Yeas, 54 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Aycock; Burnam; Button; Callegari; Canales; Carter; Coleman; Collier; Cook; Cortez; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Geren; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Howard; Hughes; Hunter; Johnson; Kacal; King, K.; King, S.; King, T.; Larson; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Perez; Phillips;

Pickett; Pitts; Price; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Simpson; Smith; Strama; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Wu; Zerwas.

Nays — Anderson; Ashby; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Capriglione; Clardy; Craddick; Creighton; Crownover; Fallon; Fletcher; Flynn; Frank; Frullo; Goldman; Gooden; Harper-Brown; Hilderbran; Huberty; Isaac; King, P.; Kleinschmidt; Krause; Kuempel; Laubenberg; Lavender; Leach; Miller, R.; Morrison; Orr; Paddie; Parker; Patrick; Perry; Raney; Sanford; Schaefer; Sheffield, R.; Simmons; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; White; Workman; Zedler.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Klick; Sheets.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1223. I intended to vote no.

Aycock

I was shown voting yes on Record No. 1223. I intended to vote no.

Callegari

I was shown voting yes on Record No. 1223. I intended to vote no.

Cook

I was shown voting yes on Record No. 1223. I intended to vote no.

Darby

I was shown voting yes on Record No. 1223. I intended to vote no.

Hunter

I was shown voting yes on Record No. 1223. I intended to vote no.

S. King

I was shown voting yes on Record No. 1223. I intended to vote no.

Zerwas

Senate Committee Substitute

CSHB 1692, A bill to be entitled An Act relating to the regulation of motor vehicle dealers, manufacturers, and distributors.

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

SECTION 1. Section 2301.002, Occupations Code, is amended by amending Subdivision (17-a) and adding Subdivision (17-b) to read as follows:

(17-a) "Hearings examiner" means a person employed by the department to preside over hearings under this chapter.

(17-b) "Independent mobility motor vehicle dealer" means a nonfranchised dealer who:

(A) holds a general distinguishing number issued by the board under Chapter 503, Transportation Code;

(B) holds a converter's license issued under this chapter;

(C) is engaged in the business of buying, selling, or exchanging mobility motor vehicles and servicing or repairing the devices installed on mobility motor vehicles at an established and permanent place of business in this state; and

(D) is certified by the manufacturer of each mobility device that the dealer installs, if the manufacturer offers that certification.

SECTION 2. Subchapter C, Chapter 2301, Occupations Code, is amended by adding Section 2301.104 to read as follows:

Sec. 2301.104. HEARINGS EXAMINERS. (a) The department may employ a chief hearings examiner and one or more additional hearings examiners.

(b) A hearings examiner must be licensed to practice law in this state.

SECTION 3. Sections 2301.606(b) and (c), Occupations Code, are amended to read as follows:

(b) In a hearing [~~before the director~~] under this subchapter, a manufacturer, converter, or distributor may plead and prove as an affirmative defense to a remedy under this subchapter that a nonconformity:

(1) is the result of abuse, neglect, or unauthorized modification or alteration of the motor vehicle; or

(2) does not substantially impair the use or market value of the motor vehicle.

(c) An order issued under this subchapter may not require [~~The director may not issue an order requiring~~] a manufacturer, converter, or distributor to make a refund or to replace a motor vehicle unless:

(1) the owner or a person on behalf of the owner has mailed written notice of the alleged defect or nonconformity to the manufacturer, converter, or distributor; and

(2) the manufacturer, converter, or distributor has been given an opportunity to cure the alleged defect or nonconformity.

SECTION 4. Section 2301.607(c), Occupations Code, is amended to read as follows:

(c) If a final order is not issued [~~the administrative law judge does not issue a proposal for decision and recommend to the director a final order~~] before the 151st day after the date a complaint is filed under this subchapter, the department [~~director~~] shall provide written notice by certified mail to the complainant and to the manufacturer, converter, or distributor of the expiration of the 150-day period and of the complainant's right to file a civil action. The department [~~board~~] shall extend the 150-day period if a delay is requested or caused by the person who filed the complaint.

SECTION 5. Section 2301.608, Occupations Code, is amended to read as follows:

Sec. 2301.608. ASSESSMENT OF COSTS FOR REPLACEMENT OR REFUND. (a) An order issued under this subchapter must [~~In an order issued under this subchapter, the director shall~~] name the person responsible for paying

the cost of any refund or replacement. A manufacturer, converter, or distributor may not cause a franchised dealer to directly or indirectly pay any money not specifically required ~~[ordered]~~ by the order ~~[director]~~.

(b) If the final order requires ~~[director orders]~~ a manufacturer, converter, or distributor to make a refund or replace a motor vehicle under this subchapter, the final order ~~[director]~~ may require ~~[order]~~ the franchised dealer to reimburse the owner, lienholder, manufacturer, converter, or distributor only for an item or option added to the vehicle by the dealer to the extent that the item or option contributed to the defect that served as the basis for the order.

(c) In a case involving a leased vehicle, the final order ~~[director]~~ may terminate the lease and apportion allowances or refunds, including the reasonable allowance for use, between the lessee and lessor of the vehicle.

SECTION 6. Section 2301.609(a), Occupations Code, is amended to read as follows:

(a) A party to a proceeding ~~[before the director]~~ under this subchapter that is affected by a final order ~~[of the director]~~ is entitled to judicial review of the order under the substantial evidence rule in a district court of Travis County.

SECTION 7. Section 2301.610(d), Occupations Code, is amended to read as follows:

(d) The department ~~[board]~~ shall maintain a toll-free telephone number to provide information to a person who requests information about a condition or defect that was the basis for repurchase or replacement by an order issued under this subchapter ~~[of the director]~~. The department ~~[board]~~ shall maintain an effective method of providing information to a person who makes a request.

SECTION 8. Section 2301.703, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) The parties to a contested case under this chapter or Chapter 503, Transportation Code, other than a contested case in an action brought by the department to enforce this chapter or Chapter 503, Transportation Code, must participate in mediation as provided by board rule before the parties may have a hearing in the case.

SECTION 9. Section 2301.704, Occupations Code, is amended to read as follows:

Sec. 2301.704. HEARINGS EXAMINER; ADMINISTRATIVE LAW JUDGE. (a) Except as otherwise provided by this section, a ~~[A]~~ hearing under this chapter ~~[subchapter]~~ must be held by an administrative law judge of the State Office of Administrative Hearings.

(a-1) A hearing under Section 2301.204 or Subchapter M must be held by a hearings examiner.

(b) An administrative law judge and a hearings examiner have ~~[has]~~ all of the board's power and authority as provided by ~~[under]~~ this chapter to conduct hearings, including the power to:

- (1) hold a hearing;
- (2) administer an oath;
- (3) receive pleadings and evidence;
- (4) issue a subpoena to compel the attendance of a witness;

- (5) compel the production of papers and documents;
 - (6) issue an interlocutory order, including a cease and desist order in the nature of a temporary restraining order or a temporary injunction;
 - (7) make findings of fact and conclusions of law; and
 - (8) issue a proposal for decision and recommend a final order.
- (c) In a contested case hearing under Section 2301.204 or Subchapter M, a hearings examiner shall issue a final order.

SECTION 10. Section 2301.713, Occupations Code, is amended to read as follows:

Sec. 2301.713. REHEARING. (a) Except as otherwise provided by this section, a [A] party who seeks a rehearing of an order shall seek the rehearing in accordance with Chapter 2001, Government Code.

(b) The board by rule may establish procedures to allow a party to a contested case to file a motion for rehearing.

(c) A motion for rehearing in a contested case under Section 2301.204 or Subchapter M must be filed with and decided by the chief hearings examiner.

SECTION 11. Section 503.009(b), Transportation Code, is amended to read as follows:

(b) The procedures applicable to a hearing conducted under this section are those applicable to a hearing conducted as provided by Section 2301.606 [2301.606(a)], Occupations Code.

SECTION 12. Section 2301.606(a), Occupations Code, is repealed.

SECTION 13. The changes in law made by this Act apply only to a complaint filed or a proceeding commenced on or after the effective date of this Act. A complaint filed or a proceeding commenced before the effective date of this Act is governed by the law in effect on the date the complaint was filed or the proceeding was commenced, and the former law is continued in effect for that purpose.

SECTION 14. The changes in law made by this Act apply to a person who holds a license issued under Chapter 2301, Occupations Code, regardless of the date the license is issued or renewed.

SECTION 15. This Act takes effect January 1, 2014.

HB 2259 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2259, A bill to be entitled An Act relating to circumstances under which a vacancy on the governing body occurs in certain municipalities.

Representative Moody moved to concur in the senate amendments to **HB 2259**.

The motion to concur in the senate amendments to **HB 2259** prevailed by (Record 1224): 144 Yeas, 0 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; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; 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; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Farias; Toth.

Senate Committee Substitute

CSHB 2259, A bill to be entitled An Act relating to circumstances under which a vacancy on the governing body occurs in certain municipalities.

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

SECTION 1. Section 22.041, Local Government Code, is amended by adding Subsection (c) to read as follows:

(c) In addition to an absence described by Subsection (b), a member of a governing body is also considered absent for the purposes of that subsection if the member is not present at the adjournment of a meeting at which a quorum is established, unless the member is first allowed to withdraw by the unanimous vote of the members present. This subsection applies only to a municipality that is located in a county with a population of 800,000 or more that is adjacent to an international border.

SECTION 2. The change in law made by this Act applies only to a meeting held on or after the effective date of this Act.

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

HB 585 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 585, A bill to be entitled An Act relating to ad valorem taxation; creating an offense.

Representative Villarreal moved to concur in the senate amendments to **HB 585**.

The motion to concur in the senate amendments to **HB 585** prevailed by (Record 1225): 146 Yeas, 0 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; 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; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smith; 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; Keffer(C).

Absent, Excused — Anchia; Kolkhorst.

Senate Committee Substitute

CSHB 585, A bill to be entitled An Act relating to ad valorem taxation; creating an offense.

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

SECTION 1. Section 5.041, Tax Code, is amended by adding Subsection (b-1) and amending Subsections (e-2) and (f) to read as follows:

(b-1) At the conclusion of a course established under Subsection (a), each member of an appraisal review board in attendance shall complete a statement, on a form prescribed by the comptroller, indicating that the member will comply with the requirements of this title in conducting hearings.

(e-2) During [As soon as practicable after the beginning of] the second year of an appraisal review board member's term of office, the member must successfully complete the course established under Subsection (e-1). At the conclusion of the course, the member must complete a statement described by Subsection (b-1). A person may not participate in a hearing conducted by the board, vote on a determination of a protest, or be reappointed to an additional term on the board until the person has completed [who fails to timely complete] the course established under Subsection (e-1) and has received a certificate of

course completion [may not be reappointed to an additional term on the appraisal review board]. If the person is reappointed to an additional term on the appraisal review board, the person must successfully complete the course established under Subsection (e-1) and comply with the other requirements of this subsection in each year the member continues to serve.

(f) The comptroller may not advise a property owner, a property owner's agent, or the chief appraiser or another employee of an appraisal district[~~, or an appraisal review board~~] on a matter that the comptroller knows is the subject of a protest to the appraisal review board. The comptroller may provide advice to an appraisal review board member as authorized by Subsection (a)(4) of this section or Section 5.103 and may communicate with the chairman of an appraisal review board or a taxpayer liaison officer concerning a complaint filed under Section 6.052.

SECTION 2. Chapter 5, Tax Code, is amended by adding Section 5.103 to read as follows:

Sec. 5.103. APPRAISAL REVIEW BOARD OVERSIGHT. (a) The comptroller shall prepare model hearing procedures for appraisal review boards.

(b) The model hearing procedures shall address:

- (1) the statutory duties of an appraisal review board;
- (2) the process for conducting a hearing;
- (3) the scheduling of hearings;
- (4) the postponement of hearings;
- (5) the notices required under this title;
- (6) the determination of good cause under Section 41.44(b);
- (7) the determination of good cause under Sections 41.45(e) and (e-1);
- (8) a party's right to offer evidence and argument;
- (9) a party's right to examine or cross-examine witnesses or other parties;
- (10) a party's right to appear by an agent;
- (11) the prohibition of an appraisal review board's consideration of information not provided at a hearing;
- (12) ex parte and other prohibited communications;
- (13) the exclusion of evidence at a hearing as required by Section 41.67(d);
- (14) the postponement of a hearing as required by Section 41.66(h);
- (15) conflicts of interest;
- (16) the process for the administration of applications for membership on an appraisal review board; and
- (17) any other matter related to fair and efficient appraisal review board hearings.

(c) The comptroller may:

- (1) categorize appraisal districts based on the size of the district, the number of protests filed in the district, or similar characteristics; and
- (2) develop different model hearing procedures for different categories of districts.

(d) An appraisal review board shall follow the model hearing procedures prepared by the comptroller when establishing its procedures for hearings as required by Section 41.66(a).

(e) The comptroller shall prescribe the contents of a survey form for the purpose of providing the public a reasonable opportunity to offer comments and suggestions concerning the appraisal review board established for an appraisal district. The survey form must permit a person to offer comments and suggestions concerning the matters listed in Subsection (b) or any other matter related to the fairness and efficiency of the appraisal review board. The survey form, together with instructions for completing the form and submitting the form, shall be provided to each property owner at or before each hearing on a protest conducted by an appraisal review board. The appraisal office may provide clerical assistance to the comptroller for purposes of the implementation of this subsection, including assistance in providing and receiving the survey form. The comptroller, or an appraisal office providing clerical assistance to the comptroller, may provide for the provision and submission of survey forms electronically.

(f) The comptroller shall issue an annual report summarizing the survey forms submitted by property owners concerning each appraisal review board. The report may not disclose the identity of a person who submits a survey form.

SECTION 3. Section 6.035, Tax Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) An individual is ineligible to serve on an appraisal district board of directors if the individual has engaged in the business of appraising property for compensation for use in proceedings under this title or of representing property owners for compensation in proceedings under this title in the appraisal district at any time during the preceding five years.

SECTION 4. Section 6.052, Tax Code, is amended by amending Subsections (a), (b), (c), and (e) and adding Subsection (f) to read as follows:

(a) The board of directors for an appraisal district created for a county with a population of more than 120,000 ~~[125,000]~~ shall appoint a taxpayer liaison officer who shall serve at the pleasure of the board. The taxpayer liaison officer shall administer the public access functions required by Sections 6.04(d), (e), and (f), and is responsible for resolving disputes not involving matters that may be protested under Section 41.41. In addition, the taxpayer liaison officer is responsible for receiving, and compiling a list of, comments and suggestions filed by the chief appraiser, a property owner, or a property owner's agent concerning the matters listed in Section 5.103(b) or any other matter related to the fairness and efficiency of the appraisal review board established for the appraisal district. The taxpayer liaison officer shall forward to the comptroller comments and suggestions filed under this subsection in the form and manner prescribed by the comptroller.

(b) The taxpayer liaison officer shall ~~[may]~~ provide to the public information and materials designed to assist property owners in understanding the appraisal process, protest procedures, the procedure for filing comments and suggestions under Subsection (a) of this section or a complaint under Section

6.04(g), and other ~~[related]~~ matters. Information concerning the process for submitting comments and suggestions to the comptroller concerning an appraisal review board shall be provided at each protest hearing.

(c) The taxpayer liaison officer shall report to the board at each meeting on the status of all comments and suggestions ~~[complaints]~~ filed with the officer under Subsection (a) of this section and all complaints filed with the board under Section 6.04(g).

(e) The chief appraiser or any other person who performs appraisal or legal services for the appraisal district for compensation is not eligible to be the taxpayer liaison officer [for the appraisal district].

(f) The taxpayer liaison officer for an appraisal district described by Section 6.41(d-1) is responsible for providing clerical assistance to the local administrative district judge in the selection of appraisal review board members. The officer shall deliver to the local administrative district judge any applications to serve on the board that are submitted to the officer and shall perform other duties as requested by the local administrative district judge. The officer may not influence the process for selecting appraisal review board members.

SECTION 5. Section 6.41, Tax Code, is amended by amending Subsections (d-1) and (f) and adding Subsections (i), (j), and (k) to read as follows:

(d-1) In a county with a population of 120,000 ~~[3.3 million or more or a county with a population of 550,000 or more that is adjacent to a county with a population of 3.3 million]~~ or more the members of the board are appointed by the local administrative district judge under Subchapter D, Chapter 74, Government Code, in the county in which the appraisal district is established. All applications submitted to the appraisal district or to the appraisal review board from persons seeking appointment as a member of the appraisal review board shall be delivered to the local administrative district judge. The appraisal district may provide the local administrative district judge with information regarding whether an applicant for appointment to or a member of the board owes any delinquent ad valorem taxes to a taxing unit participating in the appraisal district.

(f) A member of the board may be removed from the board by a majority vote of the appraisal district board of directors, or by the local administrative district judge or the judge's designee, as applicable, that appointed the member. Grounds for removal are:

- (1) a violation of Section 6.412, 6.413, 41.66(f), or 41.69; ~~[or]~~
- (2) good cause relating to the attendance of members at called meetings of the board as established by written policy adopted by a majority of the appraisal district board of directors; or
- (3) clear and convincing evidence of repeated bias or misconduct.

(i) This subsection applies only to an appraisal district described by Subsection (d-1). A chief appraiser or another employee or agent of the appraisal district, a member of the appraisal review board for the appraisal district, a member of the board of directors of the appraisal district, a property tax consultant, or an agent of a property owner commits an offense if the person

communicates with the local administrative district judge regarding the appointment of appraisal review board members. This subsection does not apply to:

(1) a communication between a member of the appraisal review board and the local administrative district judge regarding the member's reappointment to the board;

(2) a communication between the taxpayer liaison officer for the appraisal district and the local administrative district judge in the course of the performance of the officer's clerical duties so long as the officer does not offer an opinion or comment regarding the appointment of appraisal review board members; or

(3) a communication between a chief appraiser or another employee or agent of the appraisal district, a member of the appraisal review board for the appraisal district, or a member of the board of directors of the appraisal district and the local administrative district judge regarding information described by Subsection (d-1) of this section or Section 411.1296, Government Code.

(j) A chief appraiser or another employee or agent of an appraisal district commits an offense if the person communicates with a member of the appraisal review board for the appraisal district, a member of the board of directors of the appraisal district, or, if the appraisal district is an appraisal district described by Subsection (d-1), the local administrative district judge regarding a ranking, scoring, or reporting of the percentage by which the appraisal review board or a panel of the board reduces the appraised value of property.

(k) An offense under Subsection (i) or (j) is a Class A misdemeanor.

SECTION 6. Section 6.411(c-1), Tax Code, is amended to read as follows:

(c-1) This section does not apply to communications with a member of an appraisal review board by [involving] the chief appraiser or another employee or a member of the board of directors of an appraisal district or a property tax consultant or attorney representing a party to a proceeding before [and a member of] the appraisal review board:

(1) during a hearing on a protest or other proceeding before the appraisal review board;

(2) that constitute social conversation;

(3) that are specifically limited to and involve administrative, clerical, or logistical matters related to the scheduling and operation of hearings, the processing of documents, the issuance of orders, notices, and subpoenas, and the operation, appointment, composition, or attendance at training of the appraisal review board; or

(4) that are necessary and appropriate to enable the board of directors of the appraisal district to determine whether to appoint, reappoint, or remove a person as a member or the chairman or secretary of the appraisal review board.

SECTION 7. Chapter 21, Tax Code, is amended by adding Sections 21.09 and 21.10 to read as follows:

Sec. 21.09. ALLOCATION APPLICATION. (a) To receive an allocation authorized by Section 21.03, 21.031, 21.05, or 21.055, a person claiming the allocation must apply for the allocation. To apply for an allocation, a person must file an allocation application form with the chief appraiser in the appraisal district in which the property subject to the claimed allocation has taxable situs.

(b) A person claiming an allocation must apply for the allocation each year the person claims the allocation. A person claiming an allocation must file a completed allocation application form before May 1 and must provide the information required by the form. If the property was not on the appraisal roll in the preceding year, the deadline for filing the allocation application form is extended to the 45th day after the date of receipt of the notice of appraised value required by Section 25.19(a)(3). For good cause shown, the chief appraiser shall extend the deadline for filing an allocation application form by written order for a period not to exceed 60 days.

(c) The comptroller shall prescribe the contents of the allocation application form and shall ensure that the form requires an applicant to provide the information necessary to determine the validity of the allocation claim.

(d) If the chief appraiser learns of any reason indicating that an allocation previously allowed should be canceled, the chief appraiser shall investigate. If the chief appraiser determines that the property is not entitled to an allocation, the chief appraiser shall cancel the allocation and deliver written notice of the cancellation not later than the fifth day after the date the chief appraiser makes the cancellation. A person may protest the cancellation of an allocation.

(e) The filing of a rendition under Chapter 22 is not a condition of qualification for an allocation.

Sec. 21.10. LATE APPLICATION FOR ALLOCATION. (a) The chief appraiser shall accept and approve or deny an application for an allocation under Section 21.09 after the deadline for filing the application has passed if the application is filed before the date the appraisal review board approves the appraisal records.

(b) If the application is approved, the property owner is liable to each taxing unit for a penalty in an amount equal to 10 percent of the difference between the amount of tax imposed by the taxing unit on the property without the allocation and the amount of tax imposed on the property with the allocation.

(c) The chief appraiser shall make an entry on the appraisal records for the property indicating the property owner's liability for the penalty and shall deliver a written notice of imposition of the penalty, explaining the reason for its imposition, to the property owner.

(d) The tax assessor for a taxing unit that taxes the property shall add the amount of the penalty to the property owner's tax bill, and the tax collector for the unit shall collect the penalty at the time and in the manner the collector collects the tax. The amount of the penalty constitutes a lien against the property against which the penalty is imposed, as if the penalty were a tax, and accrues penalty and interest in the same manner as a delinquent tax.

SECTION 8. Section 22.01, Tax Code, is amended by adding Subsections (c-1), (c-2), and (d-1) to read as follows:

(c-1) In this section:

(1) "Secured party" has the meaning assigned by Section 9.102, Business & Commerce Code.

(2) "Security interest" has the meaning assigned by Section 1.201, Business & Commerce Code.

(c-2) With the consent of the property owner, a secured party may render for taxation any property of the property owner in which the secured party has a security interest on January 1, although the secured party is not required to render the property by Subsection (a) or (b). This subsection applies only to property that has a historical cost when new of more than \$50,000.

(d-1) A secured party who renders property under Subsection (c-2) shall indicate the party's status as a secured party and shall state the name and address of the property owner. A secured party is not liable for inaccurate information included on the rendition statement if the property owner supplied the information or for failure to timely file the rendition statement if the property owner failed to promptly cooperate with the secured party. A secured party may rely on information provided by the property owner with respect to:

(1) the accuracy of information in the rendition statement;

(2) the appraisal district in which the rendition statement must be filed;

and

(3) compliance with any provisions of this chapter that require the property owner to supply additional information.

SECTION 9. Section 22.24(e), Tax Code, is amended to read as follows:

(e) To be valid, a rendition or report must be sworn to before an officer authorized by law to administer an oath. The comptroller may not prescribe or approve a rendition or report form unless the form provides for the person filing the form to swear that the information provided in the rendition or report is true and accurate to the best of the person's knowledge and belief. This subsection does not apply to a rendition or report filed by a secured party, as defined by Section 22.01, the property owner, an employee of the property owner, or an employee of a property owner on behalf of an affiliated entity of the property owner.

SECTION 10. Section 31.11, Tax Code, is amended by adding Subsections (j) and (k) to read as follows:

(j) If the collector for a taxing unit does not respond to an application for a refund on or before the 90th day after the date the application is filed with the collector, the application is presumed to have been denied.

(k) Not later than the 60th day after the date the collector for a taxing unit denies an application for a refund, the taxpayer may file suit against the taxing unit in district court to compel the payment of the refund. If the collector collects taxes for more than one taxing unit, the taxpayer may join in the suit each taxing unit on behalf of which the collector denied the refund. If the taxpayer prevails in the suit, the taxpayer may be awarded:

(1) costs of court; and

(2) reasonable attorney's fees in an amount not to exceed the greater of:

(A) \$1,500; or

(B) 30 percent of the total amount of the refund determined by the court to be due.

SECTION 11. Section 33.48(a), Tax Code, is amended to read as follows:

(a) In addition to other costs authorized by law, a taxing unit is entitled to recover the following costs and expenses in a suit to collect a delinquent tax:

(1) all usual court costs, including the cost of serving process and electronic filing fees;

(2) costs of filing for record a notice of lis pendens against property;

(3) expenses of foreclosure sale;

(4) reasonable expenses that are incurred by the taxing unit in determining the name, identity, and location of necessary parties and in procuring necessary legal descriptions of the property on which a delinquent tax is due;

(5) attorney's fees in the amount of 15 percent of the total amount of taxes, penalties, and interest due the unit; and

(6) reasonable attorney ad litem fees approved by the court that are incurred in a suit in which the court orders the appointment of an attorney to represent the interests of a defendant served with process by means of citation by publication or posting.

SECTION 12. Section 33.49(a), Tax Code, is amended to read as follows:

(a) Except as provided by Subsection (b), a taxing unit is not liable in a suit to collect taxes for court costs, including any fees for service of process or electronic filing, an attorney ad litem, arbitration, or mediation, and may not be required to post security for costs.

SECTION 13. Section 41.45, Tax Code, is amended by adding Subsection (n) to read as follows:

(n) A property owner does not waive the right to appear in person at the protest hearing by submitting an affidavit to the appraisal review board. The board may consider the affidavit only if the property owner does not appear at the protest hearing in person. For purposes of scheduling the hearing, the property owner shall state in the affidavit that the property owner does not intend to appear at the hearing or that the property owner intends to appear at the hearing and that the affidavit may be used only if the property owner does not appear at the hearing. If the property owner does not state in the affidavit whether the owner intends to appear at the hearing, the board shall consider the submission of the affidavit as an indication that the property owner does not intend to appear at the hearing. If the property owner states in the affidavit that the owner does not intend to appear at the hearing or does not state in the affidavit whether the owner intends to appear at the hearing, the appraisal review board is not required to consider the affidavit at the scheduled hearing and may consider the affidavit at a hearing designated for the specific purpose of processing affidavits.

SECTION 14. Section 41.66, Tax Code, is amended by adding Subsections (i), (j), (k), (l), (m), (n), and (o) to read as follows:

(i) A hearing on a protest filed by a property owner who is not represented by an agent designated under Section 1.111 shall be set for a time and date certain. If the hearing is not commenced within two hours of the time set for the hearing, the appraisal review board shall postpone the hearing on the request of the property owner.

(j) On the request of a property owner or a designated agent, an appraisal review board shall schedule hearings on protests concerning up to 20 designated properties on the same day. The designated properties must be identified in the same notice of protest, and the notice must contain in boldfaced type the statement "request for same-day protest hearings." A property owner or designated agent may not file more than one request under this subsection with the appraisal review board in the same tax year. The appraisal review board may schedule hearings on protests concerning more than 20 properties filed by the same property owner or designated agent and may use different panels to conduct the hearings based on the board's customary scheduling. The appraisal review board may follow the practices customarily used by the board in the scheduling of hearings under this subsection.

(k) If an appraisal review board sits in panels to conduct protest hearings, protests shall be randomly assigned to panels, except that the board may consider the type of property subject to the protest or the ground of the protest for the purpose of using the expertise of a particular panel in hearing protests regarding particular types of property or based on particular grounds. If a protest is scheduled to be heard by a particular panel, the protest may not be reassigned to another panel without the consent of the property owner or designated agent. If the appraisal review board has cause to reassign a protest to another panel, a property owner or designated agent may agree to reassignment of the protest or may request that the hearing on the protest be postponed. The board shall postpone the hearing on that request. A change of members of a panel because of a conflict of interest, illness, or inability to continue participating in hearings for the remainder of the day does not constitute reassignment of a protest to another panel.

(l) A property owner, attorney, or agent offering evidence or argument in support of a protest brought under Section 41.41(a)(1) or (2) of this code is not subject to Chapter 1103, Occupations Code, unless the person offering the evidence or argument states that the person is offering evidence or argument as a person holding a license or certificate under Chapter 1103, Occupations Code. A person holding a license or certificate under Chapter 1103, Occupations Code, shall state the capacity in which the person is appearing before the appraisal review board.

(m) An appraisal district or appraisal review board may not make decisions with regard to membership on a panel or chairmanship of a panel based on a member's voting record in previous protests.

(n) A request for postponement of a hearing must contain the mailing address and e-mail address of the person requesting the postponement. An appraisal review board shall respond in writing or by e-mail to a request for postponement of a hearing not later than the seventh day after the date of receipt of the request.

(o) The chairman of an appraisal review board or a member designated by the chairman may make decisions with regard to the scheduling or postponement of a hearing. The chief appraiser or a person designated by the chief appraiser may agree to a postponement of an appraisal review board hearing.

SECTION 15. Section 41A.03(a), Tax Code, is amended to read as follows:

(a) To appeal an appraisal review board order under this chapter, a property owner must file with the appraisal district not later than the 45th day after the date the property owner receives notice of the order:

(1) a completed request for binding arbitration under this chapter in the form prescribed by Section 41A.04; and

(2) an arbitration deposit made payable to the comptroller in the amount of

~~[(A)] \$500~~;

~~[(B)] \$250, if the property owner requests expedited arbitration under Section 41A.031].~~

SECTION 16. Sections 42.08(b), (b-1), and (c), Tax Code, are amended to read as follows:

(b) Except as provided in Subsection (d), a property owner who appeals as provided by this chapter must pay taxes on the property subject to the appeal in the amount required by this subsection before the delinquency date or the property owner forfeits the right to proceed to a final determination of the appeal. The amount of taxes the property owner must pay on the property before the delinquency date to comply with this subsection is the lesser of:

(1) the amount of taxes due on the portion of the taxable value of the property that is not in dispute; ~~or~~

(2) the amount of taxes due on the property under the order from which the appeal is taken; or

(3) the amount of taxes imposed on the property in the preceding tax year.

(b-1) This subsection applies only to an appeal in which the property owner elects to pay the amount of taxes described by Subsection (b)(1). The appeal filed by the property owner must be accompanied by a statement in writing of the amount of taxes the property owner proposes to pay. The failure to provide the statement required by this subsection is not a jurisdictional error.

(c) A property owner that pays an amount of taxes greater than that required by Subsection (b) does not forfeit the property owner's right to a final determination of the appeal by making the payment. The property owner may pay an additional amount of taxes at any time. If the property owner files a timely appeal under this chapter, taxes paid on the property are considered paid under protest, even if paid before the appeal is filed. If the taxes are subject to the split-payment option provided by Section 31.03, the property owner may comply

with Subsection (b) of this section by paying one-half of the amount otherwise required to be paid under that subsection before December 1 and paying the remaining one-half of that amount before July 1 of the following year.

SECTION 17. Section 42.21, Tax Code, is amended by adding Subsections (f), (g), and (h) to read as follows:

(f) A petition filed by an owner or lessee of property may include multiple properties that are owned or leased by the same person and are of a similar type or are part of the same economic unit and would typically sell as a single property. If a petition is filed by multiple plaintiffs or includes multiple properties that are not of a similar type, are not part of the same economic unit, or are part of the same economic unit but would not typically sell as a single property, the court may on motion and a showing of good cause sever the plaintiffs or the properties.

(g) A petition filed by an owner or lessee of property may be amended to include additional properties in the same county that are owned or leased by the same person, are of a similar type as the property originally involved in the appeal or are part of the same economic unit as the property originally involved in the appeal and would typically sell as a single property, and are the subject of an appraisal review board order issued in the same year as the order that is the subject of the original appeal. The amendment must be filed within the period during which a petition for review of the appraisal review board order pertaining to the additional properties would be required to be filed under Subsection (a).

(h) The court has jurisdiction over an appeal under this chapter brought on behalf of a property owner or lessee and the owner or lessee is considered to have exhausted the owner's or lessee's administrative remedies regardless of whether the petition correctly identifies the plaintiff as the owner or lessee of the property or correctly describes the property so long as the property was the subject of an appraisal review board order, the petition was filed within the period required by Subsection (a), and the petition provides sufficient information to identify the property that is the subject of the petition. Whether the plaintiff is the proper party to bring the petition or whether the property needs to be further identified or described must be addressed by means of a special exception and correction of the petition by amendment as authorized by Subsection (e) and may not be the subject of a plea to the jurisdiction or a claim that the plaintiff has failed to exhaust the plaintiff's administrative remedies. If the petition is amended to add a plaintiff, the court on motion shall enter a docket control order to provide proper deadlines in response to the addition of the plaintiff.

SECTION 18. Section 42.23, Tax Code, is amended by adding Subsection (h) to read as follows:

(h) Evidence, argument, or other testimony offered at an appraisal review board hearing by a property owner or agent is not admissible in an appeal under this chapter unless:

(1) the evidence, argument, or other testimony is offered to demonstrate that there is sufficient evidence to deny a no-evidence motion for summary judgment filed by a party to the appeal or is necessary for the determination of the merits of a motion for summary judgment filed on another ground;

(2) the property owner or agent is designated as a witness for purposes of trial and the testimony offered at the appraisal review board hearing is offered for impeachment purposes; or

(3) the evidence is the plaintiff's testimony at the appraisal review board hearing as to the value of the property.

SECTION 19. Section 42.29(a), Tax Code, is amended to read as follows:

(a) A property owner who prevails in an appeal to the court under Section 42.25 or 42.26, ~~[or]~~ in an appeal to the court of a determination of an appraisal review board on a motion filed under Section 25.25, or in an appeal to the court of a determination of an appraisal review board of a protest of the denial in whole or in part of an exemption under Section 11.17, 11.22, 11.23, 11.231, or 11.24 may be awarded reasonable attorney's fees. The amount of the award may not exceed the greater of:

(1) \$15,000; or

(2) 20 percent of the total amount by which the property owner's tax liability is reduced as a result of the appeal.

SECTION 20. Section 41A.031, Tax Code, is repealed.

SECTION 21. The changes in law made by this Act apply to a proceeding that is pending on the effective date of this Act or is filed on or after the effective date of this Act.

SECTION 22. Section 6.035, Tax Code, as amended by this Act, does not affect the eligibility of an individual serving on an appraisal district board of directors immediately before the effective date of this Act to continue to serve on the appraisal district board of directors for the term to which the member was appointed.

SECTION 23. (a) As soon as practicable on or after January 1, 2014, the local administrative district judge or the judge's designee in a county described by Section 6.41(d-1), Tax Code, as amended by this Act, in the manner provided by Section 6.41, Tax Code, shall appoint the members of the appraisal review board for the appraisal district established in the county. In making the initial appointments, the judge or judge's designee shall designate those members who serve terms of one year as necessary to comply with Section 6.41(e), Tax Code.

(b) The changes made to Section 6.41, Tax Code, by this Act apply only to the appointment of appraisal review board members to terms beginning on or after January 1, 2014. This Act does not affect the term of an appraisal review board member serving on December 31, 2013, if the member was appointed before January 1, 2014, to a term that began before December 31, 2013, and expires December 31, 2014.

SECTION 24. Section 6.411, Tax Code, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 25. Sections 22.01 and 22.24, Tax Code, as amended by this Act, apply only to the rendition of property for ad valorem tax purposes for a tax year that begins on or after January 1, 2014.

SECTION 26. (a) Except as provided by Subsection (b) of this section:

(1) this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution; and

(2) if this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

(b) Sections 1, 2, 4, 5, 8, 9, 13, 14, and 25 of this Act take effect January 1, 2014.

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

Amend **CSHB 585** as follows:

In SECTION 10 of the bill, in amended Section 13.11, Tax Code (page 6, line 34), strike "may" and substitute "shall".

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **CSHB 585** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 41.43, Tax Code, is amended by amending Subsection (a) and adding Subsections (a-3), (a-4), and (a-5) to read as follows:

(a) Except as provided by Subsections (a-1), (a-3), and (d), in a protest authorized by Section 41.41(a)(1) or (2), the appraisal district has the burden of establishing the value of the property by a preponderance of the evidence presented at the hearing. If the appraisal district fails to meet that standard, the protest shall be determined in favor of the property owner.

(a-3) In a protest authorized by Section 41.41(a)(1) or (2), the appraisal district has the burden of establishing the value of the property by clear and convincing evidence presented at the hearing if:

(1) the appraised value of the property was lowered under this subtitle in the preceding tax year;

(2) the appraised value of the property in the preceding tax year was not established as a result of a written agreement between the property owner or the owner's agent and the appraisal district under Section 1.111(e); and

(3) not later than the 14th day before the date of the first day of the hearing, the property owner files with the appraisal review board and delivers to the chief appraiser:

(A) information, such as income and expense statements or information regarding comparable sales, that is sufficient to allow for a determination of the appraised or market value of the property if the protest is authorized by Section 41.41(a)(1); or

(B) information that is sufficient to allow for a determination of whether the property was appraised unequally if the protest is authorized by Section 41.41(a)(2).

(a-4) If the appraisal district has the burden of establishing the value of property by clear and convincing evidence presented at the hearing on a protest as provided by Subsection (a-3) and the appraisal district fails to meet that standard, the protest shall be determined in favor of the property owner.

(a-5) Subsection (a-3)(3) does not impose a duty on a property owner to provide any information in a protest authorized by Section 41.41(a)(1) or (2). That subdivision is merely a condition to the applicability of the standard of evidence provided by Subsection (a-3).

(b) The change in law made by this section applies only to a protest filed with an appraisal review board on or after the effective date of this section. A protest filed with an appraisal review board before the effective date of this section is covered by the law in effect at the time the protest was filed, and the former law is continued in effect for that purpose.

(c) Notwithstanding any other provision of this Act, this section takes effect September 1, 2013.

Senate Amendment No. 3 (Senate Floor Amendment No. 3)

Amend **CSHB 585** (senate committee printing) as follows:

(1) Between SECTION 9 and SECTION 10 of the bill (page 6, between lines 23 and 24) insert the following SECTION 9A to read as follows:

SECTION 9A. Section 23.23, Tax Code, is amended by adding Subsection (g) to read as follows:

(g) In this subsection, "disaster recovery program" means the disaster recovery program administered by the General Land Office that is funded with community development block grant disaster recovery money authorized by the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Pub. L. No. 110-329) and the Consolidated and Further Continuing Appropriations Act, 2012 (Pub. L. No. 112-55). Notwithstanding Subsection (f)(2), and only to the extent necessary to satisfy the requirements of the disaster recovery program, a replacement structure described by that subdivision is not considered to be a new improvement if to satisfy the requirements of the disaster recovery program it was necessary that:

(1) the square footage of the replacement structure exceed that of the replaced structure as that structure existed before the casualty or damage occurred; or

(2) the exterior of the replacement structure be of higher quality construction and composition than that of the replaced structure.

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

SECTION _____. The change in law made by Section 23.23(g), Tax Code, as added by this Act, applies only to the appraisal of a residence homestead for ad valorem tax purposes for a tax year that begins on or after January 1, 2014.

(3) In SECTION 26 of the bill, providing for the effective dates of the Act, strike Subsection (b) (page 10, lines 39-40) and substitute the following:

(b) Sections 1, 2, 4, 5, 8, 9, 9A, 13, 14, and 25 of this Act take effect January 1, 2014.

(4) Renumber the SECTIONS of the bill and cross-references accordingly.

Senate Amendment No. 4 (Senate Floor Amendment No. 4)

Amend **CSHB 585** by adding the appropriately numbered SECTIONS to read as follows:

(1) SECTION _____. Section 23.02, Tax Code, is amended by amending subsections (a) and (d) to read follows:

Sec. 23.02. REAPPRAISAL OF PROPERTY DAMAGED IN ~~[NATURAL]~~ DISASTER AREA. (a) The governing body of a taxing unit that is located partly or entirely inside an area declared to be a ~~[natural]~~ disaster area by the governor may authorize reappraisal of all property damaged in the disaster at its market value immediately after the disaster.

(d) If property damaged in a ~~[natural]~~ disaster is reappraised as provided by this section, the governing body shall provide for prorating the taxes on the property for the year in which the disaster occurred. If the taxes are prorated, taxes due on the property are determined as follows: the taxes on the property based on its value on January 1 of that year are multiplied by a fraction, the denominator of which is 365 and the numerator of which is the number of days before the date the disaster occurred; the taxes on the property based on its reappraised value are multiplied by a fraction, the denominator of which is 365 and the numerator of which is the number of days, including the date the disaster occurred, remaining in the year; and the total of the two amounts is the amount of taxes on the property for the year.

(2) SECTION _____. Section 23.129(b), Tax Code, is amended to read as follows:

(b) A chief appraiser or collector may waive a penalty under Subsection (a) only if:

(1) the taxpayer seeking the waiver files a written application for the waiver with the chief appraiser or collector, as applicable, not later than the 30th day after the date the declaration or statement, as applicable, was required to be filed;

(2) the taxpayer's failure to file or failure to timely file the declaration or statement was a result of:

(A) a ~~[natural]~~ disaster that made it effectively impossible for the taxpayer to comply with the filing requirement; or

(B) an event beyond the control of the taxpayer that destroyed the taxpayer's property or records; and

(3) the taxpayer is otherwise in compliance with this chapter.

(3) SECTION _____. Section 23.02, Tax Code, as amended by this Act, applies to all properties affected by a disaster as defined by Section 418.004, Government Code, that were appraised as of January 1, 2013. Property affected by a disaster and appraised prior to January 1, 2013 is governed by the law in effect at that time.

(4) Renumber remaining SECTIONS accordingly.

Senate Amendment No. 5 (Senate Floor Amendment No. 5)

Amend **CSHB 585** (senate committee printing) as follows:

(1) Between the enacting clause and SECTION 1 of the bill (page 1, between lines 29 and 30) insert the following SECTION 0A to read as follows:

SECTION 0A. Section 1151.1581, Occupations Code, is amended by adding Subsection (f) to read as follows:

(f) As part of the continuing education requirements for a registered professional appraiser who is the chief appraiser of an appraisal district, the commission by rule shall require the registrant to complete:

(1) at least half of the required hours in a program devoted to one or more of the topics listed in Section 1151.164(b); and

(2) at least two of the required hours in a program of professional ethics specific to the chief appraiser of an appraisal district, including a program on the importance of maintaining the independence of an appraisal office from political pressure.

(2) Between SECTION 3 and SECTION 4 of the bill (page 3, between lines 1 and 2) insert the following SECTION 3A and SECTION 3B to read as follows:

SECTION 3A. Sections 6.05(c) and (d), Tax Code, are amended to read as follows:

(c) The chief appraiser is the chief administrator of the appraisal office. Except as provided by Section 6.0501, the ~~[The]~~ chief appraiser is appointed by and serves at the pleasure of the appraisal district board of directors. If a taxing unit performs the duties of the appraisal office pursuant to a contract, the assessor for the unit is the chief appraiser. To be eligible to be appointed or serve as a chief appraiser, a person must be certified as a registered professional appraiser under Section 1151.160, Occupations Code, possess an MAI professional designation from the Appraisal Institute, or possess an Assessment Administration Specialist (AAS), Certified Assessment Evaluator (CAE), or Residential Evaluation Specialist (RES) professional designation from the International Association of Assessing Officers. A person who is eligible to be appointed or serve as a chief appraiser by having a professional designation described by this subsection must become certified as a registered professional appraiser under Section 1151.160, Occupations Code, not later than the fifth anniversary of the date the person is appointed or begins to serve as chief appraiser. A chief appraiser who is not eligible to be appointed or serve as chief appraiser may not perform an action authorized or required by law to be performed by a chief appraiser, including the preparation, certification, or submission of any part of the appraisal roll. Not later than January 1 of each year, a chief appraiser shall notify the comptroller in writing that the chief appraiser is either eligible to be appointed or serve as the chief appraiser or not eligible to be appointed or serve as the chief appraiser.

(d) Except as provided by Section 6.0501, the ~~[The]~~ chief appraiser is entitled to compensation as provided by the budget adopted by the board of directors. The chief appraiser's compensation may not be directly or indirectly linked to an increase in the total market, appraised, or taxable value of property in the appraisal district. Except as provided by Section 6.0501, the ~~[The]~~ chief appraiser may employ and compensate professional, clerical, and other personnel as provided by the budget, with the exception of a general counsel to the appraisal district.

SECTION 3B. Subchapter A, Chapter 6, Tax Code, is amended by adding Section 6.0501 to read as follows:

Sec. 6.0501. APPOINTMENT OF ELIGIBLE CHIEF APPRAISER BY COMPTROLLER. (a) The comptroller shall appoint a person eligible to be a chief appraiser under Section 6.05(c) or a person who has previously been appointed or served as a chief appraiser to perform the duties of chief appraiser for an appraisal district whose chief appraiser is ineligible to serve.

(b) A chief appraiser appointed under this section serves until the earlier of:

(1) the first anniversary of the date the comptroller appoints the chief appraiser; or

(2) the date the board of directors of the appraisal district:

(A) appoints a chief appraiser under Section 6.05(c); or

(B) contracts with an appraisal district or a taxing unit to perform the duties of the appraisal office for the district under Section 6.05(b).

(c) The comptroller shall determine the compensation of a chief appraiser appointed under this section. A chief appraiser appointed under this section shall determine the budget necessary for the adequate operation of the appraisal office, subject to the approval of the comptroller. The board of directors of the appraisal district shall amend the budget as necessary to compensate the appointed chief appraiser and fund the appraisal office as determined under this subsection.

(d) An appraisal district that does not appoint a chief appraiser or contract with an appraisal district or a taxing unit to perform the duties of the appraisal office by the first anniversary of the date the comptroller appoints a chief appraiser shall contract with an appraisal district or a taxing unit to perform the duties of the appraisal office or with a qualified public or private entity to perform the duties of the chief appraiser, subject to the approval of the comptroller.

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

SECTION _____. The Texas Commission of Licensing and Regulation shall adopt the rules required by Section 1151.1581(f), Occupations Code, as added by this Act, not later than January 1, 2014.

SECTION _____. A person appointed or serving as a chief appraiser in an appraisal district established in a county with a population of 100,000 or less on the effective date of this Act who is not eligible to be appointed or serve as a chief appraiser under Section 6.05(c), Tax Code, as amended by this Act, but who is registered with the Texas Department of Licensing and Regulation and classified as a Class III appraiser under the rules of the Texas Commission of Licensing and Regulation may continue to serve as the chief appraiser until January 1, 2016.

(4) In SECTION 26 of the bill, providing for the effective dates of the Act, strike Subsection (b) (page 10, lines 39-40) and substitute the following:

(b) Sections 0A, 1, 2, 3A, 3B, 4, 5, 8, 9, 13, 14, and 25 of this Act take effect January 1, 2014.

(5) Renumber the SECTIONS of the bill and cross-references accordingly.

**HB 595 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 595, A bill to be entitled An Act relating to certain health programs and councils.

Representative Geren moved to concur in the senate amendments to **HB 595**.

The motion to concur in the senate amendments to **HB 595** prevailed by (Record 1226): 144 Yeas, 0 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; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; 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; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; 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; Keffer(C).

Absent, Excused — Anchia; Kolkhorst.

Absent — Fletcher; Lewis.

Senate Committee Substitute

CSHB 595, A bill to be entitled An Act relating to certain health programs and councils.

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

SECTION 1. Section 533.005(a-1), Government Code, is amended to read as follows:

(a-1) The requirements imposed by Subsections (a)(23)(A), (B), and (C) do not apply, and may not be enforced, on and after August 31, 2018 ~~2013~~.

SECTION 2. (a) Chapters 38, 46, 83, 90, and 91, Health and Safety Code, are repealed.

(b) Subchapters A and C, Chapter 86, Health and Safety Code, are repealed.

(c) Sections 86.011 and 86.012, Health and Safety Code, are repealed.

SECTION 3. (a) On September 1, 2013, the programs and system established under Chapters 38, 46, 83, 86, 90, and 91, Health and Safety Code, as the laws existed immediately before the effective date of this Act, are abolished.

(b) On September 1, 2013, any money remaining in the tertiary care account is transferred to the general revenue fund and the account is abolished.

(c) The repeal of Chapter 83, Health and Safety Code, by this Act does not affect a cause of action that accrued before the effective date of this Act. A cause of action that accrued before the effective date of this Act is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

SECTION 4. On September 1, 2013:

(1) the advisory council established under Section 86.003, Health and Safety Code, as the law existed immediately before the effective date of this Act, is abolished;

(2) all property in the custody of the advisory council is transferred to the Department of State Health Services; and

(3) all contracts, leases, rights, and obligations of the advisory council are transferred to the Department of State Health Services.

SECTION 5. On September 1, 2013:

(1) the advisory committee established under Section 86.012, Health and Safety Code, as the law existed immediately before the effective date of this Act, is abolished;

(2) all property in the custody of the advisory committee is transferred to the Department of State Health Services; and

(3) all contracts, leases, rights, and obligations of the advisory committee are transferred to the Department of State Health Services.

SECTION 6. On September 1, 2013:

(1) the advisory council established under Section 86.103, Health and Safety Code, as the law existed immediately before the effective date of this Act, is abolished;

(2) all property in the custody of the advisory council is transferred to the Department of State Health Services; and

(3) all contracts, leases, rights, and obligations of the advisory council are transferred to the Department of State Health Services.

SECTION 7. This Act takes effect September 1, 2013.

HB 2028 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative C. Turner called up with senate amendments for consideration at this time,

HB 2028, A bill to be entitled An Act relating to the eligibility requirements for plumbing licenses issued to applicants with military service.

Representative C. Turner moved to concur in the senate amendments to **HB 2028**.

The motion to concur in the senate amendments to **HB 2028** prevailed by (Record 1227): 145 Yeas, 0 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; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Davis, Y.

Senate Committee Substitute

CSHB 2028, A bill to be entitled An Act relating to the eligibility requirements for plumbing licenses issued to applicants with military service.

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

SECTION 1. Subchapter G, Chapter 1301, Occupations Code, is amended by adding Section 1301.3585 to read as follows:

Sec. 1301.3585. LICENSE ELIGIBILITY REQUIREMENTS FOR APPLICANTS WITH MILITARY EXPERIENCE. (a) Notwithstanding any other law, the board shall credit verified military service, training, or education toward the licensing requirements, other than examination requirements, for a license issued under this chapter by the board.

(b) The board shall expedite the issuance of a provisional license or a license by endorsement or reciprocity under this chapter to an applicant who:

(1) has verified military experience; and

(2) holds a current license issued by another jurisdiction that has license requirements that are substantially equivalent to the license requirements of this state.

(c) The board shall adopt rules necessary to implement this section.

SECTION 2. (a) Section 1301.3585, Occupations Code, as added by this Act, applies only to an application for a license filed on or after May 1, 2014. An application for a license filed before May 1, 2014, is governed by the law in effect on the date the application was filed, and that law is continued in effect for that purpose.

(b) The Texas State Board of Plumbing Examiners shall adopt rules under Section 1301.3585, Occupations Code, as added by this Act, not later than March 1, 2014.

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

HB 658 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 658, A bill to be entitled An Act relating to postjudgment interest on damages subject to Medicare subrogation.

Representative Sheets moved to concur in the senate amendments to **HB 658**.

The motion to concur in the senate amendments to **HB 658** prevailed by (Record 1228): 144 Yeas, 0 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; 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; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; 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; Keffer(C).

Absent, Excused — Anchia; Kolkhorst.

Absent — Moody; Raymond.

Senate Committee Substitute

CSHB 658, A bill to be entitled An Act relating to certain lawsuits seeking damages.

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

SECTION 1. Chapter 41, Civil Practice and Remedies Code, is amended by adding Section 41.014 to read as follows:

Sec. 41.014. INTEREST ON DAMAGES SUBJECT TO MEDICARE SUBROGATION. (a) Subject to this section, postjudgment interest does not accrue on the unpaid balance of an award of damages to a plaintiff attributable to any portion of the award to which the United States has a subrogation right under 42 U.S.C. Section 1395y(b)(2)(B) before the defendant receives a recovery demand letter issued by the Centers for Medicare and Medicaid Services or a designated contractor under 42 C.F.R. Section 411.22.

(b) Postjudgment interest under this section does not accrue if the defendant pays the unpaid balance before the 31st day after the date the defendant receives the recovery demand letter.

(c) If the defendant appeals the award of damages, this section does not apply.

(d) This section does not prevent the accrual of postjudgment interest on any portion of an award to which the United States does not have a subrogation right under 42 U.S.C. Section 1395y(b)(2)(B).

SECTION 2. Section 74.351(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) In a health care liability claim, a claimant shall, not later than the 120th day after the date each defendant's [the] original answer is [petition was] filed, serve on that [each] party or the party's attorney one or more expert reports, with a curriculum vitae of each expert listed in the report for each physician or health care provider against whom a liability claim is asserted. The date for serving the report may be extended by written agreement of the affected parties. Each defendant physician or health care provider whose conduct is implicated in a report must file and serve any objection to the sufficiency of the report not later than the later of the 21st day after the date the report is [it was] served or the 21st day after the date the defendant's answer is filed, failing which all objections are waived.

SECTION 3. (a) Section 41.014, Civil Practice and Remedies Code, as added by this Act, applies only to an award of damages made on or after the effective date of this Act. An award of damages made before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

(b) Section 74.351(a), Civil Practice and Remedies Code, as amended by this Act, applies only to an action commenced on or after the effective date of this Act. An action commenced before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

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

HB 1606 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1606, A bill to be entitled An Act relating to the prosecution of the offenses of harassment and stalking.

Representative Moody moved to concur in the senate amendments to **HB 1606**.

The motion to concur in the senate amendments to **HB 1606** prevailed by (Record 1229): 119 Yeas, 26 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burnam; Callegari; Canales; Capriglione; Carter; Coleman; Collier; Cook; Cortez; 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; Howard; Huberty; Hughes; Hunter; Johnson; Kacal; King, K.; King, S.; King, T.; Kleinschmidt; Kuempel; Larson; Laubenberg; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Patrick; Perez; Perry; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Sanford; Schaefer; Sheets; Sheffield, J.; Simmons; Simpson; Smith; Smithee; Stephenson; Strama; Thompson, S.; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Wu; Zerwas.

Nays — Branch; Burkett; Button; Clardy; Craddick; Fallon; Flynn; Gooden; Hilderbran; Isaac; King, P.; Klick; Krause; Lavender; Miller, R.; Morrison; Parker; Phillips; Sheffield, R.; Springer; Stickland; Taylor; Thompson, E.; Turner, E.S.; Workman; Zedler.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Rose.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1229. I intended to vote no.

Harper-Brown

I was shown voting yes on Record No. 1229. I intended to vote no.

Hunter

Senate Committee Substitute

CSHB 1606, A bill to be entitled An Act relating to the prosecution of the offenses of harassment and stalking.

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

SECTION 1. Section 42.07(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person ~~[he]~~:

(1) initiates communication ~~[by telephone, in writing, or by electronic communication]~~ and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;

(2) threatens, ~~[by telephone, in writing, or by electronic communication]~~ in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's ~~[his]~~ family or household, or the person's ~~[his]~~ property;

(3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;

(4) causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;

(5) makes a telephone call and intentionally fails to hang up or disengage the connection;

(6) knowingly permits a telephone under the person's control to be used by another to commit an offense under this section; or

(7) sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

SECTION 2. Sections 42.072(a) and (d), Penal Code, are amended to read as follows:

(a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

(1) constitutes an offense under Section 42.07, or that the actor knows or reasonably should know ~~[believes]~~ the other person will regard as threatening:

(A) bodily injury or death for the other person;

(B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or

(C) that an offense will be committed against the other person's property;

(2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and

(3) would cause a reasonable person to ~~[fear]~~:

(A) fear bodily injury or death for himself or herself;

(B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship; ~~[or]~~

(C) fear that an offense will be committed against the person's property; or

(D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

(d) In this section:

(1) "Dating [~~," "dating~~]" relationship, "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.

(2) "Property" includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

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

HB 3028 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3028, A bill to be entitled An Act relating to the use of the skills development fund and other funds available to the Texas Workforce Commission to support certain joint credit courses offered by school districts under agreements with public junior colleges.

Representative J. Davis moved to concur in the senate amendments to **HB 3028**.

The motion to concur in the senate amendments to **HB 3028** prevailed by (Record 1230): 146 Yeas, 0 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; 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; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberger; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez;

Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Anchia; Kolkhorst.

Senate Committee Substitute

CSHB 3028, A bill to be entitled An Act relating to the use of the skills development fund and other funds available to the Texas Workforce Commission to support certain joint credit courses offered by school districts under agreements with lower-division institutions of higher education.

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

SECTION 1. Section 303.003, Labor Code, is amended by adding Subsections (b-2) and (i) to read as follows:

(b-2) In addition to the purposes described by Subsections (b) and (b-1), in each state fiscal biennium, an amount of money from the skills development fund not to exceed five percent of the amount of general revenue appropriated to the skills development fund for that biennium may be used as provided by this subsection. Funds available to the commission from other sources may also be used as provided by this subsection. Funds may be awarded under this subsection to a lower-division institution of higher education to be used under an agreement with a school district to support courses offered for joint high school and college-level credit or offered under a college credit career or technical education program that leads to an industry-recognized license, credential, or certificate. Appropriate uses of funds awarded under this subsection include purchasing or repairing necessary equipment for a course and developing a course curriculum. A course or program supported under this subsection must:

(1) have the endorsement of, or a letter of support from, at least one employer in this state; and

(2) be targeted to address the needs of high-demand fields or occupations, as identified by the applicable local workforce development board.

(i) In this section, "lower-division institution of higher education" means a public junior college, public state college, or public technical institute.

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

(Ritter in the chair)

HB 2590 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2590, A bill to be entitled An Act relating to the foreclosure sale of property subject to oil or gas lease.

Representative Keffer moved to concur in the senate amendments to **HB 2590**.

The motion to concur in the senate amendments to **HB 2590** prevailed by (Record 1231): 145 Yeas, 0 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; 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; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; 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; Ritter(C).

Absent, Excused — Anchia; Kolkhorst.

Absent — Murphy.

Senate Committee Substitute

CSHB 2590, A bill to be entitled An Act relating to the foreclosure sale of property subject to an oil or gas lease.

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

SECTION 1. Subtitle B, Title 5, Property Code, is amended by adding Chapter 66 to read as follows:

CHAPTER 66. SALE OF PROPERTY SUBJECT TO OIL OR GAS LEASE

Sec. 66.001. SALE OF PROPERTY SUBJECT TO OIL OR GAS LEASE.

(a) Notwithstanding any other law, an oil or gas lease covering real property subject to a security interest that has been foreclosed remains in effect after the foreclosure sale if the oil or gas lease has not terminated or expired on its own terms and:

(1) was executed and recorded in the real property records of the county before the date the security interest was recorded; or

(2) was executed and recorded in the real property records of the county after the date the security interest was recorded but before the foreclosure sale.

(b) Any royalty payment under an oil or gas lease due to the owner of the real property that was subject to the security interest that has been foreclosed shall be paid to the purchaser of the foreclosed real property.

(c) The lessee of the oil or gas lease shall indemnify the purchaser and any mortgagee of the foreclosed real property from actual damages resulting from the lessee's operations conducted pursuant to the oil or gas lease.

(d) If an oil or gas lease is executed and recorded in the real property records of the county after the date a security interest in the affected real property is recorded and the affected real property is subsequently sold in a foreclosure sale, the foreclosure sale terminates and extinguishes the lessee's right to use the surface of the real property pursuant to the oil or gas lease.

(e) A subordination agreement between a lessee of an oil or gas lease and a mortgagee of real property controls over any conflicting provision of this section.

SECTION 2. Chapter 66, Property Code, as added by this Act, applies only with respect to a foreclosure sale for which the notice of sale is given under Section 51.002, Property Code, on or after the effective date of this Act or a judicial foreclosure for which the judicial foreclosure action commenced on or after the effective date of this Act.

SECTION 3. This Act takes effect January 1, 2014.

HR 2754 - ADOPTED (by Branch and Giddings)

Representative Branch moved to suspend all necessary rules to take up and consider at this time **HR 2754**.

The motion prevailed.

The following resolution was laid before the house:

HR 2754, Congratulating Mary Suhm on her retirement as the city manager of Dallas.

HR 2754 was adopted.

On motion of Representatives Y. Davis and C. Turner, the names of all the members of the house were added to **HR 2754** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Branch who introduced Mary Suhm, former city manager of Dallas.

HB 3569 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 3569, A bill to be entitled An Act relating to activities conducted in connection with a state or federal disease control or eradication program for animals.

Representative Kleinschmidt moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3569**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3569**: Kleinschmidt, chair; Guillen, Kacal, Anderson, and White.

HB 38 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 38, A bill to be entitled An Act relating to the penalty for an offense involving motor vehicle airbags.

Representative Menéndez moved to concur in the senate amendments to **HB 38**.

The motion to concur in the senate amendments to **HB 38** prevailed by (Record 1232): 115 Yeas, 25 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Ashby; Aycock; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Carter; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Flynn; Geren; Giddings; Goldman; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Johnson; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Larson; Laubenberg; Lavender; Leach; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Parker; Patrick; Perez; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Strama; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Capriglione; Clardy; Fallon; Fletcher; Frank; Frullo; Gooden; Isaac; Kacal; Krause; Lewis; Lozano; Orr; Paddie; Perry; Schaefer; Simpson; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; White.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Bell; Gonzales; Hunter; Keffer; Klick; Turner, E.S.

STATEMENTS OF VOTE

When Record No. 1232 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

When Record No. 1232 was taken, I was in the house but away from my desk. I would have voted no.

E. S. Turner

Senate Committee Substitute

CSHB 38, A bill to be entitled An Act relating to the penalty for an offense involving motor vehicle airbags.

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

SECTION 1. Section 547.614, Transportation Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) Except as provided by Subsections (c), ~~[and]~~ (d), and (e), an offense under this section is a state jail felony ~~[Class A misdemeanor]~~.

(e) An offense under this section is a felony of the first degree if it is shown on the trial of the offense that the offense resulted in the death of a person.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

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

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today for house administration business:

Geren on motion of Anderson.

**HB 3063 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3063, A bill to be entitled An Act relating to the qualification of an area inside a defense base development authority as an enterprise zone.

Representative Menéndez moved to concur in the senate amendments to **HB 3063**.

The motion to concur in the senate amendments to **HB 3063** prevailed by (Record 1233): 142 Yeas, 2 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; 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; 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; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Orr; Simpson.

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

Absent, Excused — Anchia; Geren; Kolkhorst.

Absent — Martinez Fischer.

Senate Committee Substitute

CSHB 3063, A bill to be entitled An Act relating to defense base development authorities.

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

SECTION 1. Section 2303.101, Government Code, is amended to read as follows:

Sec. 2303.101. **QUALIFICATION FOR ENTERPRISE ZONE DESIGNATION.** An area automatically qualifies for designation as an enterprise zone if the area is:

(1) a block group, as defined by the most recent federal decennial census available at the time of designation, in which at least 20 percent of the residents of the block group have an income at or below 100 percent of the federal poverty level;

(2) an area designated by the federal government as a renewal community, a federal empowerment zone, or a federal enterprise community, including any developable area approved by the federal agency responsible for making that designation; [✂]

(3) an area located in a distressed county; or

(4) an area inside the boundaries of a defense base development authority established under Chapter 379B, Local Government Code, that is immediately adjacent to five or more block groups described by Subdivision (1).

SECTION 2. Chapter 379B, Local Government Code, is amended by adding Section 379B.0091 to read as follows:

Sec. 379B.0091. DESIGNATION AS ENTERPRISE ZONE. An area inside the boundaries of a defense base development authority established under this chapter that is immediately adjacent to five or more block groups, as defined by the most recent federal decennial census, in which at least 20 percent of the

residents of the block group have an income at or below 100 percent of the federal poverty level, automatically qualifies as an enterprise zone as provided by Section 2303.101, Government Code.

SECTION 3. Section 379B.011, Local Government Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) A commercial aircraft to be used as an instrumentality of commerce that is under construction inside the authority is presumed to be in interstate, international, or foreign commerce and not located in this state for longer than a temporary period for purposes of Sections 11.01 and 21.02, Tax Code.

(d) Tangible personal property located inside the authority is presumed to be in interstate, international, or foreign commerce and not located in this state for longer than a temporary period for purposes of Sections 11.01 and 21.02, Tax Code, if the owner demonstrates to the chief appraiser for the appraisal district in which the authority is located that the owner intends to incorporate the property into or attach the property to a commercial aircraft described by Subsection (c).

(e) In this section, "commercial aircraft" means an aircraft under construction that is designed to be used as described by Section 21.05(e), Tax Code.

SECTION 4. The change in law made by Section 3 of this Act applies only to ad valorem taxes imposed for a tax year beginning on or after January 1, 2014.

SECTION 5. (a) Except as provided by Subsection (b) of this section:

(1) this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution; and

(2) if this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

(b) Section 379B.011, Local Government Code, as amended by this Act, takes effect January 1, 2014.

HB 2615 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2615, A bill to be entitled An Act relating to reporting and information availability requirements for persons impounding, diverting, or otherwise using state water; providing a penalty.

Representative Johnson moved to concur in the senate amendments to **HB 2615**.

The motion to concur in the senate amendments to **HB 2615** prevailed by (Record 1234): 114 Yeas, 29 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Ashby; Aycock; Bell; Bonnen, D.; Bonnen, G.; Branch; Burnam; Callegari; Canales; Carter; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farney; Farrar; Frank; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra;

Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Johnson; Kacal; Keffer; King, P.; King, T.; Kleinschmidt; Larson; Leach; Lewis; Longoria; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Pickett; Pitts; Raney; Ratliff; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Springer; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Bohac; Burkett; Button; Capriglione; Clardy; Elkins; Fallon; Fletcher; Flynn; Frullo; Hilderbran; Isaac; King, K.; King, S.; Klick; Krause; Kuempel; Laubenberg; Lavender; Lozano; Perry; Phillips; Price; Schaefer; Smithe; Stephenson; Stickland; White; Zedler.

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

Absent, Excused — Anchia; Geren; Kolkhorst.

Absent — Hunter; Lucio.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1234. I intended to vote yes.

Clardy

When Record No. 1234 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. 1234. I intended to vote no.

Springer

I was shown voting yes on Record No. 1234. I intended to vote no.

E. S. Turner

Senate Committee Substitute

CSHB 2615, A bill to be entitled An Act relating to the use of state water; providing a penalty.

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

SECTION 1. Section 11.031, Water Code, is amended by amending Subsections (b) and (d) and adding Subsections (b-1) and (g) to read as follows:

(b) A person who fails to file an annual report with the commission as required by Subsection (a) or fails to timely comply with a request by the commission to make information available under Subsection (d) [this section] is liable for [to] a penalty [of \$25, plus \$1 per day] for each day the person fails to file the statement or comply with the request after the applicable deadline in an amount not to exceed:

(1) \$100 per day if the person is the holder of a water right authorizing the appropriation of 5,000 acre-feet or less per year; or

(2) \$500 per day if the person is the holder of a water right authorizing the appropriation of more than 5,000 acre-feet per year [he fails to file the statement after March 1. However, the maximum penalty under this section is \$150].

(b-1) The state may sue to recover a [the] penalty under Subsection (b).

(d) Each person who has a water right issued by the commission or who impounds, diverts, or otherwise uses state water shall maintain water use information required under Subsection (a) on a monthly basis during the months a water rights holder uses permitted water. The person shall make the information available to the commission on the commission's request. The executive director shall establish a reasonable deadline by which a person must make available information requested by the commission under this subsection.

(g) The commission shall establish a process by which a report required under Subsection (a) may be submitted electronically through the Internet.

SECTION 2. Section 11.173(b), Water Code, is amended to read as follows:

(b) A permit, certified filing, or certificate of adjudication or a portion of a permit, certified filing, or certificate of adjudication is exempt from cancellation under Subsection (a):

(1) to the extent of the owner's participation in the Conservation Reserve Program authorized by the Food Security Act, Pub.L. No. 99-198, Secs. 1231-1236, 99 Stat. 1354, 1509-1514 (1985) or a similar governmental program;

(2) if a significant portion of the water authorized to be used pursuant to a permit, certified filing, or certificate of adjudication has been used in accordance with a specific recommendation for meeting a water need included in the regional water plan approved pursuant to Section 16.053;

(3) if the permit, certified filing, or certificate of adjudication:

(A) was obtained to meet demonstrated long-term public water supply or electric generation needs as evidenced by a water management plan developed by the holder; and

(B) is consistent with projections of future water needs contained in the state water plan;

(4) if the permit, certified filing, or certificate of adjudication was obtained as the result of the construction of a reservoir funded, in whole or in part, by the holder of the permit, certified filing, or certificate of adjudication as part of the holder's long-term water planning; or

(5) to the extent the nonuse resulted from:

(A) the implementation of water conservation measures under a water conservation plan submitted by the holder of the permit, certified filing, or certificate of adjudication as evidenced by implementation reports submitted by the holder;

(B) a suspension, adjustment, or other restriction on the use of the water authorized to be appropriated under the permit, certified filing, or certificate of adjudication imposed under an order issued by the executive director; or

(C) an inability to appropriate the water authorized to be appropriated under the permit, certified filing, or certificate of adjudication due to drought conditions.

SECTION 3. Section 11.031, Water Code, as amended by this Act, applies only to a report due or a request for information made on or after the effective date of this Act. A report due or request made before that date is governed by the law in effect on the date the report is due or the request is made, and the former law is continued in effect for that purpose.

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

**HB 2012 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 2012, A bill to be entitled An Act relating to collection, distribution, and use of information relating to salaries of certain professional employees of school districts.

Representative Villarreal moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2012**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2012**: Villarreal, chair; Howard, Farney, K. King, and Aycock.

**HB 2741 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS**

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

HB 2741, A bill to be entitled An Act relating to the regulation of motor vehicles by counties and the Texas Department of Motor Vehicles and to certain vehicles purchased outside this state; authorizing a fee; creating an offense.

HB 2741 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE K. KING: Mr. Chairman, I appreciate your hard work on this, and I believe we've worked on this together, have we not? And there's been a lot of discussion. I think everybody who has been involved is happy with the document you intend on bringing back from the conference committee, and that is your intention, correct?

REPRESENTATIVE PHILLIPS: That's correct. What I gave you and signed my name to—Senator Nichols signed it—that's what we plan on bringing back and letting the body see it.

K. KING: Absolutely.

PHILLIPS: And it's also got another provision that's in that document that we're going to ask to go outside the bounds, which I think Mr. White may want to talk to me about, too.

K. KING: Okay.

PHILLIPS: I appreciate you working with us and the different industries that have been out there. I think we'll bring back something that will make Texas roads safer and also make those who are doing the right thing continue doing the right thing and not be at an economic disadvantage or a competitive disadvantage for those who are not doing the right thing.

K. KING: I agree, and thank you again, Chairman, for your hard work.

REMARKS ORDERED PRINTED

Representative K. King moved to print remarks between Representative Phillips and Representative K. King.

The motion prevailed.

Representative Phillips moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2741**.

The motion prevailed.

HB 2741 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2741**: Phillips, chair; Fletcher, Pickett, Harper-Brown, and Martinez.

HB 431 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 431, A bill to be entitled An Act relating to the eligibility of certain inmates convicted of injury to a child for release to mandatory supervision and to reconsideration of parole eligibility for those inmates.

Representative Riddle moved to concur in the senate amendments to **HB 431**.

The motion to concur in the senate amendments to **HB 431** prevailed by (Record 1235): 144 Yeas, 0 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; 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; 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; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; 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; Ritter(C).

Absent, Excused — Anchia; Geren; Kolkhorst.

Absent — Keffer.

Senate Committee Substitute

CSHB 431, A bill to be entitled An Act relating to reconsideration of parole eligibility for certain inmates convicted of injury to a child, elderly person, or disabled person.

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

SECTION 1. This Act may be cited as Emma's Law.

SECTION 2. Section 508.141, Government Code, is amended by amending Subsection (g) and adding Subsection (g-1) to read as follows:

(g) The board shall adopt a policy establishing the date on which the board may reconsider for release an inmate who has previously been denied release. The policy must require the board to reconsider for release:

(1) an inmate serving a sentence for an offense listed in Section 508.149(a) or for an offense punishable as a felony of the second or third degree under Section 22.04, Penal Code, during a month designated under Subsection (g-1) by the parole panel that denied release; and

(2) an inmate other than an inmate described by Subdivision (1) as soon as practicable after the first anniversary of the date of the denial.

(g-1) The [designated] month designated under Subsection (g)(1) by the parole panel that denied release must begin after the first anniversary of the date of the denial and end before the fifth anniversary of the date of the denial. [The policy must require the board to reconsider for release an inmate other than an inmate serving a sentence for an offense listed in Section 508.149(a) as soon as practicable after the first anniversary of the date of the denial.]

SECTION 3. The change in law made by this Act applies on or after the effective date of this Act to the policy adopted by the Board of Pardons and Paroles under Section 508.141(g), Government Code, concerning the time by which the board must reconsider an inmate for release on parole, regardless of whether the inmate is serving a sentence for an offense committed before, on, or after the effective date of this Act.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**HB 3209 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3209, A bill to be entitled An Act relating to the designation of May 9 as Willie Velasquez Day.

Representative Alonzo moved to concur in the senate amendments to **HB 3209**.

The motion to concur in the senate amendments to **HB 3209** prevailed by (Record 1236): 143 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; 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; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Burkett; Springer.

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

Absent, Excused — Anchia; Geren; Kolkhorst.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1236. I intended to vote yes.

Burkett

I was shown voting no on Record No. 1236. I intended to vote yes.

Springer

Senate Committee Substitute

CSHB 3209, A bill to be entitled An Act relating to creating a recognition day in honor of Willie Velasquez.

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

SECTION 1. Subchapter C, Chapter 662, Government Code, is amended by adding Section 662.060 to read as follows:

Sec. 662.060. WILLIE VELASQUEZ DAY. (a) May 9 is Willie Velasquez Day in observance of the birthday of William "Willie" Cardenas Velasquez.

(b) Willie Velasquez Day shall be regularly observed by appropriate ceremonies and activities.

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

**HB 3103 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3103, A bill to be entitled An Act relating to the administration of primary elections, the nomination of candidates by convention, and voting by certain military and overseas voters.

Representative Morrison moved to concur in the senate amendments to **HB 3103**.

The motion to concur in the senate amendments to **HB 3103** prevailed by (Record 1237): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; 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; Giddings; Goldman; 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, S.; King, T.; Kleinschmidt; Klick; 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; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; 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; Ritter(C).

Absent, Excused — Anchia; Geren; Kolkhorst.

Absent — Capriglione; Cortez; Huberty; Miles.

STATEMENT OF VOTE

When Record No. 1237 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

Senate Committee Substitute

CSHB 3103, A bill to be entitled An Act relating to the administration of primary elections, the nomination of candidates by convention, and voting by certain military and overseas voters.

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

SECTION 1. Section 172.022(b), Election Code, is amended to read as follows:

(b) Not later than the day before the last day of the filing period, the county chair shall post on the political party's Internet website or in the location where a candidate files for a place on the ballot ~~[bulletin board used for posting notice of meetings of the commissioners court a]~~ notice of the address at which the county chair or secretary will be available to receive applications on the last day of the filing period. If both the county chair and the secretary will be available, the notice must contain the address at which each will be available. Section 1.006 does not apply to this subsection.

SECTION 2. Sections 172.028(a) and (b), Election Code, are amended to read as follows:

(a) Except as provided by Subsection (c), the state chair shall certify to the secretary of state ~~[in writing]~~ for placement on the general primary election ballot the name of each candidate who files with the chair an application that complies with Section 172.021(b). The secretary of state shall post on the secretary's Internet website that is viewable by the public the certified list.

(b) Not later than the 81st day before general primary election day, the state chair shall ~~notify [deliver the certification to]~~ the county chair in each county in which the candidate's name is to appear on the ballot that the certification has been posted by the secretary of state.

SECTION 3. Section 172.029, Election Code, is amended to read as follows:

Sec. 172.029. SUBMISSION AND COMPILATION OF INFORMATION PERTAINING TO ~~[LIST OF]~~ CANDIDATES. (a) For each general primary election, the state chair and each county chair shall electronically submit the following information [prepare a list containing]:

(1) the name of each candidate who files an application for a place on the ballot with the chair, including an application for the office of a political party;

(2) the name of each candidate whose application meets the requirements of Section 172.021 and is accepted by the chair, as the name is to appear on the ballot;

(3) ~~[(2)]~~ the candidate's address as shown on the application; ~~and~~

(4) ~~[(3)]~~ the date on which the candidate filed the application; and

(5) any additional information required by the secretary of state.

(b) The secretary of state shall continuously maintain an online database of information submitted under this section. The database must be accessible by the county and precinct chairs of the party that submitted the information. Any changes in the party's county or precinct chairs shall be reported to the secretary of state. The secretary of state shall adopt rules to implement this section, including rules regarding the public availability of information submitted under this section. ~~[The candidates' names must be grouped on the list according to office.]~~

(c) The secretary of state may by rule prescribe a deadline by which ~~[Not later than the 10th day after the date of the regular filing deadline for candidates' applications,]~~ the state chair must [shall] deliver the chair's submission regarding a candidate [list] to the secretary of state, and each county chair shall deliver a copy of the chair's submission regarding a candidate [list] to the county clerk, the state chair, and the secretary of state when the chair accepts the application. The secretary of state may by rule prescribe a deadline for the delivery of a submission under this subsection.

(d) The secretary of state shall be notified if a ~~[A candidate's name must be omitted from the list if, before delivery of the list, the]~~ candidate withdraws, dies, or is declared ineligible, or if the candidate's application is determined not to comply with the applicable requirements. The secretary of state shall adopt rules implementing this subsection.

(e) The secretary of state shall:

(1) archive and keep available for inspection a list of all candidates for whom information has been submitted under this section; and

(2) prescribe rules for submitting the list electronically and methodology for distribution to each county clerk and state chair ~~[shall retain each list received until the day after general primary election day].~~

SECTION 4. Sections 172.056(a) and (b), Election Code, are amended to read as follows:

(a) If the deadline for filing applications is extended, an electronic submission shall be made ~~[a list shall be prepared, as provided by Section 172.029 for a list of candidates who file during the regular filing period,]~~ containing the name of each candidate:

(1) who files an application that complies with the applicable requirements during the extended filing period; and

(2) whose name is not submitted ~~[on the list prepared]~~ under Section 172.029.

(b) Notification shall be made as prescribed by Section 172.029 that additional names have been added during the extended period. ~~[The list prepared under this section is subject to the requirements prescribed by Section 172.029 except that the list must be delivered to the secretary of state, county clerk, and state chair, as applicable, not later than the seventh day after the date of the extended deadline.]~~

SECTION 5. Section 172.082(e), Election Code, is amended to read as follows:

(e) The county chair shall post notice of the date, hour, and place of the drawing for at least 24 consecutive hours immediately before the drawing begins. The notice shall be posted on the bulletin board used for posting notice of meetings of the commissioners court. If the party maintains an Internet website, the party shall post the notice on the party's website. All candidates who provide an e-mail address on their filing form shall be notified electronically.

SECTION 6. Section 172.084(e), Election Code, is amended to read as follows:

(e) The notice required by Subsection (d) shall be posted on the bulletin board used for posting notice of meetings of the commissioners court. If the party maintains an Internet website, the party shall post the notice on the party's website. All candidates who provide an e-mail address on their filing form shall be notified electronically.

SECTION 7. Sections 172.118(a) and (d), Election Code, are amended to read as follows:

(a) Not later than the 20th day after the date the local canvass is completed, the county chair shall deliver written notice to the state chair and to the county clerk of the names of the persons elected as county chair and precinct chairs for the county. This notice may be given by electronic means or through an electronic submission system adopted by the state executive committee of the party.

(d) On request of the secretary of state, the state chair shall deliver to the secretary written notice of the names and addresses of the party's county chairs. This notice may be given in electronic format as set out in rules adopted by the secretary of state.

SECTION 8. Section 172.119(b), Election Code, is amended to read as follows:

(b) The county chair shall deliver the county returns and retain a copy in the same manner as the county returns for a general election are delivered and retained by the county clerk except that the delivery shall be made to the state chair. The state executive committee may adopt by rule an electronic submission system for delivery of the county returns.

SECTION 9. Section 172.124, Election Code, is amended by adding Subsection (d) to read as follows:

(d) The secretary of state shall create and maintain an electronic system for submission of the report.

SECTION 10. Section 172.125(a), Election Code, is amended to read as follows:

(a) For a runoff primary election, the voter registrar shall make appropriate notations to indicate ~~[enter on the list of registered voters a notation beside each voter's name indicating]~~ the preceding party primary for which the voter was accepted for voting, if any.

SECTION 11. Section 181.033(a), Election Code, is amended to read as follows:

(a) Except as provided by Subsection (b), an application for nomination by a convention must be filed not later than the regular deadline for candidates to file applications for a place on the general primary ballot ~~[5 p.m. on January 2 preceding the convention]~~.

SECTION 12. (a) The secretary of state shall conduct a study on the effects of changing the presidential primary election date. In conducting the study, the secretary shall consult with all political parties in this state that hold presidential primary elections.

(b) The secretary of state shall report the results of this study and make recommendations for any legislation to the 84th Legislature.

(c) This section expires June 1, 2015.

SECTION 13. Except as otherwise provided by this Act, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

HB 3357 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3357, A bill to be entitled An Act relating to the administration of and benefits payable by the Teacher Retirement System of Texas.

Representative Callegari moved to concur in the senate amendments to **HB 3357**.

The motion to concur in the senate amendments to **HB 3357** prevailed by (Record 1238): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Ashby; 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; 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; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Rodriguez, E.; 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; Ritter(C).

Absent, Excused — Anchia; Geren; Kolkhorst.

Absent — Aycock; Capriglione; Rodriguez, J.

STATEMENTS OF VOTE

When Record No. 1238 was taken, I was in the house but away from my desk. I would have voted yes.

Capriglione

When Record No. 1238 was taken, I was in the house but away from my desk. I would have voted yes.

J. Rodriguez

Senate Amendment No. 1 (Senate Committee Amendment No. 1)

Amend **HB 3357** as follows:

(1) Strike SECTION 6 of the bill, adding Section 825.103(h), Government Code (page 4, lines 20-22).

(2) In SECTION 9 of the bill (page 7, lines 16-22), strike amended Section 825.212(c), Government Code, and substitute the following:

(c) This chapter modifies the common law of conflict of interests as applied to trustees, employees, and contracts of the retirement system to the extent that violations of the common law of conflict of interests do not void retirement system contracts. The retirement system shall by rule or policy adopt procedures for disclosing and curing violations of the common law of conflict of interests and any such rule or policy may specify time periods in which disclosures and cures must be completed ~~[An employee who has a business or commercial relationship that could reasonably be expected to diminish the employee's independence of judgment in the performance of the employee's responsibilities to the retirement system shall disclose that relationship in writing to a person designated by the board].~~

(3) Strike SECTION 22 of the bill, repealing certain provisions of the Government Code, and substitute the following appropriately numbered SECTION:

SECTION 22. The following laws are repealed:

- (1) Section 825.211, Government Code;
- (2) Sections 825.212(d), (e), (f), (g), and (h), Government Code;
- (3) Sections 825.402(b), (c), and (d), Government Code;
- (4) Section 825.404(d), Government Code;
- (5) Section 825.411, Government Code; and
- (6) Section 1579.103, Insurance Code.

(4) Strike SECTION 23 of the bill, providing an effective date for the Act, and substitute the following appropriately numbered SECTION:

SECTION 23. EFFECTIVE DATE. (a) Except as provided by Subsection (b) of this section, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by SECTION 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

(b) Sections 824.1012 and 824.1013, Government Code, as amended by this Act, take effect September 1, 2013.

(5) Renumber SECTIONS of the bill appropriately.

Senate Amendment No. 2 (Senate Committee Amendment No. 2)

Amend **HB 3357** (engrossed version) by inserting the following new SECTIONS, appropriately numbered, and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 12.055, Education Code, is amended to read as follows:

Sec. 12.055. APPLICABILITY OF LAWS AND RULES TO CAMPUS OR PROGRAM GRANTED CHARTER. (a) A campus or program for which a charter is granted under this subchapter is subject to federal and state laws and rules governing public schools, except that the campus or program is subject to this code and rules adopted under this code only to the extent the applicability to a campus or program for which a charter is granted under this subchapter of a provision of this code or a rule adopted under this code is specifically provided.

(b) A school district may contract with another district or an open-enrollment charter holder for services at a campus charter. An employee of the district or open-enrollment charter holder providing contracted services to a campus charter is eligible for membership in and benefits from the Teacher Retirement System of Texas if the employee would be eligible for membership and benefits if holding the same position at the employing district or open-enrollment charter school operated by the charter holder.

SECTION _____. Section 12.057, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) An employee of a charter holder, as defined by Section 12.1012, who is employed on a campus or in a program granted a charter under this subchapter and who qualifies for membership in the Teacher Retirement System of Texas shall be covered under the system in the same manner and to the same extent as a qualified employee of an independent school district who is employed on a regularly operating campus or in a regularly operating program.

HB 3422 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3422, A bill to be entitled An Act relating to donations of landscape materials and services to the Texas Department of Transportation.

Representative Lavender moved to concur in the senate amendments to **HB 3422**.

The motion to concur in the senate amendments to **HB 3422** prevailed by (Record 1239): 143 Yeas, 2 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; 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; 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; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; 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.

Nays — Carter; Toth.

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

Absent, Excused — Anchia; Geren; Kolkhorst.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1239. I intended to vote yes.

Carter

I was shown voting no on Record No. 1239. I intended to vote yes.

Toth

Senate Committee Substitute

CSHB 3422, A bill to be entitled An Act relating to donations of landscape materials and services to the Texas Department of Transportation.

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

SECTION 1. Subchapter A, Chapter 392, Transportation Code, is amended by adding Section 392.003 to read as follows:

Sec. 392.003. DONATIONS FOR LANDSCAPE INSTALLATION OR MAINTENANCE. The commission by rule shall establish a program under which the department may accept from any source, including an individual or a private business or organization, donations of landscape materials for state highways, as authorized by Section 201.206. The program may provide for the department to enter into an agreement with an individual or private business or organization for the individual or entity to provide, at no cost to the department, services for the installation or maintenance of landscaping on state highways.

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

HB 429 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Guillen submitted the following conference committee report on **HB 429**:

Austin, Texas, May 21, 2013

The Honorable David Dewhurst
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 429** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Zaffirini

Hinojosa

Nichols

Taylor

Carona

On the part of the senate

Guillen

Lozano

Muñoz

Flynn

Larson

On the part of the house

HB 429, A bill to be entitled An Act relating to the definition of rural area for purposes of certain housing assistance administered by the Texas Department of Housing and Community Affairs.

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

SECTION 1. Section 2306.004(28-a), Government Code, is amended to read as follows:

(28-a) "Rural area" means an area that is located:

(A) outside the boundaries of a primary metropolitan statistical area or a metropolitan statistical area; or

(B) within the boundaries of a primary metropolitan statistical area or a metropolitan statistical area, if the statistical area has a population of 25,000 or less and does not share a boundary with an urban area~~[-or~~

~~[(C) in an area that is eligible for funding by the Texas Rural Development Office of the United States Department of Agriculture, other than an area that is located in a municipality with a population of more than 50,000].~~

SECTION 2. Section 2306.111, Government Code, is amended by adding Subsection (d-4) to read as follows:

(d-4) A proposed or existing development that, before September 1, 2013, has been awarded or has received federal financial assistance provided under Section 514, 515, or 516 of the Housing Act of 1949 (42 U.S.C. Section 1484, 1485, or 1486) may apply for low income housing tax credits allocated under

Subsection (d-2) or (d-3) for the uniform state service region in which the development is located regardless of whether the development is located in a rural area.

SECTION 3. Section 2306.6702(12), Government Code, is repealed.

SECTION 4. The change in law made by this Act in amending Section 2306.004(28-a), Government Code, applies only to an application for financial assistance that is submitted by a housing development to the Texas Department of Housing and Community Affairs on or after September 1, 2013. An application for financial assistance that is submitted by a housing development to the department before September 1, 2013, is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2013.

Representative Guillen moved to adopt the conference committee report on **HB 429**.

The motion to adopt the conference committee report on **HB 429** prevailed by (Record 1240): 142 Yeas, 3 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; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Frank; Frullo; 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; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zerwas.

Nays — Flynn; Stickland; Zedler.

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

Absent, Excused — Anchia; Geren; Kolkhorst.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1240. I intended to vote no.

Laubenberg

**HB 16 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 16, A bill to be entitled An Act relating to a requirement that a state agency post its internal auditor's audit plan and audit report and other audit information on the agency's Internet website.

Representative Flynn moved to concur in the senate amendments to **HB 16**.

The motion to concur in the senate amendments to **HB 16** prevailed by (Record 1241): 142 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; 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; 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; 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; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Simpson.

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

Absent, Excused — Anchia; Geren; Kolkhorst.

Absent — Morrison; Sheffield, J.

STATEMENT OF VOTE

I was shown voting no on Record No. 1241. I intended to vote yes.

Simpson

Senate Committee Substitute

CSHB 16, A bill to be entitled An Act relating to a requirement that a state agency post its internal auditor's audit plan and audit report and other audit information on the agency's Internet website.

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

SECTION 1. Chapter 2102, Government Code, is amended by adding Section 2102.015 to read as follows:

Sec. 2102.015. PUBLICATION OF AUDIT PLAN AND ANNUAL REPORT ON INTERNET. (a) Notwithstanding Section 2102.003, in this section, "state agency" means a board, commission, department, institute, office, or other agency in the executive branch of state government that is created by the constitution or a statute of this state, including an institution of higher education as defined by Section 61.003, Education Code.

(b) Subject to Subsection (c), at the time and in the manner provided by the state auditor, a state agency shall post on the agency's Internet website:

(1) the agency's internal audit plan approved as provided by Section 2102.008; and

(2) the agency's annual report required under Section 2102.009.

(c) A state agency is not required to post information contained in the agency's internal audit plan or annual report if the information is excepted from public disclosure under Chapter 552.

(d) A state agency shall update the posting required under this section at the time and in the manner provided by the state auditor to include a detailed summary of the weaknesses, deficiencies, wrongdoings, or other concerns, if any, raised by the audit plan or annual report.

(e) A state agency shall update the posting required under this section to include a summary of the action taken by the agency to address the concerns, if any, that are raised by the audit plan or annual report.

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

HB 2694 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2694, A bill to be entitled An Act relating to the provision of credit by examination for public school students.

Representative Villarreal moved to concur in the senate amendments to **HB 2694**.

The motion to concur in the senate amendments to **HB 2694** prevailed by (Record 1242): 144 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; 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; 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; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Simpson.

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

Absent, Excused — Anchia; Geren; Kolkhorst.

Senate Committee Substitute

CSHB 2694. A bill to be entitled An Act relating to the provision of credit by examination for public school students.

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

SECTION 1. Section 25.092, Education Code, is amended by adding Subsection (a-2) to read as follows:

(a-2) Subsection (a) does not apply to a student who receives credit by examination for a class as provided by Section 28.023.

SECTION 2. Section 28.023, Education Code, is amended to read as follows:

Sec. 28.023. CREDIT BY EXAMINATION. (a) Using guidelines established by the State Board of Education, a school district shall develop or select for ~~board~~ review by the district board of trustees examinations for acceleration for each primary school grade level and for credit for secondary school academic subjects. The guidelines must provide for the examinations to thoroughly test comprehension of the information presented in the applicable grade level or subject. The board of trustees shall approve for each subject, to the extent available, at least four examinations that satisfy State Board of Education ~~board~~ guidelines. The examinations approved by the board of trustees must include:

(1) advanced placement examinations developed by the College Board;
and

(2) examinations administered through the College-Level Examination Program.

(b) A school district shall give a student in a primary grade level credit for a grade level and advance the student one grade level on the basis of ~~an board approved~~ examination for acceleration approved by the board of trustees under Subsection (a) if:

(1) the student scores in the 80th [90th] percentile or above on each section of the examination;

(2) a district representative recommends that the student be advanced; and

(3) the student's parent or guardian gives written approval of the advancement.

(c) A school district shall give a student in grade level six or above credit for a subject on the basis of an ~~a board approved~~ examination for credit in the subject approved by the board of trustees under Subsection (a) if the student scores in the 80th ~~90th~~ percentile or above on the examination or if the student achieves a score as provided by Subsection (c-1). If a student is given credit in a subject on the basis of an examination, the district shall enter the examination score on the student's transcript and the student is not required to take an end-of-course assessment instrument adopted under Section 39.023(c) for that subject.

(c-1) A school district shall give a student in grade level six or above credit for a subject if the student scores:

(1) a three or higher on an advanced placement examination approved by the board of trustees under Subsection (a) and developed by the College Board; or

(2) a scaled score of 60 or higher on an examination approved by the board of trustees under Subsection (a) and administered through the College-Level Examination Program.

(d) Each district shall administer each examination approved by the board of trustees under Subsection (a) not fewer ~~less~~ than four times each ~~once a~~ year, at times to be determined by the State Board of Education.

(e) Subsection (d) does not apply to an examination that has an administration date that is established by an entity other than the school district.

(f) A student may not attempt more than two times to receive credit for a particular subject on the basis of an examination for credit in that subject.

(g) If a student fails to achieve the designated score described by Subsection (c) or (c-1) on an applicable examination described by Subsection (c) or (c-1) for a subject before the beginning of the school year in which the student would ordinarily be required to enroll in a course in that subject in accordance with the school district's prescribed course sequence, the student must satisfactorily complete the course to receive credit for the course.

SECTION 3. This Act applies beginning with the 2013-2014 school year.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

HB 1128 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1128, A bill to be entitled An Act relating to posting suggestions and ideas on cost-efficiency on certain state agency websites.

Representative Herrero moved to concur in the senate amendments to **HB 1128**.

The motion to concur in the senate amendments to **HB 1128** prevailed by (Record 1243): 103 Yeas, 41 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Ashby; Aycock; Bohac; Burkett; Burnam; Callegari; Canales; Coleman; Collier; Cook; Cortez; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farney; Farrar; Frank; Frullo; Giddings; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Howard; Huberty; Hunter; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Klick; Kuempel; Larson; Lewis; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miles; Miller, D.; Moody; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Patrick; Perez; Perry; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Rose; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Stephenson; Stickland; Strama; Taylor; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Wu; Zerwas.

Nays — Anderson; Bell; Bonnen, D.; Bonnen, G.; Branch; Button; Capriglione; Carter; Clardy; Craddick; Creighton; Elkins; Fallon; Fletcher; Flynn; Goldman; Hilderbran; Hughes; Isaac; King, P.; Kleinschmidt; Krause; Laubenberg; Lavender; Leach; Miller, R.; Morrison; Nevárez; Paddie; Parker; Phillips; Sanford; Sheets; Smithee; Springer; Thompson, E.; Toth; Turner, E.S.; White; Workman; Zedler.

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

Absent, Excused — Anchia; Geren; Kolkhorst.

Absent — Harper-Brown.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1243. I intended to vote no.

Ashby

When Record No. 1243 was taken, I was in the house but away from my desk. I would have voted yes.

Harper-Brown

I was shown voting yes on Record No. 1243. I intended to vote no.

Hunter

I was shown voting yes on Record No. 1243. I intended to vote no.

Orr

Senate Committee Substitute

CSHB 1128, A bill to be entitled An Act relating to posting suggestions and ideas on cost-efficiency on certain state agency websites.

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

SECTION 1. Subchapter F, Chapter 2054, Government Code, is amended by adding Section 2054.1264 to read as follows:

Sec. 2054.1264. POSTING OF COST-EFFICIENCY SUGGESTIONS AND IDEAS ON STATE AGENCY WEBSITE. (a) In this section, "state agency" does not include an institution of higher education, as defined by Section 61.003, Education Code.

(b) Except as provided by Subsection (d) and to the extent possible using available resources, each state agency that has 1,500 or more employees shall post on the agency's intranet website or generally accessible Internet website an electronic form or link allowing an employee of the agency to submit suggestions and ideas on how to make the agency more cost-efficient. The system for submitting suggestions and ideas must allow an employee to elect to submit a suggestion or idea that includes the employee's name or to submit an anonymous suggestion or idea. If an employee elects to submit anonymously, the suggestion or idea may not be traceable to the employee and the system for anonymous submission may not record data linking the suggestion or idea to the computer used for the submission.

(c) Except as provided by Subsection (d), each state agency that posts a form or link as provided by Subsection (b) shall post on the agency's generally accessible Internet website a link allowing members of the public to:

(1) monitor, in real time or on a weekly, monthly, or quarterly basis, submissions made under Subsection (b); and

(2) vote for the public's favorite submission.

(d) The department may exclude from the requirements of this section a state agency if the agency has a preexisting program or link that the department determines substantially meets the requirements of this section.

(e) The department shall adopt rules establishing procedures and required formats for implementing this section. The rules adopted under this subsection must require that submissions under Subsection (b) and votes under Subsection (c) be moderated to exclude overtly political or offensive material.

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

HB 1675 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative D. Bonnen called up with senate amendments for consideration at this time,

HB 1675, A bill to be entitled An Act relating to governmental entities subject to the sunset review process.

Representative D. Bonnen moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1675**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1675**: D. Bonnen, chair; Cook, Dutton, Anchia, and Price.

**HB 2836 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 2836, A bill to be entitled An Act relating to the administration of certain state-adopted or state-developed assessment instruments to public school students.

Representative Ratliff moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2836**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2836**: Ratliff, chair; Huberty, S. Turner, Kuempel, and Farney.

**HB 2895 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative D. Bonnen called up with senate amendments for consideration at this time,

HB 2895, A bill to be entitled An Act relating to authorizing the sale of certain real property in Brazoria County by the Texas Board of Criminal Justice.

Representative D. Bonnen moved to concur in the senate amendments to **HB 2895**.

The motion to concur in the senate amendments to **HB 2895** prevailed by (Record 1244): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Ashby; Aycok; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; 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; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Raymond; Reynolds; Riddle; 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; Ritter(C).

Absent, Excused — Anchia; Geren; Kolkhorst.

Absent — Burkett; Coleman; Ratliff.

Senate Committee Substitute

CSHB 2895, A bill to be entitled An Act relating to authorizing the sale of certain real property in Brazoria County by the Texas Board of Criminal Justice.

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

SECTION 1. AUTHORIZATION FOR SALE. (a) Not later than January 1, 2014, the Texas Board of Criminal Justice shall sell to Brazoria County the real property specified in Section 2 of this Act at fair market value without the requirement of a sealed bid if:

(1) the board receives an offer from the county to purchase the property at fair market value; and

(2) the county acquires the property for a public purpose.

(b) The sale shall include public or private easements or rights-of-way benefiting or burdening the property, as necessary.

(c) The sale shall exclude all mineral interests in and under the property, and the deed shall contain a provision prohibiting any exploration, drilling, or other similar intrusion on the property related to mineral interests.

SECTION 2. PROPERTY DESCRIPTION. The Texas Department of Criminal Justice property to be sold as provided by Section 1 of this Act consists of the following land:

ALL THAT CERTAIN 183.174 ACRE tract of land being out of a called 7424.4 acre tract conveyed to Texas Board of Corrections in Volume 145, Page 242 of the Brazoria County Deed Records, situated in the Jared Groce 5 League Grant, Abstract 66, Brazoria County, Texas, and being more particularly described by metes and bounds using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone, NAD 83 in which the directions are Lambert grid bearings and the distances are horizontal surface level lengths (SF=0.999870607) as follows:

BEGINNING at found concrete monument for the northeast corner of the said Texas Board of Correction called 7424.4 acre tract, same being the northwest corner of the residue of a called 300 acre tract conveyed to Theodore H. Harrison and Phillip G. Harrison as recorded in Volume 1096, Page 605 of the Brazoria County Deed Records, located in the southern boundary line of a called 94.573 acre tract conveyed James Henson and Michael Echevarria, as recorded in Clerk's File No. 06-036246 of the Brazoria County Official Records, for the northeast corner of the herein described tract, at position X=3132507.66 and Y=481860.50;

THENCE South 3°24'29" East, coincident with western boundary line of said residue of a called 300 acre tract, a distance of 428.14 feet to a set 5/8" iron rod with cap for an angle point, located in the western right-of-way line of State Highway 288, conveyed to the State of Texas as recorded in Volume 1239, Page 933 of the Brazoria County Deed Records, at position X=3132533.10 and Y=481433.17;

THENCE South 5°08'56" West, coincident with the western right-of-way line of said State Highway 288, a distance of 1952.17 feet to a point of curvature, at position X=3132357.93 and Y=479489.13, from which a concrete monument found disturbed bears South 72°36'37" West, a distance of 0.54 feet;

THENCE in a southerly direction, coincident with the western right-of-way line of said State Highway 288, and along a curve to left, having a radius of 11669.16 feet, a central angle of 8°33'05", for an arc length of 1741.60 feet, the chord of said curve having a bearing of South 0°52'23" West, and a chord distance of 1740.00 feet to a point for corner, at position X=3132331.42 and Y=477749.55, from which a concrete monument found disturbed bears South 72°14'12" West, a distance of 0.86 feet;

THENCE South 3°24'09" East, coincident with the western right-of-way line of said State Highway 288, a distance of 874.01 feet to a set 5/8" iron rod with cap for corner, at position X=3132383.29 and Y=476877.20;

THENCE South 88°11'38" West, a distance of 1518.89 feet to a set 5/8" iron rod for corner, said point being the southeast corner of a called 22.726 acre tract conveyed to Brazoria County, as recorded in Volume 1645, Page 879 of the Deed Records of Brazoria County, at position X=3130865.35 and Y=476829.33

THENCE North 1°48'22" West, coincident with the east boundary line of said called 22.726 acre tract, a distance of 4951.14 feet to a set 5/8" iron rod with cap for the northeast corner of said called 22.726 acre tract, at position X=3130709.32 and Y=481777.37;

THENCE North 87°21'12" East, coincident with the south boundary line of a called 5.86 acre tract conveyed to Brazoria County, as recorded in Clerk's File No. 00-015468 of the Brazoria County Official Records and with the south boundary line of said called 94.573 acre tract a distance of 1800.49 feet to the POINT OF BEGINNING, containing 183.174 acres of land, more or less.

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

(Speaker pro tempore in the chair)

(Geren now present)

HB 2935 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2935, A bill to be entitled An Act relating to the interlocutory appeal of a denial of a motion to dismiss in an action involving the exercise of certain constitutional rights.

Representative Hunter moved to concur in the senate amendments to **HB 2935**.

The motion to concur in the senate amendments to **HB 2935** prevailed by (Record 1245): 135 Yeas, 3 Nays, 2 Present, not voting.

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

Nays — Hughes; Schaefer; Simpson.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Aycock; Bell; Dale; Lavender; Sheets; Smithee; Toth; Villalba.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1245. I intended to vote yes.

Hughes

I was shown voting no on Record No. 1245. I intended to vote yes.

Schaefer

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

Amend **HB 2935** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 27.004, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 27.004. HEARING. (a) A hearing on a motion under Section 27.003 must be set not later than the 60th [30th] day after the date of service of the motion unless the docket conditions of the court require a later hearing, upon a showing of good cause, or by agreement of the parties, but in no event shall the hearing occur more than 90 days after service of the motion under Section 27.003, except as provided by Subsection (c).

(b) In the event that the court cannot hold a hearing in the time required by Subsection (a), the court may take judicial notice that the court's docket conditions required a hearing at a later date, but in no event shall the hearing occur more than 90 days after service of the motion under Section 27.003, except as provided by Subsection (c).

(c) If the court allows discovery under Section 27.006(b), the court may extend the hearing date to allow discovery under that subsection, but in no event shall the hearing occur more than 120 days after the service of the motion under Section 27.003.

SECTION _____. Section 27.005, Civil Practice and Remedies Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding the provisions of Subsection (c), the court shall dismiss a legal action against the moving party if the moving party establishes by a preponderance of the evidence each essential element of a valid defense to the nonmovant's claim.

SECTION _____. Section 27.010, Civil Practice and Remedies Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) This chapter does not apply to a legal action brought against a person primarily engaged in the business of selling or leasing goods or services, if the statement or conduct arises out of the sale or lease of goods, services, or an insurance product, insurance services, or a commercial transaction in which the intended audience is an actual or potential buyer or customer.

(d) This chapter does not apply to a legal action brought under the Insurance Code or arising out of an insurance contract.

HB 3556 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3556, A bill to be entitled An Act relating to the licensing and regulation of emergency medical services providers and a moratorium on the issuance of emergency medical services provider licenses.

Representative Geren moved to concur in the senate amendments to **HB 3556**.

The motion to concur in the senate amendments to **HB 3556** prevailed by (Record 1246): 139 Yeas, 3 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Ashby; Aycock; Bohac; Bonnen, G.; Branch; Burkett; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; 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; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Schaefer; Stickland; White.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Bell; Burnam; Gutierrez.

Senate Committee Substitute

CSHB 3556, A bill to be entitled An Act relating to the licensing and regulation of emergency medical services providers and a moratorium on the issuance of emergency medical services provider licenses.

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

SECTION 1. Section 773.0571, Health and Safety Code, is amended to read as follows:

Sec. 773.0571. REQUIREMENTS FOR PROVIDER LICENSE. The department shall issue to an emergency medical services provider applicant a license that is valid for two years if the department is satisfied that:

(1) the applicant [~~emergency medical services provider~~] has adequate staff to meet the staffing standards prescribed by this chapter and the rules adopted under this chapter;

(2) each emergency medical services vehicle is adequately constructed, equipped, maintained, and operated to render basic or advanced life support services safely and efficiently;

(3) the applicant [~~emergency medical services provider~~] offers safe and efficient services for emergency prehospital care and transportation of patients; [~~and~~]

(4) the applicant:

(A) possesses sufficient professional experience and qualifications to provide emergency medical services; and

(B) has not been excluded from participation in the state Medicaid program;

(5) the applicant holds a letter of approval issued under Section 773.0573 by the governing body of the municipality or the commissioners court of the county in which the applicant is located and is applying to provide emergency medical services, as applicable; and

(6) the applicant ~~[emergency medical services provider]~~ complies with the rules adopted ~~[by the board]~~ under this chapter.

SECTION 2. Subchapter C, Chapter 773, Health and Safety Code, is amended by adding Sections 773.05711, 773.05712, and 773.05713 to read as follows:

Sec. 773.05711. ADDITIONAL EMERGENCY MEDICAL SERVICES PROVIDER LICENSE REQUIREMENTS. (a) In addition to the requirements for obtaining or renewing an emergency medical services provider license under this subchapter, a person who applies for a license or for a renewal of a license must:

(1) provide the department with a letter of credit issued by a federally insured bank or savings institution in the amount of:

(A) \$100,000 for the initial license and for renewal of the license on the second anniversary of the date the initial license is issued;

(B) \$75,000 for renewal of the license on the fourth anniversary of the date the initial license is issued;

(C) \$50,000 for renewal of the license on the sixth anniversary of the date the initial license is issued; and

(D) \$25,000 for renewal of the license on the eighth anniversary of the date the initial license is issued;

(2) if the applicant participates in the medical assistance program operated under Chapter 32, Human Resources Code, the Medicaid managed care program operated under Chapter 533, Government Code, or the child health plan program operated under Chapter 62 of this code, provide the Health and Human Services Commission with a surety bond in the amount of \$50,000; and

(3) submit for approval by the department the name and contact information of the provider's administrator of record who satisfies the requirements under Section 773.05712.

(b) An emergency medical services provider that is directly operated by a governmental entity is exempt from this section.

Sec. 773.05712. ADMINISTRATOR OF RECORD. (a) The administrator of record for an emergency medical services provider licensed under this subchapter:

(1) may not be employed or otherwise compensated by another private for-profit emergency medical services provider;

(2) must meet the qualifications required for an emergency medical technician or other health care professional license or certification issued by this state; and

(3) must submit to a criminal history record check at the applicant's expense.

(b) Section 773.0415 does not apply to information an administrator of record is required to provide under this section.

(c) An administrator of record initially approved by the department may be required to complete an education course for new administrators of record. The executive commissioner shall recognize, prepare, or administer the education course for new administrators of record, which must include information about the laws and department rules that affect emergency medical services providers.

(d) An administrator of record approved by the department under Section 773.05711(a) annually must complete at least eight hours of continuing education following initial approval. The executive commissioner shall recognize, prepare, or administer continuing education programs for administrators of record, which must include information about changes in law and department rules that affect emergency medical services providers.

(e) Subsection (a)(2) does not apply to an emergency medical services provider that held a license on September 1, 2013, and has an administrator of record who has at least eight years of experience providing emergency medical services.

(f) An emergency medical services provider that is directly operated by a governmental entity is exempt from this section.

Sec. 773.05713. REPORT TO LEGISLATURE. Not later than December 1 of each even-numbered year, the department shall electronically submit a report to the lieutenant governor, the speaker of the house of representatives, and the standing committees of the house and senate with jurisdiction over the department on the effect of Sections 773.05711 and 773.05712 that includes:

(1) the total number of applications for emergency medical services provider licenses submitted to the department and the number of applications for which licenses were issued or licenses were denied by the department;

(2) the number of emergency medical services provider licenses that were suspended or revoked by the department for violations of those sections and a description of the types of violations that led to the license suspension or revocation;

(3) the number of occurrences and types of fraud committed by licensed emergency medical services providers related to those sections;

(4) the number of complaints made against licensed emergency medical services providers for violations of those sections and a description of the types of complaints; and

(5) the status of any coordination efforts of the department and the Texas Medical Board related to those sections.

SECTION 3. Subchapter C, Chapter 773, Health and Safety Code, is amended by adding Section 773.0573 to read as follows:

Sec. 773.0573. LETTER OF APPROVAL FROM LOCAL GOVERNMENTAL ENTITY. (a) An emergency medical services provider applicant must obtain a letter of approval from:

(1) the governing body of the municipality in which the applicant is located and is applying to provide emergency medical services; or

(2) if the applicant is not located in a municipality, the commissioners court of the county in which the applicant is located and is applying to provide emergency medical services.

(b) A governing body of a municipality or a commissioners court of a county may issue a letter of approval to an emergency medical services provider applicant who is applying to provide emergency medical services in the municipality or county only if the governing body or commissioners court determines that:

(1) the addition of another licensed emergency medical services provider will not interfere with or adversely affect the provision of emergency medical services by the licensed emergency medical services providers operating in the municipality or county;

(2) the addition of another licensed emergency medical services provider will remedy an existing provider shortage that cannot be resolved through the use of the licensed emergency medical services providers operating in the municipality or county; and

(3) the addition of another licensed emergency medical services provider will not cause an oversupply of licensed emergency medical services providers in the municipality or county.

(c) An emergency medical services provider is prohibited from expanding operations to or stationing any emergency medical services vehicles in a municipality or county other than the municipality or county from which the provider obtained the letter of approval under this section until after the second anniversary of the date the provider's initial license was issued, unless the expansion or stationing occurs in connection with:

(1) a contract awarded by another municipality or county for the provision of emergency medical services;

(2) an emergency response made in connection with an existing mutual aid agreement; or

(3) an activation of a statewide emergency or disaster response by the department.

(d) This section does not apply to:

(1) renewal of an emergency medical services provider license; or

(2) a municipality, county, emergency services district, hospital, or emergency medical services volunteer provider organization in this state that applies for an emergency medical services provider license.

SECTION 4. Subchapter C, Chapter 773, Health and Safety Code, is amended by adding Section 773.06141 to read as follows:

Sec. 773.06141. SUSPENSION, REVOCATION, OR DENIAL OF EMERGENCY MEDICAL SERVICES PROVIDER LICENSE. (a) The commissioner may suspend, revoke, or deny an emergency medical services provider license on the grounds that the provider's administrator of record, employee, or other representative:

(1) has been convicted of, or placed on deferred adjudication community supervision or deferred disposition for, an offense that directly relates to the duties and responsibilities of the administrator, employee, or representative, other than an offense for which points are assigned under Section 708.052, Transportation Code;

(2) has been convicted of or placed on deferred adjudication community supervision or deferred disposition for an offense, including:

(A) an offense listed in Sections 3g(a)(1)(A) through (H), Article 42.12, Code of Criminal Procedure; or

(B) an offense, other than an offense described by Subdivision (1), for which the person is subject to registration under Chapter 62, Code of Criminal Procedure; or

(3) has been convicted of Medicare or Medicaid fraud, has been excluded from participation in the state Medicaid program, or has a hold on payment for reimbursement under the state Medicaid program under Subchapter C, Chapter 531, Government Code.

(b) An emergency medical services provider that is directly operated by a governmental entity is exempt from this section.

SECTION 5. Section 773.0571, Health and Safety Code, as amended by this Act, and Section 773.0573, Health and Safety Code, as added by this Act, apply only to an application for approval of an emergency medical services provider license submitted to the Department of State Health Services on or after the effective date of this Act. An application submitted before the effective date of this Act 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 6. The change in law made by this Act applies only to an application for approval or renewal of an emergency medical services provider license submitted to the Department of State Health Services on or after the effective date of this Act. An application submitted before the effective date of this Act 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 7. This Act takes effect September 1, 2013.

HB 1050 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1050, A bill to be entitled An Act relating to purchasing and other contracts by certain governmental entities.

Representative Callegari moved to concur in the senate amendments to **HB 1050**.

The motion to concur in the senate amendments to **HB 1050** prevailed by (Record 1247): 139 Yeas, 1 Nays, 2 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; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Springer.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Dale; Hughes; McClendon; Reynolds; Toth; Villalba.

Senate Committee Substitute

CSHB 1050, A bill to be entitled An Act relating to purchasing and other contracts by governmental entities.

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

SECTION 1. Section 791.011, Government Code, is amended by adding Subsection (j) to read as follows:

(j) For the purposes of this subsection, the term "purchasing cooperative" means a group purchasing organization that governmental entities join as members and the managing entity of which receives fees from members or vendors. A local government may not enter into a contract to purchase construction-related goods or services through a purchasing cooperative under this chapter in an amount greater than \$50,000 unless a person designated by the local government certifies in writing that:

(1) the project for which the construction-related goods or services are being procured does not require the preparation of plans and specifications under Chapter 1001 or 1051, Occupations Code; or

(2) the plans and specifications required under Chapters 1001 and 1051, Occupations Code, have been prepared.

SECTION 2. Section 2252.002, Government Code, is amended to read as follows:

Sec. 2252.002. AWARD OF CONTRACT TO NONRESIDENT BIDDER.

A governmental entity may not award a governmental contract to a nonresident bidder unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in:

(1) the state in which the nonresident's principal place of business is located; or

(2) a state in which the nonresident is a resident manufacturer.

SECTION 3. Section 2267.353(b), Government Code, as added by Chapter 1129 (**HB 628**), Acts of the 82nd Legislature, Regular Session, 2011, is amended to read as follows:

(b) A contract for a project under this subchapter may cover only a single integrated project. A governmental entity may not enter into a contract for aggregated projects at multiple locations. For purposes of this subsection:

(1) if a metropolitan transit authority created under Chapter 451, Transportation Code, enters into a contract for a project involving a linear transit project with multiple stops along the project route for boarding passengers, created under Chapter 451, Transportation Code, the linear transit project ~~[bus rapid transit system created under Chapter 451, Transportation Code, the bus rapid transit system]~~ is a single integrated project; and

(2) a water treatment plant, including a desalination plant, that includes treatment facilities, well fields, and pipelines is a single integrated project.

SECTION 4. Section 2267.354, Government Code, as added by Chapter 1129 (**HB 628**), Acts of the 82nd Legislature, Regular Session, 2011, is amended to read as follows:

Sec. 2267.354. LIMITATION ON NUMBER OF PROJECTS. (a) ~~[Before September 1, 2013:~~

~~[(1) a governmental entity with a population of 500,000 or more within the entity's geographic boundary or service area may, under this subchapter, enter into contracts for not more than three projects in any fiscal year; and~~

~~[(2) a municipally owned water utility with a separate governing board appointed by the governing body of a municipality with a population of 500,000 or more may:~~

~~[(A) independently enter into a contract for not more than one civil works project in any fiscal year; and~~

~~[(B) enter into contracts for additional civil works projects in any fiscal year, but not more than the number of civil works projects prescribed by the limit in Subdivision (1) for the municipality, provided that:~~

~~[(i) the additional contracts for the civil works projects entered into by the utility under this paragraph are allocated to the number of contracts the municipality that appoints the utility's governing board may enter under Subdivision (1); and~~

~~[(ii) the governing body of the municipality must approve the contracts;~~

~~[(b) Before September 1, 2015, a governmental entity that has a population of 100,000 or more but less than 500,000 or is a board of trustees governed by Chapter 54, Transportation Code, may enter into contracts under this subchapter for not more than two projects in any fiscal year.~~

~~[(c)] After August 31, 2013 [the period described by Subsection (a) or (b)]:~~

(1) a governmental entity with a population of 500,000 or more within the entity's geographic boundary or service area may, under this subchapter, enter into contracts for not more than six projects in any fiscal year;

(2) a municipally owned water utility with a separate governing board appointed by the governing body of a municipality with a population of 500,000 or more may:

(A) independently enter into contracts for not more than two civil works projects in any fiscal year; and

(B) enter into contracts for additional civil works projects in any fiscal year, but not more than the number of civil works projects prescribed by the limit in Subdivision (1) for the municipality, provided that:

(i) the additional contracts for the civil works projects entered into by the utility under this paragraph are allocated to the number of contracts the municipality that appoints the utility's governing board may enter under Subdivision (1); and

(ii) the governing body of the municipality must approve the contracts; and

(3) a governmental entity that has a population of 100,000 or more but less than 500,000 or is a board of trustees governed by Chapter 54, Transportation Code, may enter into contracts under this subchapter for not more than four projects in any fiscal year.

~~(b) [(d)]~~ For purposes of determining the number of eligible projects under this section, a municipally owned water utility with a separate governing board appointed by the governing body of the municipality is considered part of the municipality.

SECTION 5. (a) This section takes effect only if the Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes becomes law.

(b) Subchapter H, Chapter 2269, Government Code, is amended by adding Section 2269.3615 to read as follows:

Sec. 2269.3615. IDENTIFICATION OF PROJECT TEAM. (a) A governmental entity may require a design-build firm responding to a request for detailed proposals to identify companies that will:

(1) fill key project roles, including project management, lead design firm, quality control management, and quality assurance management; and

(2) serve as key task leaders for geotechnical, hydraulics and hydrology, structural, environmental, utility, and right-of-way issues.

(b) If a design-build firm required to identify companies under Subsection (a) is selected for a design-build agreement, the firm may not make changes to the identified companies unless an identified company:

(1) is no longer in business, is unable to fulfill its legal, financial, or business obligations, or can no longer meet the terms of the teaming agreement with the design-build firm;

(2) voluntarily removes itself from the team;

(3) fails to provide a sufficient number of qualified personnel to fulfill the duties identified during the proposal stage; or

(4) fails to negotiate in good faith in a timely manner in accordance with provisions established in the teaming agreement proposed for the project.

(c) If the design-build firm makes team changes in violation of Subsection (b), any cost savings resulting from the change accrue to the governmental entity and not to the design-build firm.

SECTION 6. (a) This section takes effect only if the Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes does not become law.

(b) Subchapter H, Chapter 2267, Government Code, as added by Chapter 1129 (**HB 628**), Acts of the 82nd Legislature, Regular Session, 2011, is amended by adding Section 2267.3615 to read as follows:

Sec. 2267.3615. IDENTIFICATION OF PROJECT TEAM. (a) A governmental entity may require a design-build firm responding to a request for detailed proposals to identify companies that will:

(1) fill key project roles, including project management, lead design firm, quality control management, and quality assurance management; and

(2) serve as key task leaders for geotechnical, hydraulics and hydrology, structural, environmental, utility, and right-of-way issues.

(b) If a design-build firm required to identify companies under Subsection (a) is selected for a design-build agreement, the firm may not make changes to the identified companies unless an identified company:

(1) is no longer in business, is unable to fulfill its legal, financial, or business obligations, or can no longer meet the terms of the teaming agreement with the design-build firm;

(2) voluntarily removes itself from the team;

(3) fails to provide a sufficient number of qualified personnel to fulfill the duties identified during the proposal stage; or

(4) fails to negotiate in good faith in a timely manner in accordance with provisions established in the teaming agreement proposed for the project.

(c) If the design-build firm makes team changes in violation of Subsection (b), any cost savings resulting from the change accrue to the governmental entity and not to the design-build firm.

SECTION 7. Section 252.048(c-1), Local Government Code, is amended to read as follows:

(c-1) If a change order for a public works contract in a municipality with a population of 300,000 ~~[500,000]~~ or more involves a decrease or an increase of \$100,000 or less, or a lesser amount as provided by ordinance, the governing body of the municipality may grant general authority to an administrative official of the municipality to approve the change order.

SECTION 8. Section 49.273(i), Water Code, is amended to read as follows:

(i) If changes in plans or specifications are necessary after the performance of the contract is begun, or if it is necessary to decrease or increase the quantity of the work to be performed or of the materials, equipment, or supplies to be furnished, the board may approve change orders making the changes. The board may grant authority to an official or employee responsible for purchasing or for administering a contract to approve a change order that involves an increase or decrease of \$50,000 or less. The aggregate of the change orders may not increase the original contract price by more than 25 ~~[40]~~ percent. Additional change orders may be issued only as a result of unanticipated conditions encountered during construction, repair, or renovation or changes in regulatory criteria or to facilitate project coordination with other political entities.

SECTION 9. The changes in law made by this Act to Sections 791.011 and 2252.002, Government Code, and Section 49.273(i), Water Code, apply only to a contract made on or after the effective date of this Act.

SECTION 10. The changes in law made by this Act to Sections 2267.3615 and 2269.3615, Government Code, as added by this Act, apply only to a contract or construction project for which a governmental entity first advertises or otherwise requests bids, proposals, offers, or qualifications, or makes a similar solicitation, on or after the effective date of this Act.

SECTION 11. Section 2267.353(d), Government Code, is repealed.

SECTION 12. This Act takes effect September 1, 2013.

HB 2000 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2000, A bill to be entitled An Act relating to the qualification of certain nonprofit schools and educational institutions for exemption from state laws regulating career schools and colleges and to complaints made against those entities.

Representative S. Thompson moved to concur in the senate amendments to **HB 2000**.

The motion to concur in the senate amendments to **HB 2000** prevailed by (Record 1248): 141 Yeas, 3 Nays, 2 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; Craddock; 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; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberger; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.;

Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smith; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Schaefer; Simpson; Stickland.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Hernandez Luna; Sanford.

Senate Committee Substitute

CSHB 2000, A bill to be entitled An Act relating to the qualification of certain nonprofit schools and educational institutions for exemption from state laws regulating career schools and colleges and to complaints made against those entities.

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

SECTION 1. Section 132.002, Education Code, is amended by adding Subsections (d-1), (h), (i), (j), and (k) to read as follows:

(d-1) A school or educational institution exempted from this chapter is authorized to offer training in this state allowed by the exemption.

(h) A school or educational institution that participates or intends to participate in student financial aid programs under Title IV, Higher Education Act of 1965 (20 U.S.C. Section 1070 et seq.), may not be exempted from this chapter by the commission on the basis of Subsection (a)(2) unless the school or institution demonstrates to the commission that:

(1) either:

(A) the school or institution is accredited by a regional or national accrediting organization recognized by the United States secretary of education; or

(B) the school or institution, or the primary campus of the school or institution, has been operating continuously in this state for at least 20 years in compliance with state career school regulatory requirements, regardless of the amount of time the current owner has owned the school or institution; or

(2) the school or institution:

(A) is owned, controlled, operated, and maintained by a religious organization lawfully operating as a nonprofit religious corporation; and

(B) awards only degrees or certificates relating to religion, including a certificate of Talmudic studies, an associate of biblical studies degree, a master of divinity degree, or a doctor of divinity degree.

(i) For purposes of Subsection (h)(1)(B), "primary campus" means, for two or more schools or educational institutions that are owned and operated by the same owner, the school or educational institution designated by the owner as the main or principal campus.

(j) A school or educational institution may demonstrate compliance with Subsection (h):

(1) through the application process under Subsection (d); or
(2) if the school or institution has previously been granted an exemption from this chapter and the most recent exemption was granted before June 30, 2013, by an affidavit submitted to the commission by the owner of the school or institution.

(k) The Texas Higher Education Coordinating Board shall take appropriate action, including by making appropriate referrals to an accrediting agency or to the attorney general, to address any complaint received by the coordinating board from a student or prospective student of a school or institution to which Subsection (h) applies that is:

(1) exempted from this chapter on the basis of Subsection (a)(2); and
(2) subject to regulation by the coordinating board.

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

HB 1090 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1090, A bill to be entitled An Act relating to the creation of Texas Task Force 1 Type 3 Rio Grande Valley.

Representative Martinez moved to concur in the senate amendments to **HB 1090**.

The motion to concur in the senate amendments to **HB 1090** prevailed by (Record 1249): 120 Yeas, 18 Nays, 2 Present, not voting.

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

Nays — Bonnen, G.; Burkett; Creighton; Fletcher; Frank; Goldman; Gooden; Harper-Brown; Lavender; Leach; Miller, R.; Paddie; Price; Sanford; Simmons; Simpson; Springer; Toth.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Anderson; Branch; Cook; Hilderbran; Hughes; King, S.; Schaefer; Smithee.

STATEMENTS OF VOTE

When Record No. 1249 was taken, I was in the house but away from my desk. I would have voted no.

Anderson

I was shown voting yes on Record No. 1249. I intended to vote no.

Bell

I was shown voting yes on Record No. 1249. I intended to vote no.

Callegari

I was shown voting yes on Record No. 1249. I intended to vote no.

Carter

When Record No. 1249 was taken, I was in the house but away from my desk. I would have voted no.

Cook

I was shown voting yes on Record No. 1249. I intended to vote no.

Craddick

When Record No. 1249 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

I was shown voting yes on Record No. 1249. I intended to vote no.

Hunter

I was shown voting yes on Record No. 1249. I intended to vote no.

Kleinschmidt

I was shown voting yes on Record No. 1249. I intended to vote no.

Larson

I was shown voting yes on Record No. 1249. I intended to vote no.

Parker

When Record No. 1249 was taken, I failed to register my vote in time. I would have voted yes.

Schaefer

When Record No. 1249 was taken, I was in the house but away from my desk. I would have voted no.

Smith

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

Amend **HB 1090** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 418, Government Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. TEXAS TASK FORCE 2.

Sec. 418.201. DEFINITIONS. In this subchapter:

(1) "Local government employee member" means a member employed by a local government as defined by Section 102.001, Civil Practice and Remedies Code.

(2) "Member" means an individual who has been officially designated as a member of Texas Task Force 2.

(3) "Nongovernment member" means a member who is not a state employee member or a local government employee member.

(4) "State employee member" means a member employed by an agency of the state.

Sec. 418.202. TEXAS TASK FORCE 2. A municipality with a population of more than 1.18 million and located predominantly in a county that has a total area of less than 1,000 square miles may establish a Texas Task Force 2 program that provides training and responds to assist in search, rescue, and recovery efforts following natural or man-made disasters.

Sec. 418.203. WORKERS' COMPENSATION INSURANCE COVERAGE. (a) Notwithstanding any other law, during any period in which Texas Task Force 2 is activated by the Texas Division of Emergency Management, or during any training session sponsored or sanctioned by Texas Task Force 2, a participating nongovernment member or local government employee member is included in the coverage provided under Chapter 501, Labor Code, in the same manner as an employee, as defined by Section 501.001, Labor Code.

(b) Service with Texas Task Force 2 by a state employee member who is activated is considered to be in the course and scope of the employee's regular employment with the state.

(c) Notwithstanding Section 412.0123, Labor Code, as added by Chapter 1098, Acts of the 75th Legislature, Regular Session, 1997, the Texas Division of Emergency Management shall reimburse the State Office of Risk Management for the actual medical and indemnity benefits paid on behalf of a covered member of Texas Task Force 2 at the beginning of the next state fiscal year occurring after the date the benefits are paid.

Sec. 418.204. LIABILITY. The municipality establishing Texas Task Force 2 or a member or non-governmental member of Texas Task Force 2, who provides labor or assistance to the Texas Division of Emergency Management is

not liable for civil damages, including personal injury, wrongful death, property damages, death, or other loss resulting from any act, error, or omission by the individual in providing that labor or assistance unless the act, error, or omission:

(1) proximately caused the loss; and

(2) was performed with malice or constitutes gross negligence, recklessness, or intentional misconduct.

SECTION _____. Section 501.001(5), Labor Code, is amended to read as follows:

(5) "Employee" means a person who is:

(A) in the service of the state pursuant to an election, appointment, or express oral or written contract of hire;

(B) paid from state funds but whose duties require that the person work and frequently receive supervision in a political subdivision of the state;

(C) a peace officer employed by a political subdivision, while the peace officer is exercising authority granted under:

(i) Article 2.12, Code of Criminal Procedure; or

(ii) Articles 14.03(d) and (g), Code of Criminal Procedure;

(D) a member of the state military forces, as defined by Section 431.001, Government Code, who is engaged in authorized training or duty; or

(E) a Texas Task Force 1 member, as defined by Section 88.301, Education Code, or a Texas Task Force 2 member, as defined by Section 418.201, Government Code, who is activated by the Texas Division of Emergency Management or is injured during training sponsored or sanctioned by Texas Task Force 1 or Texas Task Force 2, as applicable.

SECTION _____. Section 418.204, Government Code, as added by this Act, applies only to an act, error, or omission that occurs on or after the effective date of this Act.

HB 3188 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3188, A bill to be entitled An Act relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

Representative Gonzales moved to concur in the senate amendments to **HB 3188**.

The motion to concur in the senate amendments to **HB 3188** prevailed by (Record 1250): 145 Yeas, 0 Nays, 2 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, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Toth.

The chair stated that **HB 3188** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

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

Amend **HB 3188** (senate committee printing) in SECTION 1 of the bill (page 2, between lines 6 and 7) by inserting the following:

To pay Educare Community Living Corporation Texas under the settlement agreement in Educare Community Living Corporation Texas v. Texas Department of Aging and Disability Services, Cause No. 11-0712-K, Appeals Division, Health and Human Services Commission, for a total appropriation of \$280,921.40

HB 2825 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative K. King called up with senate amendments for consideration at this time,

HB 2825, A bill to be entitled An Act relating to the authority of a county to establish a centralized sex offender registration authority.

Representative K. King moved to concur in the senate amendments to **HB 2825**.

The motion to concur in the senate amendments to **HB 2825** prevailed by (Record 1251): 144 Yeas, 0 Nays, 2 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; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero;

Hilderbran; Howard; Huberty; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Farney; Hughes.

Senate Committee Substitute

CSHB 2825, A bill to be entitled An Act relating to the authority of a county to establish a centralized sex offender registration authority.

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

SECTION 1. Article 62.0045, Code of Criminal Procedure, is amended to read as follows:

Art. 62.0045. CENTRALIZED REGISTRATION AUTHORITY. (a) The commissioners court of in a county ~~[with a population of 100,000 or more]~~ may designate the office of the sheriff of the county or may, through interlocal agreement, designate the office of a chief of police of a municipality in that county to serve as a mandatory countywide registration location for persons subject to this chapter.

(b) Notwithstanding any other provision of this chapter, a person ~~[who is]~~ subject to this chapter is required to perform the registration and verification requirements of Articles [shall register under Article] 62.051 and [or verify registration under Article] 62.058 and the change of address requirements of Article 62.055 only with respect to the centralized registration authority for the county, regardless of whether the person resides in any municipality located in that county. If the person resides in a municipality, and the local law enforcement authority in the municipality does not serve as the person's centralized registration authority, the centralized registration authority, not later than the third day after the date the person registers or verifies registration or changes address with that authority, shall provide to the local law enforcement authority in that municipality notice of the person's registration, [or] verification of registration, or change of address, as applicable, with the centralized registration authority.

(c) This section does not affect a person's duty to register with secondary sex offender registries under this chapter, such as those described by Articles 62.059 and 62.153.

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

HB 3511 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3511, A bill to be entitled An Act relating to the adjudication of claims arising under certain written contracts with local governmental entities.

Representative Ritter moved to concur in the senate amendments to **HB 3511**.

The motion to concur in the senate amendments to **HB 3511** prevailed by (Record 1252): 144 Yeas, 0 Nays, 2 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; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Kacal; Villarreal.

Senate Committee Substitute

CSHB 3511, A bill to be entitled An Act relating to the adjudication of certain claims under a written contract with a special-purpose district or authority or local governmental entity.

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

SECTION 1. Title 5, Civil Practice and Remedies Code, is amended by adding Chapter 113 to read as follows:

CHAPTER 113. WATER SUPPLY CONTRACT CLAIM AGAINST LOCAL DISTRICT OR AUTHORITY

Sec. 113.001. DEFINITIONS. In this chapter:

(1) "Adjudicating a claim" means the bringing of a civil suit and prosecution to final judgment in court and includes the bringing of an authorized arbitration proceeding and prosecution to final resolution in accordance with any mandatory procedures established in the contract that is the subject of the dispute under Section 113.002.

(2) "Local district or authority" means a special-purpose district or authority, including a levee improvement district, drainage district, irrigation district, water improvement district, water control and improvement district, water control and preservation district, fresh water supply district, navigation district, special utility district, and river authority, and any conservation and reclamation district.

Sec. 113.002. WAIVER OF IMMUNITY TO SUIT FOR CLAIM REGARDING WATER SUPPLY CONTRACT. A local district or authority that enters into a written contract stating the essential terms under which the local district or authority is to provide water to a purchaser for use in connection with the generation of electricity waives sovereign immunity to suit for the purpose of adjudicating a claim that the local district or authority breached the contract by not providing water, or access to water, according to the contract's terms.

Sec. 113.003. REMEDIES. (a) Except as provided by Subsection (b), remedies awarded in a proceeding adjudicating a claim under this chapter may include any remedy available for breach of contract that is not inconsistent with the terms of the contract, including the cost of cover and specific performance.

(b) Remedies awarded in a proceeding adjudicating a claim under this chapter may not include consequential or exemplary damages.

Sec. 113.004. NO WAIVER OF OTHER DEFENSES. This chapter does not waive a defense or a limitation on damages available to a party to a contract other than sovereign immunity to suit.

Sec. 113.005. NO WAIVER OF IMMUNITY TO SUIT IN FEDERAL COURT. This chapter does not waive sovereign immunity to suit in federal court.

Sec. 113.006. NO WAIVER OF IMMUNITY TO SUIT FOR TORT LIABILITY. This chapter does not waive sovereign immunity to suit for a cause of action for a negligent or intentional tort.

Sec. 113.007. NO NEW OR ADDITIONAL WATER RIGHTS. This chapter does not grant any user of water any new or additional rights to water or any new or additional priority to water rights. This chapter does not confer any rights inconsistent with the terms of the contract that is the subject of a dispute under Section 113.002.

Sec. 113.008. AUTHORITY OF REGULATORY AGENCIES; COMPLIANCE WITH REGULATORY ORDER. (a) This chapter does not limit the authority of the Texas Commission on Environmental Quality or any other state regulatory agency.

(b) Compliance with an order of the Texas Commission on Environmental Quality or any other state regulatory agency that expressly curtails water delivery to a specific electric generating facility is not considered a breach of contract for the purposes of this chapter.

Sec. 113.009. NO THIRD-PARTY BENEFICIARIES. (a) This chapter waives sovereign immunity only for the benefit of:

(1) a party to the contract that is the subject of a dispute under Section 113.002; or

(2) the assignee of a party to the contract, if assignment of an interest in the contract is permitted by the terms of the contract.

(b) Except for an assignment described by Subsection (a)(2), a party authorized by this chapter to sue for a cause of action of breach of contract may not transfer or assign that cause of action to any person.

SECTION 2. Section 271.151(2), Local Government Code, is amended to read as follows:

(2) "Contract subject to this subchapter" means:

(A) a written contract stating the essential terms of the agreement for providing goods or services to the local governmental entity that is properly executed on behalf of the local governmental entity; or

(B) a written contract, including a right of first refusal, regarding the sale or delivery of not less than 1,000 acre-feet of reclaimed water by a local governmental entity intended for industrial use.

SECTION 3. Section 271.153, Local Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (c), the [The] total amount of money awarded in an adjudication brought against a local governmental entity for breach of a contract subject to this subchapter is limited to the following:

(1) the balance due and owed by the local governmental entity under the contract as it may have been amended, including any amount owed as compensation for the increased cost to perform the work as a direct result of owner-caused delays or acceleration;

(2) the amount owed for change orders or additional work the contractor is directed to perform by a local governmental entity in connection with the contract;

(3) reasonable and necessary attorney's fees that are equitable and just; and

(4) interest as allowed by law, including interest as calculated under Chapter 2251, Government Code.

(c) Actual damages, specific performance, or injunctive relief may be granted in an adjudication brought against a local governmental entity for breach of a contract described by Section 271.151(2)(B).

SECTION 4. (a) Chapter 113, Civil Practice and Remedies Code, as added by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

(b) Chapter 113, Civil Practice and Remedies Code, as added by this Act, does not waive sovereign immunity to suit for any claims related to or arising out of a contract that was the subject of litigation that was adjudicated or dismissed on the basis of sovereign immunity prior to the effective date of this Act.

(c) Sections 271.151(2) and 271.153, Local Government Code, as amended by this Act, apply to a claim that arises under a contract executed on or after the effective date of this Act. A claim that arises under a contract executed before the effective date of this Act is governed by the law in effect on the date the contract was executed, and the former law is continued in effect for that purpose.

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

HB 2062 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2062, A bill to be entitled An Act relating to the regulation of plumbing.

Representative J. Davis moved to concur in the senate amendments to **HB 2062**.

The motion to concur in the senate amendments to **HB 2062** prevailed by (Record 1253): 91 Yeas, 50 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bohac; Burkett; Burnam; Canales; Coleman; Collier; Cook; Cortez; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Frank; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Kleinschmidt; Kuempel; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Patrick; Perez; Pickett; Pitts; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheffield, J.; Strama; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Anderson; Ashby; Aycock; Bell; Bonnen, G.; Branch; Button; Callegari; Capriglione; Carter; Clardy; Craddick; Creighton; Flynn; Frullo; Geren; Goldman; Gooden; Hilderbran; Huberty; Hughes; Isaac; King, P.; Klick; Krause; Laubenber; Lavender; Leach; Miller, R.; Morrison; Parker; Perry; Phillips; Price; Ratliff; Riddle; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smithee; Springer; Stephenson; Stickland; Taylor; Toth; Turner, E.S.; White; Zedler.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Alvarado; Hunter; Larson; Ritter; Smith.

STATEMENTS OF VOTE

When Record No. 1253 was taken, I was in the house but away from my desk. I would have voted yes.

Alvarado

I was shown voting no on Record No. 1253. I intended to vote yes.

Callegari

I was shown voting yes on Record No. 1253. I intended to vote no.

Harless

When Record No. 1253 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. 1253. I intended to vote no.

Paddie

Senate Committee Substitute

CSHB 2062, A bill to be entitled An Act relating to the regulation of plumbing.

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

SECTION 1. Sections 1301.002(11) and (12), Occupations Code, are amended to read as follows:

(11) "Water supply protection specialist" means a person who holds an endorsement issued by the board to engage in:

(A) customer service inspections, as defined by rule of the Texas Commission on Environmental Quality; and

(B) the installation, service, and repair of plumbing associated with the treatment, use, and distribution use of rainwater to supply a plumbing fixture or appliance ~~or irrigation system~~.

(12) "Water treatment" means a business conducted under contract that requires ability, experience, and skill in analyzing water to determine how to treat influent and effluent water to change or purify the water or to add or remove minerals, chemicals, or bacteria. The term does not include treatment of rainwater or the repair of systems for rainwater harvesting. The term includes:

(A) installing and servicing fixed or portable water treatment equipment in a public or private water treatment system; or

(B) making connections necessary to install a water treatment system.

SECTION 2. Section 1301.053(a), Occupations Code, is amended to read as follows:

(a) A person is not required to be licensed under this chapter to perform:

(1) plumbing incidental to and in connection with the business in which the person is employed or engaged if the person:

(A) is regularly employed as or acting as a maintenance person or maintenance engineer; and

(B) does not engage in plumbing for the public;

(2) construction, installation, or maintenance on the premises or equipment of a railroad if the person is an employee of the railroad who does not engage in plumbing for the public;

(3) plumbing if the person is engaged by a public service company to:

(A) lay, maintain, or operate its service mains or lines to the point of measurement; and

(B) install, change, adjust, repair, remove, or renovate appurtenances, equipment, or appliances;

(4) appliance installation and service work, other than installation and service work on water heaters, that involves connecting appliances to existing openings with a code-approved appliance connector if the person performs the work as an appliance dealer or an employee of an appliance dealer; or

(5) water treatment installations, exchanges, services, or repairs, other than the treatment of rainwater to supply a plumbing fixture or appliance.

SECTION 3. Section 1301.302, Occupations Code, is amended to read as follows:

Sec. 1301.302. CONTRACT INFORMATION; REQUIRED DOCUMENTS. A written proposal, invoice, or contract relating to plumbing services performed by or under the direction of a plumber licensed under this chapter must contain the name and license number of the responsible master plumber and the name, mailing address, and telephone number of the board. The person who performed the services shall give the customer an invoice or completed contract document on completion of the job, regardless of whether the person charged a fee for performing the services.

SECTION 4. Section 1301.303(a), Occupations Code, is amended to read as follows:

(a) The board may investigate an alleged violation of this chapter by a person who:

(1) is licensed under this chapter; [~~or~~]

(2) is the owner of a plumbing company subject to this chapter; or

(3) performs plumbing without holding a license under this chapter.

SECTION 5. Section 1301.351, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) A person who holds a license or registration issued under this chapter shall carry the license or registration on his or her person while engaged in plumbing.

SECTION 6. Section 1301.357(e), Occupations Code, is amended to read as follows:

(e) A person is not required to hold a water supply protection specialist endorsement if the person[-

(+)] is employed by:

(1) [~~(A)~~] a political subdivision; or

(2) ~~[(B)]~~ an electric utility as defined by Section 31.002, Utilities Code; ~~and~~

~~[(2) acts as a backflow prevention device specialist or water supply protection specialist in the course of the person's employment].~~

SECTION 7. Sections 1301.551(c) and (g), Occupations Code, are amended to read as follows:

(c) A municipality that adopts an ordinance or bylaw under this section shall provide by ordinance or bylaw that a person must obtain a permit before the person performs plumbing, other than the repairing of leaks, the replacement of lavatory or kitchen faucets, the replacement of ballcocks or water control valves, the replacement of garbage disposals, or the replacement of water closets. The municipality may prescribe the terms on which the permit is issued.

(g) A responsible master plumber, plumbing contractor, or other person who is required to obtain a permit under this section is not required to pay a plumbing registration fee or administrative fee in a municipality or any other political subdivision.

SECTION 8. The changes in law made by this Act apply only to services performed on or after the effective date of this Act. Services performed before the effective date of this Act are governed by the law in effect on the date the services were performed, and the former law is continued in effect for that purpose.

SECTION 9. This Act takes effect September 1, 2013.

HB 742 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 742, A bill to be entitled An Act relating to measures to evaluate and improve student participation and performance in public schools and open-enrollment charter schools, including a grant program for certain school districts to provide summer instruction primarily for students who are educationally disadvantaged.

Representative Strama moved to concur in the senate amendments to **HB 742**.

The motion to concur in the senate amendments to **HB 742** prevailed by (Record 1254): 105 Yeas, 39 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Ashby; Aycock; Bohac; Burnam; Callegari; Canales; Carter; Coleman; Collier; Cook; Cortez; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Fletcher; Frank; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Isaac; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Kleinschmidt; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Patrick; Perez; Perry; Pickett; Pitts; Raney; Ratliff; Raymond; Reynolds; Ritter; Rodriguez, E.;

Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simpson; Smith; Smithee; Stephenson; Strama; Taylor; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zerwas.

Nays — Bell; Bonnen, D.(C); Bonnen, G.; Branch; Burkett; Button; Capriglione; Clardy; Craddick; Creighton; Fallon; Flynn; Frullo; Geren; Goldman; Gooden; Harper-Brown; King, P.; Klick; Krause; Kuempel; Laubenberg; Lavender; Leach; Miller, D.; Miller, R.; Paddie; Parker; Phillips; Price; Riddle; Schaefer; Simmons; Springer; Stickland; Thompson, E.; Toth; Turner, E.S.; Zedler.

Present, not voting — Mr. Speaker; Larson.

Absent, Excused — Anchia; Kolkhorst.

Absent — Dukes; Hunter.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1254. I intended to vote no.

Anderson

I was shown voting no on Record No. 1254. I intended to vote yes.

Clardy

I was shown voting yes on Record No. 1254. I intended to vote no.

Harless

When Record No. 1254 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. 1254. I intended to vote no.

Orr

I was shown voting yes on Record No. 1254. I intended to vote no.

Sheets

I was shown voting yes on Record No. 1254. I intended to vote no.

Workman

Senate Committee Substitute

CSHB 742, A bill to be entitled An Act relating to a grant program for certain school districts to provide summer instruction primarily for students who are educationally disadvantaged and summer teaching opportunities for high-performing, new, and student teachers.

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

SECTION 1. Subchapter C, Chapter 29, Education Code, is amended by adding Section 29.091 to read as follows:

Sec. 29.091. GRANT PROGRAM FOR DISTRICTS THAT HAVE HIGH ENROLLMENT OF EDUCATIONALLY DISADVANTAGED STUDENTS AND THAT PROVIDE SUMMER INSTRUCTION. (a) In this section:

(1) "New teacher" means a teacher who:

(A) will be teaching for the first time during the next school year;

or

(B) first began teaching:

(i) during the preceding two years; or

(ii) in the school district in which the teacher is currently employed during the preceding year.

(2) "Program" means the grant program for school districts to provide summer instruction primarily for students who are educationally disadvantaged, as established under this section.

(b) The commissioner shall establish and administer a competitive program to provide grants to not more than 10 school districts to use in providing instructional programs to students in prekindergarten through eighth grade during the period in which school is recessed for the summer. The program shall be designed to:

(1) encourage participation in the program by a district's most educationally disadvantaged students;

(2) close the academic achievement gap between students who are educationally disadvantaged and students who are not educationally disadvantaged;

(3) ensure that during the period in which school is recessed for the summer, students participating in the program retain knowledge and skills learned during the school year and continue learning;

(4) provide apprenticeship, mentorship, and other professional development opportunities for new teachers and student teachers; and

(5) add to the compensation of a district's highest performing teachers by providing those teachers with summer employment teaching students, new teachers, and student teachers.

(c) To be eligible to participate in the program, a school district must:

(1) have an enrollment of students who are educationally disadvantaged that is greater than 50 percent of total district enrollment;

(2) apply to the commissioner in the manner and within the time prescribed by commissioner rule; and

(3) provide as part of the application materials a plan that is designed to achieve the purposes described by Subsections (b)(1) through (5).

(d) In selecting from among eligible school districts to participate in the program, the commissioner shall select those districts that provide plans under Subsection (c)(3) that are the most innovative and represent a variety of approaches so that the effectiveness of various plans can be compared and evaluated.

(e) A grant awarded under this section may be funded only with money appropriated for the program and any gifts, grants, or donations made to the agency that may be used for and that the commissioner applies to funding the program. The commissioner, in accordance with commissioner rule and based on the amount available for the program, shall determine the amount of each grant awarded under this section. A school district awarded a grant under this section

may use the grant only for implementing and administering a plan as described by Subsection (c)(3), including providing compensation to teachers in accordance with Subsection (b)(5) and commissioner rule.

(f) Each school district participating in the program shall, in the manner and within the time prescribed by commissioner rule, provide to the agency an annual written report that includes:

(1) a detailed description of the district's plan, as implemented;

(2) the number and grade levels of participating students;

(3) demographic information for participating students, including the percentage of students of each applicable race and ethnicity, the percentage of educationally disadvantaged students, the percentage of students of limited English proficiency as defined by Section 29.052, the percentage of students enrolled in a school district special education program under Subchapter A, and the percentage of students enrolled in a district bilingual education program under Subchapter B;

(4) school attendance rates for participating students, before, during, and after program participation, as applicable;

(5) specific information that demonstrates whether the purposes described by Subsections (b)(2) and (3) have been achieved, including the results of assessment instruments administered under Section 39.023 for participating students, before, during, and after program participation, as applicable;

(6) aggregate results of assessment instruments administered under Section 39.023 for students of participating classroom teachers, new teachers, and student teachers, before, during, and after program participation by the students, as applicable;

(7) information regarding the manner in which teachers are selected for participation in the program and the manner in which teachers are compensated for their participation;

(8) statistical information for participating classroom teachers, new teachers, and student teachers, including the number of years employed in the teaching profession, the number of years teaching in the district in which the program is provided, the category and class of educator certification held, the highest level of academic degree earned, race, ethnicity, and gender;

(9) information regarding whether:

(A) the program is provided on a full-day or half-day basis;

(B) the program is voluntary or mandatory for educationally disadvantaged students;

(C) the district has partnered with an outside provider to provide any supplemental service;

(D) the district provides transportation to participating students;
and

(E) the district offers the program to students who are not educationally disadvantaged and, if so, under what circumstances;

(10) information on retention in the teaching profession of the participating teachers, including new teachers and student teachers; and

(11) any other information required by commissioner rule.

(g) The agency shall contract with an experienced and recognized third-party program evaluator to determine and prepare a report regarding the effectiveness of the program. The evaluator's report must include the evaluator's best effort to project the cost and academic effects of implementing the best practices of the program in school districts throughout this state and must describe the effectiveness of the program in:

(1) improving academic performance among participating students;
(2) improving the professional development and performance of new teachers; and

(3) rewarding and retaining the highest performing teachers.

(h) Not later than November 1 of each even-numbered year, the agency shall submit to each member of the legislature a report specifically describing the results of the program. The report may be in the form of a summary of the information required under Subsections (f) and (g).

(i) The commissioner shall adopt rules as necessary to administer this section.

SECTION 2. The commissioner of education shall establish the grant program under Section 29.091, Education Code, as added by this Act, beginning with the 2013-2014 school year.

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

HB 1479 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1479, A bill to be entitled An Act relating to establishing a committee in certain counties to recommend a uniform truancy policy.

Representative Villarreal moved to concur in the senate amendments to **HB 1479**.

The motion to concur in the senate amendments to **HB 1479** prevailed by (Record 1255): 145 Yeas, 0 Nays, 2 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, S.; King, T.; Kleinschmidt; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.;

Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walles; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Klick.

Senate Committee Substitute

CSHB 1479, A bill to be entitled An Act relating to establishing a committee in certain counties to recommend a uniform truancy policy.

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

SECTION 1. Subchapter C, Chapter 25, Education Code, is amended by adding Section 25.0916 to read as follows:

Sec. 25.0916. UNIFORM TRUANCY POLICIES IN CERTAIN COUNTIES. (a) This section applies only to a county:

- (1) with a population greater than 1.5 million; and
- (2) that includes at least:

(A) 15 school districts with the majority of district territory in the county; and

(B) one school district with a student enrollment of 50,000 or more and an annual dropout rate spanning grades 9-12 of at least five percent, computed in accordance with standards and definitions adopted by the National Center for Education Statistics of the United States Department of Education.

(b) A committee shall be established to recommend a uniform truancy policy for each school district located in the county.

(c) Not later than September 1, 2013, the county judge and the mayor of the municipality in the county with the greatest population shall each appoint one member to serve on the committee as a representative of each of the following:

- (1) a juvenile district court;
- (2) a municipal court;
- (3) the office of a justice of the peace;
- (4) the superintendent or designee of an independent school district;
- (5) an open-enrollment charter school;
- (6) the office of the district attorney; and
- (7) the general public.

(d) Not later than September 1, 2013, the county judge shall appoint to serve on the committee one member from the house of representatives and one member from the senate who are members of the respective standing legislative committees with primary jurisdiction over public education.

(e) The county judge and mayor of the municipality in the county with the greatest population shall:

(1) both serve on the committee or appoint representatives to serve on their behalf; and

(2) jointly appoint a member of the committee to serve as the presiding officer.

(f) Not later than September 1, 2014, the committee shall recommend:

(1) a uniform process for filing truancy cases with the judicial system;

(2) uniform administrative procedures;

(3) uniform deadlines for processing truancy cases;

(4) effective prevention, intervention, and diversion methods to reduce truancy and referrals to a county, justice, or municipal court;

(5) a system for tracking truancy information and sharing truancy information among school districts and open-enrollment charter schools in the county; and

(6) any changes to statutes or state agency rules the committee determines are necessary to address truancy.

(g) Compliance with the committee recommendations is voluntary.

(h) The committee's presiding officer shall issue a report not later than December 1, 2015, on the implementation of the recommendations and compliance with state truancy laws by a school district located in the county.

(i) This section expires January 1, 2016.

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

HB 1659 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1659, A bill to be entitled An Act relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who received deferred adjudication for certain offenses.

Representative S. Thompson moved to concur in the senate amendments to **HB 1659**.

The motion to concur in the senate amendments to **HB 1659** prevailed by (Record 1256): 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; 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; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg;

Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Cortez; Isaac.

STATEMENT OF VOTE

When Record No. 1256 was taken, my vote failed to register. I would have voted yes.

Cortez

Senate Committee Substitute

CSHB 1659, A bill to be entitled An Act relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who received deferred adjudication for certain offenses.

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

SECTION 1. Section 51.356, Occupations Code, is amended to read as follows:

Sec. 51.356. DEFERRED ADJUDICATION; LICENSE SUSPENSION, LICENSE REVOCATION, OR DENIAL OR REFUSAL TO RENEW LICENSE. (a) The commission may deny, suspend, revoke, or refuse to renew a license or other authorization issued by a program regulated by the department if:

(1) ~~the commission determines that a deferred adjudication makes~~ the person holding or seeking the license received deferred adjudication for:

(A) any offense described by Article 62.001(5), Code of Criminal Procedure; or

(B) an offense other than an offense described by Paragraph (A) if:

(i) the person has not completed the period of deferred adjudication or the person completed the period of deferred adjudication less than five years before the date the person applied for the license; or

(ii) a conviction for the offense would make the person ineligible for the license by operation of law; and

(2) the commission determines that the deferred adjudication makes the person unfit for the license.

(b) In making a determination under Subsection (a)(2) [(a)], the commission shall consider the factors set forth in Sections 53.022 and 53.023 and the guidelines issued by the department under Section 53.025.

SECTION 2. Section 53.021(d), Occupations Code, is amended to read as follows:

(d) A licensing authority may consider a person to have been convicted of an offense for purposes of this section regardless of whether the proceedings were dismissed and the person was discharged as described by Subsection (c) if:

(1) the person was charged with:

(A) any offense described by Article 62.001(5), Code of Criminal Procedure; or

(B) an offense other than an offense described by Paragraph (A) if:

(i) the person has not completed the period of supervision or the person completed the period of supervision less than five years before the date the person applied for the license; or

(ii) a conviction for the offense would make the person ineligible for the license by operation of law; and

(2) [7] after consideration of the factors described by Sections 53.022 and 53.023(a), the licensing authority determines that:

(A) [(+)] the person may pose a continued threat to public safety;
or

(B) [(2)] employment of the person in the licensed occupation would create a situation in which the person has an opportunity to repeat the prohibited conduct.

SECTION 3. The change in law made by this Act applies to an application for a license or other authorization that is filed, or a proceeding to revoke or suspend a license or authorization that is commenced, on or after the effective date of this Act.

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

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

HB 950 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 950, A bill to be entitled An Act relating to unlawful employment practices regarding discrimination in payment of compensation.

Representative S. Thompson moved to concur in the senate amendments to **HB 950**.

The motion to concur in the senate amendments to **HB 950** prevailed by (Record 1257): 78 Yeas, 61 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Aycock; Bohac; Canales; Coleman; Collier; Cortez; Crownover; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Geren; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Hernandez

Luna; Herrero; Howard; Huberty; King, S.; King, T.; Kuempel; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Otto; Patrick; Perez; Pickett; Pitts; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Sheffield, R.; Smith; Strama; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Ashby; Bell; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Davis, J.; Elkins; Fallon; Fletcher; Flynn; Frank; Frullo; Goldman; Gooden; Harper-Brown; Hughes; Isaac; Kacal; Keffer; King, K.; King, P.; Kleinschmidt; Klick; Krause; Laubenber; Lavender; Leach; Lewis; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Paddie; Parker; Perry; Phillips; Price; Raney; Sanford; Schaefer; Simmons; Simpson; Smith; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; White; Zedler.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Burnam; Farney; Hilderbran; Hunter; Johnson; Larson; Sheets.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1257. I intended to vote yes.

Gooden

I was shown voting yes on Record No. 1257. I intended to vote no.

Harless

When Record No. 1257 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. 1257. I intended to vote yes.

Isaac

I was shown voting yes on Record No. 1257. I intended to vote no.

S. King

I was shown voting yes on Record No. 1257. I intended to vote no.

Workman

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

Amend **HB 950** (senate committee printing), in SECTION 1 of the bill, in added Section 21.202(a)(3), Labor Code (page 1), as follows:

- (1) On line 34, strike "benefits, or other compensation".
- (2) On line 35, strike "is" and substitute "are".

Senate Amendment No. 2 (Senate Floor Amendment No. 1 - Third Reading)

Amend **HB 950** by adding the following appropriately numbered SECTION of the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. The changes in law made by this Act apply only to discriminatory compensation decisions or other unlawful employment practices with regard to discrimination in payment of compensation made on or after the effective date of this Act.

**HB 3520 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 3520, A bill to be entitled An Act relating to the designation of a segment of U.S. Highway 75 in Dallas County as the George W. Bush Expressway.

Representative Branch moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3520**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3520**: Branch, chair; Burkett, Button, Sheets, and Villalba.

**HB 894 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 894, A bill to be entitled An Act relating to the use of dealer's license plates on vehicles by independent motor vehicle dealers to transport vehicles to or from a point of sale.

Representative Geren moved to concur in the senate amendments to **HB 894**.

The motion to concur in the senate amendments to **HB 894** prevailed by (Record 1258): 145 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; 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; Larson; Laubenberger; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr;

Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walles; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Anchia; Kolkhorst.

Senate Committee Substitute

CSHB 894, A bill to be entitled An Act relating to the use of dealer's license plates on vehicles by independent motor vehicle dealers to transport vehicles to or from a point of sale.

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

SECTION 1. Section 503.068, Transportation Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) A person may not use a metal dealer's license plate or dealer's temporary tag on:

(1) a service or work vehicle, except as provided by Subsection (b-1);
or

(2) a commercial vehicle that is carrying a load.

(b-1) An independent motor vehicle dealer or an employee of an independent motor vehicle dealer may use a metal dealer's license plate on a service or work vehicle used to transport a vehicle in the dealer's inventory to or from a point of sale. This subsection does not authorize a person to operate a service or work vehicle as a tow truck, as defined by Section 2308.002, Occupations Code, without a license or permit required by Chapter 2308, Occupations Code.

SECTION 2. The Texas Department of Motor Vehicles shall adopt rules consistent with Section 503.068, Transportation Code, as amended by this Act, not later than December 1, 2013.

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

HB 1790 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1790, A bill to be entitled An Act relating to certain procedures for defendants who successfully complete a period of state jail felony community supervision.

Representative Longoria moved to concur in the senate amendments to **HB 1790**.

The motion to concur in the senate amendments to **HB 1790** prevailed by (Record 1259): 94 Yeas, 44 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Aycock; Bell; Callegari; Canales; Coleman; Collier; Cook; Cortez; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Eiland; Farias; Farrar; Geren; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Johnson; Keffer; King, K.; King, P.; King, S.; King, T.; Klick; Larson; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Patrick; Perez; Perry; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Springer; Stephenson; Strama; Turner, C.; Turner, E.S.; Turner, S.; Villarreal; Vo; Walle; White; Wu; Zerwas.

Nays — Ashby; Bohac; Bonnen, G.; Branch; Burkett; Button; Capriglione; Carter; Clardy; Craddick; Creighton; Dale; Elkins; Fallon; Fletcher; Flynn; Frank; Frullo; Goldman; Gooden; Harless; Harper-Brown; Hilderbran; Isaac; Kleinschmidt; Krause; Kuempel; Laubenberg; Lavender; Miller, D.; Miller, R.; Orr; Paddie; Parker; Phillips; Sanford; Sheets; Smithee; Stickland; Taylor; Thompson, E.; Toth; Villalba; Workman.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Burnam; Dutton; Farney; Hunter; Kacal; Lewis; Thompson, S.; Zedler.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1259. I intended to vote no.

Anderson

I was shown voting yes on Record No. 1259. I intended to vote no.

Bell

When Record No. 1259 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. 1259. I intended to vote no.

Springer

I was shown voting yes on Record No. 1259. I intended to vote no.

E. S. Turner

When Record No. 1259 was taken, I was in the house but away from my desk. I would have voted no.

Zedler

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

Amend **HB 1790** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 15(l), Article 42.12, Code of Criminal Procedure, strike all of the language from "A judge who" (page 1, line 23) through "the judge shall" (page 1, line 30), and substitute the following:

On written motion of the defendant after completion of two-thirds of the original community supervision period for a state jail felony with respect to which written consent was obtained under Section 12.44(c), Penal Code, the judge may

(2) In SECTION 1 of the bill, in added Section 15(l), Article 42.12, Code of Criminal Procedure (page 1, line 33), strike "disposition of the case" and substitute "disposition of the community supervision".

(3) In SECTION 1 of the bill, in added Section 15(l)(1)(A), Article 42.12, Code of Criminal Procedure (page 1, line 40), between "under" and "Section 30.04", insert "Section 30.02".

(4) In SECTION 1 of the bill, in added Section 15(l)(1)(B), Article 42.12, Code of Criminal Procedure (page 1, line 42), strike "of this code".

(5) In SECTION 1 of the bill, at the end of added Section 15(m), Article 42.12, Code of Criminal Procedure (page 2, lines 8-9), strike "for any purpose other than the purpose described by Section 20(a)(1)".

(6) Strike SECTION 2 of the bill (page 2, lines 15-19) and substitute the following:

SECTION 2. Section 12.44, Penal Code, is amended by adding Subsection (c) to read as follows:

(c) With the written consent of the prosecuting attorney prior to sentencing, the court may amend the record of conviction to reflect a conviction for a Class A misdemeanor in lieu of a state jail felony as provided by Section 15(l), Article 42.12, Code of Criminal Procedure.

SECTION 3. The change in law made by this Act applies only to a defendant who is placed on community supervision for an offense committed on or after the effective date of this Act. A defendant who is placed on community supervision for an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(7) Renumber "SECTION 3" of the bill (page 2, line 20) as "SECTION 4".

HB 2388 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2388, A bill to be entitled An Act relating to the application of certain contracting laws to a defense base development authority.

Representative Menéndez moved to concur in the senate amendments to **HB 2388**.

The motion to concur in the senate amendments to **HB 2388** prevailed by (Record 1260): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; 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; 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; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Wu; Zedler; Zerwas.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Alonzo; Darby; Martinez Fischer; Workman.

Senate Committee Substitute

CSHB 2388, A bill to be entitled An Act relating to the application of certain contracting laws to a defense base development authority.

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

SECTION 1. (a) This section takes effect only if the Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes becomes law.

(b) Chapter 379B, Local Government Code, is amended by adding Section 379B.0012 to read as follows:

Sec. 379B.0012. APPLICATION OF OTHER LAW. (a) In this section, "qualifying project" means any real estate project involving the construction of:

(1) tenant finish-out or construction of a build-to-suit facility for a tenant who, through the execution of a lease with an authority, pays for or reimburses the authority for the cost of the improvements;

(2) infrastructure improvements, including roads, driveways, or utility extensions, made in connection with the sale or lease of property owned by the authority and for which the proceeds of the sale or the lease are used to reimburse the authority for the infrastructure improvements; or

(3) an income-producing facility that generates revenue for the authority and that is constructed by a private developer with special expertise in development.

(b) Chapters 2267 and 2269, Government Code, do not apply to a qualifying project of an authority.

SECTION 2. (a) This section takes effect only if the Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes does not become law.

(b) Chapter 379B, Local Government Code, is amended by adding Section 379B.0012 to read as follows:

Sec. 379B.0012. APPLICATION OF OTHER LAW. (a) In this section, "qualifying project" means any real estate project involving the construction of:

(1) tenant finish-out or construction of a build-to-suit facility for a tenant who, through the execution of a lease with an authority, pays for or reimburses the authority for the cost of the improvements;

(2) infrastructure improvements, including roads, driveways, or utility extensions, made in connection with the sale or lease of property owned by the authority and for which the proceeds of the sale or the lease are used to reimburse the authority for the infrastructure improvements; or

(3) an income-producing facility that generates revenue for the authority and that is constructed by a private developer with special expertise in development.

(b) Chapter 2267, Government Code, as added by Chapter 1334 (SB 1048), Acts of the 82nd Legislature, Regular Session, 2011, and Chapter 2267, Government Code, as added by Chapter 1129 (HB 628), Acts of the 82nd Legislature, Regular Session, 2011, do not apply to a qualifying project of an authority.

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

HB 3578 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3578, A bill to be entitled An Act relating to the allocation of Texas Economic Development Bank resources.

Representative J. Davis moved to concur in the senate amendments to **HB 3578**.

The motion to concur in the senate amendments to **HB 3578** prevailed by (Record 1261): 141 Yeas, 4 Nays, 2 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, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martínez; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Schaefer; Simpson; Stickland; White.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Martinez Fischer.

Senate Committee Substitute

CSHB 3578, A bill to be entitled An Act relating to the allocation and transfer of money from the capital access fund by the Texas Economic Development Bank.

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

SECTION 1. Subchapter BB, Chapter 481, Government Code, is amended by adding Section 481.415 to read as follows:

Sec. 481.415. ALLOCATION AND TRANSFER OF MONEY FROM CAPITAL ACCESS FUND. (a) Notwithstanding any other provision of this subchapter, the bank may allocate money held in or due to the capital access fund to programs administered by the bank under Section 489.108 or Subchapter D, Chapter 489. The bank may transfer money from the capital access fund to the Texas product development fund or the Texas small business incubator fund.

(b) Notwithstanding Subchapter D, Chapter 489, the bank may use money transferred under Subsection (a) to make loans to small or medium-sized businesses, governmental entities, or nonprofit organizations. A business, governmental entity, or nonprofit organization that receives a loan under this subsection may:

(1) use the money for any project, activity, or enterprise in this state that fosters economic development; or

(2) hold the money in a reserve account created as a condition of the extension of the loan.

SECTION 2. Section 489.211(b), Government Code, is amended to read as follows:

(b) The product fund is composed of proceeds of bonds issued under this subchapter, financing application fees, loan repayments, guarantee fees, royalty receipts, dividend income, money appropriated by the legislature for authorized purposes of the product fund, amounts received by the state from loans, loan guarantees, and equity investments made under this subchapter, amounts received by the state from federal grants or other sources, amounts transferred from the

capital access fund under Section 481.415, and any other amounts received under this subchapter and required by the bank to be deposited in the product fund. The product fund contains a program account, an interest and sinking account, and other accounts that the bank authorizes to be created and maintained. Money in the product fund is available for use by the board under this subchapter. Investment earnings under the product fund must be transferred to the fund created under Section 489.105. Notwithstanding any other provision of this subchapter, any money in the product fund may be used for debt service.

SECTION 3. Section 489.212(b), Government Code, is amended to read as follows:

(b) The small business fund is composed of proceeds of bonds issued under this subchapter, financing application fees, loan repayments, guarantee fees, royalty receipts, dividend income, money appropriated by the legislature for authorized purposes of the small business fund, amounts received by the state from loans, loan guarantees, and equity investments made under this subchapter, amounts received by the state from federal grants or other sources, amounts transferred from the capital access fund under Section 481.415, and any other amounts received under this subchapter and required by the bank to be deposited in the small business fund. The small business fund contains a project account, an interest and sinking account, and other accounts that the bank authorizes to be created and maintained. Money in the small business fund is available for use by the board under this subchapter. Investment earnings under the small business fund must be transferred to the fund created under Section 489.105. Notwithstanding any other provision of this subchapter, any money in the small business fund may be used for debt service.

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

HB 3593 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3593, A bill to be entitled An Act relating to the determination that a voter is deceased.

Representative Burnam moved to concur in the senate amendments to **HB 3593**.

The motion to concur in the senate amendments to **HB 3593** prevailed by (Record 1262): 90 Yeas, 53 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Bonnen, G.; Burnam; Callegari; Canales; Coleman; Collier; Dale; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Hernandez Luna; Herrero; Howard; Huberty; Hunter; Johnson; Keffer; King, K.; King, S.; King, T.; Klick; Kuempel; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Patrick;

Perez; Phillips; Pickett; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Simpson; Strama; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Wu; Zedler; Zerwas.

Nays — Anderson; Ashby; Aycock; Bell; Bohac; Branch; Burkett; Button; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Darby; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Harless; Harper-Brown; Hilderbran; Hughes; Isaac; Kacal; King, P.; Kleinschmidt; Krause; Larson; Laubenberg; Miller, D.; Paddie; Parker; Perry; Price; Raney; Ratliff; Schaefer; Sheffield, R.; Simmons; Smithee; Springer; Stephenson; Stickland; Taylor; Toth; Turner, E.S.; White; Workman.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Cortez; Pitts; Smith.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1262. I intended to vote no.

G. Bonnen

I was shown voting yes on Record No. 1262. I intended to vote no.

Gooden

I was shown voting yes on Record No. 1262. I intended to vote no.

Hunter

I was shown voting yes on Record No. 1262. I intended to vote no.

Orr

I was shown voting yes on Record No. 1262. I intended to vote no.

Phillips

Senate Committee Substitute

CSHB 3593, A bill to be entitled An Act relating to the determination that a voter is deceased.

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

SECTION 1. Sections 16.033(b), (c), and (d), Election Code, are amended to read as follows:

(b) If the registrar has reason to believe that a voter is no longer eligible for registration, the registrar shall deliver written notice to the voter indicating that the voter's registration status is being investigated by the registrar. The notice shall be delivered by forwardable mail to the mailing address on the voter's registration application and to any new address of the voter known to the registrar. If the secretary of state has adopted or recommended a form for a written notice under this section, the registrar must use that form.

(c) The notice must include:

(1) a request for information relevant to determining the voter's eligibility for registration; and

(2) a warning that the voter's registration is subject to cancellation if the registrar does not receive an appropriate reply on or before the 30th day after the date the notice is mailed.

(d) Except as provided by Subsection (e), the registrar shall cancel a voter's registration if:

(1) after considering the voter's reply, the registrar determines that the voter is not eligible for registration;

(2) no reply is received from the voter on or before the 30th day after the date the notice is mailed to the voter under Subsection (b); or

(3) each notice mailed under Subsection (b) is returned undelivered to the registrar with no forwarding information available.

SECTION 2. Section 18.068, Election Code, as added by Chapter 683 (HB 174), Acts of the 82nd Legislature, Regular Session, 2011, is amended to read as follows:

Sec. 18.068. COMPARISON OF INFORMATION REGARDING INELIGIBILITY. (a) The secretary of state shall quarterly compare the information received under Section 16.001 of this code and Section 62.113, Government Code, to the statewide computerized voter registration list. If the secretary determines that a voter on the registration list is deceased or has been excused or disqualified from jury service because the voter is not a citizen, the secretary shall send notice of the determination to the voter registrar of the counties considered appropriate by the secretary.

(b) The secretary of state shall by rule determine what information combinations identified as common to a voter and to an individual who is deceased constitute a weak match or a strong match in order to:

(1) produce the least possible impact on Texas voters; and

(2) fulfill its responsibility to manage the voter rolls.

(c) The secretary of state may not determine that a voter is deceased based on a weak match. The secretary of state may inform the county of the voter's residence that a weak match exists.

(d) On receiving notification from the secretary of state under Subsection (c) that a weak match of identifying information exists for a county voter and an individual who is deceased, the county shall investigate whether the voter is the individual who is deceased.

(e) The secretary of state may determine that a voter is deceased based on a strong match.

(f) The secretary of state may obtain, for purposes of determining whether a voter is deceased, information from other state agency databases relating to a voter that is the same type of information that the secretary of state or a voter registrar collects or stores for voter registration purposes.

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

**HB 3871 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3871, A bill to be entitled An Act relating to the powers and duties of the Gulf Coast Waste Disposal Authority.

Representative Smith moved to concur in the senate amendments to **HB 3871**.

The motion to concur in the senate amendments to **HB 3871** prevailed by (Record 1263): 144 Yeas, 0 Nays, 2 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, S.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddy; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — King, T.; Martinez Fischer.

Senate Committee Substitute

CSHB 3871, A bill to be entitled An Act relating to the powers and duties of the Gulf Coast Waste Disposal Authority.

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

SECTION 1. Section 1.01, Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

Sec. 1.01. PURPOSE. The purpose of this Act is to establish an instrumentality for developing and effectuating for Chambers, Galveston, and Harris Counties a regional water quality management program including provision of waste disposal and water systems and regulation of disposal of wastes.

SECTION 2. Section 1.03(a), Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, is amended by adding Subdivision (23) to read as follows:

(23) "Water system" means a system of pipelines, conduits, canals, pumping stations, force mains, plants, storage, or other facilities used for the treatment, collection, or distribution of water.

SECTION 3. Section 3.01(e), Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

(e) Subject only to the authority vested by general law, and particularly Chapters 11, 13, and [Chapter] 26, Water Code, in the commission, the authority is empowered to provide water systems and to control water pollution and waste disposal within the district.

SECTION 4. The heading to Section 3.14, Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

Sec. 3.14. ACQUISITION, CONSTRUCTION, AND OPERATION OF WATER OR DISPOSAL SYSTEMS.

SECTION 5. Section 3.14, Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The authority:

(1) may acquire and provide by purchase, gift or lease any water or disposal systems within or outside the district;

(2) may construct and provide water or disposal systems within or outside the district;

(3) may operate and sell any water or disposal systems that it constructs or acquires;

(4) may contract with any person to operate and maintain, within or outside the district, any water or disposal system belonging to the person; and

(5) may contract with any person to train or supervise employees of a water or disposal system within or outside the district.

(c) In taking an action under this section, the authority shall comply with the requirements of Section 3.16A.

SECTION 6. Section 3.16, Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

Sec. 3.16. SALE OF WATER AND BY-PRODUCTS. The authority may store and sell water that it collects under Section 3.14 or 3.15 of this Act, and may furnish water of a specified quality. It also may store and sell any by-product from its operations.

SECTION 7. Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, is amended by adding Section 3.16A to read as follows:

Sec. 3.16A. LIMITATION ON SERVICE AREA. The authority must obtain the consent of the director of public works of the City of Houston for the acquisition, construction, or operation of a water system that distributes raw or treated water within Austin, Brazoria, Chambers, Fort Bend, Galveston, Harris,

Liberty, Montgomery, or Waller County, other than a water system that distributes effluent, reclaimed water, reuse water, or treated wastewater produced from a waste treatment facility.

SECTION 8. Section 3.23(l), Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

(l) Subject to Section 3.16A:

(i) The authority and all persons are authorized to enter into contracts with respect to any waste and any waste disposal or treatment facilities, water system facilities, and any other facilities described in this Subsection (l) or any other part of this Act, and the authority is authorized to execute all appropriate documents and instruments in connection therewith; and the authority is authorized to issue bonds with respect to any of its powers, including those powers granted in this Subsection (l), and also for the purpose of providing or funding any debt service reserve fund or other special reserve, contingency, or other fund in connection with bonds, and/or also for the purpose of providing funds to operate any facilities for a period not to exceed three years after completion and to maintain any facilities, and/or to provide funds to pay interest on bonds during such period as is determined by the authority; and

(ii) The authority may exercise the powers, duties, and authority defined in the Regional Waste Disposal Act (Chapter 30, Vernon's Texas Water Code), and all of the provisions of the Regional Waste Disposal Act, as it now exists and as it hereafter may be amended, are applicable to the authority, except to the extent of any conflict with this Act, in which case this Act shall prevail over the provisions of the Regional Waste Disposal Act; and the authority may exercise the same rights, powers, and authority with respect to the control, storage, preservation, transmission, treatment, and disposition of water and water systems that it may exercise under this section with regard to waste, waste disposal systems, and treatment facilities; and

(iii) All persons are authorized to contract with the authority in any manner authorized by this Act or the Regional Waste Disposal Act with respect to any facilities described in this Subsection (l) or any other part of this Act; provided that any public agency or local government additionally is authorized to enter into and execute any such contract with the authority and to determine, agree, and pledge that all or any part of its payments under such contract shall be payable from the source described in Subsection (c) of Section 30.030 of the Regional Waste Disposal Act, subject only to the authorization of such contract, pledge, and payments by a majority vote of the governing body of such public agency or local government. All public agencies and local governments also are authorized to use and pledge any other available revenues or resources whatsoever for and to the payment of amounts due under such contracts as an additional source or sources of payment thereof or as the sole source or sources of payment thereof and may covenant with respect thereto so as to assure the availability thereof when required; and

(iv) All public agencies and local governments are authorized to fix, charge, and collect fees, rates, charges, rentals, and other amounts for any services or facilities provided pursuant to or in connection with any contract with

the authority from its inhabitants or from any users or beneficiaries of such services or facilities, including specifically water charges, sewage charges, solid waste disposal system fees and charges (including garbage collection or handling fees), and other fees and charges and to use and pledge same to make payments to the authority required under the contract and may covenant to do so in amounts sufficient to make all or any part of such payments to the authority when due; and

(v) This Subsection (I) shall be wholly sufficient authority within itself for the issuance of the bonds, subject to Subchapter 5 of this Act, the execution of the contracts, and the performance of the other acts and procedures authorized herein by the authority and all persons, including specifically public agencies, without reference to any other provisions of law or any restrictions or limitations contained therein, except as herein specifically provided; and in any case, to the extent of any conflict or inconsistency between any provisions of this subsection and any other provision of law (including any home-rule city charter provisions), this subsection shall prevail and control; provided, however, that the authority and all persons, including specifically public agencies, shall have the right to use any other provisions of law not in conflict with the provisions of this subsection to the extent convenient or necessary to carry out any power or authority, express or implied, granted by this subsection.

(vi) The authority is expressly made subject to the continuing supervision of the state by and through the commission or its successor and Chapter 50, Water Code.

SECTION 9. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

HB 2204 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2204, A bill to be entitled An Act relating to the authority of the Texas Transportation Commission to establish variable speed limits.

Representative Pickett moved to concur in the senate amendments to **HB 2204**.

The motion to concur in the senate amendments to **HB 2204** prevailed by (Record 1264): 144 Yeas, 2 Nays, 2 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, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Stephenson; Stickland.

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

Absent, Excused — Anchia; Kolkhorst.

Senate Committee Substitute

CSHB 2204, A bill to be entitled An Act relating to the establishment of a variable speed limit pilot program by the Texas Transportation Commission.

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

SECTION 1. DEFINITIONS. In this Act:

(1) "Commission" means the Texas Transportation Commission.

(2) "Department" means the Texas Department of Transportation.

SECTION 2. VARIABLE SPEED LIMIT PILOT PROGRAM. (a) The commission by rule shall establish and the department shall implement a variable speed limit pilot program to study the effectiveness of temporarily lowering prima facie speed limits to address inclement weather, congestion, road construction, or any other condition that affects the safe and orderly movement of traffic on a roadway. Notice of a speed limit established under the pilot program may be displayed using a stationary or portable changeable message sign, as defined by Section 544.013, Transportation Code.

(b) The commission shall select up to three locations to test the pilot program.

(c) The commission shall inform the Department of Public Safety and any affected local law enforcement agency about the pilot program and the locations that are being used to test the pilot program.

(d) A speed limit that is established under the pilot program:

(1) must be based on an engineering and traffic investigation;

(2) may be effective for all or a designated portion of the highway and may be effective for any period of the day or night, as the department determines necessary; and

(3) is effective only when the speed limit is posted and only if a sign notifying motorists of the change in speed limit is posted not less than 500 feet but not more than 1,000 feet before the point at which the speed limit begins.

SECTION 3. REPORT. Not later than December 31, 2014, the commission shall submit a report to the legislature that includes information about the pilot program, the results of the pilot program, and any recommendations for statutory changes based on the results of the pilot program.

SECTION 4. EXPIRATION. This Act expires February 1, 2015.

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

HB 1632 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1632, A bill to be entitled An Act relating to the confidentiality of certain identifying information of peace officers, county jailers, security officers, employees of the Texas Department of Criminal Justice or a prosecutor's office, or judges and their spouses.

Representative Fletcher moved to concur in the senate amendments to **HB 1632**.

The motion to concur in the senate amendments to **HB 1632** prevailed by (Record 1265): 142 Yeas, 0 Nays, 2 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, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; 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; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; 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; Bonnen, D.(C).

Absent, Excused — Anchia; Kolkhorst.

Absent — Laubenberg; Miles; Sheffield, J.; White.

STATEMENT OF VOTE

When Record No. 1265 was taken, I was in the house but away from my desk. I would have voted yes.

White

Senate Committee Substitute

CSHB 1632, A bill to be entitled An Act relating to the confidentiality of certain identifying information of peace officers, county jailers, security officers, employees of the Texas Department of Criminal Justice or a prosecutor's office, or judges and their spouses.

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

SECTION 1. Section 13.004(c), Election Code, is amended to read as follows:

(c) The following information furnished on a registration application is confidential and does not constitute public information for purposes of Chapter 552, Government Code:

- (1) a social security number;
- (2) a Texas driver's license number;
- (3) a number of a personal identification card issued by the Department of Public Safety;
- (4) an indication that an applicant is interested in working as an election judge; or
- (5) the residence address of the applicant, if the applicant is a federal judge or state judge, as defined by Section 13.0021, ~~or~~ the spouse of a federal judge or state judge, or an individual to whom Section 552.1175, Government Code, applies and the applicant:

(A) included an affidavit with the registration application describing the applicant's status under this subdivision, including an affidavit under Section 13.0021 if the applicant is a federal judge or state judge or the spouse of a federal judge or state judge;

(B) provided ~~or~~ the registrar with ~~has received~~ an affidavit describing the applicant's status under this subdivision, including an affidavit ~~submitted~~ under Section 15.0215 if the applicant is a federal judge or state judge or the spouse of a federal judge or state judge; or

(C) provided the registrar with a completed form approved by the secretary of state for the purpose of notifying the registrar of the applicant's status under this subdivision.

SECTION 2. The heading to Section 552.1175, Government Code, is amended to read as follows:

Sec. 552.1175. CONFIDENTIALITY OF CERTAIN IDENTIFYING
[ADDRESSES, TELEPHONE NUMBERS, SOCIAL SECURITY NUMBERS,
AND PERSONAL FAMILY] INFORMATION OF PEACE OFFICERS,
COUNTY JAILERS, SECURITY OFFICERS, [AND] EMPLOYEES OF THE
TEXAS DEPARTMENT OF CRIMINAL JUSTICE OR A PROSECUTOR'S
OFFICE, AND FEDERAL AND STATE JUDGES.

SECTION 3. Sections 552.1175(a) and (b), Government Code, are amended to read as follows:

(a) This section applies only to:

(1) peace officers as defined by Article 2.12, Code of Criminal Procedure;

(2) county jailers as defined by Section 1701.001, Occupations Code;

(3) current or former employees of the Texas Department of Criminal Justice or of the predecessor in function of the department or any division of the department;

(4) commissioned security officers as defined by Section 1702.002, Occupations Code;

(5) employees of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;

(6) officers and employees of a community supervision and corrections department established under Chapter 76 who perform a duty described by Section 76.004(b);

(7) criminal investigators of the United States as described by Article 2.122(a), Code of Criminal Procedure;

(8) police officers and inspectors of the United States Federal Protective Service; ~~and~~

(9) current and former employees of the office of the attorney general who are or were assigned to a division of that office the duties of which involve law enforcement; and

(10) federal judges and state judges as defined by Section 13.0021, Election Code.

(b) Information that relates to the home address, home telephone number, emergency contact information, date of birth, or social security number of an individual to whom this section applies, or that reveals whether the individual has family members is confidential and may not be disclosed to the public under this chapter if the individual to whom the information relates:

(1) chooses to restrict public access to the information; and

(2) notifies the governmental body of the individual's choice on a form provided by the governmental body, accompanied by evidence of the individual's status.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

HB 1125 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1125, A bill to be entitled An Act relating to the rights of an accused person in and the written waiver of extradition proceedings.

Representative Lavender moved to concur in the senate amendments to **HB 1125**.

The motion to concur in the senate amendments to **HB 1125** prevailed by (Record 1266): 142 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Coleman; Hughes; Sheffield, J.; Stephenson.

Senate Committee Substitute

CSHB 1125, A bill to be entitled An Act relating to the rights of an accused person in and the written waiver of extradition proceedings.

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

SECTION 1. Section 10, Article 51.13, Code of Criminal Procedure, is amended to read as follows:

Sec. 10. RIGHTS OF ACCUSED PERSON; APPLICATION FOR WRIT OF HABEAS CORPUS. (a) No person arrested upon such warrant shall be delivered over to the agent whom the Executive Authority demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge of a court of record in this State, or before a justice of the peace serving a precinct that is located in a county bordering another state, who shall inform him of the demand made for his surrender and of the crime with which he is charged, and that he has the right to demand and procure legal counsel; and if the prisoner or his counsel shall state that he or they desire to test the legality of his arrest, the judge of the [such] court of record shall fix a reasonable time to be allowed the prisoner in [him within] which to apply for a writ of habeas corpus, or the justice of the peace shall direct the prisoner to a court of record for purposes of obtaining such a writ. When the [such a] writ is applied for, notice thereof, and of the time

and place of hearing thereon, shall be given to the prosecuting officer of the county in which the arrest is made and in which the accused is in custody, and to the said agent of the demanding State.

(b) Before a justice of the peace who is not an attorney may perform a duty or function permitted by Subsection (a), the justice must take, through the Texas Justice Court Training Center, a training course that focuses on extradition law. The center shall develop a course to satisfy the requirements of this subsection.

(c) Each justice of the peace who performs a duty or function permitted by Subsection (a) shall ensure that the applicable proceeding is transcribed or videotaped and that the record of the proceeding is retained in the records of the court for at least 270 days.

SECTION 2. Section 25a, Article 51.13, Code of Criminal Procedure, is amended to read as follows:

Sec. 25a. WRITTEN WAIVER OF EXTRADITION PROCEEDINGS. (a) Any person arrested in this State charged with having committed any crime in another State or alleged to have escaped from confinement, or broken the terms of his bail, probation, or parole may waive the issuance and service of the warrant provided for in Sections 7 and 8 and all other procedure incidental to extradition proceedings, by executing or subscribing in the presence of a judge or any court of record within this State, or in the presence of a justice of the peace serving a precinct that is located in a county bordering another state, a writing which states that the arrested person [he] consents to return to the demanding State; provided, however, that before such waiver shall be executed or subscribed by such person the [it shall be the duty of such] judge or justice of the peace shall [to] inform such person of his:

(1) right [rights] to the issuance and service of a warrant of extradition;
and

(2) right to obtain a writ of habeas corpus as provided for in Section 10.

If and when such consent has been duly executed it shall forthwith be forwarded to the office of the Governor of this State and filed therein. The judge or justice of the peace shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding State, and shall deliver or cause to be delivered to such agent or agents a copy of such consent; provided, however, that nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding State, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights or duties of the officers of the demanding State or of this State.

(b) Before a justice of the peace who is not an attorney may perform a duty or function permitted by Subsection (a), the justice must take, through the Texas Justice Court Training Center, a training course that focuses on extradition law. The center shall develop a course to satisfy the requirements of this subsection.

(c) Each justice of the peace who performs a duty or function permitted by Subsection (a) shall ensure that the applicable proceeding is transcribed or videotaped and that the record of the proceeding is retained in the records of the court for at least 270 days.

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

HB 2620 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2620, A bill to be entitled An Act relating to the creation of a task force on domestic violence.

Representative Collier moved to concur in the senate amendments to **HB 2620**.

The motion to concur in the senate amendments to **HB 2620** prevailed by (Record 1267): 118 Yeas, 25 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Ashby; Aycock; Bohac; Bonnen, G.; Burkett; Burnam; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; 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; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Klick; Krause; Kuempel; Larson; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Patrick; Perez; Perry; Pickett; Pitts; Raney; Ratliff; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, R.; Smith; Smithee; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zerwas.

Nays — Anderson; Bell; Branch; Button; Craddick; Creighton; Dale; Fallon; Flynn; Gooden; Hilderbran; Kleinschmidt; Laubenber; Lavender; Parker; Phillips; Price; Schaefer; Simmons; Simpson; Springer; Stephenson; Stickland; Turner, E.S.; Zedler.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Dutton; Ritter; Sheffield, J.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1267. I intended to vote no.

D. Miller

When Record No. 1267 was taken, I was in the house but away from my desk. I would have voted yes.

J. Sheffield

I was shown voting yes on Record No. 1267. I intended to vote no.

Workman

Senate Committee Substitute

CSHB 2620, A bill to be entitled An Act relating to the creation of a task force on domestic violence.

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

SECTION 1. Chapter 32, Health and Safety Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. TASK FORCE ON DOMESTIC VIOLENCE

Sec. 32.061. DEFINITION. In this subchapter, "task force" means the task force on domestic violence.

Sec. 32.062. ESTABLISHMENT; PRESIDING OFFICER. (a) The task force is composed of 25 members appointed by the executive commissioner of the Health and Human Services Commission as follows:

(1) four representatives of family violence centers, as defined by Section 51.002, Human Resources Code, from different geographic regions in this state, including both rural and urban areas;

(2) one representative of a statewide family violence advocacy organization;

(3) one representative of a statewide association of obstetricians and gynecologists;

(4) two representatives of the family and community health programs in the Department of State Health Services;

(5) one representative of a statewide sexual assault advocacy organization;

(6) one representative of the Health and Human Services Commission Texas Home Visiting Program;

(7) one representative of a statewide association of midwifery;

(8) one representative of a statewide family physician's association;

(9) one representative of a statewide nursing association;

(10) one representative of a statewide hospital association;

(11) one representative of a statewide pediatric medical association;

(12) one representative of a statewide medical association;

(13) one representative of The University of Texas School of Social Work Institute on Domestic Violence and Sexual Assault;

(14) one representative of The University of Texas School of Law Domestic Violence Clinic;

(15) one representative of the governor's EMS and Trauma Advisory Council;

(16) one representative of a Department of Family and Protective Services prevention and early intervention program;

(17) one representative of a statewide osteopathic medical association;

(18) one representative of a statewide association of community health centers;

(19) one representative of the office of the attorney general;

(20) one representative from a medical school or a teaching hospital in the state who is either an attending physician of the hospital or a faculty member of the medical school; and

(21) one representative of the Health and Human Services Commission's Family Violence Program.

(b) The executive commissioner of the Health and Human Services Commission shall appoint a task force member to serve as presiding officer of the task force.

Sec. 32.063. DUTIES OF TASK FORCE. The task force shall meet at the call of the presiding officer to:

(1) examine the impact of domestic violence on maternal and infant mortality, the health of mothers, and the health and development of fetuses, infants, and children;

(2) identify the health care services available to children age two and younger and mothers and explore opportunities for improving the ability of those services to address domestic violence;

(3) identify methods to effectively include domestic violence information and support in educational standards for educators and protocols for health care providers; and

(4) investigate and make recommendations relating to the coordination of health care services for children age two and younger and pregnant and postpartum women who are victims of domestic violence, including recommendations for improving early screening and detection and public awareness efforts.

Sec. 32.064. REPORT. Not later than September 1, 2015, the task force shall submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, the presiding officers of the standing committees of the legislature having primary jurisdiction over health and human services, the executive commissioner of the Health and Human Services Commission, and the commissioner of state health services containing:

(1) the findings and legislative, policy, and research recommendations of the task force; and

(2) a description of the activities of the task force.

Sec. 32.065. EXPIRATION. The task force is abolished and this subchapter expires January 1, 2016.

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

**HB 2550 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2550, A bill to be entitled An Act relating to the consolidation of the Higher Education Enrollment Assistance Program and the Higher Education Assistance Plan and the transfer of certain enrollment assistance duties to institutions of higher education.

Representative Patrick moved to concur in the senate amendments to **HB 2550**.

The motion to concur in the senate amendments to **HB 2550** prevailed by (Record 1268): 124 Yeas, 17 Nays, 2 Present, not voting.

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

Nays — Anderson; Bonnen, G.; Clardy; Flynn; Goldman; Gooden; Hughes; Klick; Laubenberg; Leach; Orr; Phillips; Simmons; Springer; Stickland; Turner, E.S.; Zedler.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Bell; King, T.; Sheets; Smithee; Toth.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1268. I intended to vote yes.

G. Bonnen

When Record No. 1268 was taken, I was in the house but away from my desk. I would have voted yes.

T. King

I was shown voting yes on Record No. 1268. I intended to vote no.

White

I was shown voting no on Record No. 1268. I intended to vote yes.

Zedler

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

Amend **HB 2550** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 61, Education Code, is amended by adding Section 61.511 to read as follows:

Sec. 61.511. RESIDENT PHYSICIAN EXPANSION GRANT PROGRAM. (a) The board shall administer the Resident Physician Expansion Grant Program as a competitive grant program to encourage the creation of new graduate medical education positions through community collaboration and innovative funding. The board shall award grants to physician residency programs at teaching hospitals and other appropriate health care entities according to the program criteria established under Subsections (b) and (i).

(b) The board shall establish criteria for the grant program in consultation with the executive commissioner of the Health and Human Services Commission, with one or more physicians, teaching hospitals, medical schools, independent physician residency programs, and with other persons considered appropriate by the board. The program criteria must:

(1) take into account the following factors:

(A) the characteristics of existing residency positions that receive state funding;

(B) current and projected physician workforce demographics; and

(C) state population trends and projections; and

(2) support the following goals:

(A) creating new residency positions, with an emphasis on creating new first-year residency positions, without adversely affecting existing residency positions;

(B) maximizing local or federal matching funds;

(C) developing accredited physician residency programs at hospitals that have not previously offered residency programs; and

(D) increasing residency positions with respect to:

(i) medical specialties having shortages in this state; and

(ii) medically underserved areas in this state.

(c) The board may provide grants only to support a residency position that:

(1) is created and accredited on or after January 1, 2014; or

(2) was created and accredited before January 1, 2013, but as of that date had not yet been filled.

(d) A grant award may be used only to pay direct costs associated with the position, including the salary of the resident physician.

(e) Each grant application must specify:

(1) the number of residency positions expected to be created with the grant money; and

(2) the grant amount requested for each year.

(f) The board shall award grants for all residency positions awarded a grant under this section in the preceding year before awarding a grant for a residency position that did not receive a grant in the preceding year, provided that the applicable grant recipient from the preceding year complies with all conditions of the grant as described by Subsection (g).

(g) The board shall monitor physician residency programs receiving grants as necessary to ensure compliance with the grant program and shall require the return of any unused grant money by, or shall decline to award additional grants to, a residency program that receives a grant but fails to:

(1) create and fill, within a reasonable period, the number of residency positions proposed in the program's grant application; or

(2) satisfy any other conditions of the grant imposed by the board.

(h) The board shall use money forfeited under Subsection (g) to award grants to other eligible applicants. With respect to the physician residency program forfeiting the grant, the board may restore grant money or award additional grants, as applicable, to the program as soon as practicable after the program satisfies all conditions of the grant.

(i) The board shall adopt rules for the administration of the grant program. The rules must include:

(1) administrative provisions governing:

(A) eligibility criteria for grant applicants;

(B) grant application procedures;

(C) guidelines relating to grant amounts;

(D) guidelines relating to the number of grants to be awarded each year, subject to available funds;

(E) procedures for evaluating grant applications; and

(F) procedures for monitoring the use of grants;

(2) methods for tracking the effectiveness of grants; and

(3) any conditions relating to the receipt and use of a grant as considered appropriate by the board.

(j) Not later than January 1 of each year, the board shall prepare and submit to the governor, the lieutenant governor, the speaker of the house of representatives, the standing committees of the senate and house of representatives with responsibility for oversight of health and human services issues, and the Legislative Budget Board a report that:

(1) specifies each of the following with respect to the preceding program year:

(A) the number of grants awarded under the program;

(B) the amount of each grant awarded under the program;

(C) the number of residency positions created with the support of grant money;

(D) the medical specialty of the residency positions created; and

(E) whether physicians who complete their training through residency positions created under the program choose to practice in this state and which medical specialties they choose for their practices; and

(2) makes appropriate recommendations for legislative changes as necessary.

SECTION _____. Subtitle A, Title 3, Education Code, is amended by adding Chapter 58A to read as follows:

CHAPTER 58A. PROGRAMS SUPPORTING GRADUATE MEDICAL
EDUCATION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 58A.001. DEFINITION. In this chapter, "board" means the Texas Higher Education Coordinating Board.

SUBCHAPTER B. GRADUATE MEDICAL EDUCATION
RESIDENCY EXPANSION

Sec. 58A.021. ADMINISTRATION. The board shall allocate funds appropriated for purposes of this subchapter and may adopt necessary rules regarding the allocation of those funds.

Sec. 58A.022. PLANNING GRANTS. (a) The board shall award one-time planning grants to entities located in this state that:

- (1) have never had a graduate medical education program; and
- (2) are eligible for Medicare funding of graduate medical education.

(b) The board shall award planning grants on a competitive basis according to criteria adopted by the board. The board shall determine the number of grants awarded and the amount of each grant consistent with any conditions provided by legislative appropriation. A grant received under this section must be used for the purpose of planning additional first-year residency positions.

(c) An application for a planning grant for a state fiscal year must be submitted to the board not later than July 15 preceding that fiscal year. Not later than August 15, the board shall make decisions about grant awards for the following state fiscal year.

(d) An entity that is awarded a planning grant and establishes new first-year residency positions after receipt of the grant is eligible for additional funds for each such position established, as provided by appropriation.

Sec. 58A.023. GRANTS FOR UNFILLED RESIDENCY POSITIONS. (a) The board shall award grants to graduate medical education programs to enable those programs to fill accredited but unfilled first-year residency positions. The board shall determine the number of grants awarded and the amount of each grant consistent with any conditions provided by legislative appropriation.

(b) A grant received under this section must be expended to support the direct resident costs to the program, including the resident stipend and benefits.

(c) A grant application must include proof of the accredited but unfilled positions to which the application applies. An application for a grant must be submitted to the board not later than October 1 preceding the period for which the grant is made. The board shall make decisions about grant awards not later than January 1 preceding the grant period.

(d) The board may distribute a grant amount for a residency position only on receiving verification that the applicable residency position has been filled.

(e) Grant amounts are awarded under this section for two consecutive state fiscal years. For each first-year residency position for which a program receives an initial grant amount in a fiscal year, the board shall award the program an equal grant amount for the following fiscal year.

Sec. 58A.024. GRANTS FOR PROGRAM EXPANSION OR NEW PROGRAM. (a) The board shall award grants to enable existing graduate medical education programs to increase the number of first-year residency positions or to provide for the establishment of new graduate medical education programs with first-year residency positions. The board shall determine the number of grants awarded and the amount of each grant consistent with any conditions provided by legislative appropriation.

(b) A grant received under this section must be expended to support the direct resident costs to the program, including the resident stipend and benefits.

(c) A grant application must include a plan for receiving accreditation for the increased number of positions or for the new program, as applicable. An application for a grant must be submitted to the board not later than October 1 preceding the period for which the grant is made. The board shall make decisions about grant awards not later than January 1 preceding the grant period.

(d) The board may distribute a grant amount for a residency position only on receiving verification that the applicable residency position has been filled.

(e) Grant amounts are awarded under this section for three consecutive state fiscal years. For each first-year residency position for which a program receives an initial grant amount in a fiscal year, the board shall award the program an equal grant amount for the following two fiscal years.

Sec. 58A.025. PRIORITY GRANTS; ADJUSTMENT OF AMOUNTS. (a) If the board determines that the number of first-year residency positions proposed by eligible applicants under Sections 58A.023 and 58A.024 exceeds the number authorized by appropriation, in awarding grants the board:

(1) may give priority for up to 50 percent of the funded first-year residency positions to be in primary care or other critical shortage areas in this state; and

(2) may not reduce grant amounts awarded per resident position, but may proportionately reduce the number of positions funded for each program.

(b) If the board determines that, based on applications received, the entire appropriation will not be awarded for that year for graduate medical education residency expansion under Sections 58A.023 and 58A.024, the board may transfer and use the funds for the purposes of Section 58A.022 and may adjust the number of grants awarded under that section accordingly.

Sec. 58A.026. GRANTS FOR ADDITIONAL YEARS OF RESIDENCY. (a) If the board determines that funds appropriated for purposes of this subchapter are available after all eligible grant applications under Sections 58A.022, 58A.023, and 58A.024 have been funded, the board shall award grants from excess funds to support residents:

(1) who have completed at least three years of residency; and

(2) whose residency program is in a field in which this state has less than 80 percent of the national average of physicians per 100,000 population, as determined by the board.

(b) Grants shall be awarded under this section in amounts, in the number, and in the residency fields determined by the board, subject to any conditions provided by legislative appropriation. A grant received under this section must be expended to support the direct resident costs to the program, including the resident stipend and benefits.

(c) The board may distribute grant amounts only on receiving verification that the applicable residency position has been filled.

(d) The board may award grants under this section only from funds appropriated for the state fiscal year beginning September 1, 2016, or for a subsequent state fiscal year.

SUBCHAPTER C. PRIMARY CARE INNOVATION PROGRAM

Sec. 58A.051. PRIMARY CARE INNOVATION PROGRAM. Subject to available funds, the board shall establish a grant program under which the board awards incentive payments to medical schools that administer innovative programs designed to increase the number of primary care physicians in this state.

Sec. 58A.052. GIFTS, GRANTS, AND DONATIONS. In addition to other money appropriated by the legislature, the board may solicit, accept, and spend gifts, grants, and donations from any public or private source for the purposes of the program established under this subchapter.

Sec. 58A.053. RULES. In consultation with each medical school in this state, the board shall adopt rules for the administration of the program established under this subchapter. The rules must include:

(1) administrative provisions relating to the awarding of grants under this subchapter, such as:

(A) eligibility criteria for medical schools;

(B) grant application procedures;

(C) guidelines relating to grant amounts;

(D) procedures for evaluating grant applications; and

(E) procedures for monitoring the use of grants; and

(2) methods for tracking the effectiveness of grants that:

(A) using data reasonably available to the board, consider relevant information regarding the career paths of medical school graduates during the four-year period following their graduation; and

(B) evaluate whether and for how long those graduates work in primary care in this state.

Sec. 58A.054. ADMINISTRATIVE COSTS. A reasonable amount, not to exceed three percent, of any money appropriated for purposes of this subchapter may be used by the board to pay the costs of administering this subchapter.

SECTION _____. Section 61.532, Education Code, is amended to read as follows:

Sec. 61.532. ELIGIBILITY. (a) To be eligible to receive repayment assistance, a physician must:

(1) apply to the coordinating board;

(2) at the time of application, be licensed to practice medicine under Subtitle B, Title 3, Occupations Code;

(3) have completed one, two, three, or four consecutive years of practice;

(A) in a health professional shortage area designated by the Department of State Health Services; or

(B) in accordance with Subsection (b), after funds have been fully allocated for the program year to physicians qualifying under Paragraph (A); and

(4) provide health care services to:

(A) recipients under the medical assistance program authorized by Chapter 32, Human Resources Code;

(B) enrollees under the child health plan program authorized by Chapter 62, Health and Safety Code; or

(C) persons committed to a secure correctional facility operated by or under contract with the Texas Juvenile Justice Department [~~Youth Commission~~] or persons confined in a secure correctional facility operated by or under contract with any division of the Texas Department of Criminal Justice.

(b) A physician may complete one or more years of practice required by Subsection (a)(3) in a location other than a health professional shortage area designated by the Department of State Health Services if, during the applicable year or years, the physician provides health care services to a designated number of patients who are recipients under the medical assistance program authorized by Chapter 32, Human Resources Code, or the Texas Women's Health Program according to criteria established by the board in consultation with the Health and Human Services Commission. The Health and Human Services Commission shall verify a physician's compliance with this subsection, and the board and the commission shall enter into a memorandum of understanding for that purpose.

(c) The board annually shall solicit and collect information regarding the specific number of patients described by Subsection (a)(4)(A) who are treated by each physician receiving loan repayment assistance under this subchapter.

SECTION _____. Section 61.5391, Education Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The physician education loan repayment program account is an account in the general revenue fund. The account is composed of:

(1) gifts and grants contributed to the account;

(2) earnings on the principal of the account; and

(3) other amounts deposited to the credit of the account, including:

(A) money deposited under Section 61.539(b) or 61.5392;

(B) legislative appropriations; and

(C) money deposited under Section 155.2415, Tax Code.

(c) Money deposited to the credit of the account under Section 61.5392 may be used only to provide loan repayment assistance to physicians who establish eligibility for the assistance under Section 61.532(a)(4)(A) or (b).

SECTION _____. Subchapter J, Chapter 61, Education Code, is amended by adding Section 61.5392 to read as follows:

Sec. 61.5392. FEDERAL MATCHING FUNDS. (a) For the purposes of this subchapter, the Health and Human Services Commission shall seek any federal matching funds that are available for the purposes of this section.

(b) Any amount received under Subsection (a) shall be transferred to the comptroller to be deposited in the physician education loan repayment program account established under Section 61.5391. Section 403.095, Government Code, does not apply to any amount deposited under this section.

SECTION _____. (a) As soon as practicable after the effective date of this Act, the Texas Higher Education Coordinating Board shall adopt rules for the implementation and administration of the programs established under Chapter 58A, Education Code, as added by this Act. The coordinating board may adopt the initial rules in the manner provided by law for emergency rules.

(b) Not later than October 1, 2013, the Texas Higher Education Coordinating Board and the Health and Human Services Commission shall enter into the memorandum of understanding required by Subsection (b), Section 61.532, Education Code, as added by this Act. As soon as practicable after the date of the memorandum, the coordinating board shall begin awarding loan repayment assistance to physicians who establish eligibility under that subsection.

HB 3860 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3860, A bill to be entitled An Act relating to the creation of the Generation Park Management District and required notice by municipal management districts of certain actions; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

Representative Dutton moved to concur in the senate amendments to **HB 3860**.

The motion to concur in the senate amendments to **HB 3860** prevailed by (Record 1269): 144 Yeas, 0 Nays, 2 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; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberger; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff;

Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Hughes; Naishtat.

Senate Committee Substitute

CSHB 3860, A bill to be entitled An Act relating to the creation of the Generation Park Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3916 to read as follows:

CHAPTER 3916. GENERATION PARK MANAGEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3916.001. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Houston, Texas.

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

Quality.

(4) "County" means Harris County.

(5) "Director" means a board member.

(6) "District" means the Generation Park Management District.

Sec. 3916.002. CREATION AND NATURE OF DISTRICT. The Generation Park Management District is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3916.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 3916.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 3916.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 3916.005. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district, the legislature has established a program to accomplish the public purposes set out in Sections 52 and 52-a, Article III, Texas Constitution.

(b) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.

(c) This chapter and the creation of the district may not be interpreted to relieve the city, the county, or another governmental entity from providing the level of services provided as of the effective date of the Act enacting this chapter to the area in the district. The district is created to supplement and not to supplant governmental services provided in the district.

Sec. 3916.006. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(c) The creation of the district is in the public interest and is essential to further the public purposes of:

- (1) developing and diversifying the economy of the state;
- (2) eliminating unemployment and underemployment; and
- (3) developing or expanding transportation and commerce.

(d) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center;

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways, road facilities, enhanced infrastructure, and recreational facilities and by landscaping and developing certain areas, which are necessary for the restoration, preservation, and enhancement of scenic and aesthetic beauty; and

(4) provide for water, wastewater, drainage, road, rail, and recreational facilities for the district.

(e) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects and other improvements located in or adjacent to road rights-of-way are parts of and necessary components of a street and are considered to be a street or road improvement.

Sec. 3916.007. DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes of the district contained in Section 2 of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

- (1) organization, existence, or validity;

(2) right to issue any type of bonds, notes, or other obligations for a purpose for which the district is created or to pay the principal of and interest on the bonds, notes, or other obligations;

(3) right to impose or collect an assessment or tax; or

(4) legality or operation.

Sec. 3916.008. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

All or any part of the area of the district is eligible to be included in:

(1) a tax increment reinvestment zone created under Chapter 311, Tax Code;

(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code;

(3) an enterprise zone created under Chapter 2303, Government Code;

(4) a foreign trade zone created under Chapter 681, Business & Commerce Code; or

(5) an industrial district created under Chapter 42, Local Government Code.

Sec. 3916.009. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3916.010. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

Sec. 3916.011. CONFLICTS OF LAW. This chapter prevails over any provision of general law, including a provision of Chapter 375, Local Government Code, that is in conflict or inconsistent with this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3916.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five directors elected as provided by this chapter and Subchapter D, Chapter 49, Water Code.

(b) Except as provided by Section 3916.053, directors serve staggered four-year terms.

Sec. 3916.052. COMPENSATION. A director is entitled to receive fees of office and reimbursement for actual expenses as provided by Section 49.060, Water Code. Sections 375.069 and 375.070, Local Government Code, do not apply to the board.

Sec. 3916.053. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act creating this chapter, the owner or owners of a majority of the assessed value of the real property in the district according to the most recent certified tax appraisal roll for the county may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. On request of the member of the state house of representatives in whose legislative district the largest percentage of the district is located, the owner or owners must include in the petition the name of a person designated by the representative. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 3916.003; or
(2) the fourth anniversary of the effective date of the Act creating this
chapter.

(c) If permanent directors have not been elected under Section 3916.003
and the terms of the temporary directors have expired, successor temporary
directors shall be appointed or reappointed as provided by Subsection (d) to serve
terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 3916.003; or
(2) the fourth anniversary of the date of the appointment or
reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the
assessed value of the real property in the district according to the most recent
certified tax appraisal roll for the county may submit a petition to the commission
requesting that the commission appoint as successor temporary directors the five
persons named in the petition. On request of the member of the state house of
representatives in whose legislative district the largest percentage of the district is
located, the owner or owners must include in the petition the name of a person
designated by the representative. The commission shall appoint as successor
temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3916.101. GENERAL POWERS AND DUTIES. The district has the
powers and duties necessary to accomplish the purposes for which the district is
created.

Sec. 3916.102. IMPROVEMENT PROJECTS AND SERVICES. (a) The
district may provide, design, construct, acquire, improve, relocate, operate,
maintain, or finance an improvement project or service using any money
available to the district, or contract with a governmental or private entity to
provide, design, construct, acquire, improve, relocate, operate, maintain, or
finance an improvement project or service authorized under this chapter or under
Chapter 375, Local Government Code.

(b) An improvement project described by Subsection (a) may be located
inside or outside the district.

Sec. 3916.103. RECREATIONAL FACILITIES. The district may develop
or finance recreational facilities as authorized by Chapter 375, Local Government
Code, Sections 52 and 52-a, Article III, Texas Constitution, and any other law
that applies to the district.

Sec. 3916.104. AUTHORITY FOR ROAD PROJECTS. Under Section 52,
Article III, Texas Constitution, the district may design, acquire, construct,
finance, issue bonds, notes, or other obligations for, improve, and convey to this
state, a county, or a municipality for operation and maintenance macadamized,
graveled, or paved roads or improvements, including storm drainage and other
improvements located in or adjacent to road rights-of-way, in aid of those roads.

Sec. 3916.105. CONVEYANCE AND APPROVAL OF ROAD PROJECT.
(a) The district shall convey a road project authorized by Section 3916.104 to:

(1) the municipality or county that will operate and maintain the road if the municipality or county has approved the plans and specifications of the road project; or

(2) the state if the state will operate and maintain the road and the Texas Transportation Commission has approved the plans and specifications of the road project.

(b) Except as provided by Subsection (c), the district shall operate and maintain a road project authorized by Section 3916.104 that the district implements and is not approved by a municipality, a county, or this state under Subsection (a).

(c) The district may agree in writing with a municipality, a county, or this state to assign operation and maintenance duties to the district, the municipality, the county, or this state in a manner other than the manner described in Subsections (a) and (b).

Sec. 3916.106. RAIL FACILITIES. In addition to the powers granted under Section 375.0921(b), Local Government Code, and under Section 3916.151, the district may construct, acquire, improve, maintain, finance, and operate rail facilities and improvements in aid of those facilities for the transport of freight and other cargo.

Sec. 3916.107. DEVELOPMENT CORPORATION POWERS. The district, using money available to the district, may exercise the powers given to a development corporation under Chapter 505, Local Government Code, including the power to own, operate, acquire, construct, lease, improve, or maintain a project under that chapter.

Sec. 3916.108. NONPROFIT CORPORATION. (a) The board by resolution may authorize the creation of a nonprofit corporation to assist and act for the district in implementing a project or providing a service authorized by this chapter.

(b) The nonprofit corporation:

(1) has each power of and is considered to be a local government corporation created under Subchapter D, Chapter 431, Transportation Code; and

(2) may implement any project and provide any service authorized by this chapter.

(c) The board shall appoint the board of directors of the nonprofit corporation. The board of directors of the nonprofit corporation shall serve in the same manner as the board of directors of a local government corporation created under Subchapter D, Chapter 431, Transportation Code, except that a board member is not required to reside in the district.

Sec. 3916.109. AGREEMENTS; GRANTS. (a) As provided by Chapter 375, Local Government Code, the district may make an agreement with or accept a gift, grant, or loan from any person.

(b) The implementation of a project is a governmental function or service for the purposes of Chapter 791, Government Code.

Sec. 3916.110. LAW ENFORCEMENT SERVICES. To protect the public interest, the district may contract with a qualified party, including the county or the city, to provide law enforcement services in the district for a separate fee or as otherwise provided by the contract.

Sec. 3916.111. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The district may join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a district purpose.

Sec. 3916.112. ECONOMIC DEVELOPMENT. (a) The district may engage in activities that accomplish the economic development purposes of the district.

(b) The district may establish and provide for the administration of one or more programs to promote state or local economic development and to stimulate business and commercial activity in the district, including programs to:

(1) make loans and grants of public money; and

(2) provide district personnel and services.

(c) The district may create economic development programs and exercise the economic development powers that:

(1) Chapter 380, Local Government Code, provides to a municipality;

(2) Chapter 381, Local Government Code, provides to a county; and

(3) Subchapter A, Chapter 1509, Government Code, provides to a municipality.

Sec. 3916.113. STRATEGIC PARTNERSHIP AGREEMENT. The district may negotiate and enter into a written strategic partnership agreement with the city under Section 43.0751, Local Government Code.

Sec. 3916.114. REGIONAL PARTICIPATION AGREEMENT. The district may negotiate and enter into a written regional participation agreement with the city under Section 43.0754, Local Government Code.

Sec. 3916.115. ANNEXATION OR EXCLUSION OF LAND. (a) The district may annex land as provided by Subchapter J, Chapter 49, Water Code.

(b) The district may exclude land as provided by Subchapter J, Chapter 49, Water Code. Section 375.044(b), Local Government Code, does not apply to the district.

(c) After the district is organized and has obtained voter approval for the issuance of, or has sold, bonds payable wholly or partly from ad valorem taxes, the district may include and exclude land as provided by this section and Sections 54.740-54.747, Water Code. To the extent of a conflict between this subsection and Section 54.739, Water Code, this subsection controls.

(d) If the district has any outstanding bonds or contract obligations payable wholly or partly by a pledge of net revenues from the ownership or operation of the district's facilities at the time the board considers an application under Sections 54.740-54.747, Water Code, the lands proposed for inclusion shall be considered to be sufficient to avoid an impairment of the security for payment of obligations of the district if the projected net revenue to be derived from the lands to be included during the succeeding 12-month period, as determined by the district's engineer, equals or exceeds the projected net revenue that would

otherwise have been derived from the lands to be excluded during the same period. To the extent of a conflict between this subsection and Section 54.744, Water Code, this subsection controls.

Sec. 3916.116. APPLICABILITY OF OTHER LAW TO CERTAIN CONTRACTS. (a) Subchapter I, Chapter 49, Water Code, applies to a district contract for construction work, equipment, materials, or machinery. The district may use a project delivery method described by Subchapter I, Chapter 49, Water Code, or Chapter 2267, Government Code.

(b) Sections 375.221 and 375.223, Local Government Code, do not apply to the district.

Sec. 3916.117. TERMS OF EMPLOYMENT; COMPENSATION. The board may employ and establish the terms of employment and compensation of an executive director or general manager and any other district employees the board considers necessary.

Sec. 3916.118. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

SUBCHAPTER C-1. PUBLIC TRANSIT SYSTEM AND PARKING FACILITIES

Sec. 3916.151. PUBLIC TRANSIT SYSTEM; PETITION REQUIRED. (a) The district may acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain a public transit system to serve the area in the district.

(b) The board may not act under Subsection (a) unless a written petition requesting the action has been filed with the board.

(c) The petition must be signed by:

(1) the owners of property representing a majority of the total assessed value of the real property in the district that abuts the right-of-way in which the public transit system is proposed to be located; or

(2) the owners of a majority of the area of the real property in the district that abuts the right-of-way in which the public transit system is proposed to be located.

(d) For purposes of Subsection (c), the determination of a majority is based on the property owners along the entire right-of-way of the proposed transit project and may not be calculated on a block-by-block basis.

Sec. 3916.152. PARKING FACILITIES. (a) The district may acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain parking facilities or a system of parking facilities, including lots, garages, parking terminals, or other structures or accommodations for parking motor vehicles off the streets and related appurtenances.

(b) The district's parking facilities serve the public purposes of the district and are owned, used, and held for a public purpose even if leased or operated by a private entity for a term of years.

(c) The district's parking facilities are parts of and necessary components of a street and are considered to be a street or road improvement.

(d) The development and operation of the district's parking facilities may be considered an economic development program.

Sec. 3916.153. RULES. The district may adopt rules covering its public transit system or its public parking facilities, except that a rule relating to or affecting the use of the public right-of-way or a requirement for off-street parking is subject to all applicable county requirements.

Sec. 3916.154. FEES. The district may set the amount of and impose a fee for the use of the district's public transit system and parking facilities.

Sec. 3916.155. AGREEMENT WITH RAPID TRANSIT AUTHORITY. (a) In this section, "authority" means a rapid transit authority created under Chapter 451, Transportation Code.

(b) The district and an authority may agree to jointly construct, own, operate, and maintain a transit facility or a parking facility under the terms the authority and district desire.

(c) The agreement may provide that the district and the authority exchange or trade land provided that each party to the agreement receives fair market value. The authority is not required to offer any property that it proposes to trade to the district for sale to the public or for sale to any abutting property owner.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. 3916.201. MONEY USED FOR IMPROVEMENTS OR SERVICES. The district may acquire, construct, finance, operate, maintain, or provide any improvement or service authorized under this chapter or Chapter 375, Local Government Code, using any money available to the district.

Sec. 3916.202. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement has been filed with the board.

(b) The petition must be signed by:

(1) the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county; or

(2) at least 50 persons who own real property in the district subject to assessment, if more than 50 persons own real property in the district according to the most recent certified tax appraisal roll for the county.

Sec. 3916.203. METHOD OF NOTICE FOR HEARING. The district may mail the notice required by Section 375.115(c), Local Government Code, by certified or first class United States mail. The board shall determine the method of notice.

Sec. 3916.204. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district without regard to whether that area is already subject to or overlaps with an area of the district that is subject to a prior assessment imposed by the board.

(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district are:

(1) a first and prior lien against the property assessed;
(2) superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

(3) the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) The lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.

(d) The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

Sec. 3916.205. TAX AND ASSESSMENT ABATEMENTS. The district may designate reinvestment zones and may grant abatements of a tax or assessment on property in the zones.

Sec. 3916.206. UTILITY PROPERTY EXEMPT FROM ASSESSMENTS. The district may not impose an assessment on the property, including the equipment, rights-of-way, facilities, or improvements, of:

(1) an electric utility or a power generation company as defined by Section 31.002, Utilities Code;

(2) a gas utility as defined by Section 101.003 or 121.001, Utilities Code;

(3) a telecommunications provider as defined by Section 51.002, Utilities Code; or

(4) a person who provides to the public cable television or advanced telecommunications services.

Sec. 3916.207. CONDUITS. (a) The district may finance, acquire, construct, improve, operate, maintain, or charge a fee for the use of conduits for:

(1) fiber-optic cable and supporting facilities;

(2) electronic transmission and distribution lines and supporting facilities; or

(3) other types of transmission and distribution lines and supporting facilities.

(b) The district may not require a person to use a conduit for a purpose described by Subsection (a)(1) or for any other telecommunications purpose.

Sec. 3916.208. RESIDENTIAL PROPERTY. Section 375.161, Local Government Code, does not apply to:

(1) a tax imposed by the district; or

(2) a required payment for a service provided by the district, including water and sewer service.

Sec. 3916.209. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 3916.213, the district may impose an annual operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code, for any district purpose, including to:

- (1) operate and maintain the district;
- (2) construct or acquire improvements; or
- (3) provide a service.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

(c) Section 49.107(h), Water Code, does not apply to the district.

Sec. 3916.210. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

Sec. 3916.211. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on terms determined by the board.

(b) The district may by competitive bid or negotiated sale issue bonds, notes, or other obligations payable wholly or partly from taxes, including ad valorem taxes, or assessments, fees, revenue, contract payments, grants, or other district money, or any combination of those sources of money, to pay for any authorized district purpose.

(c) In addition to any other terms authorized by the board by bond order or resolution, the proceeds of the district's bonds may be used for a reserve fund, credit enhancement, or capitalized interest for the bonds.

(d) The limitation on the outstanding principal amount of bonds, notes, and other obligations provided by Section 49.4645, Water Code, does not apply to the district.

Sec. 3916.212. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 3916.213. ELECTIONS REGARDING TAXES AND BONDS. (a) The district may issue, without an election, bonds, notes, and other obligations secured by:

- (1) revenue other than ad valorem taxes; or
- (2) contract payments described by Section 3916.210.

(b) The district must hold an election in the manner provided by Subchapter L, Chapter 375, Local Government Code, to obtain voter approval before the district may impose an ad valorem tax or sales and use tax or issue bonds payable from ad valorem taxes.

(c) Section 375.243, Local Government Code, does not apply to the district.

(d) All or any part of any facilities or improvements that may be acquired by a district by the issuance of district bonds may be included in one single proposition to be voted on at the election or the bonds may be submitted in several propositions.

Sec. 3916.214. MUNICIPALITY NOT REQUIRED TO PAY DISTRICT OBLIGATIONS. Except as provided by Section 375.263, Local Government Code, a municipality is not required to pay a bond, note, or other obligation of the district.

SUBCHAPTER E. DEFINED AREAS

Sec. 3916.226. AUTHORITY TO ESTABLISH DEFINED AREAS OR DESIGNATED PROPERTY. The district may define areas or designate certain property of the district to pay for improvements, facilities, or services that primarily benefit that area or property and do not generally and directly benefit the district as a whole.

Sec. 3916.227. PROCEDURE FOR ELECTION. (a) Before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes of the defined area or designated property, the board shall hold an election in the defined area or in the designated property only.

(b) The election shall be conducted as provided by Section 3916.213.

(c) The board may submit the issues to the voters on the same ballot to be used in another election.

Sec. 3916.228. DECLARING RESULT AND ISSUING ORDER. (a) If a majority of the voters voting at the election approve the proposition or propositions, the board shall declare the results and, by order, shall establish the defined area and describe it by metes and bounds or designate the specific property.

(b) A court may not review the board's order except on the ground of fraud, palpable error, or arbitrary and confiscatory abuse of discretion.

Sec. 3916.229. TAXES FOR SERVICES, IMPROVEMENTS, AND FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter approval and adoption of the order described by Section 3916.228, the district may apply separately, differently, equitably, and specifically its taxing power and lien authority to the defined area or designated property to provide money to construct, administer, maintain, and operate services, improvements, and facilities that primarily benefit the defined area or designated property.

Sec. 3916.230. ISSUANCE OF BONDS FOR DEFINED AREA OR DESIGNATED PROPERTY. After the order under Section 3916.228 is adopted, the district may issue bonds to provide for any land, improvements, facilities, plants, equipment, and appliances for the defined area or designated property.

SUBCHAPTER F. SALES AND USE TAX

Sec. 3916.251. APPLICABILITY OF CERTAIN TAX CODE PROVISIONS. (a) Chapter 321, Tax Code, governs the imposition, computation, administration, enforcement, and collection of the sales and use tax authorized by this subchapter except to the extent Chapter 321, Tax Code, is inconsistent with this chapter.

(b) A reference in Chapter 321, Tax Code, to a municipality or the governing body of a municipality is a reference to the district or the board, respectively.

Sec. 3916.252. ELECTION; ADOPTION OF TAX. (a) The district may adopt a sales and use tax if authorized by a majority of the voters of the district voting at an election held for that purpose.

(b) The board by order may call an election to authorize the adoption of the sales and use tax. The election may be held on any uniform election date and in conjunction with any other district election.

(c) The ballot shall be printed to provide for voting for or against the proposition: "Authorization of a sales and use tax in the Generation Park Management District at a rate not to exceed _____ percent" (insert rate of one or more increments of one-eighth of one percent).

Sec. 3916.253. SALES AND USE TAX RATE. (a) On or after the date the results are declared of an election held under Section 3916.252, at which the voters approved imposition of the tax authorized by this subchapter, the board shall determine and adopt by resolution or order the initial rate of the tax, which must be in one or more increments of one-eighth of one percent.

(b) After the election held under Section 3916.252, the board may increase or decrease the rate of the tax by one or more increments of one-eighth of one percent.

(c) The initial rate of the tax or any rate resulting from subsequent increases or decreases may not exceed the lesser of:

(1) the maximum rate authorized by the district voters at the election held under Section 3916.252; or

(2) a rate that, when added to the rates of all sales and use taxes imposed by other political subdivisions with territory in the district, would result in the maximum combined rate prescribed by Section 321.101(f), Tax Code, at any location in the district.

Sec. 3916.254. TAX AFTER ANNEXATION. (a) This section applies to the district after a municipality annexes part of the territory in the district and imposes the municipality's sales and use tax in the annexed territory.

(b) If at the time of annexation the district has outstanding debt or other obligations payable wholly or partly from district sales and use tax revenue, Section 321.102(g), Tax Code, applies to the district.

(c) If at the time of annexation the district does not have outstanding debt or other obligations payable wholly or partly from district sales and use tax revenue, the district may:

(1) exclude the annexed territory from the district, if the district has no outstanding debt or other obligations payable from any source; or

(2) reduce the sales and use tax in the annexed territory by resolution or order of the board to a rate that, when added to the sales and use tax rate imposed by the municipality in the annexed territory, is equal to the sales and use tax rate imposed by the district in the district territory that was not annexed by the municipality.

Sec. 3916.255. NOTIFICATION OF RATE CHANGE. The board shall notify the comptroller of any changes made to the tax rate under this subchapter in the same manner the municipal secretary provides notice to the comptroller under Section 321.405(b), Tax Code.

Sec. 3916.256. USE OF REVENUE. Revenue from the sales and use tax imposed under this subchapter is for the use and benefit of the district and may be used for any district purpose. The district may pledge all or part of the revenue to the payment of bonds, notes, or other obligations, and that pledge of revenue may be in combination with other revenue, including tax revenue, available to the district.

Sec. 3916.257. ABOLITION OF TAX. (a) Except as provided by Subsection (b), the board may abolish the tax imposed under this subchapter without an election.

(b) The board may not abolish the tax imposed under this subchapter if the district has outstanding debt secured by the tax, and repayment of the debt would be impaired by the abolition of the tax.

(c) If the board abolishes the tax, the board shall notify the comptroller of that action in the same manner the municipal secretary provides notice to the comptroller under Section 321.405(b), Tax Code.

(d) If the board abolishes the tax or decreases the tax rate to zero, a new election to authorize a sales and use tax must be held under Section 3916.252 before the district may subsequently impose the tax.

(e) This section does not apply to a decrease in the sales and use tax authorized under Section 3916.254(c)(2).

SUBCHAPTER G. HOTEL OCCUPANCY TAX

Sec. 3916.301. DEFINITION. In this subchapter, "hotel" has the meaning assigned by Section 156.001, Tax Code.

Sec. 3916.302. APPLICABILITY OF CERTAIN TAX CODE PROVISIONS. (a) In this subchapter:

(1) a reference in Subchapter A, Chapter 352, Tax Code, to a county is a reference to the district; and

(2) a reference in Subchapter A, Chapter 352, Tax Code, to the commissioners court is a reference to the board.

(b) Except as inconsistent with this subchapter, Subchapter A, Chapter 352, Tax Code, governs a hotel occupancy tax authorized by this subchapter, including the collection of the tax, subject to the limitations prescribed by Sections 352.002(b) and (c), Tax Code.

Sec. 3916.303. TAX AUTHORIZED; USE OF REVENUE. The district may impose a hotel occupancy tax for any purpose described by Section 351.101 or 352.101, Tax Code.

Sec. 3916.304. TAX RATE. (a) The amount of the hotel occupancy tax may not exceed the lesser of:

(1) the maximum rate prescribed by Section 352.003(a), Tax Code; or

(2) a rate that, when added to the rates of all hotel occupancy taxes imposed by other political subdivisions with territory in the district and by this state, does not exceed the sum of the rate prescribed by Section 351.0025(b), Tax Code, and two percent.

(b) The district tax is in addition to a tax imposed by the city under Chapter 351, Tax Code, or by the county under Chapter 352, Tax Code.

Sec. 3916.305. INFORMATION. The district may examine and receive information related to the imposition of hotel occupancy taxes to the same extent as if the district were a county.

Sec. 3916.306. USE OF REVENUE. The district may use revenue from the hotel occupancy tax for any district purpose that is an authorized use of hotel occupancy tax revenue under Chapters 351 or 352, Tax Code. The district may pledge all or part of the revenue to the payment of bonds, notes, or other obligations and that pledge of revenue may be in combination with other revenue available to the district.

Sec. 3916.307. ABOLITION OF TAX. (a) Except as provided by Subsection (b), the board may abolish the tax imposed under this subchapter.

(b) The board may not abolish the tax imposed under this subchapter if the district has outstanding debt secured by the tax, and repayment of the debt would be impaired by the abolition of the tax.

SUBCHAPTER H. DISSOLUTION AND CONSOLIDATION

Sec. 3916.351. DISSOLUTION OF DISTRICT WITH OUTSTANDING DEBT. (a) The board may dissolve the district regardless of whether the district has debt. Section 375.264, Local Government Code, does not apply to the district.

(b) If the district has debt when it is dissolved, the district shall remain in existence solely for the purpose of discharging its debts. The dissolution is effective when all debts have been discharged.

Sec. 3916.352. CONSOLIDATION. In addition to any other provision provided by law, including Subchapter M, Chapter 375, Local Government Code, the district and one or more other districts governed by Chapter 54, Water Code, may be consolidated in accordance with Subchapter H, Chapter 54, Water Code.

SECTION 2. The Generation Park Management District initially includes all the territory contained in the following area:

All that certain 316.448 acres of land out of the 1804.19 acre tract described in the deed from Robert C. Hux, et al to FRM N.E. Belt Venture #1, Ltd. recorded under File No. T107162, in the Official Public Records of Real Property of Harris County, Texas, in the Victor Blanco Survey, A-2, Harris County, Texas, and more particularly described by metes and bounds as follows: (All bearings based on Texas State Plane Coordinate System, South Central Zone)

BEGINNING at the northwest corner of the herein described tract, common to a found 5/8" iron rod, in the north line of said 1804.19 acre tract, and in the east right-of-way line of Beltway 8 (East Loop) (R.O.W. Varies);

THENCE North $88^{\circ} 05' 36''$ East - 1783.65' along said north line to the northeast corner of the herein described tract from which a brass disc in concrete found for the northeast corner of said 1804.19 acre tract in the west right-of-way line of Lake Houston Parkway (300' R.O.W.) bears North $88^{\circ} 05' 36''$ East - 9564.04';

THENCE South $34^{\circ} 50' 50''$ East - 591.18' to an angle corner of the herein described tract;

THENCE South $29^{\circ} 23' 48''$ West - 1130.88' to an angle corner of the herein described tract;

THENCE South $34^{\circ} 39' 21''$ East - 222.10' to an angle corner of the herein described tract;

THENCE South $71^{\circ} 53' 22''$ East - 251.89' to an angle corner of the herein described tract;

THENCE South $24^{\circ} 02' 14''$ East - 689.83' to an angle corner of the herein described tract;

THENCE South $03^{\circ} 49' 02''$ West - 1177.11' to an angle corner of the herein described tract;

THENCE South $22^{\circ} 34' 05''$ East - 893.29' to an angle corner of the herein described tract;

THENCE South $55^{\circ} 11' 23''$ West - 1634.61' to an angle corner of the herein described tract;

THENCE South $77^{\circ} 29' 40''$ East - 2386.24' to the southeast corner of the herein described tract the south line of the aforesaid 1804.19 acre tract;

THENCE South $87^{\circ} 35' 19''$ West - 535.60' along said south line to an angle corner of the herein described tract

THENCE South $87^{\circ} 31' 04''$ West - 3522.50', along said south line to a $\frac{5}{8}$ " iron rod found in the east right-of-way line of aforesaid Beltway 8, common to the southwest corner of the herein described tract, common to a point on a curve to the right, having a central angle of $02^{\circ} 21' 08''$, a radius of 2614.79', and from which the center of the circle of said curve bears South $86^{\circ} 23' 17''$ East;

THENCE along said curve to the right, along said east right-of-way line, in a northerly direction, an arc distance of 107.35' to the end of curve;

THENCE North $05^{\circ} 42' 21''$ East - 5848.90' to the POINT OF BEGINNING of the herein described tract and containing 316.448 acres of land.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

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

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

(d) The general law relating to consent by political subdivisions to the creation of districts with conservation, reclamation, and road powers and the inclusion of land in those districts has been complied with.

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

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

(Geren in the chair)

**SB 219 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative D. Bonnen, the house granted the request of the senate for the appointment of a Conference Committee on **SB 219**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 219**: D. Bonnen, chair; Johnson, Price, Keffer, and Anchia.

**SB 1173 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative White, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1173**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1173**: White, chair; Parker, Moody, Hughes, and Rose.

**SB 1915 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative D. Miller, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1915**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1915**: D. Miller, chair; Ritter, Kuempel, Larson, and Callegari.

**SB 1379 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Sheets, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1379**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1379**: Sheets, chair; G. Bonnen, D. Miller, Smithee, and Menéndez.

**HB 1127 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1127, A bill to be entitled An Act relating to the regulation of game rooms in certain counties; providing penalties; authorizing a fee.

Representative Smith moved to concur in the senate amendments to **HB 1127**.

The motion to concur in the senate amendments to **HB 1127** prevailed by (Record 1270): 138 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; 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; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Burkett; Schaefer; Simpson; Stickland.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Dale; Klick; Murphy; White.

STATEMENT OF VOTE

When Record No. 1270 was taken, I was in the house but away from my desk. I would have voted yes.

White

Senate Committee Substitute

CSHB 1127, A bill to be entitled An Act relating to the regulation of game rooms by certain counties; providing penalties; authorizing a fee.

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

SECTION 1. Chapter 234, Local Government Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. GAME ROOMS

Sec. 234.131. DEFINITIONS. In this subchapter:

(1) "Amusement redemption machine" means any electronic, electromechanical, or mechanical contrivance designed, made, and adopted for bona fide amusement purposes that rewards the player exclusively with noncash merchandise, prizes, toys, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than 10 times the amount charged to play the game or device once or \$5, whichever amount is less.

(2) "Game room" means a for-profit business located in a building or place that contains six or more amusement redemption machines.

(3) "Game room owner" means a person who:

(A) has an ownership interest in, or receives the profits from, a game room or an amusement redemption machine located in a game room;

(B) is a partner, director, or officer of a business, company, or corporation that has an ownership interest in a game room or in an amusement redemption machine located in a game room;

(C) is a shareholder that holds more than 10 percent of the outstanding shares of a business, company, or corporation that has an ownership interest in a game room or in an amusement redemption machine located in a game room;

(D) has been issued by the county clerk an assumed name certificate for a business that owns a game room or an amusement redemption machine located in a game room;

(E) signs a lease for a game room;

(F) opens an account for utilities for a game room;

(G) receives a certificate of occupancy or certificate of compliance for a game room;

(H) pays for advertising for a game room; or

(I) signs an alarm permit for a game room.

(4) "Operator" means an individual who:

(A) operates a cash register, cash drawer, or other depository on the premises of a game room or of a business where the money earned or the records of credit card transactions or other credit transactions generated in any manner by the operation of a game room or activities conducted in a game room are kept;

(B) displays, delivers, or provides to a customer of a game room merchandise, goods, entertainment, or other services offered on the premises of a game room;

(C) takes orders from a customer of a game room for merchandise, goods, entertainment, or other services offered on the premises of a game room;

(D) acts as a door attendant to regulate entry of customers or other persons into a game room; or

(E) supervises or manages other persons at a game room in the performance of an activity listed in this subdivision.

Sec. 234.132. APPLICABILITY. This subchapter applies only to a county with a population of four million or more.

Sec. 234.133. AUTHORITY TO REGULATE. To promote the public health, safety, and welfare, the commissioners court of a county may regulate the operation of game rooms and may:

(1) restrict the location of game rooms to specified areas of the county, including the unincorporated area of the county;

(2) prohibit the location of a game room within the distance prescribed by the commissioners court of a school, regular place of religious worship, or residential neighborhood; or

(3) restrict the number of game rooms that may operate in a specified area of the county.

Sec. 234.134. LICENSES OR PERMITS. (a) A county may require that an owner or operator of a game room obtain a license or permit or renew a license or permit on a periodic basis to operate a game room in the county. An application for a license or permit must be made in accordance with regulations adopted by the county.

(b) Regulations adopted under this section may provide for the denial, suspension, or revocation of a license or permit.

(c) A district court has jurisdiction of a suit that arises from the denial, suspension, or revocation of a license or other permit by a county.

Sec. 234.135. FEES. A county may impose a fee not to exceed \$1,000 on an applicant for a license or permit or for the renewal of the license or permit required under this subchapter. The fee must be based on the cost of processing the application and investigating the applicant.

Sec. 234.136. INSPECTION. (a) A peace officer or county employee may inspect a business in the county to determine how many amusement redemption machines that are subject to regulation under this subchapter are located on the premises of the business.

(b) A peace officer or county employee may inspect any business in which six or more amusement redemption machines are located to determine whether the business is in compliance with this subchapter or regulations adopted under this subchapter.

(c) A person violates this subchapter if the person fails to allow a peace officer or county employee to conduct an inspection under this section.

Sec. 234.137. INJUNCTION; CIVIL PENALTY. (a) A county may sue in district court for an injunction to prohibit the violation or threatened violation of this subchapter or a regulation adopted under Section 234.133.

(b) A person who violates this subchapter or a regulation adopted under Section 234.133 is liable to the county for a civil penalty of not more than \$10,000 for each violation. Each day a violation continues is considered a separate violation for purposes of assessing the civil penalty under this subsection. A county may bring suit in district court to recover a civil penalty authorized by this subsection.

(c) The county is entitled to recover reasonable expenses incurred in obtaining injunctive relief, civil penalties, or both, under this section, including reasonable attorney's fees, court costs, and investigatory costs.

Sec. 234.138. CRIMINAL PENALTY. (a) A person commits an offense if the person intentionally or knowingly operates a game room in violation of a regulation adopted under Section 234.133.

(b) An offense under this section is a Class A misdemeanor.

Sec. 234.139. CUMULATIVE EFFECT. Authority under this subchapter is cumulative of other authority that a county has to regulate game rooms and does not limit that authority.

Sec. 234.140. EFFECT ON OTHER LAWS. (a) This subchapter does not legalize any activity prohibited under the Penal Code or other state law.

(b) A person's compliance with this subchapter, including operating a game room under a license or permit issued under this chapter, is not a defense to prosecution for an offense under Chapter 47, Penal Code.

(c) A person who is subject to prosecution under Section 234.138 and any other law may be prosecuted under either or both laws.

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

HB 3793 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 3793, A bill to be entitled An Act relating to powers, duties, and services of counties and entities serving counties.

Representative Coleman moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3793**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3793**: Coleman, chair; Zerwas, Farias, J. Davis, and Kolkhorst.

SB 700 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Kacal submitted the conference committee report on **SB 700**.

Representative Kacal moved to adopt the conference committee report on **SB 700**.

The motion to adopt the conference committee report on **SB 700** prevailed by (Record 1271): 143 Yeas, 2 Nays, 2 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; 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; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Simpson; Stickland.

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

Absent, Excused — Anchia; Kolkhorst.

Absent — Bonnen, D.

**HB 3169 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 3169, A bill to be entitled An Act relating to the imposition of the sales and use tax on taxable items sold or provided under certain contracts.

Representative Bohac moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3169**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3169**: Bohac, chair; Otto, Zerwas, Sheets, and Larson.

**HB 1926 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative K. King called up with senate amendments for consideration at this time,

HB 1926, A bill to be entitled An Act relating to the operation of the state virtual school network and courses provided through other distance learning arrangements.

Representative K. King moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1926**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1926**: K. King, chair; Ratliff, Dutton, Villarreal, and Huberty.

RESOLUTIONS ADOPTED

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

HR 2629 (by G. Bonnen), Honoring Barbara Meeks for her service to the Galveston County Republican Party.

HR 2630 (by Muñoz), Congratulating Yesenia Delgado of Pharr–San Juan–Alamo North High School on her selection as a 2013 Youth of the Year by the Rio Grande Valley Sector of the U.S. Border Patrol.

HR 2631 (by Allen), Congratulating Jaime C. Thompson on her graduation from the Thurgood Marshall School of Law.

HR 2632 (by Allen), Congratulating Cynthia S. Goble on her graduation from the Thurgood Marshall School of Law.

HR 2633 (by Menéndez), Honoring Joyce Dorrycott of San Antonio on her contributions to her community.

HR 2634 (by Huberty), Honoring Benjamin Blanton Melson, Jr., for his service as a legislative aide in the office of State Representative Dan Huberty.

HR 2641 (by J. Sheffield), Honoring Addison Hunter of Lingleville High School on his athletic and academic achievements.

HR 2642 (by M. González), Honoring Melissa De Sousa for her contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

HR 2644 (by M. González), Honoring Osbaldo Avitia for his contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

HR 2645 (by J. Rodriguez), Commending Kevin Matula on his service as an intern for State Representative Justin Rodriguez.

HR 2646 (by J. Rodriguez), Commending David Loewenberg for his service as an intern for State Representative Justin Rodriguez.

HR 2647 (by M. González), Honoring Jasmin Cordova for her contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

HR 2648 (by M. González), Honoring Brittney Barraza for her contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

HR 2649 (by M. González), Honoring Cynthia Arevalo for her contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

HR 2650 (by M. González), Honoring Baleria Alvarado for her contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

HR 2651 (by M. González), Honoring Amanda Sanchez for her contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

HR 2652 (by M. González), Honoring Jose Salas for his contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

HR 2653 (by M. González), Honoring Leanna Rivera for her contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

HR 2654 (by M. González), Honoring Mikaela Reyes for her contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

HR 2655 (by M. González), Honoring Gloria Morrill for her contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

HR 2656 (by M. González), Honoring Maria Martinez for her contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

HR 2657 (by M. González), Honoring Juan Carlos Martinez for his contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

HR 2658 (by M. González), Honoring Robert Gomez for his contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

HR 2659 (by M. González), Congratulating the boys' 4 x 400-meter relay team of Horizon High School in El Paso on qualifying for the 2013 UIL Track & Field State Meet.

HR 2660 (by M. González), Congratulating Cashlee Rayas of Clint High School in El Paso on qualifying for the 2013 UIL Track & Field State Meet.

HR 2661 (by M. González), Congratulating Ivan Rodriguez of Del Valle High School in El Paso on qualifying for the 2013 UIL Track & Field State Meet.

HR 2662 (by M. González), Congratulating Olamide Olowe and Adeola Akomolafe of El Dorado High School in El Paso on their success at the 2013 UIL Track & Field State Meet.

HR 2663 (by M. González), Commending the Texas A&M AgriLife Extension Service in El Paso for its contributions to the community.

HR 2664 (by M. González), Congratulating the City of Socorro on its 165th anniversary.

HR 2665 (by M. González), Recognizing the Border Network for Human Rights for its efforts in El Paso and the greater border area.

HR 2666 (by M. González), Honoring Kathryn Hairston and the Texas Secretary of State Colonia Initiatives Program for their service to the El Paso area.

HR 2667 (by M. González), Commending the Museo Urbano of El Paso for its contributions to the community.

HR 2668 (by M. González), Congratulating Daniel Calderon and Michael Johnson of San Elizario High School on qualifying for the 2013 UIL Track & Field State Meet.

HR 2669 (by M. González), Commemorating the historical and cultural significance of Hueco Tanks State Park and Historic Site.

HR 2670 (by M. González), Honoring Bishop Mark J. Seitz on his appointment as bishop of the Diocese of El Paso.

HR 2671 (by M. González), Honoring the First Thanksgiving Celebration of Cultures Conference and Commemoration in San Elizario.

HR 2672 (by Zedler), Commending Alexandria Roberts on her service as a legislative intern for Representative Bill Zedler.

HR 2673 (by Zedler), Commending Jennifer Drews of Austin for her service as a legislative intern in the office of State Representative Bill Zedler.

HR 2674 (by Kolkhorst), Honoring Corbin Marak for his service as a McClendon Scholar in the office of State Representative Lois W. Kolkhorst.

HR 2677 (by Flynn), Congratulating Colonel Gerald R. "Jake" Betty of the Texas State Guard on his promotion to brigadier general.

HR 2679 (by Springer), Congratulating the parliamentary procedure team from Paducah High School on qualifying for the 2013 Business Professionals of America National Leadership Conference.

HR 2680 (by Frullo), Congratulating Charles and Marietta Garrett of Lubbock on their 60th wedding anniversary.

HR 2681 (by Lucio), Commending Emilio Longoria for his service as TLIP participant and policy analyst in the office of State Representative Eddie Lucio III.

HR 2683 (by D. Bonnen), Congratulating Jennifer Effenberger Donald on earning the 2013 Best Company Employee of the Beijing Economic and Technological Development Area from the BDA Government.

HR 2686 (by Raymond), Honoring visiting scholar Adan Ernesto Oviedo Pérez for his achievements in the field of international geoscience development and microseismic technology.

HR 2687 (by Raymond), Honoring Efrain Zavala for his contributions to the energy industry in Texas.

HR 2691 (by Isaac), Honoring Luke "Leon" Coffee for his distinguished career as a rodeo clown.

HR 2692 (by Isaac), Commending Miss Mae's Bar-B-Que in Wimberley for participating in Bar-B-Quesday at the State Capitol.

HR 2693 (by Isaac), Commending Railroad Bar-B-Que in Dripping Springs for participating in Bar-B-Quesday at the State Capitol.

HR 2694 (by Isaac), Commending Hays County Bar-B-Que and Catering in San Marcos for participating in Bar-B-Quesday at the State Capitol.

HR 2695 (by Isaac), Commending The Salt Lick in Driftwood for participating in Bar-B-Quesday at the State Capitol.

HR 2696 (by Longoria), Honoring Manuel Dominguez of La Feria for his contributions to his community.

HR 2697 (by Dale), Congratulating the Destination Imagination team of Cedar Park High School for winning first-place honors at the state competition and advancing to the Global Finals.

HR 2701 (by Huberty), Congratulating Sarah Story, salutatorian of the Class of 2013 at Hargrave High School in Huffman.

HR 2702 (by Huberty), Congratulating Jamie Lehn on being named valedictorian of the Kingwood Park High School Class of 2013.

HR 2703 (by Huberty), Congratulating Diane Dreucean on being named salutatorian of the Kingwood Park High School Class of 2013.

HR 2704 (by Huberty), Congratulating Bret Rudolph, valedictorian of the Class of 2013 at Hargrave High School in Huffman.

HR 2705 (by Hughes), Congratulating Warren Brown on his selection as Man of the Year by the Mineola Chamber of Commerce.

HR 2707 (by Johnson), Commending Kappa Alpha Psi fraternity and Paul Quinn College for sponsoring the Kappa Kamp summer enrichment program.

HR 2708 (by Anchia), Congratulating Evie Dorsey on her retirement from St. Alcuin Montessori School in Dallas.

HR 2709 (by Oliveira), Congratulating Jeffrey Guevara of Harlingen on achieving the rank of Eagle Scout.

HR 2710 (by Craddick), Congratulating Simon and Virginia Martinez of Welch on their 50th wedding anniversary.

The motion to suspend all necessary rules prevailed, and the resolutions were adopted.

RESOLUTIONS ADOPTED

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

HR 2154 (by White), In memory of Terrell Edward Taylor of Segno.

HR 2574 (by Rose), In memory of Leotis Dilworth of Dallas.

HR 2604 (by Menéndez), In memory of Jo Ann Zion of Austin.

HR 2624 (by P. King), In memory of former state representative W. G. "Bill" Coody of Weatherford.

HR 2635 (by Huberty), In memory of Alfred P. Kanuch.

HR 2636 (by N. Gonzalez), In memory of U.S. Army First Lieutenant Brandon J. Landrum of Lawton, Oklahoma.

HR 2637 (by N. Gonzalez), In memory of U.S. Army Specialist Brandon Joseph Prescott of Bend, Oregon.

HR 2638 (by N. Gonzalez), In memory of U.S. Army Specialist Thomas Paige Murach.

HR 2639 (by N. Gonzalez), In memory of U.S. Army Staff Sergeant Francis Gene Phillips IV.

HR 2640 (by N. Gonzalez), In memory of U.S. Army Specialist Kevin Cardoza of Mercedes.

HR 2675 (by Flynn), In memory of William Phillips of Canton.

HR 2678 (by Lewis), In memory of Fred George of Odessa.

HR 2682 (by Anchia), In memory of Maria Pena of Dallas.

HR 2689 (by Hughes, Toth, Smithee, Flynn, and Zedler), In memory of gospel singer George Beverly Shea.

HR 2690 (by Hughes), In memory of Mayor Jerry Edwards of Quitman.

HR 2698 (by Eiland), In memory of Dr. Henry Earl Kilgore, Jr., of Kerrville.

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

SB 1681 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Harper-Brown, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1681**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1681**: Harper-Brown, chair; E. S. Turner, Perry, Vo, and Burkett.

SB 484 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative S. Turner, the house granted the request of the senate for the appointment of a Conference Committee on **SB 484**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 484**: S. Turner, chair; Giddings, Moody, Carter, and Allen.

HB 870 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 870, A bill to be entitled An Act relating to Prairie View A&M University's eligibility to participate in the research development fund.

Representative Bell moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 870**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 870**: Bell, chair; White, Allen, Giddings, and Alonzo.

HOUSE AT EASE

At 6:50 p.m., the chair announced that the house would stand at ease.

(J. Sheffield in the chair)

The chair called the house to order at 7:16 p.m.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 4 and 5).

RESOLUTIONS ADOPTED

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

HR 2757 (by Muñoz), Congratulating Rosbel Pena on being named the 2012-2013 Secondary Teacher of the Year by the Mission Consolidated Independent School District.

HR 2758 (by Dale), Congratulating David C. Schanbacher on his retirement as the director of the Natural Resources Policy Division of the Texas Comptroller of Public Accounts.

HR 2760 (by Orr), Commending Samantha Link for her service as a legislative intern in the office of State Representative Rob Orr.

HR 2761 (by J. Sheffield), Recognizing John Springer for his service as Erath County Republican Party Chair.

HR 2763 (by Anchia), Congratulating Karolyn Lamarre on her retirement as a teacher at St. Alcuin Montessori School in Dallas.

HR 2764 (by Moody), Honoring Matthew Steward of Bryan for his service as a legislative aide in the office of State Representative Joe Moody.

HR 2765 (by Huberty), Congratulating Nicole Edgar on being named the salutatorian of the Atascocita High School Class of 2013.

HR 2766 (by Huberty), Congratulating Ariel Thomas, valedictorian of the Summer Creek High School Class of 2013.

HR 2767 (by Rose), Congratulating Oscar Faye Branch Williams on her receipt of the Gold Blazer Award from Texas A&M University–Commerce.

HR 2768 (by Isaac), Commending Mayra Diaz for her service as a legislative intern in the office of State Representative Jason Isaac.

HR 2769 (by M. González), Congratulating Michael Johnson of San Elizario High School on winning the silver medal in the 4A 800-meter race at the 2013 UIL Track & Field State Meet.

HR 2771 (by Flynn), Congratulating Sally Bird on her retirement as president and CEO of the Greenville Chamber of Commerce/Convention & Visitors Bureau.

HR 2774 (by Johnson), Congratulating J. D. Coleman of Dallas on his 85th birthday.

HR 2776 (by Anderson), Congratulating Marcus Irons and Troy Allison of McGregor High School on qualifying for the 2013 UIL Track & Field State Meet.

HR 2777 (by Anderson), Congratulating Olin Moody of Crawford High School on qualifying for the 2013 UIL Track & Field State Meet in the 2A 800-meter event.

HR 2778 (by Anderson), Congratulating Kathy Shelton on her achievements as a member of the Baylor University softball team.

HR 2779 (by Anderson), Congratulating the Vanguard College Preparatory School boys' and girls' golf teams on becoming the TAPPS 2A state champions for 2013.

HR 2780 (by Anderson), Congratulating Lawrence and Aileen Lumpkin of China Spring on their 60th wedding anniversary.

HR 2781 (by Anderson), Honoring Sabrina Little of Waco on earning the silver medal in the 2013 International Association of Ultrarunners 24-Hour World Championships in the Netherlands.

HR 2782 (by Anderson), Congratulating Kaela Smith of McGregor on being selected as a winner in the 2013 Treasures of the Texas Coast Children's Art Contest.

HR 2783 (by Anderson), Congratulating Baylor University accounting professor Tim Thomasson on receiving the Collins Outstanding Professor Award.

HR 2784 (by S. Thompson), Honoring Ana Cabrera-Marquez for her work as a McClendon Scholar and legislative intern in the office of State Representative Senfronia Thompson during the 83rd Texas Legislature.

HR 2787 (by Clardy), Congratulating Officer Angela Porter Burch of the Kilgore Police Department on her receipt of the 2012 State of Texas Law Enforcement Achievement Award for Public Service.

HR 2788 (by Clardy), Congratulating Officer John A. Allen of the Nacogdoches Police Department for receiving a 2012 State of Texas Law Enforcement Achievement Award for Valor.

HR 2789 (by G. Bonnen), Congratulating Damon and Nicole Brown on their receipt of the 2013 Platinum Award from the Dickinson Police Department.

HR 2791 (by M. González), Commending the El Paso Mission Trail Association.

HR 2792 (by Murphy), Congratulating Quorum Report on the 30th anniversary of its founding.

HR 2794 (by Farrar, et al.), Honoring Blake Rocap for his service as legislative counsel for NARAL Pro-Choice Texas.

HR 2796 (by), Commending Bryan firefighter Ricky Dale Mantey, Jr., for his heroism.

HR 2799 (by Hughes), Honoring Bill Tipton for his years of service to the community of Mineola.

HR 2800 (by Hughes), Honoring Dr. David Murley of Winnsboro on his retirement.

HR 2801 (by Muñoz), Congratulating Kivani Ailene Sanchez of Mission Veterans Memorial High School on her selection as a Youth of the Year in the U.S. Border Patrol Head of the Class Program.

HR 2802 (by Muñoz), Congratulating Faviola Sanchez on being named the 2012-2013 Valley View ISD Teacher of the Year.

HR 2803 (by Muñoz), Congratulating the Valley View High School boys' soccer team on its reaching the 4A semifinals in the 2013 UIL state tournament.

The motion to suspend all necessary rules prevailed, and the resolutions were adopted.

RESOLUTIONS ADOPTED

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

HR 2770 (by Ritter), In memory of Victor Lovelady of Nederland.

HR 2775 (by Morrison), In memory of Alice Minatre of Victoria.

HR 2785 (by Miles), In memory of Oliver Brown, a longtime coach in the Houston ISD.

HR 2790 (by Martinez Fischer), In memory of Richard Ethridge of Boerne.

HR 2797 (by Kolkhorst), In memory of Peggy Seale Smith of Huntsville.

HR 2798 (by D. Miller), In memory of Thomas Lee Hultgren of New Braunfels.

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

(Menéndez in the chair)

HB 3447 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS

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

HB 3447, A bill to be entitled An Act relating to the establishment and functions of certain urban land bank demonstration programs.

HB 3447 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE VILLARREAL: Representative Gutierrez, is it your intent when you go to conference to produce a conference committee report that respects the preservation of park land at no less than 18 acres?

REPRESENTATIVE GUTIERREZ: Yes, absolutely, and I think that you and I have worked—

VILLARREAL: And will the conference committee produce a conference committee report that will include a deed restriction?

GUTIERREZ: That is correct.

REMARKS ORDERED PRINTED

Representative Villarreal moved to print remarks between Representative Gutierrez and Representative Villarreal.

The motion prevailed.

Representative Gutierrez moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3447**.

The motion prevailed.

HB 3447 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3447**: Gutierrez, chair; J. Rodriguez, Villarreal, Larson, and Farias.

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. 6).

(Speaker in the chair)

ADJOURNMENT

Representative Wu moved that the house adjourn until 9:30 a.m. tomorrow in memory of Shirley Legler of Pasadena.

The motion prevailed.

The house accordingly, at 8:11 p.m., adjourned until 9:30 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HCR 127 (By Menéndez), Requesting the lieutenant governor and the speaker of the house of representatives to create a joint interim committee to study the gaming industry in Texas.

To Licensing and Administrative Procedures.

HCR 128 (By Raymond), Urging the Webb County Commissioners Court to name the Precinct 4 court building in honor of Judge Oscar O. Martinez.

To County Affairs.

HR 2154 (By White), In memory of Terrell Edward Taylor of Segno.

To Rules and Resolutions.

HR 2568 (By Villalba), Commending Chase Fruge for his service as legislative director for State Representative Jason Villalba during the 83rd Legislative Session.

To Rules and Resolutions.

HR 2569 (By Villalba), Honoring Ashley Juergens for her outstanding service as a legislative assistant in the office of State Representative Jason Villalba.

To Rules and Resolutions.

HR 2570 (By Villalba), Commending Cecile Fernandez for her outstanding service as director of the district office of State Representative Jason Villalba.

To Rules and Resolutions.

HR 2571 (By Villalba), Commending Michael Stinebaugh for his contributions as a legislative assistant to Representative Jason Villalba during the 83rd Legislative Session.

To Rules and Resolutions.

HR 2573 (By Gonzales), Congratulating Edwin and Neva LeBreton of Round Rock on their 70th wedding anniversary.

To Rules and Resolutions.

HR 2574 (By Rose), In memory of Leotis Dilworth of Dallas.

To Rules and Resolutions.

HR 2575 (By White), Congratulating Dale "D. J." Dean of Newton High School on winning gold medals in the 2A 400-meter dash and the 4 x 100-meter relay at the 2013 UIL Track & Field State Meet.

To Rules and Resolutions.

HR 2576 (By Villalba), Congratulating Jan Sharry on being named the 2013 Advisor Dealmaker of the Year by the Dallas Business Journal.

To Rules and Resolutions.

HR 2577 (By Herrero), Congratulating Felix and Yolanda Landin of Corpus Christi on their 50th wedding anniversary.

To Rules and Resolutions.

HR 2578 (By Herrero), Honoring the Tejano Gold Countdown radio program.

To Rules and Resolutions.

HR 2579 (By Herrero), Congratulating Aaron M. Garcia of Corpus Christi on achieving the rank of Eagle Scout.

To Rules and Resolutions.

HR 2580 (By Herrero), Congratulating Lindsey London of Driscoll on being named a winner in the 2013 Treasures of the Texas Coast Children's Art Contest.

To Rules and Resolutions.

HR 2581 (By Herrero), Congratulating Corey Wittig, valedictorian of Calallen High School in Corpus Christi.

To Rules and Resolutions.

HR 2582 (By Herrero), Congratulating Samuel Alaniz, Jr., of Robstown on his receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

To Rules and Resolutions.

HR 2583 (By Herrero), Congratulating Cheyenne Frost of Alice on her receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

To Rules and Resolutions.

HR 2584 (By Herrero), Congratulating Brittany Donald of Robstown on her receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

To Rules and Resolutions.

HR 2585 (By Herrero), Congratulating Kathleen Geuea of Agua Dulce on her receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

To Rules and Resolutions.

HR 2586 (By Herrero), Congratulating Laurn Hefte of Corpus Christi on her receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

To Rules and Resolutions.

HR 2587 (By Herrero), Congratulating Rachel Kaplan of Robstown on her receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

To Rules and Resolutions.

HR 2588 (By Herrero), Congratulating Andria Ramirez of Bishop on her receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

To Rules and Resolutions.

HR 2589 (By Herrero), Congratulating Kaitlyn Pittman of Corpus Christi on her receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

To Rules and Resolutions.

HR 2590 (By Herrero), Congratulating Matthew Wyatt McCown of Mathis on his receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

To Rules and Resolutions.

HR 2591 (By Herrero), Congratulating Justin Pawlik of Bishop on his receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

To Rules and Resolutions.

HR 2592 (By Herrero), Congratulating Samantha Green of Corpus Christi on her receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

To Rules and Resolutions.

HR 2593 (By Herrero), Congratulating Martin Gutierrez of Robstown on his receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

To Rules and Resolutions.

HR 2594 (By Herrero), Congratulating Michael Harrington of Corpus Christi on his receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

To Rules and Resolutions.

HR 2595 (By Hilderbran), Recognizing the rich history of Bandera.

To Rules and Resolutions.

HR 2597 (By Kuempel), Requesting the speaker of the house to create a select interim committee to study regulatory oversight of the deer breeding industry.

To Agriculture and Livestock.

HR 2598 (By Craddick), Congratulating Will and Mikell Abney and their children on their selection as the 2013 Samaritan Counseling Center of West Texas Midland Family of the Year.

To Rules and Resolutions.

HR 2599 (By Canales), Commending Noe Andres Gonzalez for his service as a legislative aide in the office of State Representative Terry Canales.

To Rules and Resolutions.

HR 2600 (By Canales), Honoring Emily Campbell for her service as a legislative intern in the office of State Representative Terry Canales.

To Rules and Resolutions.

HR 2601 (By Canales), Commending Jonathan Gonzalez-Smith for his service as legislative director with the office of State Representative Terry Canales.

To Rules and Resolutions.

HR 2603 (By J. Sheffield), Congratulating the Glen Rose High School boys' 1,600-meter relay team on qualifying for the 2013 UIL Track & Field State Meet.

To Rules and Resolutions.

HR 2604 (By Menéndez), In memory of Jo Ann Zion of Austin.

To Rules and Resolutions.

HR 2605 (By Gooden), Congratulating James R. Thompson of Kaufman on his receipt of a Texas A&M University and The Association of Former Students 2013 Distinguished Alumnus Award.

To Rules and Resolutions.

HR 2606 (By Guillen), Commemorating the 100th anniversary of the City of Three Rivers.

To Rules and Resolutions.

HR 2607 (By Anderson), Honoring the late Charles Morgan "Chuck" Slough of Waco for his efforts in behalf of area children with special needs.

To Rules and Resolutions.

HR 2608 (By Anderson), Honoring Donnie Rowe of Eddy on his 2013 induction into the Wall of Fame at the Heart O' Texas Speedway.

To Rules and Resolutions.

HR 2609 (By Anderson), Congratulating James and Jo Ann Cox of McGregor on their 50th wedding anniversary.

To Rules and Resolutions.

HR 2610 (By Anderson), Congratulating Vantso and Sandra Bailey of Lorena on their 50th wedding anniversary.

To Rules and Resolutions.

HR 2611 (By Anderson), Congratulating Kyle Karnei of Midway High School on qualifying for the 2013 UIL Golf State Tournament.

To Rules and Resolutions.

HR 2612 (By Anderson), Congratulating the boys' and girls' track teams of Rosebud-Lott High School on winning championships at the UIL 2A Region 2 meet.

To Rules and Resolutions.

HR 2613 (By Anderson), Congratulating Lauren Taylor and Hayley Davis of Baylor University on being named to the 2013 All-Big 12 Women's Golf Team.

To Rules and Resolutions.

HR 2614 (By Anderson), Congratulating the McGregor Garden Club on earning multiple awards at the District V and state competitions.

To Rules and Resolutions.

HR 2615 (By Springer), Commending Janell Rochelle for coaching the Paducah ISD students that qualified for the Business Professionals of America 2013 National Leadership Conference.

To Rules and Resolutions.

HR 2616 (By Springer), Commending Andre Patterson for helping coach the Paducah ISD middle-level students who qualified for the Business Professionals of America 2013 National Leadership Conference.

To Rules and Resolutions.

HR 2617 (By Springer), Congratulating Kaleb Rochelle of the Paducah ISD on his performance in the mid-level keyboard event at the Business Professionals of America National Leadership Conference.

To Rules and Resolutions.

HR 2618 (By Springer), Congratulating the members of the Paducah ISD video production team on their success at the 2013 Business Professionals of America National Leadership Conference.

To Rules and Resolutions.

HR 2619 (By Springer), Congratulating Charlie Holley of Paducah ISD on qualifying for the 2013 Business Professionals of America National Leadership Conference.

To Rules and Resolutions.

HR 2620 (By Springer), Congratulating Mandy Mayo of Paducah High School on her performance in the senior keyboarding event at the 2013 Business Professionals of America National Leadership Conference.

To Rules and Resolutions.

HR 2621 (By Springer), Congratulating Sawyer Thompson of the Paducah ISD on placing third in the web design event at the Business Professionals of America National Leadership Conference.

To Rules and Resolutions.

HR 2622 (By Springer), Congratulating the Paducah High School boys' 400-meter relay team on winning the UIL 1A Division 2 state championship and establishing a new state record.

To Rules and Resolutions.

HR 2623 (By Springer), Congratulating the Paducah High School girls' golf team on its seventh-place finish among the 1A competitors at the 2013 UIL Golf State Tournament.

To Rules and Resolutions.

HR 2624 (By P. King), In memory of former state representative W. G. "Bill" Coody of Weatherford.

To Rules and Resolutions.

HR 2625 (By Sanford), Commending Katherine Munal for her service as chief of staff in the office of State Representative Scott Sanford.

To Rules and Resolutions.

HR 2627 (By G. Bonnen), Honoring Constable Jimmy Fullen of Galveston County for his 26 years of service in law enforcement.

To Rules and Resolutions.

HR 2628 (By G. Bonnen), Congratulating Chief Jeff Smith on his retirement from the Galveston Fire Department.

To Rules and Resolutions.

HR 2629 (By G. Bonnen), Honoring Barbara Meeks for her service to the Galveston County Republican Party.

To Rules and Resolutions.

HR 2630 (By Muñoz), Congratulating Yesenia Delgado of Pharr–San Juan–Alamo North High School on her selection as a 2013 Youth of the Year by the Rio Grande Valley Sector of the U.S. Border Patrol.

To Rules and Resolutions.

HR 2631 (By Allen), Congratulating Jaime C. Thompson on her graduation from the Thurgood Marshall School of Law.

To Rules and Resolutions.

HR 2632 (By Allen), Congratulating Cynthia S. Goble on her graduation from the Thurgood Marshall School of Law.

To Rules and Resolutions.

HR 2633 (By Menéndez), Honoring Joyce Dorrycott of San Antonio on her contributions to her community.

To Rules and Resolutions.

HR 2634 (By Huberty), Honoring Benjamin Blanton Melson, Jr., for his service as a legislative aide in the office of State Representative Dan Huberty.

To Rules and Resolutions.

HR 2635 (By Huberty), In memory of Alfred P. Kanuch.

To Rules and Resolutions.

HR 2636 (By N. Gonzalez), In memory of U.S. Army First Lieutenant Brandon J. Landrum of Lawton, Oklahoma.

To Rules and Resolutions.

HR 2637 (By N. Gonzalez), In memory of U.S. Army Specialist Brandon Joseph Prescott of Bend, Oregon.

To Rules and Resolutions.

HR 2638 (By N. Gonzalez), In memory of U.S. Army Specialist Thomas Paige Murach.

To Rules and Resolutions.

HR 2639 (By N. Gonzalez), In memory of U.S. Army Staff Sergeant Francis Gene Phillips IV.

To Rules and Resolutions.

HR 2640 (By N. Gonzalez), In memory of U.S. Army Specialist Kevin Cardoza of Mercedes.

To Rules and Resolutions.

HR 2641 (By J. Sheffield), Honoring Addison Hunter of Lingleville High School on his athletic and academic achievements.

To Rules and Resolutions.

HR 2642 (By M. González), Honoring Melissa De Sousa for her contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

To Rules and Resolutions.

HR 2644 (By M. González), Honoring Osbaldo Avitia for his contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

To Rules and Resolutions.

HR 2645 (By J. Rodriguez), Commending Kevin Matula on his service as an intern for State Representative Justin Rodriguez.

To Rules and Resolutions.

HR 2646 (By J. Rodriguez), Commending David Loewenberg for his service as an intern for State Representative Justin Rodriguez.

To Rules and Resolutions.

HR 2647 (By M. González), Honoring Jasmin Cordova for her contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

To Rules and Resolutions.

HR 2648 (By M. González), Honoring Brittney Barraza for her contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

To Rules and Resolutions.

HR 2649 (By M. González), Honoring Cynthia Arevalo for her contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

To Rules and Resolutions.

HR 2650 (By M. González), Honoring Baleria Alvarado for her contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

To Rules and Resolutions.

HR 2651 (By M. González), Honoring Amanda Sanchez for her contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

To Rules and Resolutions.

HR 2652 (By M. González), Honoring Jose Salas for his contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

To Rules and Resolutions.

HR 2653 (By M. González), Honoring Leanna Rivera for her contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

To Rules and Resolutions.

HR 2654 (By M. González), Honoring Mikaela Reyes for her contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

To Rules and Resolutions.

HR 2655 (By M. González), Honoring Gloria Morrill for her contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

To Rules and Resolutions.

HR 2656 (By M. González), Honoring Maria Martinez for her contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

To Rules and Resolutions.

HR 2657 (By M. González), Honoring Juan Carlos Martinez for his contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

To Rules and Resolutions.

HR 2658 (By M. González), Honoring Robert Gomez for his contributions as a participant in the 2012-2013 Mayor's Top 100 Teens program.

To Rules and Resolutions.

HR 2659 (By M. González), Congratulating the boys' 4 x 400-meter relay team of Horizon High School in El Paso on qualifying for the 2013 UIL Track & Field State Meet.

To Rules and Resolutions.

HR 2660 (By M. González), Congratulating Cashlee Rayas of Clint High School in El Paso on qualifying for the 2013 UIL Track & Field State Meet.

To Rules and Resolutions.

HR 2661 (By M. González), Congratulating Ivan Rodriguez of Del Valle High School in El Paso on qualifying for the 2013 UIL Track & Field State Meet.

To Rules and Resolutions.

HR 2662 (By M. González), Congratulating Olamide Olowe and Adeola Akomolafe of El Dorado High School in El Paso on their success at the 2013 UIL Track & Field State Meet.

To Rules and Resolutions.

HR 2663 (By M. González), Commending the Texas A&M AgriLife Extension Service in El Paso for its contributions to the community.

To Rules and Resolutions.

HR 2664 (By M. González), Congratulating the City of Socorro on its 165th anniversary.

To Rules and Resolutions.

HR 2665 (By M. González), Recognizing the Border Network for Human Rights for its efforts in El Paso and the greater border area.

To Rules and Resolutions.

HR 2666 (By M. González), Honoring Kathryn Hairston and the Texas Secretary of State Colonia Initiatives Program for their service to the El Paso area.

To Rules and Resolutions.

HR 2667 (By M. González), Commending the Museo Urbano of El Paso for its contributions to the community.

To Rules and Resolutions.

HR 2668 (By M. González), Congratulating Daniel Calderon and Michael Johnson of San Elizario High School on qualifying for the 2013 UIL Track & Field State Meet.

To Rules and Resolutions.

HR 2669 (By M. González), Commemorating the historical and cultural significance of Hueco Tanks State Park and Historic Site.

To Rules and Resolutions.

HR 2670 (By M. González), Honoring Bishop Mark J. Seitz on his appointment as bishop of the Diocese of El Paso.

To Rules and Resolutions.

HR 2671 (By M. González), Honoring the First Thanksgiving Celebration of Cultures Conference and Commemoration in San Elizario.

To Rules and Resolutions.

HR 2672 (By Zedler), Commending Alexandria Roberts on her service as a legislative intern for Representative Bill Zedler.

To Rules and Resolutions.

HR 2673 (By Zedler), Commending Jennifer Drews of Austin for her service as a legislative intern in the office of State Representative Bill Zedler.

To Rules and Resolutions.

HR 2674 (By Kolkhorst), Honoring Corbin Marak for his service as a McClendon Scholar in the office of State Representative Lois W. Kolkhorst.

To Rules and Resolutions.

HR 2675 (By Flynn), In memory of William Phillips of Canton.

To Rules and Resolutions.

HR 2677 (By Flynn), Congratulating Colonel Gerald R. "Jake" Betty of the Texas State Guard on his promotion to brigadier general.

To Rules and Resolutions.

HR 2678 (By Lewis), In memory of Fred George of Odessa.

To Rules and Resolutions.

HR 2679 (By Springer), Congratulating the parliamentary procedure team from Paducah High School on qualifying for the 2013 Business Professionals of America National Leadership Conference.

To Rules and Resolutions.

HR 2680 (By Frullo), Congratulating Charles and Marietta Garrett of Lubbock on their 60th wedding anniversary.

To Rules and Resolutions.

HR 2681 (By Lucio), Commending Emilio Longoria for his service as TLIP participant and policy analyst in the office of State Representative Eddie Lucio III.

To Rules and Resolutions.

HR 2682 (By Anchia), In memory of Maria Pena of Dallas.

To Rules and Resolutions.

HR 2683 (By D. Bonnen), Congratulating Jennifer Effenberger Donald on earning the 2013 Best Company Employee of the Beijing Economic and Technological Development Area from the BDA Government.

To Rules and Resolutions.

HR 2686 (By Raymond), Honoring visiting scholar Adan Ernesto Oviedo Pérez for his achievements in the field of international geoscience development and microseismic technology.

To Rules and Resolutions.

HR 2687 (By Raymond), Honoring Efrain Zavala for his contributions to the energy industry in Texas.

To Rules and Resolutions.

HR 2689 (By Hughes), In memory of gospel singer George Beverly Shea.

To Rules and Resolutions.

HR 2690 (By Hughes), In memory of Mayor Jerry Edwards of Quitman.

To Rules and Resolutions.

HR 2691 (By Isaac), Honoring Luke "Leon" Coffee for his distinguished career as a rodeo clown.

To Rules and Resolutions.

HR 2692 (By Isaac), Commending Miss Mae's Bar-B-Que in Wimberley for participating in Bar-B-Quesday at the State Capitol.

To Rules and Resolutions.

HR 2693 (By Isaac), Commending Railroad Bar-B-Que in Dripping Springs for participating in Bar-B-Quesday at the State Capitol.

To Rules and Resolutions.

HR 2694 (By Isaac), Commending Hays County Bar-B-Que and Catering in San Marcos for participating in Bar-B-Quesday at the State Capitol.

To Rules and Resolutions.

HR 2695 (By Isaac), Commending The Salt Lick in Driftwood for participating in Bar-B-Quesday at the State Capitol.

To Rules and Resolutions.

HR 2696 (By Longoria), Honoring Manuel Dominguez of La Feria for his contributions to his community.

To Rules and Resolutions.

HR 2697 (By Dale), Congratulating the Destination Imagination team of Cedar Park High School for winning first-place honors at the state competition and advancing to the Global Finals.

To Rules and Resolutions.

HR 2698 (By Eiland), In memory of Dr. Henry Earl Kilgore, Jr., of Kerrville.

To Rules and Resolutions.

HR 2701 (By Huberty), Congratulating Sarah Story, salutatorian of the Class of 2013 at Hargrave High School in Huffman.

To Rules and Resolutions.

HR 2702 (By Huberty), Congratulating Jamie Lehen on being named valedictorian of the Kingwood Park High School Class of 2013.

To Rules and Resolutions.

HR 2703 (By Huberty), Congratulating Diane Dreucean on being named salutatorian of the Kingwood Park High School Class of 2013.

To Rules and Resolutions.

HR 2704 (By Huberty), Congratulating Bret Rudolph, valedictorian of the Class of 2013 at Hargrave High School in Huffman.

To Rules and Resolutions.

HR 2705 (By Hughes), Congratulating Warren Brown on his selection as Man of the Year by the Mineola Chamber of Commerce.

To Rules and Resolutions.

HR 2707 (By Johnson), Commending Kappa Alpha Psi fraternity and Paul Quinn College for sponsoring the Kappa Kamp summer enrichment program.

To Rules and Resolutions.

HR 2708 (By Anchia), Congratulating Evie Dorsey on her retirement from St. Alcuin Montessori School in Dallas.

To Rules and Resolutions.

HR 2709 (By Oliveira), Congratulating Jeffrey Guevara of Harlingen on achieving the rank of Eagle Scout.

To Rules and Resolutions.

HR 2710 (By Craddick), Congratulating Simon and Virginia Martinez of Welch on their 50th wedding anniversary.

To Rules and Resolutions.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 41

HB 367, HB 474, HB 506, HB 590, HB 647, HB 699, HB 717, HB 738, HB 753, HB 833, HB 847, HB 869, HB 897, HB 899, HB 939, HB 970, HB 983, HB 1020, HB 1114, HB 1122, HB 1174, HB 1198, HB 1302, HB 1330, HB 1384, HB 1392, HB 1394, HB 1396, HB 1513, HB 1544, HB 1605, HB 1724, HB 1759, HB 1781, HB 1824, HB 1888, HB 1965, HB 2049, HB 2075, HB 2090, HB 2100, HB 2138, HB 2197, HB 2202, HB 2276, HB 2407, HB 2414, HB 2424, HB 2585, HB 2607, HB 2619, HB 2668, HB 2679, HB 2688, HB 2690, HB 2704, HB 2874, HB 2902, HB 2911, HB 3068, HB 3070, HB 3125, HB 3161, HB 3201, HB 3253, HB 3279, HB 3309, HB 3350, HB 3378, HB 3401, HB 3436, HB 3438, HB 3439, HB 3483, HB 3567, HB 3662, HB 3764, HB 3792, HB 3813,

HB 3932, HB 3933, HB 3934, HB 3946, HCR 80, HCR 199, HCR 200, HCR 201, HCR 202, HCR 203, HCR 204

House List No. 42

HB 8, HB 148, HB 438, HB 462, HB 528, HB 633, HB 694, HB 696, HB 714, HB 746, HB 807, HB 916, HB 984, HB 1044, HB 1120, HB 1185, HB 1260, HB 1284, HB 1354, HB 1355, HB 1376, HB 1382, HB 1487, HB 1501, HB 1523, HB 1562, HB 1573, HB 1586, HB 1588, HB 1597, HB 1662, HB 1813, HB 1862, HB 2036, HB 2123, HB 2148, HB 2153, HB 2163, HB 2267, HB 2318, HB 2362, HB 2373, HB 2448, HB 2451, HB 2460, HB 2483, HB 2485, HB 2539, HB 2676, HB 2718, HB 2719, HB 2767, HB 2824, HB 2907, HB 2924, HB 2975, HB 2984, HB 3005, HB 3038, HB 3066, HB 3085, HB 3121, HB 3196, HB 3241, HB 3296, HB 3370, HB 3460, HB 3536, HB 3573, HB 3604, HB 3613, HB 3640, HB 3659, HB 3674, HB 3677, HB 3714, HB 3739, HB 3787, HB 3798, HB 3831, HB 3838, HB 3874, HB 3875, HB 3877, HB 3895, HB 3910, HB 3913, HB 3943, HB 3947, HCR 82, HCR 89, HCR 111, HCR 115, HJR 24

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 24, 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:

HCR 205 Menéndez SPONSOR: Van de Putte
In memory of U.S. Marine Corporal Michael Arthur Preuss of Houston.

HCR 206 Menéndez SPONSOR: Van de Putte
In memory of U.S. Army Specialist James Jesse Delacruz of Spring.

HCR 207 Menéndez SPONSOR: Van de Putte
In memory of U.S. Marine Sergeant Lorenzo Aranda, Jr., of Baytown.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 148 (31 Yeas, 0 Nays)

SB 534 (31 Yeas, 0 Nays)

SB 894 (31 Yeas, 0 Nays)

SB 997 (31 Yeas, 0 Nays)

SB 1536 (31 Yeas, 0 Nays)

SB 1729 (31 Yeas, 0 Nays)

SB 1914 (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 1379

Senate Conferees: Hancock - Chair/Ellis/Huffman/Taylor/Van de Putte

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 2152

Senate Conferees: Lucio - Chair/Deuell/Ellis/Eltife/Seliger

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 1160 (31 Yeas, 0 Nays)

SB 1546 (31 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Friday, May 24, 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:

HCR 209 Geren

Convening a joint memorial session to honor Texans killed while serving in the Global War on Terrorism, commemorating Memorial Day 2013, and paying tribute to all those who have died in the service of the United States.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

| | |
|----------------|-------------------|
| SB 149 | (31 Yeas, 0 Nays) |
| SB 163 | (31 Yeas, 0 Nays) |
| SB 268 | (31 Yeas, 0 Nays) |
| SB 511 | (31 Yeas, 0 Nays) |
| SB 644 | (31 Yeas, 0 Nays) |
| SB 656 | (31 Yeas, 0 Nays) |
| SB 1150 | (31 Yeas, 0 Nays) |
| SB 1226 | (31 Yeas, 0 Nays) |
| SB 1430 | (31 Yeas, 0 Nays) |
| SB 1623 | (28 Yeas, 3 Nays) |
| SB 1773 | (31 Yeas, 0 Nays) |
| SB 1871 | (29 Yeas, 2 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 219

Senate Conferees: Huffman - Chair/Nelson/Nichols/Uresti/Van de Putte

SB 401

Senate Conferees: Lucio - Chair/Patrick/Paxton/Van de Putte/West

SB 484

Senate Conferees: Whitmire - Chair/Carona/Deuell/Hegar/Rodríguez

SB 1173

Senate Conferees: West - Chair/Carona/Huffman/Patrick/Whitmire

SB 1681

Senate Conferees: Zaffirini - Chair/Birdwell/Carona/Rodríguez/Schwertner

SB 1915

Senate Conferees: Campbell - Chair/Fraser/Hinojosa/Huffman/Van de Putte

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 3093

Senate Conferees: Zaffirini - Chair/Birdwell/Carona/Schwertner/Van de Putte

THE SENATE HAS DISCHARGED ITS CONFEREES AND CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

| | |
|----------------|-------------------|
| SB 1023 | (31 Yeas, 0 Nays) |
|----------------|-------------------|

Respectfully,
Patsy Spaw

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Friday, May 24, 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 CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 126 (31 Yeas, 0 Nays)

SB 345 (31 Yeas, 0 Nays)

SB 347 (26 Yeas, 5 Nays)

SB 492 (30 Yeas, 1 Nay)

SB 646 (31 Yeas, 0 Nays)

SB 1003 (31 Yeas, 0 Nays)

SB 1216 (31 Yeas, 0 Nays)

SB 1234 (28 Yeas, 3 Nays)

SB 1292 (31 Yeas, 0 Nays)

SB 1388 (31 Yeas, 0 Nays)

SB 1795 (30 Yeas, 1 Nay)

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 949

Senate Conferees: Nelson - Chair/Deuell/Huffman/Rodríguez/Taylor

SB 1373

Senate Conferees: Hinojosa - Chair/Birdwell/Campbell/Uresti/Whitmire

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 1897

Senate Conferees: Carona - Chair/Deuell/Taylor/Watson/West

HB 1951

Senate Conferees: Carona - Chair/Duncan/Ellis/Eltife/Van de Putte

HB 2982

Senate Conferees: Duncan - Chair/Davis/Fraser/Seliger/Uresti

HB 3142

Senate Conferees: Estes - Chair/Hegar/Hinojosa/Schwertner/Uresti

HB 3390

Senate Conferees: Deuell - Chair/Eltife/Hancock/Seliger/Watson

HB 3903

Senate Conferees: Campbell - Chair/Fraser/Hegar/Hinojosa/Taylor

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE
COMMITTEE REPORTS:

SB 176 (31 Yeas, 0 Nays)

SB 200 (31 Yeas, 0 Nays)

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Friday, May 24, 2013 - 4

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO
THE FOLLOWING MEASURES:

SB 1368 (27 Yeas, 4 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 1158

Senate Conferees: Van de Putte - Chair/Duncan/Rodríguez/Seliger/Williams

SB 1596

Senate Conferees: Zaffirini - Chair/Fraser/Hinojosa/Nichols/Watson

SB 1747

Senate Conferees: Uresti - Chair/Hegar/Nichols/Williams/Zaffirini

SB 1907

Senate Conferees: Hegar - Chair/Birdwell/Huffman/Patrick/Whitmire

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 6

Senate Conferees: Williams - Chair/Duncan/Hinojosa/Nelson/Watson

HB 7

Senate Conferees: Williams - Chair/Duncan/Eltife/Hegar/Nelson

HB 213

Senate Conferees: Hegar - Chair/Duncan/Lucio/Nelson/Williams

HB 500

Senate Conferees: Hegar - Chair/Duncan/Lucio/Nelson/Williams

HB 508

Senate Conferees: Patrick - Chair/Carona/Deuell/Hinojosa/Paxton

HB 912

Senate Conferees: Estes - Chair/Duncan/Ellis/Hegar/West

HB 1025

Senate Conferees: Williams - Chair/Duncan/Hinojosa/Nelson/Whitmire

HB 2818

Senate Conferees: Carona - Chair/Eltife/Estes/Hancock/Van de Putte

HB 3106

Senate Conferees: Carona - Chair/Eltife/Hancock/Lucio/Van de Putte

HB 3361

Senate Conferees: Birdwell - Chair/Ellis/Hinojosa/Nichols/Patrick

HB 3572

Senate Conferees: Williams - Chair/Hegar/Hinojosa/Huffman/Lucio

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 5

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Friday, May 24, 2013 - 5

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 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:

SJR 1

Senate Conferees: Williams - Chair/Duncan/Hinojosa/Nelson/Whitmire

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 6

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Friday, May 24, 2013 - 6

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 GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 12

Senate Conferees: Zaffirini - Chair/Eltife/Garcia/Schwertner/Seliger

HB 29

Senate Conferees: Seliger - Chair/Duncan/Eltife/Watson/West

HB 194

Senate Conferees: Hinojosa - Chair/Birdwell/Taylor/West/Zaffirini

HB 489

Senate Conferees: Uresti - Chair/Campbell/Davis/Nelson/Van de Putte

HB 586

Senate Conferees: Deuell - Chair/Duncan/Eltife/Lucio/Van de Putte

HB 680

Senate Conferees: Patrick - Chair/Campbell/Hinojosa/Paxton/Taylor

HB 1926

Senate Conferees: Hegar - Chair/Lucio/Patrick/Seliger/West

HB 2012

Senate Conferees: Patrick - Chair/Lucio/Seliger/Taylor/West

HB 2305

Senate Conferees: Watson - Chair/Hancock/Nichols/Paxton/West

HB 2741

Senate Conferees: Nichols - Chair/Campbell/Hegar/Uresti/Williams

HB 3153

Senate Conferees: West - Chair/Carona/Duncan/Hancock/Lucio

HB 3169

Senate Conferees: Lucio - Chair/Carona/Deuell/Hegar/Seliger

HB 3459

Senate Conferees: Taylor - Chair/Fraser/Hegar/Hinojosa/Uresti

HB 3520

Senate Conferees: Carona - Chair/Campbell/Hancock/Patrick/Paxton

HB 3648

Senate Conferees: Paxton - Chair/Campbell/Davis/Schwertner/Taylor

HB 3793

Senate Conferees: Hinojosa - Chair/Garcia/Nelson/Schwertner/Taylor

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

ENROLLED

May 23 - HB 367, HB 474, HB 506, HB 699, HB 717, HB 738, HB 753, HB 897, HB 899, HB 970, HB 1114, HB 1122, HB 1198, HB 1302, HB 1394, HB 1396, HB 1511, HB 1605, HB 1724, HB 1755, HB 1759, HB 1888, HB 1965, HB 2049, HB 2138, HB 2276, HB 2414, HB 2424, HB 2585, HB 2607, HB 2619, HB 2621, HB 2688, HB 2690, HB 2781, HB 2874, HB 2911, HB 2972, HB 3042, HB 3068, HB 3161, HB 3201, HB 3253, HB 3279, HB 3309, HB 3378, HB 3436, HB 3438, HB 3439, HB 3567, HCR 80, HCR 199, HCR 200, HCR 201, HCR 202, HCR 203, HCR 204

SENT TO THE GOVERNOR

May 23 - HB 4, HB 115, HB 124, HB 217, HB 339, HB 343, HB 432, HB 483, HB 561, HB 588, HB 646, HB 677, HB 698, HB 705, HB 719, HB 724, HB 749, HB 843, HB 908, HB 978, HB 985, HB 1018, HB 1047, HB 1081, HB 1086, HB 1133, HB 1183, HB 1228, HB 1241, HB 1294, HB 1297, HB 1318, HB 1358, HB 1405, HB 1442, HB 1458, HB 1494, HB 1503, HB 1563, HB 1593, HB 1594, HB 1607, HB 1664, HB 1712, HB 1721, HB 1752, HB 1775, HB 1791, HB 1800, HB 1801, HB 1819, HB 1843, HB 1953, HB 1970, HB 1971, HB 1979, HB 2020, HB 2134, HB 2155, HB 2312, HB 2356, HB 2454, HB 2473, HB 2478, HB 2509, HB 2512, HB 2549, HB 2610, HB 2627, HB 2636, HB 2649, HB 2662, HB 2673, HB 2766, HB 2792, HB 2840, HB 2873, HB 3017, HB 3086, HB 3097, HB 3102, HB 3105, HB 3116, HB 3137, HB 3176, HB 3178,

HB 3212, HB 3233, HB 3256, HB 3285, HB 3307, HB 3332, HB 3355, HB 3412, HB 3668, HB 3676, HB 3795, HB 3800, HB 3805, HB 3896, HB 3905, HB 3941, HCR 41, HCR 104, HCR 112, HCR 120, HCR 125, HCR 126, HCR 129, HCR 130, HCR 131, HCR 132, HCR 133, HCR 134, HCR 135, HCR 136, HCR 137, HCR 138, HCR 139, HCR 140, HCR 141, HCR 142, HCR 143, HCR 144, HCR 145, HCR 146, HCR 147, HCR 148, HCR 149, HCR 150, HCR 151, HCR 152, HCR 153, HCR 154, HCR 155, HCR 156, HCR 157, HCR 158, HCR 159, HCR 160, HCR 161, HCR 162, HCR 163, HCR 164, HCR 165, HCR 166, HCR 167, HCR 168, HCR 169, HCR 170, HCR 171, HCR 172, HCR 173, HCR 174, HCR 175, HCR 176, HCR 177, HCR 178, HCR 179, HCR 180, HCR 181, HCR 182, HCR 183, HCR 184, HCR 185, HCR 186, HCR 187, HCR 188, HCR 189, HCR 190, HCR 191, HCR 192, HCR 193, HCR 194, HCR 195, HCR 196

SENT TO THE SECRETARY OF THE STATE

May 23 - HJR 87

