STATE OF TEXAS,

Plaintiff

vs.

ERIC H. HOLDER, JR.,
in His Official Capacity as Attorney General of
the United States,

Defendant.

Case No. 1:12-CV-00128
(RMC, DST, RLW)
Three-Judge Court

STATE OF TEXAS’ JOINT APPENDIX

ATTACHMENT 15
HB 3841 - PERMISSION TO INTRODUCE

Representative Martinez requested permission to introduce and have placed on first reading HB 3841.

Permission to introduce was granted by (Record 311): 130 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Anderson, C.

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

Absent, Excused — Allen; Bohac; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Legler; Mallory Caraway; Perry; Smithee; Walle.

Absent — Gonzalez; Madden; Paxton.

MAJOR STATE CALENDAR
(consideration continued)

CSHB 2271 - (consideration continued)

Representative Anchia moved to table Amendment No. 4.

The vote of the house was taken on the motion to table Amendment No. 4 and the vote was announced yeas 64, nays 68.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 312): 66 Yeas, 62 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Bonnen; Branch; Brown; Burnam; Chisum; Coleman; Cook; Darby; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Farrar; Gallego; Garza; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hernandez Luna; Hilderbrand; Hochberg; Howard, D.; Hunter; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kuempel; Larson; Lozano; Margo; Marquez; Martinez; McClendon; Menendez; Miles; Miller, D.;
Muñoz; Murphy; Naishtat; Otto; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Scott; Simpson; Smith, W.; Strama; Villarreal; Vo; Woolley.

Nays — Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Burkett; Button; Cain; Carter; Craddick; Creighton; Crownover; Davis, J.; Elkins; Fletcher; Flynn; Giddings; Gonzales, L.; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Isaac; Jackson; King, P.; Kolkhorst; Landtroop; Laubenberg; Lavender; Lewis; Madden; Martinez Fischer; Miller, S.; Morrison; Nash; Orr; Parker; Patrick; Paxton; Phillips; Schwertner; Sheets; Sheffield; Shelton; Smith, T.; Solomons; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Veasey; Weber; White; Workman; Zedler; Zerwas.

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

Absent, Excused — Allen; Bohac; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Legler; Mallory Caraway; Perry; Smithee; Walle.

Absent — Callegari; Lucio; Lyne; Oliveira; Peña; Torres.

The chair stated that the motion to table Amendment No. 4 prevailed by the above vote.

**LEAVES OF ABSENCE GRANTED**

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

Peña on motion of Guillen.

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

Oliveira on motion of Lozano.

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Callegari on motion of S. Miller.

Lyne on motion of Hardcastle.

**CSHB 2271 - (consideration continued)**

**Amendment No. 5**

Representative Hartnett offered the following amendment to CSHB 2271:

Floor Packet Page No. 4

Amend CSHB 2271 (house committee printing) on page 8 by striking lines 3-6 and substituting the following:

active license if the license holder has held a live racing event at the racetrack within the three years preceding the designation.

(c) The commission shall designate a racetrack license as an inactive license if the license holder has not held a live racing event at the racetrack in more than three years.
(d) Not later than the 30th day after the third anniversary of the date a new racetrack

Amendment No. 5 was withdrawn.

**LEAVE OF ABSENCE GRANTED**

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

Lucio on motion of Hernandez Luna.

**CSHB 2271 - (consideration continued)**

**Amendment No. 6**

Representative Coleman offered the following amendment to CSHB 2271:

Floor Packet Page No. 5

Amend CSHB 2271 (house committee printing) as follows:

(1) On page 9, between lines 14 and 15, insert the following:

(f) Notwithstanding Subsection (a) of this section, an inactive license that has changed ownership is not subject to renewal until the fourth anniversary of that date the change in ownership becomes final.

Amendment No. 6 was withdrawn.

**Amendment No. 7**

Representative Miles offered the following amendment to CSHB 2271:

Floor Packet Page No. 6

Amend CSHB 2271 (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION ____. Article 3, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Section 3.23 to read as follows:

Sec. 3.23. HISTORICALLY UNDERUTILIZED BUSINESSES. (a) The commission by rule shall establish a policy to require racetrack license holders to contract with vendors that are historically underutilized businesses under Chapter 2161, Government Code. To the extent practical, the policy must comply with that chapter.

(b) Acceptance of a racetrack license under this Act constitutes an agreement by the racetrack license holder to contract with vendors in accordance with the policy established under Subsection (a) of this section.

Amendment No. 7 was withdrawn.

**Amendment No. 8**

Representative Martinez Fischer offered the following amendment to CSHB 2271:
Amend CSHB 2271 (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION ___. Article 6, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Section 6.011 to read as follows:

Sec. 6.011. LOCAL OPTION ELECTION FOR NEW RACETRACK LICENSE. (a) Notwithstanding any other provision of this Act, the commission may not issue an original racetrack license under this Act after September 1, 2011, unless the issuance of the racetrack license is approved at a local option election in the political subdivision in which the racetrack will be located.

(b) A racetrack license subject to this section is approved at a local option election if 60 percent or more of the qualified voters voting in the election approve issuance of the license.

(c) To the extent practicable, an election under this section shall be conducted in the manner provided by Chapter 501, Election Code, for a local option election on the sale of alcoholic beverages, except that the governing body of the political subdivision shall order the election on written notice from the commission that the commission is considering an application for a license for a racetrack in the political subdivision.

(d) The commission shall adopt rules to implement this section.

Amendment No. 8 was withdrawn.

Amendment No. 9

Representative Martinez Fischer offered the following amendment to CSHB 2271:

Amend CSHB 2271 (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION ___. Section 6.093, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding any other provision of this Act, the portion of a pari-mutuel pool set aside for the state under this section may not include any money retained from outstanding tickets that are not awarded.

Amendment No. 10

Representative Isaac offered the following amendment to Amendment No. 9:

Amend Amendment No. 9 by Martinez Fischer to CSHB 2271 by adding the following appropriately numbered item to the amendment:

___) Add the following section to the bill, numbered appropriately:

SECTION ___. Notwithstanding any provision of another Act of the 82nd Legislature, Regular Session, 2011, including HB 1 or any other general appropriations bill that is enacted and becomes law, and notwithstanding the
relative effective dates of this Act and any other Act of the 82nd Legislature, Regular Session, that appropriates money to the Texas Racing Commission for the state fiscal biennium beginning September 1, 2012, the Texas Racing Commission is not appropriated any general revenue for the state fiscal biennium beginning September 1, 2012.

Amendment No. 10 - Point of Order

Representative Anchia raised a point of order against further consideration of Amendment No. 10 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair sustained the point of order.

The ruling precluded further consideration of Amendment No. 10.

Amendment No. 9 was withdrawn.

Amendment No. 11

Representative Hamilton offered the following amendment to CSHB 2271:

Floor Packet Page No. 13

Amend CSHB 2271 (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION 6.04 Texas Racing Act Article 179e Vernon's Texas Civil Statutes is amended by adding Subsection (a-1) to read as follows:

(a-1) The commission shall issue a racetrack license to a qualified person not later than the 180th day after the date the background check of the applicant is complete under Section 6.031 of this Act.

Amendment No. 12

Representative Hamilton offered the following amendment to Amendment No. 11:

Amend Amendment No. 11 by Hamilton to CSHB 2271 page 13 of the prefiled amendments packet on page 1 of the amendment by striking lines 7-10 and substituting the following:

(a-1) The commission shall make a determination with respect to a pending application not later than the 120th day after the date on which all of the requirements of licensure for the applicant described in this article have been satisfied.

Amendment No. 12 was adopted.

Amendment No. 11, as amended, was adopted.

Amendment No. 13

Representative Hartnett offered the following amendment to CSHB 2271:
Amend CSHB 2271 (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION ___. Section 6.06, Texas Racing Act (Article 179e, Vernon’s Texas Civil Statutes), is amended by adding Subsection (l) to read as follows:

(l) The commission shall revoke or suspend a racetrack license if, after notice and hearing, it has reasonable grounds to believe and finds that the license holder has not conducted any live or simulcast greyhound or horse racing during the four years preceding the consideration by the commission to revoke or suspend the license.

Amendment No. 14

Representative Hartnett offered the following amendment to Amendment No. 13:

Amend Amendment No. 13 by Hartnett to CSHB 2271 (page 14 of the prefilled amendments packet) as follows:

1. On page 1, lines 5-6, strike "Subsection (l)" and substitute "Subsections (l) and (m)".
2. On page 1, line 10, strike "or simulcast".
3. On page 1, line 10, strike "four" and substitute "three".
4. On page 1, after line 12, insert the following:
   (m) The three year period under Subsection (l) of this section begins on the later of September 1, 2011, or the date a new racetrack license is issued under this Act.

Amendment No. 14 was withdrawn.
Amendment No. 13 was withdrawn.

Amendment No. 15

Representative Hartnett offered the following amendment to CSHB 2271:

Floor Packet Page No. 16

Amend CSHB 2271 (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION ___. Section 6.14, Texas Racing Act (Article 179e, Vernon’s Texas Civil Statutes), is amended by adding Subsection (e) to read as follows:

(e) The commission may not amend a racetrack license to change the location of a racetrack to a location that is more than 60 miles from the location for which the license was originally issued.

Representative Hamilton moved to table Amendment No. 15.

The motion to table prevailed by (Record 313): 74 Yeas, 53 Nays, 2 Present, not voting.
Yeas — Aliseda; Alonzo; Alvarado; Anderson, R.; Beck; Bonnen; Burkett; Burnam; Coleman; Cook; Crownover; Darby; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Farrar; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hardcastle; Harper-Brown; Hernandez Luna; Hochberg; Hopson; Howard, D.; Huberty; Hunter; Johnson; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lozano; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Naishat; Nash; Orr; Otto; Pickett; Pitts; Quintanilla; Reynolds; Riddle; Ritter(C); Rodriguez; Schwertner; Scott; Smith, W.; Strama; Taylor, L.; Veasey; Villarreal; Vo; Woolley; Zerwas.

Nays — Anderson, C.; Aycock; Berman; Branch; Brown; Button; Cain; Carter; Chisum; Craddick; Creighton; Davis, J.; Elkins; Fletcher; Flynn; Giddings; Guillen; Hancock; Harless; Hartnett; Hilderbran; Howard, C.; Hughes; Isaac; Jackson; Keffer; King, P.; Landtroop; Laubenberg; Lavender; Lewis; Madden; Murphy; Parker; Patrick; Paxton; Phillips; Price; Raymond; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Solomons; Taylor, V.; Thompson; Truitt; Turner; Weber; White; Workman; Zedler.

Present, not voting — Mr. Speaker; Anchia.

Absent, Excused — Allen; Bohac; Callegari; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Legler; Lucio; Lyne; Mallory Caraway; Oliveira; Peña; Perry; Smithee; Walle.

Absent — Morrison; Torres.

STATEMENTS OF VOTE

I was shown voting no on Record No 313. I intended to vote yes.

Branch

I was shown voting no on Record No 313. I intended to vote yes.

Hilderbran

When Record No. 313 was taken, I was in the house but away from my desk. I would have voted no.

Torres

Amendment No. 16

Representative Martinez Fischer offered the following amendment to CSHB 2271:

Floor Packet Page No. 20

Amend CSHB 2271 (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION ____. (a) The Texas Racing Commission shall conduct a study on the importance, necessity, and effectiveness of expanding the types of gaming offered at horse and greyhound racetracks in this state and at other locations throughout this state. The study must address:
(1) economic benefits;
(2) the effect expanding the types of gaming would have on local areas;
(3) gambling addiction in other states that have authorized expanded gaming; and
(4) the economic impact on states that have expanded the types of gaming offered in those states.

(b) Not later than December 1, 2011, the Texas Racing Commission shall:
(1) prepare a report on the study conducted under Subsection (a) of this section, which must be signed and ratified by five of the appointed members of the commission; and
(2) file a copy of the report with the speaker of the house of representatives, the lieutenant governor, and the governor.

(c) Notwithstanding any other law enacted by the 82nd Legislature to expand gaming in this state, the Texas Racing Commission or any other state agency may not take actions to expand gaming in this state before January 1, 2012.

Amendment No. 16 was withdrawn.

Amendment No. 17

Representative Gutierrez offered the following amendment to CSHB 2271:

Amend CSHB 2271 (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION ____. (a) The Texas Racing Commission shall establish a panel to conduct a comprehensive and objective study to determine the economic impact of authorizing gaming at horse and greyhound racetracks in this state other than pari-mutuel wagering on horse and greyhound races.

(b) The panel established by the Texas Racing Commission under Subsection (a) of this section is composed of 16 members as follows:
(1) the chair of the Texas Conservative Coalition;
(2) the chair of the Texas Legislative Study Group;
(3) the chair of the Republican Caucus of the house of representatives;
(4) the chair of the Democratic Caucus of the house of representatives;
(5) the chair of the House Committee on Licensing and Administrative Procedures;
(6) the executive director of the Texas Racing Commission;
(7) five senators appointed by the lieutenant governor; and
(8) five members appointed by the governor, two of which must represent the faith-based community.

(c) Not later than December 15, 2012, the panel established under this section shall prepare a report on the study conducted under this section, including the panel’s findings, and provide a copy of the report to each member of the legislature.
Amendment No. 18

Representative Martinez Fischer offered the following amendment to Amendment No. 17:

Amend Amendment No. 17 by Gutierrez to CSHB 2271 (page 21 of the prefiled amendments packet) on page 1, line 8, following the period, by adding the following:

The study must address:

1. the effect that expanding the types of gaming would have on local areas;
2. gambling addiction in other states that have authorized expanded gaming; and
3. the economic impact on states that have expanded the types of gaming offered in those states.

Amendment No. 18 was adopted.

Amendment No. 19

Representative Zedler offered the following amendment to Amendment No. 17:

Amend Amendment No. 17 by Gutierrez to CSHB 2271 (page 21 of the prefiled amendments packet) as follows:

1. On page 1, line 5, strike "panel" and substitute "board".
2. On page 1, line 6, strike "gaming" and substitute "gambling".
3. On page 1, line 9, strike "panel" and substitute "board".
4. On page 1, line 10, strike "16" and substitute "17".
5. On page 1, strike lines 24-29, and substitute the following:

   (8) six members appointed by the governor, two of whom must represent the faith-based community and one of whom must represent the public.

   (c) The members of the board established under this section shall elect a presiding officer from among the membership. The presiding officer shall coordinate the activities of the board.

   (d) The study required by Subsection (a) of this section at a minimum must include an examination of:

   (1) the positive economic impact of legalized gambling in this state;
   (2) the negative economic impact of legalized gambling in this state;
   (3) the likely fiscal impact of legalized gambling in this state on the provision of social and criminal justice services in:
       (A) this state;
       (B) counties in this state; and
       (C) municipalities in this state; and
   (4) the economic, business, and state budgetary climate of each state that has authorized at least the same level of gambling studied by the board.

   (e) Not later than December 15, 2012, the board established under this section shall prepare a report on the study conducted under this section, including the board’s findings, and provide a copy of the report to each member of the legislature and to the Legislative Reference Library.
(f) The board established under this section is subject to Chapter 551, Government Code.

**LEAVE OF ABSENCE GRANTED**

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

Huberty on motion of Cook.

**CSHB 2271 - (consideration continued)**

Amendment No. 19 was adopted.

**Amendment No. 20**

Representative Phillips offered the following amendment to Amendment No. 17:

Amend Amendment No. 17 by Gutierrez to CSHB 2271 (page 21 of the prefiled amendment packet) on page 1, by striking lines 12 through 19, and substituting the following:

1. the chair of the House Licensing and Administration Committee;
2. the chair of the House Culture, Recreation, and Tourism Committee;
3. the chair of the House State Affairs Committee;
4. the chair of the House Agriculture and Livestock Committee;
5. the chair of the House Public Health Committee;

Amendment No. 20 was adopted.

**Amendment No. 21**

Representative Lozano offered the following amendment to Amendment No. 17:

Amend Amendment No. 17 by Gutierrez to CSHB 2271 (page 21 of the prefiled amendments packet) as follows:

1. On page 1, line 10, strike "16" and substitute "21".
2. On page 1, line 23, strike "and".
3. On page 1, between lines 23-24, insert the following:
   8. five members of the House of Representatives appointed by the Speaker of the House of Representatives; and
4. On page 1, line 24, strike "(8)" and substitute "(9)".

Amendment No. 21 was adopted.

Amendment No. 17, as amended, failed of adoption by Record 314: 4 Yeas, 119 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Burnam; Gutierrez; Raymond.

Nays — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Garza;
Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guille; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Madden; Margo; Marquez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Munoz; Murphy; Naishat; Nash; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Price; Quintanilla; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Allen; Bohac; Callegari; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Huberty; Legler; Lucio; Lyne; Mallory Caraway; Oliveira; Peña; Perry; Smithee; Walle.

Absent — Gallego; Hardcastle; Hochberg; Martinez; Thompson.

STATEMENT OF VOTE

When Record No. 314 was taken, I was in the house but away from my desk. I would have voted no.

Gallego

Amendment No. 22

Representative Coleman offered the following amendment to CSHB 2271:

Floor Packet Page No. 5

Amend CSHB 2271 (house committee printing) as follows:

1. On page 9, between lines 14 and 15, insert the following:

   (f) Notwithstanding Subsection (a) of this section, an inactive license that has changed ownership is not subject to renewal until the fourth anniversary of that date the change in ownership becomes final.

Amendment No. 23

Representative Coleman offered the following amendment to Amendment No. 22:

Amend Amendment No. 22 by Coleman to CSHB 2271 (page 5 of the prefilled amendments packet) by striking the text of the amendment and substituting the following:

1. On page 9, between lines 14 and 15, insert the following:

   (f) The commission by rule shall establish criteria to make the determinations under Subsections (c)(1) and (2).

   (g) Notwithstanding any other provision of this section, any change in ownership during renewal of an inactive license or during the process to refuse renewal under this section has no effect on the renewal process timeline.

2. On page 17, between lines 4 and 5, insert the following:
(c) Notwithstanding Section 6.0602, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), as added by this Act, the Texas Racing Commission may not refuse to renew an inactive racetrack license under that section before September 1, 2014.

(3) Reletter the subsequent subsections of SECTION 27 of the bill accordingly.

Amendment No. 23 was withdrawn.
Amendment No. 22 was withdrawn.

Amendment No. 24

Representative Miles offered the following amendment to CSHB 2271:

Floor Packet Page No. 6

Amend CSHB 2271 (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION ___. Article 3, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Section 3.23 to read as follows:

Sec. 3.23. HISTORICALLY UNDERUTILIZED BUSINESSES. (a) The commission by rule shall establish a policy to require racetrack license holders to contract with vendors that are historically underutilized businesses under Chapter 2161, Government Code. To the extent practical, the policy must comply with that chapter.

(b) Acceptance of a racetrack license under this Act constitutes an agreement by the racetrack license holder to contract with vendors in accordance with the policy established under Subsection (a) of this section.

Amendment No. 25

Representative Miles offered the following amendment to Amendment No. 24:

Amend Amendment No. 24 by Miles to CSHB 2271 (House Committee Printing) by striking lines 7 through 15 and substituting the following:

Sec. 3.23. HISTORICALLY UNDERUTILIZED BUSINESSES. In issuing and renewing a racetrack license, the commission shall:

(1) encourage broad base participation in employment and contracting opportunities;

(2) encourage the development and implementation of a good faith plan for participation of historically underutilized businesses under Chapter 2161, Government Code; and

(3) monitor and document the commission's actions and efforts under Subdivisions (1) and (2) of this section.

LEAVE OF ABSENCE GRANTED

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

Woolley on motion of Kleinschmidt.
Amendment No. 25 was adopted.

Amendment No. 24, as amended, failed of adoption by (Record 315): 41 Yea's, 81 Nay's, 2 Present, not voting.

Yea's — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Burnam; Coleman; Dukes; Dutton; Eiland; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishat; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

Nay's — Anderson, C.; Aycock; Beck; Berman; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Eissler; Elkins; Fletcher; Flynn; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

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

Absent, Excused — Allen; Bohac; Callegari; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Huberty; Legler; Lucio; Lyne; Mallory Caraway; Oliveira; Peña; Perry; Smithee; Walle; Woolley.

Absent — Bonnen; Driver; Garza; Hernandez Luna; Hilderbran.

STATEMENTS OF VOTE

When Record No. 315 was taken, my vote failed to register. I would have voted no.

Bonnen

When Record No. 315 was taken, my vote failed to register. I would have voted no.

Hilderbran

Amendment No. 26

Representative Hartnett offered the following amendment to CSHB 2271:

Floor Packet Page No. 14

Amend CSHB 2271 (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION ____. Section 6.06, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Subsection (l) to read as follows:
(l) The commission shall revoke or suspend a racetrack license if, after notice and hearing, it has reasonable grounds to believe and finds that the license holder has not conducted any live or simulcast greyhound or horse racing during the four years preceding the consideration by the commission to revoke or suspend the license.

Amendment No. 27

Representative Hartnett offered the following amendment to Amendment No. 26:

Amend Amendment No. 26 by Hartnett to CSHB 2271 (page 14 of the prefilled amendments packet) as follows:

1. On page 1, lines 5-6, strike "Subsection (l)" and substitute "Subsections (l) and (m)".
2. On page 1, line 7, strike "a racetrack" and substitute "an inactive".
3. On page 1, line 10, strike "or simulcast".
4. On page 1, line 10, strike "four" and substitute "three".
5. On page 1, after line 12, insert the following:
   (m) The three year period under Subsection (l) of this section begins on the later of September 1, 2011, or the date a new racetrack license is issued under this Act.

Amendment No. 27 was adopted.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Giddings on motion of Raymond.
Turner on motion of Raymond.

CSHB 2271 - (consideration continued)

Amendment No. 26, as amended, was adopted by (Record 316): 88 Yeas, 35 Nays, 2 Present, not voting.

Yeas — Aliseda; Alvarado; Anchia; Anderson, C.; Anderson, R.; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Gonzales, L.; Gonzalez; Hamilton; Hancock; Hardecastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Madden; Margo; Menendez; Miller, D.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Price; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Veasey; Vo; Weber; White; Workman; Zedler; Zerwas.
Nays — Alonzo; Aycock; Beck; Burnam; Coleman; Darby; Davis, S.; Dukes; Dutton; Eiland; Farrar; Gallego; Gonzales, V.; Gooden; Guillen; Gutierrez; Howard, D.; Johnson; King, T.; Lozano; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, S.; Muñoz; Naishtat; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Simpson; Villarreal.

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

Absent, Excused — Allen; Bohac; Callegari; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Giddings; Huberty; Legler; Lucio; Lyne; Mallory Caraway; Oliveira; Peña; Perry; Smithee; Turner; Walle; Woolley.

Absent — Garza; Hernandez Luna.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 316. I intended to vote no.

Alvarado

I was shown voting yes on Record No. 316. I intended to vote no.

Gonzalez

I was shown voting yes on Record No. 316. I intended to vote no.

Vo

Amendment No. 28

Representative Coleman offered the following amendment to CSHB 2271:

Floor Packet Page No. 5

Amend CSHB 2271 (house committee printing) as follows:

(1) On page 9, between lines 14 and 15, insert the following:

(f) Notwithstanding Subsection (a) of this section, an inactive license that has changed ownership is not subject to renewal until the fourth anniversary of that date the change in ownership becomes final.

Amendment No. 29

Representative Coleman offered the following amendment to Amendment No. 28:

Amend Amendment No. 28 by Coleman to CSHB 2271 (page 5 of the prefiled amendments packet) by striking the text of the amendment and substituting the following:

(1) On page 9, between lines 14 and 15, insert the following:

(f) The commission by rule shall establish criteria to make the determinations under Subsections (c)(1) and (2).

Amendment No. 29 was adopted.

Amendment No. 28, as amended, was adopted.
CSHB 2271 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ISAAC: Representative Anchia, is it your understanding that the Texas Racing Commission will not receive funding from general revenue?

REPRESENTATIVE ANCHIA: That is correct. After this bill, we expect it to be completely self-levelling.

ISAAC: Great. Thank you.

REMARKS ORDERED PRINTED

Representative Isaac moved to print remarks by Representative Anchia and Representative Isaac.

The motion prevailed.

CSHB 2271, as amended, was passed to engrossment. (Berman, Creighton, Flynn, Lavender, Simpson, and White recorded voting no.)

REASON FOR VOTE

I am opposed to the state's facilitation of sponsoring or involvement in gambling.

Simpson

POSTPONED BUSINESS

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

HB 27 ON THIRD READING
(by Guillen)

HB 27, A bill to be entitled An Act relating to the payment of fines and costs by defendants who are unable to pay the fines and costs in misdemeanor cases.

HB 27 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representative Alonzo offered the following amendment to HB 27:

Amend HB 27 on third reading as follows:

(1) In SECTION 2 of the bill, strike added Article 42.15(c), Code of Criminal Procedure, and substitute the following:

(c) When imposing a fine and costs in a misdemeanor case, if the court determines that the defendant is unable to immediately pay the fine and costs, the court shall allow the defendant to pay the fine and costs in specified portions at designated intervals.

(2) In SECTION 3 of the bill, strike added Section 45.041(b-2), Code of Criminal Procedure, and substitute the following:

(b-2) When imposing a fine and costs, if the justice or judge determines that the defendant is unable to immediately pay the fine and costs, the justice or judge shall allow the defendant to pay the fine and costs in specified portions at designated intervals.
Amendment No. 1 was adopted.

**HB 27**, as amended, was passed by (Record 317): 80 Yeas, 42 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Beck; Branch; Brown; Burkett; Burnam; Chisum; Coleman; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Farrar; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Guillon; Gutierrez; Hamilton; Harcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Hunter; Isaac; Jackson; Johnson; Keffer; King, S.; King, T.; Kolkhorst; Kuempel; Landtroop; Lozano; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Munoz; Murphy; Naishat; Nash; Orr; Otto; Patrick; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Scott; Sheets; Shelton; Simpson; Strama; Taylor, V.; Thompson; Truitt; Veasey; Villarreal; Vo; White; Zerwas.

Nays — Anderson, C.; Anderson, R.; Aycock; Berman; Bonnen; Button; Cain; Carter; Cook; Craddick; Creighton; Crownover; Darby; Elkins; Fletcher; Flynn; Gooden; Hancock; Harper-Brown; Howard, C.; Hughes; King, P.; Kleinschmidt; Larson; Laubenberg; Lavender; Lewis; Miller, S.; Morrison; Parker; Paxton; Phillips; Pitts; Price; Riddle; Schwertner; Sheffield; Smith, T.; Smith, W.; Weber; Workman; Zedler.

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

Absent, Excused — Allen; Bohac; Callegari; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Giddings; Huberty; Legler; Lucio; Lyne; Mallory Caraway; Oliveira; Peña; Perry; Smithee; Turner; Walle; Woolley.

Absent — Solomons; Taylor, L.; Torres.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 317. I intended to vote no.

Driver

I was shown voting yes on Record No. 317. I intended to vote no.

Kuempel

When Record No. 317 was taken, I was in the house but away from my desk. I would have voted no.

L. Taylor

**GENERAL STATE CALENDAR**

**HOUSE BILLS**

**SECOND READING**

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

TX_00001258
JA_002850
CSHB 362 ON SECOND READING
(by Solomons, et al.)

CSHB 362, A bill to be entitled An Act relating to the regulation by a property owners' association of the installation of solar energy devices and certain roofing materials on property.

Amendment No. 1

Representative Solomons offered the following amendment to CSHB 362:

Amend CSHB 362 (house committee printing) as follows:
(1) On page 3, line 14, after "from installing", strike the colon.
(2) Strike page 3, line 15, through page 4, line 3, and substitute the following:

shingles that:

(1) are designed primarily to:
   (A) be wind and hail resistant;
   (B) provide heating and cooling efficiencies greater than those provided by customary composite shingles; and
   (C) provide solar generation capabilities; and
(2) when installed:
   (A) resemble the shingles used or otherwise authorized for use on property in the subdivision;
   (B) are more durable than and are of equal or superior quality to the shingles described by Paragraph (A); and
   (C) match the aesthetics of the property surrounding the owner's property.

Amendment No. 1 was adopted.

CSHB 362, as amended, was passed to engrossment. (Berman and White recorded voting no.)

HB 364 ON SECOND READING
(by Turner)

HB 364, A bill to be entitled An Act relating to condominiums in certain municipalities, including the exercise of eminent domain authority by those municipalities with respect to certain condominiums.

Representative Thompson moved to postpone consideration of HB 364 until 10 a.m. Monday, April 11.

The motion prevailed.

CSHB 411 ON SECOND READING
(by Laubenberg and Crownover)

CSHB 411, A bill to be entitled An Act relating to the confidentiality of newborn screening information.

Amendment No. 1

Representative Crownover offered the following amendment to CSHB 411:
Amend CSHB 411 (house committee printing) on page 1 by striking lines 19-21 and substituting the following:

(5) "Public health purpose" means a purpose that relates to cancer, a birth defect, an infectious disease, a chronic disease, environmental exposure, or newborn screening.

Amendment No. 1 was adopted.

CSHB 411, as amended, was passed to engrossment.

HB 443 ON SECOND READING
(by Fletcher, Gonzalez, and White)

HB 443, A bill to be entitled An Act relating to the amount of the fee paid by a defendant for a peace officer’s services in executing or processing an arrest warrant, capias, or capias pro fine.

Representative Fletcher moved to postpone consideration of HB 443 until the end of today’s calendar.

The motion prevailed.

HB 630 ON SECOND READING
(by Pickett and W. Smith)

HB 630, A bill to be entitled An Act relating to the authority of the Texas Department of Transportation, counties, regional tollway authorities, and regional mobility authorities to enter into funding agreements to expedite the entity’s environmental review duties related to certain transportation projects.

HB 630 was passed to engrossment.

CSHB 2193 ON SECOND READING
(by Truitt)

CSHB 2193, A bill to be entitled An Act relating to service and qualifications for membership on an advisory committee established by the Employees Retirement System of Texas to provide advice to the board of trustees on investments and investment-related issues.

CSHB 2193 was passed to engrossment.

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

HCR 18
(by Creighton, Raymond, Bohac, Truitt, Peña, et al.)

HCR 18, Urging Congress to propose and submit to the states an amendment to the United States Constitution providing for a federal balanced budget.

Representative Creighton moved to postpone consideration of HCR 18 until 10 a.m. Wednesday, April 13.

The motion prevailed.
POSTPONED BUSINESS

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

HB 243 ON THIRD READING
(by Craddick, Martínez Fischer, Brown, Cook, Menendez, et al.)

HB 243, A bill to be entitled An Act relating to the creation of an offense for certain uses of a wireless communication device while operating a motor vehicle.

HB 243 was read third time earlier today and was postponed until this time.

HB 243 was passed by (Record 318): 107 Yeas, 16 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Eiland; Eissler; Farrar; Fletcher; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbrand; Hochberg; Hopson; Howard, C.; Howard, D.; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kuempel; Landtroop; Lavender; Lewis; Lozano; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Phillips; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Thompson; Truitt; Veasey; Villarreal; Vo; White; Workman; Zedler; Zerwas.

Nays — Anderson, R.; Dutton; Elkins; Flynn; Hughes; Johnson; King, T.; Kolkhorst; Larson; Laubenberg; Miller, S.; Paxton; Simpson; Taylor, V.; Torres; Weber.

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

Absent, Excused — Allen; Bohac; Callegari; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Giddings; Huberty; Legler; Lucio; Lyne; Mallory Caraway; Oliveira; Peña; Perry; Smithee; Turner; Walle; Woolley.

Absent — Gutierrez; Pickett.

STATEMENT OF VOTE

I was shown voting no on Record No. 318. I intended to vote yes.

Kolkhorst

REASON FOR VOTE

While addressing the dangers of texting while driving is critical, HB 243 is crafted in a way that will be very difficult for police to fairly enforce. It is almost impossible to distinguish between a driver writing or sending a text message, which is prohibited in the bill, and a driver reading a text message, dialing a phone number, looking at a map, or checking the clock feature, all of which are permissible under HB 243, until a case is heard in a court of law. HB 243
essentially gives police the ability to pull over any driver they see with a cell phone in his or her hand. This legislation in its current form is not fair to Texas drivers, especially in a state with a well-documented history of racial profiling.

Johnson

HB 443 ON SECOND READING
(by Fletcher, Gonzalez, and White)

HB 443, A bill to be entitled An Act relating to the amount of the fee paid by a defendant for a peace officer's services in executing or processing an arrest warrant, capias, or capias pro fine.

HB 443 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Lozano offered the following amendment to HB 443:

Amend HB 443 (house committee printing), on page 1, line 15, by striking "$75" and substituting "$95".

Amendment No. 1 was withdrawn.

HB 443 was passed to engrossment.

SB 14 - REQUEST OF SENATE GRANTED

On motion of Representative Harless, the house granted the request of the senate for the appointment of a Conference Committee on SB 14.

SB 14 - MOTION TO INSTRUCT CONFEREES

Representative Martinez moved to instruct the Conference Committee on SB 14 to include a provision in the bill that requires the changes in law made by the Act to not take effect until the changes are determined by the United States attorney general or the United States District Court for the District of Columbia to have neither the purpose nor the effect of denying or abridging the right to vote on account of race or color or in contravention of the guarantees set forth in 42 U.S.C. Section 1973b(f)(2).

Representative Harless moved to table the motion to instruct the Conference Committee on SB 14.

The motion to table prevailed by (Record 319): 83 Yeas, 37 Nays, 2 Present, not voting.

Yea — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laverner; Lewis; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Phillips; Pitts;
Laubenberg

STATEMENT OF VOTE

When Record No. 319 was taken, my vote failed to register. I would have voted yes.

Laubenberg

SB 14 - MOTION TO INSTRUCT CONFEREES

Representative Anchia moved to instruct the Conference Committee on SB 14 to follow the senate version of the bill as it relates to making the Act take effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 82nd Legislature.

Representative Harless moved to table the motion to instruct the Conference Committee on SB 14.

The motion to table prevailed by (Record 320): 86 Yeas, 36 Nays, 2 Present, not voting.

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

Nays — Alvarado; Anchia; Burnam; Coleman; Dukes; Dutton; Eiland; Farrar; Gallego; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishat; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Veasey; Villarreal; Vo.
Present not voting — Mr. Speaker; Ritter(C).
Absent, Excused — Allen; Bohac; Callegari; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Giddings; Huberty; Legler; Lucio; Lyne; Mallory Caraway; Oliveira; Peña; Perry; Smithee; Turner; Walle; Woolley.
Absent — Driver; Garza; Pickett.

STATEMENT OF VOTE
I was shown voting yes on Record No. 320. I intended to vote no.

Alonzo

SB 14 - CONFERENCE COMMITTEE APPOINTED
The chair announced the appointment of the following conference committee, on the part of the house, on SB 14: Harless, chair; Bonnen, Truitt, Aliseda, and Veasey.

FIVE-DAY POSTING RULE SUSPENDED
Representative Raymond moved to suspend the five-day posting rule to allow the Committee on Human Services to consider HB 3051 at 1 p.m. or upon final adjournment/recess Tuesday, April 12 in E2.030.

The motion prevailed.

Representative Truitt moved to suspend the five-day posting rule to allow the Committee on Pensions, Investments, and Financial Services to consider HB 3747 at 8 a.m. Tuesday, April 12 in E2.014.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET
Representative Darby requested permission for the Committee on Transportation to meet while the house is in session, during bill referral Monday, April 11, in 3W.15, to consider pending business.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED
Representative L. Taylor moved to suspend the five-day posting rule to allow the Committee on Elections to consider HB 1925, HB 1975, HB 2814, and HB 3409 at 2 p.m. or upon final adjournment/recess Monday, April 11 in E2.028.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS
The following committee meetings were announced:

Human Services, 1 p.m. or upon final adjournment Tuesday, April 12, E2.030, for a public hearing, to consider HB 3051 and the previously posted agenda.

Transportation, during bill referral Monday, April 11, 3W.15, for a formal meeting, to consider pending business.
Elections, 2 p.m. or upon final adjournment Monday, April 11, E2.028, for a public hearing, to consider HB 1925, HB 1975, HB 2814, HB 3409, and the previously posted agenda.

Pensions, Investments, and Financial Services, 8 a.m. Tuesday, April 12, E2.014, for a public hearing, to consider HB 3747 and the previously posted agenda.

PROVIDING FOR ADJOURNMENT

Representative Dukes moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 1 p.m. Monday, April 11.

The motion prevailed.

BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. 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.)

(Hughes in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 1:43 p.m., adjourned until 1 p.m. Monday, April 11.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 3838 (By Oliveira), Relating to the appointment of bailiffs for certain courts in Cameron County.
To Judiciary and Civil Jurisprudence.

HB 3839 (By Giddings), Relating to grounds for modification of child support.
To Judiciary and Civil Jurisprudence.
HR 1139 (By Johnson), Commending Lamontry Lott for serving as a Democratic Party precinct chair in Dallas County.
To Rules and Resolutions.

HR 1140 (By Johnson), Commending Mark Baker for serving as a Democratic Party precinct chair in Dallas County.
To Rules and Resolutions.

HR 1141 (By Johnson), Commending Kathryn Hines for serving as a Democratic Party precinct chair in Dallas County.
To Rules and Resolutions.

HR 1142 (By Johnson), Commending Daniel Clayton for serving as a Democratic Party precinct chair in Dallas County.
To Rules and Resolutions.

HR 1143 (By Johnson), Commending Deborah Parish for serving as a Democratic Party precinct chair in Dallas County.
To Rules and Resolutions.

HR 1144 (By Johnson), Commending Lorraine Birabil for serving as a Democratic Party precinct chair in Dallas County.
To Rules and Resolutions.

HR 1145 (By Johnson), Commending Jean Ball for serving as a Democratic Party precinct chair in Dallas County.
To Rules and Resolutions.

HR 1146 (By Johnson), Commending Jean P. Mackaly for serving as a Democratic Party precinct chair in Dallas County.
To Rules and Resolutions.

HR 1147 (By Johnson), Commending George Collins for serving as a Democratic Party precinct chair in Dallas County.
To Rules and Resolutions.

HR 1148 (By Madden), Congratulating Plano Police Department volunteer Neal J. Katz on being named a 2010 Outstanding Crime Prevention Citizen by the Texas Crime Prevention Association.
To Rules and Resolutions.

HR 1149 (By Madden), Welcoming members of the Texas Catholic Conference to the State Capitol on April 6, 2011.
To Rules and Resolutions.

HR 1150 (By Sheffield), Recognizing April 4 through 8, 2011, as Connect a Million Minds Week.
To Rules and Resolutions.

HR 1151 (By Sheffield), In memory of Eldo Johnson of Temple.
To Rules and Resolutions.

HR 1152 (By Flynn), Congratulating the Martins Mill High School girls' basketball team on a successful 2010-2011 season.
To Rules and Resolutions.
HR 1153 (By Flynn), Congratulating the Canton High School girls' powerlifting team on winning its second consecutive Class 3A state title.
To Rules and Resolutions.

HR 1154 (By Flynn), Commemorating the 100th anniversary of the Santa Fe Depot, home of the Wolfe City Public Library.
To Rules and Resolutions.

HR 1155 (By Eissler), Congratulating The Woodlands High School on winning the 2009-2010 UIL 5A Lone Star Cup.
To Rules and Resolutions.

HR 1156 (By Harless), Congratulating Dr. David Anthony on his retirement as superintendent of Cypress-Fairbanks Independent School District.
To Rules and Resolutions.

HR 1158 (By Giddings), Honoring the National Council of Negro Women, Inc., Minnie H. Goodlow Page Section on the occasion of its ninth annual Spring Hat Extravaganza and Tea.
To Rules and Resolutions.

HR 1159 (By C. Anderson), In memory of Arthur Schaffer of Waco.
To Rules and Resolutions.

HR 1160 (By C. Anderson), Congratulating the A. J. Moore Academy in Waco on being designated as a Distinguished Academy by the National Academy Foundation.
To Rules and Resolutions.

HR 1161 (By C. Anderson), In memory of Eileene Musson Anders of Whitney.
To Rules and Resolutions.

HR 1162 (By C. Anderson), In memory of Edward Maurice Arnold of Bosqueville.
To Rules and Resolutions.

HR 1163 (By C. Anderson), In memory of Lois Mae Haynes of Waco.
To Rules and Resolutions.

HR 1164 (By Callegari), Congratulating Dr. Mark Bing on his induction into the Texas High School Football Hall of Fame.
To Rules and Resolutions.

HR 1165 (By Callegari), Commending Oakmont Healthcare and Rehab Center of Katy for providing an outstanding level of care.
To Rules and Resolutions.

HR 1166 (By Workman), In memory of former Lakeway Mayor Cuth Kenneth "Ken" Shepherd.
To Rules and Resolutions.

HR 1168 (By Flynn), Congratulating Jesse and Peggy Elmore of Caddo Mills on their 50th wedding anniversary.
To Rules and Resolutions.
HR 1169 (By Flynn), Congratulating Calvin and Naomi Thompson of Canton on their 60th wedding anniversary.
To Rules and Resolutions.

HR 1170 (By Flynn), Congratulating Jerry and Judy Pugh of Canton on their 50th wedding anniversary.
To Rules and Resolutions.

HR 1171 (By Vo), Observing the 36th anniversary of the fall of Saigon.
To Rules and Resolutions.

HR 1172 (By Landtroop), Honoring Leadership Plainview for its promotion of civic leadership and volunteerism.
To Rules and Resolutions.

HR 1173 (By Isaac), In memory of Raymond Oren Whisenant, Sr., of Dripping Springs.
To Rules and Resolutions.

HR 1175 (By Zedler), In memory of Peggy Darlene Carriker of Arlington.
To Rules and Resolutions.

HR 1177 (By Craddick), Congratulating Susie's South Forty Confections, Inc., on its 20th anniversary.
To Rules and Resolutions.

HR 1178 (By Eiland), Commemorating the reopening of the main terminal building at Scholes International Airport at Galveston.
To Rules and Resolutions.

HR 1179 (By Madden), Honoring Conquer Chiari for its efforts in behalf of those with Chiari and syringomyelia.
To Rules and Resolutions.

HR 1180 (By Madden), Commemorating the 40th anniversary of Edward Nahas's immigration to the United States and honoring Mr. Nahas and his wife, Alda.
To Rules and Resolutions.

HR 1181 (By Lyne), Congratulating Taylor Levy on winning first place in the 2010-2011 Texas VFW Voice of Democracy essay contest.
To Rules and Resolutions.

HR 1184 (By Quintanilla), Congratulating Martha Serna on her selection as the 2010-2011 Texas Adult Educator of the Year by the Texas Association for Literacy and Adult Education.
To Rules and Resolutions.

HR 1185 (By Marquez), Congratulating the Mithoff Burton Partners advertising firm in El Paso on its 80th anniversary.
To Rules and Resolutions.

HR 1186 (By Marquez), Congratulating Bob Kitchens on his retirement as the track coach of The University of Texas at El Paso.
To Rules and Resolutions.
HR 1187 (By Marquez), Honoring The University of Texas at El Paso men's basketball team on its achievements during the 2010-2011 season.
To Rules and Resolutions.

HR 1188 (By Marquez), In memory of Hector Licon of El Paso.
To Rules and Resolutions.

HR 1189 (By Flynn), Congratulating Roy DeWitt Deen of Wills Point on his 99th birthday.
To Rules and Resolutions.

HR 1191 (By S. King), Congratulating the Wylie High School tennis team on winning the 2011 Texas Tennis Coaches Association 3A state championship.
To Rules and Resolutions.

HR 1192 (By McClendon), Congratulating Dr. Dianna Burns-Banks on her recognition as a Gracious Giver at the North Star Gives event.
To Rules and Resolutions.

HR 1195 (By Creighton), Commemorating the dedication of the Lone Star Monument and Historical Flag Park in Conroe.
To Rules and Resolutions.

HR 1199 (By Patrick), Honoring the Pantego Youth Leadership Council for its work to develop community leaders.
To Rules and Resolutions.

HR 1200 (By L. Taylor), Commending the Friendswood Senior Citizen Program for enriching the lives of seniors in the community.
To Rules and Resolutions.

HR 1201 (By Fletcher), In memory of Officer Craig G. Story of the Arlington Police Department.
To Rules and Resolutions.

HR 1202 (By Fletcher), In memory of Detention Officer Dionicio M. Camacho of the Harris County Sheriff's Office.
To Rules and Resolutions.

HR 1203 (By Fletcher), In memory of Sergeant Timothy Gerard Olsovsky of the Victoria County Sheriff's Office.
To Rules and Resolutions.

HR 1204 (By Fletcher), In memory of Deputy Sheriff Francis David Blake of the Burnet County Sheriff's Office.
To Rules and Resolutions.

HR 1205 (By Fletcher), In memory of Officer Jesse Thomas Hamilton of the Pasadena Police Department.
To Rules and Resolutions.

HR 1206 (By Fletcher), In memory of Deputy Sheriff Shane Thomas Detwiler of the Chambers County Sheriff's Office.
To Rules and Resolutions.
HR 1207 (By Fletcher), In memory of Officer Henry Canales of the Houston Police Department.
To Rules and Resolutions.

HR 1208 (By Fletcher), In memory of Border Patrol Agent Cruz C. McGuire of U.S. Customs and Border Protection.
To Rules and Resolutions.

HR 1209 (By Fletcher), In memory of Deputy Sheriff D. Martin Robert Harvey of the Lubbock County Sheriff’s Office.
To Rules and Resolutions.

HR 1210 (By Fletcher), In memory of Sergeant Randall Dewayne White of the Bridgeport Police Department.
To Rules and Resolutions.

HR 1211 (By Fletcher), In memory of Lieutenant Stuart Jay Alexander of the Corpus Christi Police Department.
To Rules and Resolutions.

HR 1212 (By Fletcher), In memory of Detention Officer Cesar Arreola of the El Paso County Sheriff’s Office.
To Rules and Resolutions.

HR 1213 (By Fletcher), In memory of Senior Corporal Norman Stephen Smith of the Dallas Police Department.
To Rules and Resolutions.

HR 1214 (By Fletcher), In memory of Officer Jillian Michelle Smith of the Arlington Police Department.
To Rules and Resolutions.

HR 1215 (By Fletcher), In memory of Deputy Sheriff Michael R. Schaefer of the Uvalde County Sheriff’s Office.
To Rules and Resolutions.

HR 1216 (By Fletcher), In memory of Officer Ann N. O’Donnell of the University of Houston Police Department.
To Rules and Resolutions.

HR 1217 (By Fletcher), In memory of Officer Andrew J. Rameas of the Harker Heights Police Department.
To Rules and Resolutions.

HR 1218 (By Fletcher), In memory of Trooper Jonathan T. McDonald of the Texas Department of Public Safety.
To Rules and Resolutions.

HR 1219 (By Fletcher), In memory of Officer Sergio A. Antillon of the San Antonio Police Department.
To Rules and Resolutions.

HR 1220 (By Fletcher), In memory of Deputy Sheriff Odell McDuffie, Jr., of the Liberty County Sheriff’s Office.
To Rules and Resolutions.
HR 1221 (By Fletcher), In memory of Officer Karl R. McDonough of the El Paso Police Department.
To Rules and Resolutions.

HR 1222 (By Fletcher), In memory of Corporal David Ralph Slaton of the Texas Department of Public Safety.
To Rules and Resolutions.

HR 1223 (By Fletcher), In memory of Corrections Officer Kellie Pena of the Texas Department of Criminal Justice.
To Rules and Resolutions.

HR 1224 (By Fletcher), In memory of Officer Leonard Reed of the Cedar Park Police Department.
To Rules and Resolutions.

HR 1225 (By Fletcher), In memory of Officer Craig L. Shaw of the Lancaster Police Department.
To Rules and Resolutions.

HR 1226 (By Fletcher), In memory of Border Patrol Agent Mark Van Doren of U.S. Customs and Border Protection.
To Rules and Resolutions.

HR 1227 (By Fletcher), In memory of Officer Eydelmen Mani of the Houston Police Department.
To Rules and Resolutions.

HR 1228 (By Fletcher), In memory of Officer Rodney T. Holder of the Abilene Police Department.
To Rules and Resolutions.

HR 1229 (By Fletcher), In memory of Deputy Sheriff Jacob Rene Rayos of the Reeves County Sheriff's Office.
To Rules and Resolutions.

HR 1230 (By Fletcher), In memory of Constable John William Brown of the Calhoun County Constable's Office Precinct No. 5.
To Rules and Resolutions.

HR 1231 (By Fletcher), In memory of Officer Timothy Joseph Zurovetz of the Forest Hill Police Department.
To Rules and Resolutions.

HR 1232 (By Woolley), Congratulating Village Republican Women on its 50th anniversary.
To Rules and Resolutions.

HR 1233 (By Margo), In memory of Colonel Milton Leland Haskin of El Paso.
To Rules and Resolutions.

HR 1234 (By Landtroop), In memory of Texas Department of Public Safety trooper Jonathan Thomas McDonald of Post.
To Rules and Resolutions.
HR 1235 (By McClendon), Honoring Fiesta San Antonio 2011 and commending the event's organizers.
To Rules and Resolutions.

HR 1236 (By Alonzo), Congratulating the Mountain View College men's basketball team on winning the National Junior College Athletic Association Division III championship.
To Rules and Resolutions.

HR 1237 (By Guillen), Honoring Lori Peterson Perez for her community service in Rio Grande City and Starr County.
To Rules and Resolutions.

HR 1238 (By Guillen), Paying tribute to the life of James Edwin Peterson of Rio Grande City.
To Rules and Resolutions.

HR 1239 (By Guillen), Congratulating the Benavides High School Lady Eagles basketball team on winning district and bi-district championships during the 2010-2011 season.
To Rules and Resolutions.

HR 1240 (By Burkett), Congratulating Elaine Whitlock of Ed Hodges Elementary School on her selection as the 2010-2011 Elementary School Principal of the Year by the Mesquite Independent School District Council of PTAs.
To Rules and Resolutions.

HR 1241 (By Shelton), Congratulating the Paschal High School science team in Fort Worth for winning the 2011 5A Science State Championship sponsored by the Texas Math and Science Coaches Association.
To Rules and Resolutions.

HR 1242 (By Shelton), Congratulating scout executive Dan Clifton on his retirement from the Longhorn Council of the Boy Scouts of America.
To Rules and Resolutions.

SB 655 to Energy Resources.

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APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 7
Agriculture and Livestock - HB 2334
Corrections - HB 2004, HB 2734
Criminal Jurisprudence - HB 470, HB 1103, HB 1658, HB 2662, HB 2725, HJR 98
Culture, Recreation, and Tourism - HB 384
Elections - HB 1616
Higher Education - HB 736
Land and Resource Management - HB 91
Public Education - HB 968
Public Health - HB 2904, SB 156
State Affairs - HB 265, HB 816, HB 892, HB 966, HB 1774, HB 2499, HB 2632, HB 2680, HCR 69
Transportation - HB 1486, HB 1541, HB 1866, HB 1896, HB 2017, HB 2195, HB 2346, HB 2541, HB 2771, HB 2792

ENGROSSED
April 7 - HB 690, HB 849

ENROLLED
April 7 - HCR 64, HCR 65, HCR 150

SENT TO THE GOVERNOR
April 7 - HCR 64, HCR 65, HCR 150

SIGNED BY THE GOVERNOR
April 7 - HCR 62, HCR 114
Honorable David Dewhurst
President of the Senate

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 Senate Bill 14 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.

Troy Fraser, Chair
Brian Birdwell
Joan Huffman
Leticia Van de Putte
Tommy Williams
On the part of the Senate

Patricia Harless, Chair
Jose Alisada
Dennis Bonnen
Vicki Truitt
Marc Veasey
On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.
A BILL TO BE ENTITLED

AN ACT

relating to requirements to vote, including presenting proof of
identification; providing criminal penalties.

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

SECTION 1. Section 13.002, Election Code, is amended by
adding Subsection (i) to read as follows:

(i) An applicant who wishes to receive an exemption from the
requirements of Section 63.001(b) on the basis of disability must
include with the person’s application:

(1) written documentation:

(A) from the United States Social Security
Administration evidencing the applicant has been determined to have
a disability; or

(B) from the United States Department of Veterans
Affairs evidencing the applicant has a disability rating of at
least 50 percent; and

(2) a statement in a form prescribed by the secretary
of state that the applicant does not have a form of identification
acceptable under Section 63.0101.

SECTION 2. Section 15.001, Election Code, is amended by
adding Subsection (c) to read as follows:

(c) A certificate issued to a voter who meets the
certification requirements of Section 13.002(i) must contain an
indication that the voter is exempt from the requirement to present

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Identification other than the registration certificate before being accepted for voting.

SECTION 3. Effective September 1, 2011, Subchapter A, Chapter 15, Election Code, is amended by adding Section 15.005 to read as follows:

Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS.
(a) The voter registrar of each county shall provide notice of the identification requirements for voting prescribed by Chapter 63 and a detailed description of those requirements with each voter registration certificate issued under Section 13.142 or renewal registration certificate issued under Section 14.001.

(b) The secretary of state shall prescribe the wording of the notice to be included on the certificate under this section.

SECTION 4. Section 15.022(a), Election Code, is amended to read as follows:

(a) The registrar shall make the appropriate corrections in the registration records, including, if necessary, deleting a voter's name from the suspense list:

(1) after receipt of a notice of a change in registration information under Section 15.021;

(2) after receipt of a voter's reply to a notice of investigation given under Section 16.033;

(3) after receipt of a registration omissions list and any affidavits executed under Section 63.006 (63.007), following an election;

(4) after receipt of a voter's statement of residence executed under Section 63.0011;
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1 (5) before the effective date of the abolishment of a
2 county election precinct or a change in its boundary;
3 (6) after receipt of United States Postal Service
4 information indicating an address reclassification;
5 (7) after receipt of a voter's response under Section
6 15.053; or
7 (8) after receipt of a registration application or
8 change of address under Chapter 20.

SECTION 5. Effective September 1, 2011, Subchapter A,
Chapter 31, Election Code, is amended by adding Section 31.012 to
read as follows:

Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) The
secretary of state and the voter registrar of each county that
maintains a website shall provide notice of the identification
requirements for voting prescribed by Chapter 63 on each entity's
respective website in each language in which voter registration
materials are available. The secretary of state shall prescribe
the wording of the notice to be included on the websites.

(b) The secretary of state shall conduct a statewide effort
to educate voters regarding the identification requirements for
voting prescribed by Chapter 63.

(c) The county clerk of each county shall post in a
prominent location at the clerk's office a physical copy of the
notice prescribed under Subsection (a) in each language in which
voter registration materials are available.

SECTION 6. Effective September 1, 2011, Section 32.111,
Election Code, is amended by adding Subsection (c) to read as
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follows:

(c) The training standards adopted under Subsection (a) must include provisions on the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001.

SECTION 7. Effective September 1, 2011, Section 32.114(a), Election Code, is amended to read as follows:

(a) The county clerk shall provide one or more sessions of training using the standardized training program and materials developed and provided by the secretary of state under Section 32.111 for the election judges and clerks appointed to serve in elections ordered by the governor or a county authority. Each election judge shall complete the training program. Each election clerk shall complete the part of the training program relating to the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001.

SECTION 8. Chapter 62, Election Code, is amended by adding Section 62.016 to read as follows:

Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE POLLING PLACES. The presiding judge shall post in a prominent place on the outside of each polling location a list of the acceptable forms of identification. The list must be printed using a font that is at least 24-point. The notice required under this section must be posted separately from any other notice required by state or federal law.

SECTION 9. Section 63.001, Election Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsections
(g) and (h) to read as follows:

(b) Except as provided by Subsection (h), an election officer at the polling place shall require one form of identification described by Section 63.0101 [the voter's voter registration certificate].

c. On presentation of the documentation required under Subsection (b) [registration certificate], an election officer shall determine whether the voter's name on the documentation [registration certificate] is on the list of registered voters for the precinct. If in making a determination under this subsection the election officer determines under standards adopted by the secretary of state that the voter's name on the documentation is substantially similar to but does not match exactly with the name on the list, the voter shall be accepted for voting under Subsection (d) if the voter submits an affidavit stating that the voter is the person on the list of registered voters.

d. If, as determined under Subsection (c), the voter's name is on the precinct list of registered voters and the voter's identity can be verified from the documentation presented under Subsection (b), the voter shall be accepted for voting.

(f) After determining whether to accept a voter, an election officer shall return the voter's documentation [registration certificate] to the voter.

(g) If the requirements for identification prescribed by Subsection (b) are not met, the voter may be accepted for provisional voting only under Section 63.011. For a voter who is...
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not accepted for voting under this section, an election officer shall:

(1) inform the voter of the voter's right to cast a provisional ballot under Section 63.011; and

(2) provide the voter with written information, in a form prescribed by the secretary of state, that:

(A) lists the requirements for identification;

(B) states the procedure for presenting identification under Section 65.0541;

(C) includes a map showing the location where identification must be presented; and

(D) includes notice that if all procedures are followed and the voter is found to be eligible to vote and is voting in the correct precinct, the voter's provisional ballot will be accepted.

(b) The requirements for identification prescribed by Subsection (b) do not apply to a voter who is disabled and presents the voter's voter registration certificate containing the indication described by Section 15.001(c) on offering to vote.

SECTION 10. Section 63.0011(a), Election Code, is amended to read as follows:

(a) Before a voter may be accepted for voting, an election officer shall ask the voter if the voter's residence address on the precinct list of registered voters is current and whether the voter has changed residence within the county. If the voter's address is omitted from the precinct list under Section 18.005(c), the officer shall ask the voter if the voter's residence, if [as] listed, on
identification presented by the voter under Section 63.001(b) [the voter's voter registration certificate] is current and whether the voter has changed residence within the county.

SECTION 11. Effective September 1, 2011, Chapter 63, Election Code, is amended by adding Section 63.0012 to read as follows:

Sec. 63.0012. NOTICE OF IDENTIFICATION REQUIREMENTS TO CERTAIN VOTERS. (a) An election officer shall distribute written notice of the identification that will be required for voting beginning with elections held after January 1, 2012, and information on obtaining identification without a fee under Chapter 521A, Transportation Code, to each voter who, when offering to vote, presents a form of identification that will not be sufficient for acceptance as a voter under this chapter beginning with those elections.

(b) The secretary of state shall prescribe the wording of the notice and establish guidelines for distributing the notice.

(c) This section expires September 1, 2017.

SECTION 12. Section 63.006, Election Code, is amended to read as follows:

Sec. 63.006. VOTER WITH REQUIRED DOCUMENTATION [CORRECT CERTIFICATE] WHO IS NOT ON LIST. (a) A voter who, when offering to vote, presents the documentation required under Section 63.001(b) [a voter registration certificate indicating that the voter is currently registered in the precinct in which the voter is offering to vote] but whose name is not on the precinct list of registered voters[7] shall be accepted for voting if the voter also presents a
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1 voter registration certificate indicating that the voter is
2 currently registered:
3
4 (1) in the precinct in which the voter is offering to
5 vote; or
6
7 (2) in a different precinct in the same county as the
8 precinct in which the voter is offering to vote and the voter
9 executes an affidavit stating that the voter:
10
11 (A) is a resident of the precinct in which the
12 voter is offering to vote or is otherwise entitled by law to vote in
13 that precinct;
14
15 (B) was a resident of the precinct in which the
16 voter is offering to vote at the time the information on the voter's
17 residence address was last provided to the voter registrar;
18
19 (C) did not deliberately provide false
20 information to secure registration in a precinct in which the voter
21 does not reside; and
22
23 (D) is voting only once in the election.
24
25 (b) After the voter is accepted, an election officer shall:
26
27 (1) indicate beside the voter's name on the poll list
28 that the voter was accepted under this section; and
29
30 (2) enter the voter's name on the registration
31 omissions list.
32
33 SECTION 13. Section 63.009, Election Code, is amended to
34 read as follows:
35
36 Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST.
37 A [(a)] Except as provided by Subsection (b), a] voter who does not
38 present a voter registration certificate when offering to vote, and
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whose name is not on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for provisional voting if the voter executes an affidavit in accordance with Section 63.011.

[(b) If an election officer can determine from the voter registrar that the person is a registered voter of the county and the person presents proof of identification, the affidavit required by Sections 63.007 and 63.008 are substituted for the affidavit required by Section 63.011 in complying with that section. After the voter is accepted under this subsection, an election officer shall also indicate beside the voter's name on the poll list that the voter was accepted under this section.]

SECTION 14. Section 63.0101, Election Code, is amended to read as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. The following documentation is an acceptable form of proof of photo identification under this chapter:

(1) a driver's license, election identification certificate, or personal identification card issued to the person by the Department of Public Safety that has not expired or that expired no earlier than 60 days before the date of presentation;

(2) a United States military identification card that contains the person's photograph that has not expired or that expired no earlier than 60 days before the date of presentation;
establishes the person's identity;

    (3) a birth certificate or other document confirming
    birth that is admissible in a court of law and establishes the
    person's identity;

    [44+] United States citizenship certificate [papers]
    issued to the person that contains the person's photograph;

    (4) [45+] a United States passport issued to the
    person that has not expired or that expired no earlier than 60 days
    before the date of presentation; or

    (5) a license to carry a concealed handgun issued to
    the person by the Department of Public Safety that has not expired
    or that expired no earlier than 60 days before the date of
    presentation

    [46+] official mail addressed to the person by name
    from a governmental entity;

    [47+] a copy of a current utility bill, bank statement,
    government check, paycheck, or other government document that shows
    the name and address of the voter; or

    [48+] any other form of identification prescribed by
    the secretary of state.

SECTION 15. Section 63.011, Election Code, is amended by
amending Subsections (a) and (b) and adding Subsection (b-1) to
read as follows:

    (a) A person to whom Section 63.001(g) [63.001(g)] or 63.009
    [63.009(a)] applies may cast a provisional ballot if the person
    executes an affidavit stating that the person:

    (1) is a registered voter in the precinct in which the
person seeks to vote; and

(2) is eligible to vote in the election.

(b) A form for an affidavit required by this section must
shall be printed on an envelope in which the provisional ballot
voted by the person may be placed and must include:

(1) a space for entering the identification number of
the provisional ballot voted by the person; and

(2) a space for an election officer to indicate
whether the person presented a form of identification described by
Section 63.0101.

(b-1) The affidavit form may include space for disclosure of
any necessary information to enable the person to register to vote
under Chapter 13. The secretary of state shall prescribe the form
of the affidavit under this section.

SECTION 16. Section 64.012(b), Election Code, is amended to
read as follows:

(b) An offense under this section is a felony of the second
[third] degree unless the person is convicted of an attempt. In
that case, the offense is a state jail felony [Class A misdemeanor].

SECTION 17. Section 65.054(b), Election Code, is amended to
read as follows:

(b) A provisional ballot shall [may] be accepted [only] if
the board determines that:

(1) [r] from the information in the affidavit or
contained in public records, the person is eligible to vote in the
election and has not previously voted in that election;

(2) the person:
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(A) meets the identification requirements of Section 63.001(b) at the time the ballot was cast or in the period prescribed under Section 65.0541;

(B) notwithstanding Chapter 110, Civil Practice and Remedies Code, executes an affidavit under penalty of perjury that states the voter has a religious objection to being photographed and the voter has consistently refused to be photographed for any governmental purpose from the time the voter has held this belief; or

(C) executes an affidavit under penalty of perjury that states the voter does not have any identification meeting the requirements of Section 63.001(b) as a result of a natural disaster that was declared by the president of the United States or the governor, occurred not earlier than 45 days before the date the ballot was cast, and caused the destruction of or inability to access the voter's identification; and

(3) the voter has not been challenged and voted a provisional ballot solely because the voter did not meet the requirements for identification prescribed by Section 63.001(b).

SECTION 18. Subchapter B, Chapter 65, Election Code, is amended by adding Section 65.0541 to read as follows:

Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional voting under Section 63.011 because the voter does not meet the identification requirements of Section 63.001(b) may, not later than the sixth day after the date of the election:

(1) present a form of identification described by
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Section 63.0101 to the voter registrar for examination; or
(2) execute an affidavit described by Section 65.054(b)(2)(B) or (C) in the presence of the voter registrar.

(b) The secretary of state shall prescribe procedures as necessary to implement this section.

SECTION 19. Section 66.0241, Election Code, is amended to read as follows:

Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4 must contain:

1. the precinct list of registered voters;
2. the registration correction list;
3. the registration omissions list;
4. any statements of residence executed under Section 63.0011; and
5. any affidavits executed under Section 63.006 [63.007] or 63.011.

SECTION 20. Subtitle B, Title 7, Transportation Code, is amended by adding Chapter 521A to read as follows:

CHAPTER 521A. ELECTION IDENTIFICATION CERTIFICATE

Sec. 521A.001. ELECTION IDENTIFICATION CERTIFICATE. (a)
The department shall issue an election identification certificate to a person who states that the person is obtaining the certificate for the purpose of satisfying Section 63.001(b), Election Code, and does not have another form of identification described by Section 63.0101, Election Code, and:

1. who is a registered voter in this state and presents a valid voter registration certificate; or

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(2) who is eligible for registration under Section 13.001, Election Code, and submits a registration application to the department.

(b) The department may not collect a fee for an election identification certificate or a duplicate election identification certificate issued under this section.

(c) An election identification certificate may not be used or accepted as a personal identification certificate.

(d) An election officer may not deny the holder of an election identification certificate the ability to vote because the holder has an election identification certificate rather than a driver's license or personal identification certificate issued under this subtitle.

(e) An election identification certificate must be similar in form to, but distinguishable in color from, a driver's license and a personal identification certificate. The department may cooperate with the secretary of state in developing the form and appearance of an election identification certificate.

(f) The department may require each applicant for an original or renewal election identification certificate to furnish to the department the information required by Section 521.142.

(g) The department may cancel and require surrender of an election identification certificate after determining that the holder was not entitled to the certificate or gave incorrect or incomplete information in the application for the certificate.

(h) A certificate expires on a date specified by the department, except that a certificate issued to a person 70 years of age or older expires on the date specified by the department.
age or older does not expire.

SECTION 21. Sections 63.007 and 63.008, Election Code, are repealed.

SECTION 22. Effective September 1, 2011:

(1) as soon as practicable, the secretary of state shall adopt the training standards and develop the training materials required to implement the change in law made by this Act to Section 32.111, Election Code; and

(2) as soon as practicable, the county clerk of each county shall provide a session of training under Section 32.114, Election Code, using the standards adopted and materials developed to implement the change in law made by this Act to Section 32.111, Election Code.

SECTION 23. The change in law made by this Act in amending Section 64.012(b), Election Code, applies only to an offense committed on or after January 1, 2012. An offense committed before January 1, 2012, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense is committed before January 1, 2012, if any element of the offense occurs before that date.

SECTION 24. Effective September 1, 2011, state funds disbursed under Chapter 19, Election Code, for the purpose of defraying expenses of the voter registrar's office in connection with voter registration may also be used for additional expenses related to coordinating voter registration drives or other activities designed to expand voter registration. This section...
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1 expires January 1, 2013.
2
3 SECTION 25. Every provision in this Act and every application of the provisions in this Act are severable from each other. If any application of any provision in this Act to any person or group of persons or circumstances is found by a court to be invalid, the remainder of this Act and the application of the Act's provisions to all other persons and circumstances may not be affected. All constitutionally valid applications of this Act shall be severed from any applications that a court finds to be invalid, leaving the valid applications in force, because it is the legislature's intent and priority that the valid applications be allowed to stand alone. Even if a reviewing court finds a provision of this Act invalid in a large or substantial fraction of relevant cases, the remaining valid applications shall be severed and allowed to remain in force.

4 SECTION 26. Except as otherwise provided by this Act, this Act takes effect January 1, 2012.
<table>
<thead>
<tr>
<th>SENATE VERSION</th>
<th>HOUSE VERSION</th>
<th>CONFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>No equivalent provision.</td>
<td><strong>SECTION 1.</strong> Adds Section 1.005(25), Election Code, to define “early voting ballot board” to mean the early voting and provisional voting ballot board. [FA59(1)]</td>
<td>Same as Senate version.</td>
</tr>
<tr>
<td><strong>SECTION 1.</strong> Section 13.002, Election Code, is amended by adding Subsection (i), requiring an applicant for voter registration who wishes to receive an exemption from voter identification requirements on the basis of disability to include with the person’s application a certification from a physician that the person has a disability as defined by Section 21.002, Labor Code.</td>
<td><strong>SECTION 1.</strong> Same as Senate version, except replaces the requirement that the applicant include certification from a physician that the person has a disability with the requirement that the applicant include written documentation either from the United States Social Security Administration evidencing the applicant has been determined to have a disability or from the United States Department of Veterans Affairs evidencing the applicant has a disability rating of at least 50 percent, along with a statement in a form prescribed by the secretary of state that the applicant does not have a form of identification acceptable under Section 63.0101, Election Code, as amended by the bill.</td>
<td><strong>SECTION 1.</strong> Same as House version.</td>
</tr>
<tr>
<td><strong>SECTION 2.</strong> Amends Section 15.001, Election Code.</td>
<td><strong>SECTION 2.</strong> Same as Senate version.</td>
<td><strong>SECTION 2.</strong> Same as Senate version.</td>
</tr>
<tr>
<td><strong>SECTION 3.</strong> Adds Section 15.005, Election Code.</td>
<td><strong>SECTION 3.</strong> Substantially the same as Senate version, except incorporates same effective date for the section that is provided in SECTION 26(b) of Senate version.</td>
<td><strong>SECTION 3.</strong> Same as House version.</td>
</tr>
<tr>
<td><strong>SECTION 4.</strong> Amends Section 15.022(a)(3), Election Code.</td>
<td><strong>SECTION 4.</strong> Same as Senate version.</td>
<td><strong>SECTION 4.</strong> Same as Senate version.</td>
</tr>
<tr>
<td><strong>SECTION 5.</strong> Subchapter A, Chapter 31, Election Code, is</td>
<td><strong>SECTION 5.</strong> Substantially the same as Senate version, except incorporates</td>
<td><strong>SECTION 5.</strong> Same as Senate version, except incorporates</td>
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</table>
Senate Bill 14  
Conference Committee Report  
Section-by-Section Analysis  

SENATE VERSION  

amended by adding Section 31.012, relating to voter identification education provided by the secretary of state and the voter registrar of each county that maintains a website. Among other provisions, requires the secretary of state to conduct a statewide effort to educate voters regarding the identification requirements for voting.

SECTION 6. Section 32.111, Election Code, is amended by adding (c).  

SECTION 7. Amends Section 32.114(a), Election Code.  

SECTION 8. Chapter 62, Election Code, is amended by adding Section 62.016, relating to the notice and list of acceptable identification that must be posted in a prominent place on the outside of each polling location. Requires the notice and a list of the acceptable forms of identification to be printed using a font that is at least 24-point. Establishes that the notices required under this section shall be posted separately from all other notices required by state or federal law.

SECTION 9. Section 63.001, Election Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsections (g) and (h) as follows:

HOUSE VERSION  

requires the secretary of state's statewide effort to include education targeted at low-income and minority voters. Incorporates same effective date for the section that is provided in SECTION 26(b) of Senate version. [FA27]

SECTION 6. Substantially the same as Senate version, except incorporates same effective date for the section that is provided in SECTION 26(b) of Senate version.  

SECTION 7. Substantially the same as Senate version, except incorporates same effective date for the section that is provided in SECTION 26(b) of Senate version.  

SECTION 8. Same as Senate version, except requires only the list to be printed using a font that is at least 24-point and establishes that the notice under this section must be posted separately from any other notice required by state or federal law.  

SECTION 9. [FA3(1)-(3);FA5;FA7;FA10;FA13(1)-(2)] Section 63.001, Election Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsections (g), (h), and (i) to read as follows

CONFERENCE  

effective date same as House version.

SECTION 6. Same as House version.  

SECTION 7. Same as House version.  

SECTION 8. Same as House version.  

SECTION 9. Section 63.001, Election Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsections (g) and (h) as follows:

Associated CCR Draft: 82R24861
SENATE VERSION

(b) Among other provisions, requires a voter, on offering to vote, to present to an election officer at the polling place one form of identification listed in Section 63.0101, except as provided by Subsection (h).

(c) Among other provisions, requires the acceptance of a voter for voting if the voter submits an affidavit stating that the voter is the person on the list of registered voters and the election officer, in determining whether a voter's name is on that list, determines that the voter's name on the documentation is substantially similar but does not match exactly the name on the list.

(d) Provides that if the voter's name is on the precinct list of registered voters and the voter's identity can be verified from the presented documentation the voter shall be accepted for voting.

(f) Requiring an election officer, after determining whether to accept a voter, to return the voter's documentation to the voter.

(g) Among other provisions, requires the written information relating to provisional voting that is provided to a voter accepted for provisional voting because the identification requirements are not met to include, among other information, notice that even if all procedures are followed, there is no guarantee that a provisional ballot will be accepted.

(h) Exempts from the voter identification requirements prescribed by Subsection (b) of this section a voter who

HOUSE VERSION

(b) Same as Senate version, except refers to the forms of identification described by Section 63.0101 and provides exceptions in Subsections (h) and (i).

(c) Substantially the same as Senate version, except specifies that the acceptance of a voter for voting is under Subsection (d) of this section and specifies that the election officer's determination that the voter's name on the documentation is substantially similar to but does not match exactly with the name on the list is under standards adopted by the secretary of state.

(d) Same as Senate version, except specifies that the acceptance for voting is as determined under Subsection (c) of this section.

(f) Same as Senate version.

(g) Among other provisions, requires the written information relating to provisional voting that is provided to a voter accepted for provisional voting because the identification requirements are not met to include, among other information, notice that if all procedures are followed and the voter is found to be eligible to vote in the election, the voter's provisional ballot will be counted.

(h) Same as Senate version, except omits as a ground for exemption from the voter identification requirements that the voter

CONFERENCE

(b) Same as House version, except provides an exception in Subsection (h).

(c) Substantially the same as House version.

(d) Same as House version.

(f) Same as Senate version.

(g) Among other provisions, requires the written information relating to provisional voting that is provided to a voter accepted for provisional voting because the identification requirements are not met to include, among other information, notice that if all procedures are followed and the voter is found to be eligible to vote and is voting in the correct precinct, the voter's provisional ballot will be accepted.

(h) Same as Senate version, except omits as a ground for exemption from the voter identification requirements that the voter

Associated CCR Draft: 82R24861

TX_00003538
JA_002885
Senate Bill 14
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

presents the voter's voter registration certificate on offering to vote and was 70 years of age or older on January 1, 2012, as indicated by the date of birth on the voter's voter registration certificate, or is disabled and the voter's voter registration certificate contains the indication described by Section 15.001(c) of the bill.

No equivalent provision.

HOUSE VERSION

voter was 70 years of age or older on January 1, 2012, and includes as a ground for exemption that the voter executes an affidavit under penalty of perjury asserting that the voter does not have identification meeting the requirements of Subsection (b) as a result of a natural disaster declared by the president of the United States or the governor.

(1) Relating to the acceptance for voting of a voter who would otherwise be accepted but for the voter identification requirements of Subsection (b) if the voter executes an affidavit within a specified period asserting that the voter's proof of identification meeting those requirements has been stolen and the voter presents to an election officer a copy of an official police report to that effect. Provides for the redaction and exemption of certain personal information of the voter on the report.

CONFERENCE

voter was 70 years of age or older on January 1, 2012.

Same as Senate version.

SECTION 10. Subsection (a), Section 63.0011, Election Code, is amended.

SECTION 10. Same as Senate version.

SECTION 11. Same as Senate version.

SECTION 11. Substantially the same as Senate version, except incorporates same effective date for the section that is provided in SECTION 26(b) of Senate version.

ASECTION 11. Same as House version, except refers to information on obtaining identification without a fee under Chapter 521A, Transportation Code.

SECTION 12. Same as Senate version, except specifies that the voter registration certificate presented by the voter indicates that the voter is currently registered in a different precinct in the same county as the precinct in which the voter

SECCTION 12. Same as Senate version.

SECCTION 12. Same as House version.
accepting such a voter for voting that the voter also presents a voter registration certificate indicating that the voter is currently registered in a different precinct from the one in which the voter is offering to vote. Includes among the actions an election officer must take after the voter is accepted entering the precinct of the voter’s registration as indicated by the voter’s registration certificate, if applicable, on the registration omissions list.

SECTION 13. Section 63.009, Election Code, is amended.

SECTION 14. Section 63.0101, Election Code, is amended to establish the acceptable forms of photo identification for voting. Includes among those forms of identification a license to carry a concealed handgun issued to the person by the Department of Public Safety (DPS).

SECTION 15. Section 63.011, Election Code, is amended by amending Subsections (a) and (b), as follows:

(a) Makes conforming changes.

(b) [part] Establishes that a form for an affidavit required by this section shall be printed on an envelope in which the provisional ballot voted by the person may be placed and must include spaces for certain information.

SECTION 13. Same as Senate version.

SECTION 14. Same as Senate version, except specifies that, for a license to carry a concealed handgun to be an acceptable form of photo identification for voting, the license has not expired or expired no earlier than 60 days before the date of presentation. Adds as acceptable forms of photo identification for voting a valid identification card that contains the person’s photograph and is issued by a tribal organization and an identification card that contains the person’s photograph and is issued or approved by this state.

SECTION 15. Section 63.011, Election Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) and (f) as follows:

(a) Same as Senate version.

(b) Same as Senate version, except specifies that the form for the affidavit must be printed on such an envelope.

Conference Committee Report
Section-by-Section Analysis

CONFERENCE

SECTION 13. Same as Senate version.

SECTION 14. Same as Senate version, except includes as an acceptable form of identification an election identification certificate and includes the specification in the House version that a license to carry a concealed handgun issued to the person by DPS refers to a license that has not expired or has expired no earlier than 60 days before the date of presentation.

SECTION 15. Section 63.011, Election Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) as follows:

(a) Same as Senate version.

(b) Same as House version.
SENATE VERSION

(b) [part] Sets out requirements for the affidavit form.

No equivalent provision.

SECTION 16. Subsection (b), Section 64.012, Election Code, is amended.

SECTION 17. Section 65.054, Election Code, is amended by amending Subsection (b) and adding Subsection (e), as follows:

No equivalent provision.

(b) Includes among the options for meeting the identification requirements for acceptance of a provisional ballot by the early voting ballot board the determination by the board that the person meets the identification requirements of Section 63.001(b) in the period prescribed under Section 65.054 or executes an affidavit under penalty of perjury stating that the voter is indigent and is unable to obtain proof of identification without the payment of a fee or has a religious objection to being photographed. Requires the affidavit to also state that the voter has not been challenged or required to vote a provisional ballot for any other reason.

HOUSE VERSION

(b-1) Same as Senate version.

(1) Provides for the execution of an affidavit under certain provisions of the bill and the availability of forms for such affidavits at each polling place.

SECTION 16. Same as Senate version.

SECTION 17. Same as Senate version.

CONFERENCE

(b-1) Same as Senate version.

Same as Senate version.

SECTION 16. Same as Senate version.

SECTION 17. Section 65.054, Election Code, is amended by amending Subsection (b) and adding Subsection (e), as follows:

No equivalent provision.

(b) Same as Senate version, except specifies that the determination by the board that the person meets the identification requirements of Section 63.001(b) is either at the time the ballot was cast or in the period prescribed under Section 65.054. Adds as an option for meeting the identification requirements that the person within the prescribed period presents a temporary license issued by DPS that contains the voter's photograph. Omits the option to execute an affidavit relating to the voter's indigence. Revises the option to execute an affidavit relating to a religious objection to being photographed. Requires the affidavit to also state that the voter has not been challenged or required to vote a provisional ballot for any other reason.

SECTION 17. Section 65.054, Election Code, is amended by amending Subsection (b) and adding Subsection (e), as follows:

Same as Senate version.

Same as Senate version.
meeting the requirements of Section 63.001(b) as a result of a natural disaster that was declared by the president of the United States or the governor occurred not earlier than 45 days before the date the ballot was cast, and caused the destruction of or inability to access the voter's identification. Includes as a condition for accepting a provisional ballot rather than as a required statement in the affidavit options, that the voter has not been challenged and voted a provisional ballot solely because the voter did not meet the requirements for identification prescribed by Section 63.001(b). [The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

SECTION 18. Subchapter B, Chapter 65, Election Code, is amended by adding Section 65.0541, relating to the presentation of identification for certain provisional ballots. Among other provisions, authorizes a voter who is accepted for provisional voting under Section 63.011 because the voter does not meet the identification requirements of Section 63.001(b) to present **proof of identification** described by Section 63.0101 to the voter registrar for examination within a prescribed period or execute one of the affidavit options described in Section 65.054(b) above.

**SECTION 18.** Same as Senate version, except authorizes a voter within the prescribed period to present a **form of identification** described by Section 63.0101. Adds as an option for meeting the identification requirements that the person within the prescribed period presents a temporary license issued by DPS that contains the voter's photograph. Omits the affidavit options.

Associated CCR Draft: 82R248061
SECTION 20. Section 521.422, Transportation Code, is amended by amending Subsection (a) to make a conforming change and adding Subsection (d) to establish that DPS may not collect a fee for a personal identification certificate issued to a person who states that the person is obtaining the personal identification certificate for the purpose of satisfying Section 63.001(b), Election Code, and meets certain other requirements.

SECTION 20. Same as Senate version, except establishes that DPS shall not collect a fee for a personal identification certificate issued to a person who states that the person is obtaining the personal identification certificate for the purpose of satisfying Section 63.001(b), Election Code, and does not have another form of identification described by Section 63.0101, Election Code, and meets certain other requirements. [FA32]
<table>
<thead>
<tr>
<th>SENATE VERSION</th>
<th>HOUSE VERSION</th>
<th>CONFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>No equivalent provision.</td>
<td>SECTION 21. Repeals Sections 63.007 and 63.008, Election Code, effective January 1, 2012.</td>
<td>Same as Senate version.</td>
</tr>
<tr>
<td>SECTION 23. Saving provision relating to the change in law made by the bill applicable to an offense.</td>
<td>SECTION 22. Substantially the same as Senate version, except incorporates same effective date for the section that is provided in SECTION 26(b) of Senate version.</td>
<td>SECTION 22. Same as House version.</td>
</tr>
<tr>
<td>SECTION 24. Temporary provision relating to use of state funds for voter registration.</td>
<td>SECTION 23. Same as Senate version, except specifies that the change in law is to Section 64.012(b), Election Code, as amended by the bill.</td>
<td>SECTION 23. Same as House version.</td>
</tr>
</tbody>
</table>

The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.
SECTION 25. Establishes that the bill does not make an appropriation and takes effect only if a specific appropriation for the implementation of the bill is provided in a general appropriations act of the 82nd Legislature.

No equivalent provision.

SECTION 26. (a) Except as provided by Subsection (b) of this section, this Act takes effect January 1, 2012.
(b) The changes in law made by Sections 3, 5, 6, 7, 11, 22, and 24 of this Act take effect September 1, 2011.

SECTION 25. Same as House version.

SECTION 26. Same as House version.
TO: Honorable David Dewhurst, Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives  
FROM: John S O'Brien, Director, Legislative Budget Board  
IN RE: SB14 by Fraser (Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.), Conference Committee Report

Estimated Two-year Net Impact to General Revenue Related Funds for SB14, Conference Committee Report: a negative impact of ($2,024,000) through the biennium ending August 31, 2013.  
The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</th>
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</thead>
<tbody>
<tr>
<td>2012</td>
<td>($2,024,000)</td>
</tr>
<tr>
<td>2013</td>
<td>$0</td>
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<tr>
<td>2014</td>
<td>$0</td>
</tr>
<tr>
<td>2015</td>
<td>$0</td>
</tr>
<tr>
<td>2016</td>
<td>$0</td>
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</table>

All Funds, Five-Year Impact:

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<tr>
<th>Fiscal Year</th>
<th>Probable Savings/(Cost) from General Revenue Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>($2,024,000)</td>
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<tr>
<td>2013</td>
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<tr>
<td>2015</td>
<td>$0</td>
</tr>
<tr>
<td>2016</td>
<td>$0</td>
</tr>
</tbody>
</table>

Fiscal Analysis

The bill would exempt certain disabled voters from presenting additional identification for voting, other than the voter registration certificate, if the voter submits written document from the United States Social Security Administration evidencing the applicant has a disability or the Department of Veterans Affairs evidencing the applicant has a disability rating of at least 50 percent along with a statement that the applicant does not have an acceptable form of identification. The bill would also require voter registration certificates to contain an indication that the disabled voter is exempted from presenting additional identification, other than the voter registration certificate, before being accepted for voting.

The bill would require the voter registrar of each county to provide a notice of identification
requirements for voting with each initial voter registration certificate or renewal registration certificate issued. The Secretary of State (SOS) and the voter registrar of each county that maintains a website would be required to post on their websites, in each language in which voter registration materials are available, a notice of the identification requirements, and county clerks would be required to post a physical copy in each language voter registration materials are available. SOS would be required to prescribe the wording of these notices. SOS would also be required to establish a statewide effort to educate voters regarding the identification requirements for voting.

The bill would require training standards to include instructions on the acceptance and handling of the identification presented by a voter to an election officer and each election clerk would be required to complete this training.

The presiding judge at each polling place would be required to post in a prominent location outside of the location a list of the acceptable forms of identification and the list would have to be separate from any other notices.

The Secretary of State would be required to develop standards for accepting voters when determining whether the voter’s name on the voter’s form of identification is substantially similar when the name does not match exactly with the name on the list of registered voters and the voter submits an affidavit stating that the voter is the person on the list of registered voters.

The Secretary of State would be required to prescribe the wording for written notifications of the identification requirements for voting beginning with elections held after January 1, 2012 and election officers would be required to provide this written notification of voting identification requirements and information on obtaining identification without a fee to voters who do not meet identification requirements. This section would expire September 1, 2017.

The Secretary of State would be required to prescribe procedures for voters who provisionally vote without proper identification to present proof of identification to the voter registrar not later than the sixth day after the date of the election.

The bill would require the Department of Public Safety (DPS) to issue an election identification certificate (certificate) to a person who states that the person is obtaining the certificate to meet voting identification requirements and presents a valid voter registration certificate or submits a valid voter registration application. DPS would be prohibited from collecting a fee for the certificate or a duplicate certificate. The certificate would not be allowed to be used or accepted as a personal identification certificate. The certificate would be required to be similar in form to, but distinguishable in color from, a driver’s license and a personal identification certificate. DPS and the Secretary of State would be allowed to cooperate in developing the form and appearance of the certificate. DPS would determine the expiration date of the certificate except that a certificate issued to a person 70 years of age or older would not expire.

The bill would repeal Sections 63.007 and 63.008 of the Election Code related to voters with incorrect certificates who are not on the voter list and voters without certificates who are not on the voter list.

The Secretary of State (SOS) would be required to adopt the training standards and to develop training materials as soon as practicable after September 1, 2011. Each county clerk would be required to provide a session of training using the standards adopted by and the materials developed by SOS as soon as practicable as well.

The bill would change an offense under this section after January 1, 2012 to a second degree felony from a third degree felony unless the person is convicted of an attempt, in which case, the offense would be a state jail felony instead of a Class A misdemeanor.

The bill would expand the uses of state funds disbursed under Chapter 19 of the Election Code to include additional expenses related to coordinating voter registration drives or other activities designed to expand voter registration. This section would expire January 1, 2013.

The bill would state that if any provision in the bill is found by a court to be invalid, the remainder of
the bill would be allowed to stand alone.

Certain sections would be effective September 1, 2011. The remainder of the bill would be effective January 1, 2012.

Methodology

The fiscal impact of the bill excluding technology costs is estimated to be $2,000,000 million for fiscal year 2012 out of the General Revenue Fund. The estimate includes $0.5 million to research and develop ways to inform the public of the new identification requirements. Additional costs are estimated to be $1.5 million for media advertisements: television ($750,000), radio ($300,000), print ($300,000), and internet ($150,000). The Secretary of State indicates that federal funds associated with the Help America Vote Act (HAVA) may be available for use but the agency would first need to verify this with the federal government.

The Secretary of State would also be required to prescribe the wording for voter identification requirement notifications in each language voter registration materials are available, develop training materials on voter identification requirements, and develop standards for accepting voters when determining whether the voter’s name on the voter’s form of identification is substantially similar to the name on the list of registered voters. It is assumed that any fiscal implication associated with these responsibilities could be absorbed within existing resources.

The fiscal impact of expanding the uses of funds disbursed under Chapter 19 of the Election Code to include coordinating voter registration drives or other activities designed to expand voter registration is unknown because it is not known how many voter registration drives or other activities designed to expand voter registration would occur.

The fiscal impact of the costs from the prohibition of DPS to collect a fee for an election identification certificate and duplicate certificate issued to a person seeking the certificate for the purpose of voting is unknown because it is not known how many people would make a request for an election identification certificate for voting.

Technology

The technology fiscal impact of the bill is estimated to be $24,000 for programming costs associated with creating an indicator on voter registration certificates for voters with certain disabilities. The notification would inform election officers at polling places that voters with certain disabilities are exempted from presenting additional identification other than the voter registration certificate. The Secretary of State indicates that federal funds associated with the Help America Vote Act (HAVA) may be available for use but the agency would first need to verify this with the federal government.

Local Government Impact

The bill would require counties to notify registered voters of changes online if the county maintains a website at polling locations, and included with voter registration certificates. Election clerks would be required to undergo training regarding accepted forms of voter identification. The bill would also require an applicant who wishes to receive an exemption from certain voter identification requirements on the basis of disability to include with the person’s application documentation that the applicant has been determined to have a disability.

Texas Association of Counties (TAC) gathered the following information from counties:

Bexar County stated that due to limited space on current registration certificates, larger cards would be necessary resulting in additional costs of $381,256 for cards, printing and postage. Bexar County also reported costs of $1,500 for providing voter ID informational posters in Spanish and English in 24-point font, and $2,500 in new costs per election regarding printing new forms and provisional envelopes for information for voters not accepted for voting because of failure to present the required identification. Bexar County also anticipates $30,000 in new costs associated with scanning disability
affidavits and another $50,000 associated with being required to validate provisional envelopes.

Brazoria County estimated that the county clerk would be responsible $1,500 in new costs to reprint provisional envelopes. The Brazoria County Tax Assessor-Collector anticipates $40,159 in new costs associated with printing provisional envelopes, in addition to the costs of printing new voter information (Brazoria County reported that these costs would vary depending on the specific requirements of the information to be provided).

Tarrant County anticipated a one-time cost of $8,000 to reprint provisional balloting materials and provide new notices.

Comal County anticipated approximately $30,000 in new costs per election for staff at voting precincts and the early voting ballot board. The Comal County Tax Office reported costs of $2,860 to print identification requirements, $22,700 for envelopes, and $19,880 for postage to comply with the provisions of the bill.

Source Agencies:
LBB Staff: JOB, SD, MS, BTA
Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on S. B. 14 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.

[Signature]

5-4-11
RE: Adoption of Conference Committee Report on

SB14-VOTER ID #123308686

Transcribed by Lynne M. Rodriguez, CSR
LIEUTENANT GOVERNOR DEWHURST: The Chair lays out the following resolution, Senate Resolution Number 935 by Senator Fraser. The secretary will read the resolution.

SECRETARY: Senate Resolution 935. Suspending limitations on conference committee jurisdiction on Senate Bill 14.

LIEUTENANT GOVERNOR DEWHURST: The chair recognizes Senator Fraser to explain the resolution.

SENATOR FRASER: Members, Senate Resolution 935 is an outside the bounds resolution. This resolution will allow the conference committee report on SB 14 to go outside the bounds to make a couple of minor changes.

We have created a new free election ID to be issued by the DPS instead of using a DPS issued personal ID. This change was done at the request of TXDot.

With the creation of this new ID, we added it to the list of identification that may be acceptable at a poll location. We clarified the religious exemption, exception language that Senator Duncan added as a Senate floor amendment and then we made conforming changes, and I would answer any questions anyone would have.

LIEUTENANT GOVERNOR DEWHURST: Senator Ellis, for what purpose you rise, sir?
MR. ELLIS: To ask of questions of questions.

LIEUTENANT GOVERNOR DEWHURST: Will Senator Fraser yield?

SENATOR FRASER: I will yield.

SENATOR ELLIS: This is a vote ID bill, I assume.

SENATOR FRASER: This is the out of bounds resolution to the voter ID bill, photo voter ID bill, Senate Bill 14.

SENATOR ELLIS: And can you walk us through again a little slower and tell us what you're trying to do?

SENATOR FRASER: The out of bounds resolution, we had a request by TXDot and we have created a new free election ID to be issued by DPS instead of using a DPS issued personal ID.

SENATOR ELLIS: And how much will it cost?

SENATOR FRASER: There's no significant cost on it.

SENATOR ELLIS: There's no significant cost to create a new voter ID?

SENATOR FRASER: It's in replacement of the one they were doing.
SENATOR ELLIS: And what else are you doing on page two here?

SENATOR FRASER: We changed the verbiage. We had to add this new ID to the list of things that would be accepted at the poll location.

SENATOR ELLIS: And what else are you doing?

SENATOR FRASER: We clarified the religious exemption language that Senator Duncan added as a floor amendment.

SENATOR ELLIS: That would be the top of page three and then at the bottom of page three is this identification certificate?

SENATOR FRASER: Senator, one second.

SENATOR ELLIS: Yes, I'm looking at the resolution, on page three. So the bottom of page three is what I was asking about, where it has, "Election Identification Certificate."

SENATOR FRASER: Got it, and I'm sorry, my ears are not working well today. You may need to -- You're asking about the language on the bottom of page two of the -- Yes.

SENATOR ELLIS: Page three.

SENATOR FRASER: Page three?

SENATOR ELLIS: Yes, the bottom of page
three. So that's the identification certificate?

SENATOR FRASER: That is the -- that is the question you asked about the DPS election identification?

SENATOR ELLIS: Okay. And then I see on page four, "Certificate expires on a date specified by the department, except that a certificate issued to a person 70 years of age or older does not expire."

Is that a change, when you don't let the certificate expire for someone older than 70?

SENATOR FRASER: Let me clarify something. And I'm being advised that that just says that anyone that has an identification certificate, when they reach 70, will not expire.

SENATOR ELLIS: Okay. I just, I want to make sure so that the members do know that by this resolution to go outside the bounds, what you're going to do is move that expiration date up to 70 instead of 65. I think in your original bill, you had it at 65, so this moves it up to 70.

SENATOR FRASER: It's always been 70, I believe. We just picked this language up and it is just saying that someone 70 years of age, their certificate will not expire.

SENATOR ELLIS: I'm just trying to figure
out -- I knew it was a bad bill, I'm just trying to
decide, by going outside the bounds, if you're making it
any worse of is this just the same bad bill you had
before. I'll ask the Secretary of State. I'll ask the
Secretary of State.

LIEUTENANT GOVERNOR DEWHURST: Senator
Van de Putte, for what purpose do you rise?

SENATOR VAN DE PUTTE: To ask some
questions of the author of the resolution.

LIEUTENANT GOVERNOR DEWHURST: Will the
Senator Fraser yield to Senator Van de Putte?

SENATOR VAN DE PUTTE: It's okay
senator. I'll wait until you're --

SENATOR FRASER: I may be able to hear
you. My ears are not working today so let's try it
without it first.

SENATOR VAN DE PUTTE: Okay. Thank you,
Senator Fraser. Just a few questions. This new
election certificate, or it's an election ID, will be
able to be obtained at any DPS office?

SENATOR FRASER: That is correct.

SENATOR VAN DE PUTTE: So any place now
where someone can go for either a driver's license or an
identification card, they will also be able to go to get
an election certificate?
SENATOR FRASER: That is correct.

SENATOR VAN DE PUTTE: Will the same identification or document requirements be requested for an election identification certificate as is right now an ID from the Department of Public Safety?

SENATOR FRASER: Yes.

SENATOR VAN DE PUTTE: And since, in our -- I think it's in our DPS code right now, it says it could be used a photo, or there is a biometric identifier. Your's is restricted to photo on this, but is not another biometric identifier?

SENATOR FRASER: I was about to ask to see if Senator Williams wanted to answer that. I'm sorry, I don't know the answer to that question. We could.

Could I yield to Senator Williams, please, on that question?

SENATOR VAN DE PUTTE: Absolutely. If somebody would recognize Mr. Williams.

SENATOR FRASER: Mr. President, would you allow me to yield to Senator Williams to answer her question?

LIEUTENANT GOVERNOR DEWHURST: Senator Williams is recognized.

SENATOR WILLIAMS: Thank you. Senator
Van de Putte, I believe they're requiring a photo ID here. The personal identification card or your identification card has biometric identification. This does not; cannot be used for any other purpose than to go vote, so a photo will suffice, but I think usually the biometric information is in the form of a photograph, and so it's just encoded into the photograph, so I don't think that, from a practical standpoint, anyone is going to see any difference.

SENATOR VAN DE PUTTE: Okay. Thank you very much. I thought it was a photo, but since some of the code in DPS statute does allow for a biometric, but this biometric is the photo, I appreciate that.

My other question, Senator Fraser, is on page three. Let me see if I understand the out of bounds legislation, how it's going to work.

If the voter does not meet the identification requirements --

SENATOR FRASER: I'm sorry, where are you?

SENATOR VAN DE PUTTE: Top of page three, line two, section A.

SENATOR FRASER: Okay, which line?

SENATOR VAN DE PUTTE: Line 2, top of the page.
SENATOR FRASER: Okay.

SENATOR VAN DE PUTTE: Let me see if I follow this correctly. So a voter that's going to be voting provisional because they do not have the identification requirements, so they don't have a photo ID, they don't meet the requirements of the new law, not later than the sixth day, they have to come back and show a form of identification that are all the different forms there, or they can just execute an affidavit described?

SENATOR FRASER: Yes.

SENATOR VAN DE PUTTE: Okay. So they come back -- This is what I don't understand. So if you're going to vote provisionally because you don't have an identification with a photo, you can either come back within six days or you can just execute an affidavit?

SENATOR FRASER: That is correct.

SENATOR VAN DE PUTTE: And now this new election identification certificate, would you imagine that the requirements for expiration date on that would be similar to what is currently the time frame for expiration of driver's license or IDs?

SENATOR FRASER: I believe that is correct, except with H, and the certificate expires on
the date specified with the department, except the certificate issued to a person 70 years of age or older does not expire, so if you're at 70, then once you reach 70, it does not expire.

SENATOR VAN DE PUTTE: Thank you, Senator. I don't have any other questions. Thank you very much.

NEW SPEAKER: Mr. President, would the gentleman yield?

NEW SPEAKER: I'll be glad to yield.

LIEUTENANT GOVERNOR DEWHURST: Senator Whitmire is recognized.

NEW SPEAKER: Would the gentleman yield?

LIEUTENANT GOVERNOR DEWHURST: Will Senator Fraser yield to Senator Whitmire?

SENATOR FRASER: Yes, I will yield.

SENATOR WHITMIRE: You're using your phone while you're trying to talk to me?

SENATOR FRASER: I am. I multi-task.

SENATOR WHITMIRE: There probably ought to be a law against there. Senator Fraser, help me understand how those who need the ID through the DPS will access those facilities.

Repeatedly in Finance, we hear testimony, certainly in Harris County, it talks two or three hours
to get a driver's license renewal or the initial
document. In fact, Senator Williams has a very
promising project to do some megacenters. We've raised
a significant number of fees to pay for it, but as I
talk to you today, is it not a real possibility, in
fact, a probability, that folks who are now under the
voter ID that are going to need a new driver's license,
state ID for purposes to vote, are probably looking up
at to a three hour wait to get that document?

SENATOR FRASER: The data that I remember
from the hearings showed that it is in the mid to high
90 percentage-wise of the people that already have an
ID, one of the forms acceptable, so we're expecting the
bulk --

SENATOR WHITMIRE: Obviously if you have
one, this wouldn't apply, but those that are now voting
most of their lives without these document, now you're
going to require everyone to have one, and your
legislation provides for a state ID through the DPS.
And are you familiar with the lines in Houston, up to
three hours, just to get basic driver's license renewals
and new driver's license permits?

SENATOR FRASER: And my understanding is
that Senator Williams is attempting to address that, and
I understand in Houston, it may be a problem, but that's
not true statewide. I renewed mine in Marble Falls this year and it took me about four minutes.

SENATOR WHITMIRE: Well, I'm glad the people in Marble Falls don't have a three hour wait like we do in Harris County. Also I think there was testimony that some of the inquiries to the office is 80,000 calls, and Tommy Williams would have to help me, it's either a month or a year, I think it's a month, yes, that go unanswered at the DPS offices.

Let me ask about the distance that some remote areas or less dense areas of west Texas would have to travel to get your new document. The sonogram bill allowed a hundred mile exemption. If you have to travel a hundred miles to have a sonogram, you're not covered by that legislation, or certainly you don't have the 24 hour requirement. If you have to travel over a hundred miles in west Texas to get this voter ID document, are you still going to have to do it or you got some consideration for the Senator Uresti exception the sonogram bill got?

I would think the right to vote is pretty -- may not be as high as a priority as the sonogram bill to some folks on this floor but I think the precious right and your freedom to exercise your right to vote would be almost that important, it
1 certainly is to me. So what about the remote areas of
2 west Texas where you might not have a DPS office for
3 hundreds of miles?
4 SENATOR FRASER: Again, DPS, we've asked
5 them to look at that to attempt to address, and
6 obviously we're going everything we can to not --
7 SENATOR WHITMIRE: Well, let me just ask
8 you, are you not worried about the unintended
9 consequences of this legislation? I mean, obviously you
got the votes to pass it this morning, but you're not
10 worried about people who just don't have the time to
11 take off work in the more urban settings, where there's
12 more long lines, and the remote areas, so you think
13 there's some unattended consequences that would keep
14 people from exercising their right to vote?
15 SENATOR FRASER: We are very confident
16 that these people will, you know, exercise their both
17 right and they will get the ID's and we believe they
18 will vote.
19 SENATOR WHITMIRE: Is there any kind of
20 transition period where people, if they find themselves
21 unable to, they're still going to be able to vote? You
22 know, I think the Justice Department might kind of frown
23 on any barriers such as distance or the unavailability
24 of offices in urban areas, being able to exercise your
right to vote.

I don't think the writers of our Constitution ever anticipated for you to vote and exercise that precious freedom having to travel across Texas to get a permit to be able to vote, or go wait in line in my district for three hours. That probably violates two or three Constitutional rights, would you not agree?

SENATOR FRASER: We believe that the bill is drafted that people will be able to comply.

SENATOR WHITMIRE: Have you checked with the Justice Department on these requirements and the requirement to wait in line for three hours not to vote but to get the permit which would then you allow you to go vote?

SENATOR FRASER: Well, we believe everybody will be able to get an ID and be able to vote.

SENATOR WHITMIRE: Okay. Well, thank you for answering my questions.

LIEUTENANT GOVERNOR DEWHURST: Members, the question before us is the adoption of the resolution, Senate Resolution Number 935.

If there's no further questions, the secretary will call the role.

SECRETARY: Birdwell, Carona, Davis.
Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinajosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

LIEUTENANT GOVERNOR DEWHURST: Members, there being 19 "I's" and 12 "Nay's," the resolution is adopted.

The Chair recognizes Senator Fraser for a motion on the conference committee report on Senate Bill 14.

SENATOR FRASER: Members, the Senate Bill 14, the bill that passed out of the Senate that that almost virtually everything that was in that bill carried forward, the conference committee report, the committee has agreed on the following: Require voters to show a photo ID except that certain disabled people may continue to vote with just their voter registration card. Except by photo ID includes an unexpired card by DPS. For most of us, this will be a driver's license, a military ID, a passport, a CHL or a citizenship certificate with photo. Require the DPS to provide a free photo election ID.

This is a new format to any requested voter who requests an ID.
Allow voter to cast a provisional vote if he or she does not have a photo ID and return within six days to have the ballots counted. Provides a provisional ballot to be counted if voters show acceptable photo ID or signed affidavit that voter has religious exemption to getting photo taken or lost ID during recent natural disaster.

It requires the Secretary of State and voter registrars to educate the public and train election workers on the new requirements, including mailing notice to each vote and posting notice outside all polling places. It increases the criminal penalty for illegal voting, which is mandatory jail time.

If there's no other questions, I would move adoption of the conference committee report on Senate Bill 14.

LIEUTENANT GOVERNOR DEWHURST: Members, Senator Fraser moves the adoption of the conference committee report on Senate Bill 14. If there's no additional questions, the secretary will call the role.

SECRETARY: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinajosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West,
Whitmire, Williams, Zaffirini.

LIEUTENANT GOVERNOR DEWHURST: Members,
there being 19 "I's" and 12 "Nay's," the conference
committee report on Senate Bill 14 is adopted. Thank
you, Members.

(End of CD.)
I, LYNNE M. RODRIGUEZ, court-approved transcriber, certify that the foregoing is a correct transcription from the tape recording of the proceedings in the above-entitled matter, to the best of my ability to hear and understand the recorded proceedings.

I further certify that I am neither counsel for, related to, not employed by any of the parties to the action in which this hearing was taken, and further that I am not financially or otherwise interested in the outcome of the action.

I further certify that the transcription fee of $______ was paid/will be paid in full by Attorney General of Texas, Anne Wilson, Esquire.

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The Senate met at 11:13 a.m. pursuant to adjournment and was called to order by Senator Eltife.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The Presiding Officer announced that a quorum of the Senate was present.

Pastor Billy Sanders, North Pointe Church, Copperas Cove, was introduced by Senator Birdwell and offered the invocation as follows:

Thank you and, as the Lord taught us to pray in Matthew 6:9-13, let us pray: Our Father which art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done in our State of Texas, as it is in heaven. Give us this day our daily bread and the wisdom to share it. And forgive us our debts and trespasses, as we forgive our debtors and those that have trespassed against us. And lead us not into the temptation to do our will, but deliver us from the evil that comes in being selfish. For Thine is the kingdom that we desire to pattern after and the power we need that comes to accomplish it and the glory and praise we give only to You, for ever and ever, in the name of the Father and of the Son and of the Holy Spirit, in the name of our lord and savior, Jesus Christ, we pray. Amen and amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

INTRODUCTION OF
BILLs AND RESOLUTIONS POSTPONED

The Presiding Officer announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.
PHYSICIAN OF THE DAY

Senator Hegar was recognized and presented Dr. Kanaka Paladugu of Bastrop as the Physician of the Day.

The Senate welcomed Dr. Paladugu and thanked her for her participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

SENATE RESOLUTION 916

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas takes great pleasure in recognizing the inaugural class of Bush School Capstone Scholars, a program developed by the George Bush School of Government and Public Service at Texas A&M University; and

WHEREAS, One of the school's cornerstones is the commitment to educate students to become principled leaders in public service; the primary means by which this commitment is realized is through the Capstone program, which is designed to test the knowledge and abilities students have developed through their previous classes and experiences; and

WHEREAS, The Legislature of the State of Texas is the institution in which the most challenging public policy issues of the day are debated and resolved; these scholars answered the call to public service and rose to the challenge of participating in the first Bush School Legislative Capstone program, bringing their skills and talents to bear in the 82nd Texas Legislature and learning firsthand how public policy is shaped; and

WHEREAS, The following scholars have demonstrated exceptional dedication and achievement during their service for the legislature: James R. Close from Houston, serving in the office of Senator Eddie Lucio for the Committee on International Relations and Trade; D. Benjamin Maddox from San Antonio, serving in the office of Representative Diane Patrick; Nicolas D. Norboge from Wimberley, working as a legislative liaison with the Texas Transportation Institute; Brady D. Olsen from Haltom City, serving for the Legislative Budget Board; Katherine Vedlitz from College Station, serving in the House Democratic Caucus office; Michael Walter from Houston, serving for the House Committee on Homeland Security and Public Safety; and Craig Welkener from Allen, working as a legislative liaison with the Texas Transportation Institute; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend these promising students for their remarkable service this session and wish them continued success as they prepare to become the leaders of our great state; and

be it further

RESOLVED, That a copy of this Resolution be prepared for them as an expression of esteem and appreciation from the Texas Senate.

SR 916 was read and was adopted without objection.
GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Bush School Capstone Scholars: James R. Close, Craig Welkener, Michael Walter, Brady D. Olsen, Nick Norboge, and Professor Ann Bowman.

The Senate welcomed its guests.

HOUSE CONCURRENT RESOLUTION 139

The Presiding Officer laid before the Senate the following resolution:

HCR 139, In memory of former Texas secretary of state Myra McDaniel.

ELLIS

The resolution was read.

On motion of Senator Ellis, the resolution was considered immediately and was adopted by a rising vote of the Senate.

In honor of the memory of Myra McDaniel, the text of the resolution is printed at the end of today’s Senate Journal.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate Reuben McDaniel, Jr., Joan Phillips, Diane Rhodes, Mike Rhodes, Lauren Eva Riley, and Joseph Ted Castleberry.

The Senate welcomed its guests and extended its sympathy.

REMARKS ORDERED PRINTED

On motion of Senator Lucio and by unanimous consent, the remarks by Senators Ellis, Lucio, Watson, and West regarding HCR 139 were ordered reduced to writing and printed in the Senate Journal as follows:

Senator Ellis: Thank you, Mr. President and Members. Myra McDaniel and her husband were two of the first people that I met when I came to Austin. She was a tremendous mentor and would open up her home to me and the likes of Ron Kirk when we were in law school. In fact, she opened her home up so much, I was about 50 pounds heavier as a result of going to their home on a regular basis. It was a tremendous loss for our state when Myra passed on. She certainly didn’t look like she was 77, and from time to time, when I walk around the halls, I still think that I’m talking to her from time to time, because she did a great job of advising many of us around this Capitol. She died last February the 25th. It was a great loss, as I said. Members, we’re joined today by her husband, Reuben McDaniel, Jr.; her daughter, Diane Rhodes; her son-in-law, Mike Rhodes; and sister-in-law, Joan Phillips; and grandchildren, Lauren and Joseph. Members, I’m just so glad to have known Myra McDaniel, and her memory does live on. And I hope that Members will take the time to give their condolences to her great family.

Senator Watson: Thank you very much, Mr. President. I just want to say thank you to Senator Ellis for bringing this resolution forward. I feel the same way. When Liz and I first got to Austin, Texas, back in the early ’80s, Myra was already doing so
much, and so much a part of what was going on, and was someone that, for a young lawyer that hit this town and wanted to be involved in one way or another, she was always there, able to provide advice and counsel and do it in a way where you knew you were getting the kind of advice and counsel that would actually help you to succeed. Her work in government is going to be a lasting legacy. And it’s going to be the kind of thing that those of us who seek out public service, will, I hope, from time to time, look back and ask if we’re living up to that, doing it in a way that sometimes is far, far more quiet than what we tend to do today when we’re involved in public service but done in such a way that when it gets real—I remember listening to her talk from time to time in a very quiet way, but it thundered in your ear what she was actually saying to you. I, my condolences go out to you. I know it must’ve been a wonderful, wonderful thing to have somebody who cared so deeply and loved so well as your family member. And, I’d be remiss if I didn’t take a moment to thank you for loaning her to the people of the State of Texas and to Central Texas.

Senator Lucio: Thank you, Mr. President, and thank you, Senator Ellis, for bringing this important resolution to the floor to recognize one of Texas’ best. She was such a lady. Great smile, and all of us who have served so many years in public service at one time or another get to know our Secretary of State. And it was just such a pleasure to converse with her. She was so bright and just so proactive about everything she did. And I’m happy to have an opportunity to publicly tell you that all of us in South Texas admired and respected Ms. McDaniel. Happy to have you here on the floor.

Senator West: Thank you very much, Mr. President, Members. You know, oftentimes, people live and they’re not remembered. Myra lived and is remembered, not by just you as her family, not by just the legal community in which she was a giant, not by just a community that she lived in where she was a civic servant but by the great State of Texas. We remember her, not just as a Secretary of State, but as a Texan that many of us go to for advice and counsel and her quiet demeanor. Maybe she wasn’t that way at home, but at least to us, her quiet demeanor, she would give thought to the question that was asked, and she was very deliberative in the advice that she gave. And in most instances, it was the correct advice. And so, I join the other Senators on this floor to pay tribute to a great wife, mother, sister, most of all, a great Texan. She will be remembered in perpetuity. Thank you.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Monday, May 9, 2011 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:
THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 710  Walle
Relating to verification of identity of applicants for benefits under and prevention of duplicate participation in the financial assistance and supplemental nutrition assistance programs.

HB 751  Lewis
Relating to the attendance by a quorum of a legislative standing committee at a caucus meeting.

HB 1278  Coleman
Relating to regulation by a property owners’ association of certain religious displays.

HB 1418  Hughes
Relating to inmate litigation.

HB 1788  Farias
Relating to capturing reptiles and amphibians by nonlethal means; providing a penalty.

HB 2029  Flynn
Relating to the sale of a cemetery plot; providing penalties.

HB 2197  Rodriguez, Eddie
Relating to the purchase of property as part of a homestead land bank program.

HB 2329  Zedler
Relating to the confidentiality of certain information regarding victims of trafficking of persons and to the issuance and enforcement of protective orders to protect victims of trafficking of persons; providing penalties.

HB 2610  Guilling
Relating to facilitating access to certain public assistance benefits programs and health care providers and services through a community-based navigator program and through promotoras and community health workers.

HB 2678  Smith, Todd
Relating to driver training and education.

HB 2704  Sheffield
Relating to a parent’s right to object to physical fitness assessment of the parent’s child by a school district.

HB 2814  Hochberg
Relating to electronic voter registration.

HB 3393  Hughes
Relating to the filing by a court reporter of an official transcript of a court proceeding.

HB 3473  Gallego
Relating to a defense to prosecution for, the punishment for, and the civil and other consequences of committing the offense of prostitution.

HB 3483  Christian
Relating to seller’s disclosure regarding the presence of contaminants on residential real property.
SB 132 Wentworth Sponsor Flynn
Relating to registration with the Selective Service System of certain applicants for a driver's license or personal identification certificate.
(Amended)

SB 1104 Jackson Sponsor Smith, Wayne
Relating to the operation, powers, and duties of ship channel districts.

SB 1107 Davis Sponsor Howard, Charlie
Relating to the vaccination against bacterial meningitis of entering students at public and private or independent institutions of higher education.
(Amended)

SB 1168 Carona Sponsor Harper-Brown
Relating to the repeal of the certification process for personnel service owners and the regulation of personnel services.

SB 1341 Seliger Sponsor Elkins
Relating to the participation by a taxing unit in a suit to compel an appraisal review board to order a change in an appraisal roll.

SB 1680 Ellis Sponsor Murphy
Relating to certain evidence in a prosecution of fraud or theft involving Medicaid or Medicare benefits and to certain criminal procedures involving offenses in general.

Respectfully,
/s/Robert Haney, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a delegation from Pharr-San Juan-Alamo North High School.

Senator Lucio was again recognized and introduced to the Senate Harmony Science Academy students serving as Honorary Senate Pages today: Luis Ong, Leigh Mata, Abelin Reves, Amairani Benavides, and Antonio Beltran.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The Presiding Officer at 11:41 a.m. announced the conclusion of morning call.

SENATE BILL 980 WITH HOUSE AMENDMENT

Senator Carona called SB 980 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend SB 980 (house committee report) in SECTION 3 of the bill, in added Section 52.002(d)(2), Utilities Code (page 4, line 2), between "law" and the semicolon, by inserting ", the applicability of Chapter 66, or a requirement to make a payment under Chapter 66".
The amendment was read.

Senator Carona moved to concur in the House amendment to SB 980.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 501 WITH HOUSE AMENDMENT

Senator West called SB 501 from the President’s table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1 on Third Reading

Amend SB 501 on third reading, in SECTION 1 of the bill, in added Section 2.003, Human Resources Code (page 4, line 16), by striking "and private".

The amendment was read.

Senator West moved to concur in the House amendment to SB 501.

The motion prevailed by the following vote: Yeas 31, Nays 0.

(President Pro Tempore Ogden in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 303 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration CSSB 303 at this time on its second reading:

CSSB 303, Relating to health care services provided or paid by a hospital district.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE

SENATE BILL 303 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 303 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE

SENATE BILL 1866 ON SECOND READING

Senator Davis moved to suspend the regular order of business to take up for consideration CSSB 1866 at this time on its second reading:

CSSB 1866, Relating to the selection of providers of professional services by governmental entities.
The motion prevailed.

Senators Birdwell, Carona, Harris, Huffman, Nelson, Nichols, Patrick, and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend CSSB 1866 by striking Sections 1 and 2 of the bill and replacing with the following new Sections 1 and 2 to read as follows:

SECTION 1. Section 2254.003, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Unless inconsistent with the criteria in Subsection (a), a governmental entity selecting a provider of or awarding a contract for professional services may consider:

1. the impact on the entity's ability to comply with laws, rules, or policies regarding, as applicable:
   (A) historically underutilized or minority-owned businesses;
   (B) small business development programs; and
   (C) any other contracting program approved by the entity that relates to

2. the locations of the provider's places of business where the work will be performed if, in the entity's governing body's judgment, the location of the places of business where the work will be performed will impact the most efficient and economical provision of the services.

SECTION 2. Section 2254.004, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Unless inconsistent with the criteria in Subsection (a), a governmental entity selecting a provider of or awarding a contract for architectural, engineering, or land surveying services may consider:

1. the impact on the entity's ability to comply with laws, rules, or policies regarding, as applicable:
   (A) historically underutilized or minority-owned businesses;
   (B) small business development programs; and
   (C) any other contracting program approved by the entity that relates to

2. the locations of the provider's places of business where the work will be performed if, in the entity's governing body's judgment, the location of the places of business where the work will be performed will impact the most efficient and economical provision of the services.

The amendment to CSSB 1866 was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.
On motion of Senator Davis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1866 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell, Carona, Harris, Hegar, Huffman, Nelson, Nichols, Patrick, Shapiro.

COMMITTEE SUBSTITUTE
SENATE BILL 1866 ON THIRD READING

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 1866 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Carona, Harris, Nichols, Patrick, Shapiro.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 9.

Yeas: Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hinojosa, Jackson, Lucio, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Carona, Harris, Hegar, Huffman, Nelson, Nichols, Patrick, Shapiro.

HOUSE BILL 610 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration HB 610 at this time on its second reading:

HB 610. Relating to certain notices sent by the Texas Commission on Environmental Quality.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 610 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that HB 610 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.
The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE  
SENATE BILL 1386 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration CSSB 1386 at this time on its second reading:

CSSB 1386, Relating to the refusal to register motor vehicles by a county assessor-collector or the Texas Department of Motor Vehicles.

The motion prevailed.

Senators Jackson and Nelson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Hegar, Jackson, Nelson.

COMMITTEE SUBSTITUTE  
SENATE BILL 1386 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 1386 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Lucio, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Jackson, Nelson.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Lucio, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Hegar, Jackson, Nelson.

HOUSE BILL 1806 ON SECOND READING

Senator Hegar moved to suspend the regular order of business to take up for consideration HB 1806 at this time on its second reading:

HB 1806, Relating to fishing tournament fraud; providing penalties.

The motion prevailed.
Senator Shapiro asked to be recorded as voting "Nay" on suspension of the
regular order of business.

The bill was read second time and was passed to third reading by a viva voce
vote.

All Members are deemed to have voted "Yea" on the passage to third reading
except as follows:

Nays: Shapiro.

HOUSE BILL 1806 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule
requiring bills to be read on three several days be suspended and that HB 1806
be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 30,
Nays 1.

Nays: Shapiro.

COMMITTEE SUBSTITUTE
SENATE BILL 905 ON SECOND READING

Senator Patrick moved to suspend the regular order of business to take up for
consideration CSSB 905 at this time on its second reading:

CSSB 905, Relating to the application of certain concealed handgun license laws
to statewide elected officials, certain current and former members of the legislature,
and certain federal and state employees.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Carona, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hegar,
Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Seliger, Shapiro, Uresti,
Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Davis, Ellis, Ogden, Rodriguez, Wentworth.

The bill was read second time and was passed to engrossment by the following
vote: Yeas 25, Nays 6. (Same as previous roll call)

COMMITTEE SUBSTITUTE
SENATE BILL 905 ON THIRD READING

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule
requiring bills to be read on three several days be suspended and that CSSB 905
be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Carona, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hegar,
Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Seliger, Shapiro, Uresti,
Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Davis, Ellis, Ogden, Rodriguez, Wentworth.
The bill was read third time and was passed by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

(Senator Eltife in Chair)

HOUSE BILL 571 ON SECOND READING

Senator Williams moved to suspend the regular order of business to take up for consideration HB 571 at this time on its second reading:

HB 571, Relating to the regulation of certain aggregate production operations by the Texas Commission on Environmental Quality; providing penalties.

The motion prevailed.

Senator Nelson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Nelson.

HOUSE BILL 571 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that HB 571 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Nelson.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

SENATE CONCURRENT RESOLUTION 32
ON SECOND READING

Senator Seliger moved to suspend the regular order of business to take up for consideration SCR 32 at this time on its second reading:

SCR 32, Expressing opposition to federal regulation of intrastate water resources.

The motion prevailed.

Senators Ellis, Uresti, Watson, and Zaffirini asked to be recorded as voting "Nay" on suspension of the regular order of business.

The resolution was read second time and was adopted by the following vote: Yeas 27, Nays 4.

Yea: Birdwell, Carona, Davis, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Van de Putte, Wentworth, West, Whitmire, Williams.

Nays: Ellis, Uresti, Watson, Zaffirini.
COMMITTEE SUBSTITUTE
SENATE BILL 1334 ON SECOND READING

Senator Deuell moved to suspend the regular order of business to take up for consideration CSSB 1334 at this time on its second reading:

CSSB 1334, Relating to the dismissal of complaints against property tax professionals.

The motion prevailed.

Senator Nichols asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Nichols.

COMMITTEE SUBSTITUTE
SENATE BILL 1334 ON THIRD READING

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 1334 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Nichols.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

SENATE BILL 1895 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration SB 1895 at this time on its second reading:

SB 1895, Relating to director elections and powers of the Texana Groundwater Conservation District.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1895 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that SB 1895 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.
The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE
SENATE BILL 1809 ON THIRD READING

Senator Lucio moved to suspend the regular order of business to take up for consideration CSSB 1809 at this time on its third reading and final passage:

CSSB 1809, Relating to a study by the comptroller of public accounts of the economic impact of the Texas-Mexico border wall in the State of Texas.

The motion prevailed by the following vote: Yeas 23, Nays 8.
Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.
Nays: Birdwell, Fraser, Harris, Nelson, Nichols, Patrick, Shapiro, Wentworth.
The bill was read third time.
Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend CSSB 1809 (senate committee printing) on third reading by inserting the following new SECTION and renumbering subsequent SECTIONS accordingly:
SECTION ____. This Act does not make an appropriation. A provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision. This section does not apply if this Act does not require an appropriation.

The amendment to CSSB 1809 was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 on Third Reading.

On motion of Senator Lucio and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1809 as amended was finally passed by the following vote: Yeas 22, Nays 9.
Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Hinojosa, Huffman, Jackson, Lucio, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.
Nays: Birdwell, Fraser, Harris, Hegar, Nelson, Nichols, Patrick, Shapiro, Wentworth.

HOUSE BILL 1832 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration HB 1832 at this time on its second reading:
HB 1832. Relating to the law governing the Lower Neches Valley Authority; providing authority to issue bonds.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1832 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that HB 1832 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2785 ON SECOND READING

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration HB 2785 at this time on its second reading:

HB 2785, Relating to the creation of the Select Committee on Economic Development.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2785 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that HB 2785 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MOTION TO PLACE

HOUSE BILL 2360 ON SECOND READING

Senator Ogden moved to suspend the regular order of business to take up for consideration HB 2360 at this time on its second reading:

HB 2360, Relating to the creation of the Corn Hill Regional Water Authority; providing authority to issue bonds.

Senator Ogden withdrew the motion to suspend the regular order of business.

CONGRATULATIONS EXTENDED

Senator West was recognized and, on behalf of the Senate, extended congratulations for the Dallas Mavericks’ win over the Los Angeles Lakers.
CONFERENCE COMMITTEE ON HOUSE BILL 1555

Senator Ellis called from the President’s table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on HB 1555 and moved that the request be granted.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on HB 1555 before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Ellis, Chair; Shapiro, Whitmire, Patrick, and Huffman.

(President in Chair)

SENATE RESOLUTION 935

Senator Fraser offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 82nd Legislature, Regular Session, 2011, That Senate Rule 12.03 be suspended in part as provided by Senate rule 12.08 to enable the conference committee appointed to resolve the differences on Senate Bill 14 (requirements to vote, including presenting proof of identification; providing criminal penalties), to consider and take action on the following matters:

1. Senate Rule 12.03(1) is suspended to permit the committee to change text not in disagreement in proposed SECTION 11 of the bill, in added Section 63.0012(a), Election Code, to read as follows:

   (a) An election officer shall distribute written notice of the identification that will be required for voting beginning with elections held after January 1, 2012, and information on obtaining identification without a fee under Chapter 521A, Transportation Code, to each voter who, when offering to vote, presents a form of identification that will not be sufficient for acceptance as a voter under this chapter beginning with those elections.

   Explanation: This change is necessary to update the cross-reference to reflect the addition of Chapter 521A, Transportation Code.

2. Senate Rule 12.03(1) is suspended to permit the committee to change text not in disagreement in proposed SECTION 14 of the bill, in amended Section 63.0101(1), Election Code, to read as follows:

   (1) a driver’s license, election identification certificate, or personal identification card issued to the person by the Department of Public Safety that has not expired or that expired no earlier than 60 days before the date of presentation;

   Explanation: This change is necessary to update the list of acceptable forms of identification to reflect the addition of election identification certificates in Chapter 521A, Transportation Code.
(3) Senate Rule 12.03(1) is suspended to permit the committee to change text not in disagreement in proposed SECTION 17 of the bill, in added Section 65.054(b)(2)(B), Election Code, to read as follows:

(B) notwithstanding Chapter 110, Civil Practice and Remedies Code, executes an affidavit under penalty of perjury that states the voter has a religious objection to being photographed and the voter has consistently refused to be photographed for any governmental purpose from the time the voter has held this belief; or

Explanation: This change is necessary to clarify the religious objection exception to the requirement that a voter have photo identification to vote.

(4) Senate Rule 12.03(1) is suspended to permit the committee to change text not in disagreement in proposed SECTION 18 of the bill, in added Section 65.0541(a), Election Code, to read as follows:

(a) A voter who is accepted for provisional voting under Section 63.011 because the voter does not meet the identification requirements of Section 63.001(b) may, not later than the sixth day after the date of the election:

(1) present a form of identification described by Section 63.0101 to the voter registrar for examination; or

(2) execute an affidavit described by Section 65.054(b)(2)(B) or (C) in the presence of the voter registrar.

Explanation: This change is necessary to update the cross-reference to reflect the addition of Section 65.054(b)(2)(C), Election Code.

(5) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either version of the bill by adding the following new SECTION to the bill:

SECTION 20. Subtitle B, Title 7, Transportation Code, is amended by adding Chapter 521A to read as follows:

CHAPTER 521A. ELECTION IDENTIFICATION CERTIFICATE

Sec. 521A.001. ELECTION IDENTIFICATION CERTIFICATE. (a) The department shall issue an election identification certificate to a person who states that the person is obtaining the certificate for the purpose of satisfying Section 63.001(b), Election Code, and does not have another form of identification described by Section 63.0101, Election Code, and:

(1) who is a registered voter in this state and presents a valid voter registration certificate; or

(2) who is eligible for registration under Section 13.001, Election Code, and submits a registration application to the department.

(b) The department may not collect a fee for an election identification certificate or a duplicate election identification certificate issued under this section.

(c) An election identification certificate may not be used or accepted as a personal identification certificate.

(d) An election officer may not deny the holder of an election identification certificate the ability to vote because the holder has an election identification certificate rather than a driver’s license or personal identification certificate issued under this subtitle.
(e) An election identification certificate must be similar in form to, but distinguishable in color from, a driver's license and a personal identification certificate. The department may cooperate with the secretary of state in developing the form and appearance of an election identification certificate.

(f) The department may require each applicant for an original or renewal election identification certificate to furnish to the department the information required by Section 521.142.

(g) The department may cancel and require surrender of an election identification certificate after determining that the holder was not entitled to the certificate or gave incorrect or incomplete information in the application for the certificate.

(h) A certificate expires on a date specified by the department, except that a certificate issued to a person 70 years of age or older does not expire.

Explanation: This addition is necessary to provide election identification certificates to certain voters without charge to enable those voters to meet the photo identification requirements for voting.

SR 935 was read and was adopted by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.


CONFERENCE COMMITTEE REPORT ON SENATE BILL 14 ADOPTED

Senator Fraser called from the President's table the Conference Committee Report on SB 14. The Conference Committee Report was filed with the Senate on Wednesday, May 4, 2011.

On motion of Senator Fraser, the Conference Committee Report was adopted by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.


BILLS AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 18, SB 265, SB 378, SB 528, SB 653, SB 820, SB 877, SB 918, SB 1195, SB 1272, SB 1303, SB 1490, SB 1568, SB 1716, SJR 4, HB 15, HB 46, HB 906, HB 984, HB 1032, HB 1346, HB 1625, HB 2561, HCR 45.

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JA_002939
SENATE BILL 201 WITH HOUSE AMENDMENTS

Senator Uresti called SB 201 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend SB 201 (house committee report) as follows:

SECTION ____. Subchapter B, Chapter 23, Tax Code, is amended by adding Section 23.231 to read as follows:

Sec. 23.231. LIMITATION ON APPRAISED VALUE OF RESIDENCE HOMESTEADS OF CERTAIN VETERANS. (a) This section applies only to a residence owned by a veteran of the armed services of the United States who receives from the United States Department of Veteran Affairs or its successor a disability rating of fifty percent or greater that is donated by and legal title transferred from a charitable organization described by Section 11.11(c) of this code.

(b) For the purpose of appraising property that is donated and transferred as provided by subsection (a) and qualifies under Sections 11.13 or 11.131 of this code as a residence homestead, the chief appraiser shall appraise the property at 30 percent of its market value.

Floor Amendment No. 1 on Third Reading

Amend Floor Amendment No. 1 to SB 201 (second reading, as amended) by Callegari as follows:

(1) On page 1, line 11, strike "11.11(c)" and substitute "11.18(c)".

The amendments were read.

Senator Uresti moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on SB 201 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Uresti, Chair; Hinojosa, Wentworth, Birdwell, and Williams.

SENATE BILL 893 WITH HOUSE AMENDMENT

Senator Whitmire called SB 893 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.
Amendment

Amend SB 893 by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to motor fuel quality and testing.

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

SECTION 1. Subsection (c), Section 12.020, Agriculture Code, is amended to read as follows:

(c) The provisions of law subject to this section and the applicable penalty amounts are as follows:

<table>
<thead>
<tr>
<th>Provision</th>
<th>Amount of Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Chapter 41]</td>
<td>[not more than $5,000]</td>
</tr>
<tr>
<td>Chapters 13, 14A, 17, 18, 19, 41, 46, 61, 72, 73, 74, 76, 94, 95, 101, 102, 103, 12T, 125, 132, and 134</td>
<td>not more than $5,000</td>
</tr>
<tr>
<td>[Subchapter B, Chapter 71]</td>
<td>[not more than $5,000]</td>
</tr>
<tr>
<td>[Chapter 19]</td>
<td>[not more than $10,000]</td>
</tr>
<tr>
<td>[Chapter 76]</td>
<td>[not more than $5,000]</td>
</tr>
<tr>
<td>Subchapters A, B, and C, Chapter 71</td>
<td>not more than $5,000</td>
</tr>
<tr>
<td>[Chapters 72, 73, and 74]</td>
<td>[not more than $5,000]</td>
</tr>
<tr>
<td>Chapter 14</td>
<td>not more than $5,000</td>
</tr>
<tr>
<td>Chapter 1951, Occupations Code</td>
<td>not more than $5,000</td>
</tr>
<tr>
<td>Chapter 153, Natural Resources Code</td>
<td>not more than $5,000</td>
</tr>
</tbody>
</table>

SECTION 2. Subsection (a), Section 17.052, Agriculture Code, is amended to read as follows:

(a) Except as provided by Subsection (b), a distributor, supplier, wholesaler, or jobber of motor fuel may not deliver to an outlet in this state a motor fuel mixture that contains ethanol or methanol exceeding one percent by volume of the mixture unless, at the time of the delivery of the mixture, the person also delivers to the outlet receiving the delivery:

[(1)] (1) signs required by Section 17.051 in a number sufficient for the dealer receiving the mixture to comply with that section, and

[(2)] (2) a manifest, bill of sale, bill of lading, or other document evidencing delivery of the mixture, that:

[(A)] (A) includes a statement containing:

[(1) (i)] (1) the percentage of ethanol or methanol contained in the mixture; and

[(2) (ii)] (2) the types and percentages of any associated cosolvents contained in the mixture;

[(B)] (B) evidences delivery of the signs required under Subdivision (1).

SECTION 3. Section 17.053, Agriculture Code, is amended to read as follows:

Sec. 17.053. RECORD OF DELIVERY DOCUMENTS; INSPECTION AUTHORIZED. (a) Each dealer shall keep a copy of each document required to be delivered to the dealer by Section 17.052 until the fourth [first] anniversary of the
delivery date. [During the first 60 days following delivery of a fuel mixture subject to
this chapter, the dealer shall keep a copy at the station or retail outlet where the motor
fuel was delivered.]

(b) Each distributor, supplier, wholesaler, and jobber of motor fuel shall keep [at
the person’s principal place of business] a copy of each document required to be
delivered to the dealer by Section 17.052 until the fourth [first] anniversary of the
delivery date.

c) The commissioner or an authorized representative of the commissioner may
inspect documents described by this section. On written notice presented by the
commissioner or an authorized representative of the commissioner to any employee at
a dealer’s station or retail outlet or mailed to the principal place of business of a
dealer, distributor, supplier, wholesaler, or jobber, the dealer, distributor, supplier,
wholesaler, or jobber shall provide the commissioner or authorized representative of
the commissioner with the documents described by this section within the period
specified in the notice.

d) The commissioner by rule may:

(1) require each dealer, distributor, supplier, wholesaler, and jobber to
maintain and make available to the department:

(A) invoices, receipts, or other transmittal documents or records,
including electronically stored information, showing or describing the purchase, sale,
delivery, or distribution of motor fuel;

(B) invoices, receipts, work orders, reports, or other documents,
including electronically stored information, showing or describing the installation,
maintenance, or repair of:

(i) motor fuel dispensing devices; and

(ii) any equipment used in connection with motor fuel dispensing
devices to record, display, or produce receipts or audit trails concerning the purchase,
sale, delivery, or distribution of motor fuel; and

(C) any record or other document related to the sampling and testing of
motor fuel purchased, sold, delivered, or distributed by the dealer, distributor,
supplier, wholesaler, or jobber; and

(2) prescribe:

(A) [+] the manner of filing documents or records required to be kept
under this section or by department rule; and

(B) [2] the time, place, and manner of inspection of the documents or
records.

SECTION 4. Section 17.054, Agriculture Code, is amended by amending
Subsection (c) and adding Subsection (d) to read as follows:

c) The commissioner or an authorized representative of the commissioner may
inspect a document required to be kept under this section. On written notice presented
by the commissioner or an authorized representative of the commissioner to any
employee at a dealer’s station or retail outlet or mailed to the dealer’s principal place
of business, the dealer shall provide the commissioner or authorized representative of
the commissioner with the documents described by this section within the period
specified in the notice.

d) The commissioner by rule may:
(1) require each dealer to maintain and make available to the department:

(A) invoices, receipts, or other transmittal documents or records, including electronically stored information, showing or describing the purchase, sale, delivery, or distribution of motor fuel;

(B) invoices, receipts, work orders, reports, or other documents, including electronically stored information, showing or describing the installation, maintenance, or repair of:

(i) motor fuel dispensing devices; and

(ii) any equipment used in connection with motor fuel dispensing devices to record, display, or produce receipts or audit trails concerning the purchase, sale, delivery, or distribution of motor fuel; and

(C) any record or other document related to the sampling and testing of motor fuel purchased, sold, delivered, or distributed by the dealer; and

(2) prescribe:

(A) the manner of filing documents or records required to be kept under this section or by department rule; and

(B) the time, place, and manner of inspection of the documents or records.

SECTION 5. Section 17.071, Agriculture Code, is amended to read as follows:

Sec. 17.071. MINIMUM MOTOR FUEL QUALITY AND TESTING STANDARDS. (a) The department by rule shall adopt minimum motor fuel quality and testing standards for motor fuel that is sold or offered for sale in this state. The standards must comply with the nationally recognized minimum standards established by:

(1) the American Society for Testing and Materials,[ as those standards existed on September 1, 2009], for motor fuels other than motor fuels blended with ethanol; and

(2) the National Institute of Standards and Technology, [ as those standards existed on September 1, 2009, other than the standard vapor to liquid ratio specification] for motor fuels blended with ethanol.

(b) The department may adopt rules as necessary to bring about uniformity between the standards established under this subchapter and the nationally recognized standards described by Subsection (a).

SECTION 6. Section 17.073, Agriculture Code, is amended to read as follows:

Sec. 17.073. STOP-SALE ORDER; SHUTDOWN OF DISPENSING DEVICES. (a) If the department has reason to believe that motor fuel is in violation of this chapter or a rule adopted under this chapter, or that the motor fuel is being sold or offered for sale in a manner that violates this chapter or a rule adopted under this chapter, the department may:

(1) issue and enforce a written order to stop the sale of the motor fuel;

(2) place on a device used to dispense the motor fuel a tag or other mark with the words "Out of Order"; or

(3) stop the sale of the motor fuel and mark a device used to dispense the motor fuel as out of order.
The department shall present an order issued under this section to the dealer, distributor, jobber, supplier, or wholesaler who is in control of the motor fuel at the time the motor fuel or the dealer, distributor, jobber, supplier, or wholesaler of the motor fuel is inspected by the commissioner. The person who receives the order may not sell motor fuel subject to a stop-sale order or use a device on which the department has placed a tag or other mark under Subsection (a)(2) or (3) until the department determines that the motor fuel or device is in compliance with this chapter and department rules.

SECTION 7. Subsection (a), Section 17.155, Agriculture Code, is amended to read as follows:

(a) The department may impose an administrative penalty against a person regulated under this chapter who violates this chapter or a rule or order adopted under this chapter. An administrative penalty is imposed and collected in the manner provided by Section 12.020.

SECTION 8. Subsections (c) and (d), Section 17.051, and Subsections (b), (c), (d), (e), (f), (g), (h), and (i), Section 17.155, Agriculture Code, are repealed.

SECTION 9. The changes in law made by this Act apply only to an offense or other violation under Chapter 17, Agriculture Code, committed on or after the effective date of this Act. An offense or other violation committed before the effective date of this Act is governed by the law in effect when the offense or violation was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense or other violation was committed before the effective date of this Act if any element of the offense or violation was committed before that date.

SECTION 10. This Act takes effect September 1, 2011.

The amendment was read.

Senator Whitmire moved to concur in the House amendment to SB 893.

The motion prevailed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE
SENATE BILL 1581 ON SECOND READING

Senator Ogden moved to suspend the regular order of business to take up for consideration CSSB 1581 at this time on its second reading:

CSSB 1581, Relating to state fiscal matters related to public and higher education.

The motion prevailed.

Senators Ellis, Harris, Lucio, Nelson, Watson, and Zaffirini asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Eltife offered the following amendment to the bill:

Floor Amendment No. 1

Amend CSSB 1581 (senate committee report) in SECTION 5.01 of the bill by striking proposed Section 63.0035, Education Code (page 2, line 54, through page 3, line 18), and substituting the following:
Sec. 63.0035. PARTIAL LIQUIDATION OF INSTITUTION’S SHARE; DISTRIBUTION OF FUND AFTER LIQUIDATION. (a) Subject to appropriation of the appropriate amounts, the board of regents of The University of Texas System shall transfer to each institution that is entitled in a state fiscal year to receive a distribution from the permanent fund established under this subchapter a one-time liquidation distribution for the state fiscal year ending August 31, 2012, and, for that fiscal year and each subsequent fiscal year, a reduced annual distribution as provided by this section.

(b) The board of regents of The University of Texas System, not later than November 1, 2011, shall:

1. calculate the amount of each liquidation distribution in accordance with this section; and
2. provide to all institutions entitled to receive a distribution from the permanent fund established under this subchapter written notice specifying:
   (A) the amount of the liquidation distribution to be made to each institution in the state fiscal year ending August 31, 2012; and
   (B) the amounts of the other distributions to be made in that fiscal year to each institution under this section from the per capita account and the formula account described by Subsection (c).

(c) As soon as practicable after the beginning of the state fiscal year ending August 31, 2012, the permanent fund shall be segregated into two accounts, the per capita account and the formula account. Notwithstanding any other law, distributions in that fiscal year and in subsequent fiscal years shall be made in accordance with this section and not in accordance with Section 63.003(a). The amount segregated into the per capita account is equal to 70 percent of the total value of the fund at the end of the preceding state fiscal year. The formula account is composed of the remaining 30 percent of that total value at the end of that preceding fiscal year.

(d) A liquidation distribution is an amount equal to one-third of the institution’s fractional share of the value of the per capita account. An institution’s fractional share of the per capita account is determined by multiplying the amount segregated into the per capita account by a fraction, the numerator of which is one and the denominator of which is the number of institutions that are entitled to receive a distribution from the permanent fund established under this subchapter.

(e) In the state fiscal year ending August 31, 2012, and in each subsequent fiscal year, the annual amount appropriated for distribution from the investment of the per capita account shall be distributed in equal shares to each institution.

(e-1) Subsection (e) does not apply to the amounts distributed as liquidation distributions in the state fiscal year ending August 31, 2012.

(f) In each state fiscal year in which distributions are made from the per capita account under Subsection (e), the amount appropriated for distribution from the investment of the formula account shall be distributed in equal portions with respect to each of the following categories, with each institution receiving a share in each category proportionate to the amount that the institution spent in that category in the preceding state fiscal biennium as determined by the institution’s annual financial report, compared to the total spending of all institutions listed in Section 63.002(c) in that category in the preceding biennium:
(1) instructional expenditures;
(2) research expenditures; and
(3) unsponsored charity care.

(g) Except as otherwise provided by this section:

(1) Section 63.003(b) applies to amounts appropriated for distribution under Subsections (e) and (f) of this section; and

(2) Sections 63.003(c) and (d) apply to amounts appropriated for distribution under Subsection (f) of this section.

(h) The comptroller in consultation with the board of regents of The University of Texas System shall establish procedures to implement this section. A liquidation distribution shall be made in accordance with those procedures and in consultation with the institutions receiving the liquidation distribution.

(i) Any direct costs associated with liquidation distributions, including discounts on investment dispositions and related expenses realized by the permanent fund, shall be deducted in equal portions from the amounts of the liquidation distributions. The procedures established under Subsection (h) must provide for the minimization of any costs associated with making the liquidation distributions considering the liquidity of the investment assets of the fund.

(j) Notwithstanding other provisions of this subchapter, the amount distributed to an institution under this section as a liquidation distribution is under the exclusive control of the governing board of the institution and may be used by the institution in any manner for any lawful purpose. The comptroller shall establish procedures to ensure that a liquidation distribution to Baylor College of Medicine is used for public purposes consistent with a contract in effect under Section 61.092.

SECTION ____. Section 63.003(d), Education Code, is amended to read as follows:

(d) For the purposes of this section or Section 63.0035, Baylor College of Medicine may receive funds [under Subsection (a)(2)] only if the institution provides the comptroller with an independently audited schedule of information that substantially complies with the reporting requirements issued by the comptroller for other eligible institutions [under Subsection (a)(2)]. Information under this subsection must be supplied not later than the time other eligible institutions are required to submit similar information.

The amendment to CSSB 1581 was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 2

Amend CSSB 1581 (senate committee printing) as follows:

(1) In ARTICLE 4 of the bill, in the heading to ARTICLE 4, between "TUITION" and "EXEMPTIONS" (page 2, line 21), insert "RATES AND".

(2) In ARTICLE 4 of the bill, add the following appropriately numbered SECTIONS and renumber subsequent SECTIONS of ARTICLE 4 accordingly:
SECTION 4. Section 54.052, Education Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding any other provision of this section, a person who is not authorized by law to be present in the United States may not be considered a resident of this state for purposes of this title.

SECTION 4. Section 54.055, Education Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (a), an institution of higher education may not, on the basis of Section 54.052(c), reclassify as a nonresident of this state a student classified as a resident under Section 54.052(a)(3) if, not later than the beginning of the 2011-2012 academic year, the student has completed at least 30 semester credit hours at an institution of higher education.

SECTION 4. Except as provided by Section 54.055(c), Education Code, as added by this article, a public institution of higher education in this state may, for any semester or academic term, before the beginning of that semester or academic term, reclassify as a nonresident a student previously classified as a resident of this state by the institution or another public institution of higher education in this state before the enactment of Section 54.052(c), Education Code, as added by this article, if the student is not authorized by law to be present in the United States.

BIRDWELL PATRICK
HUFFMAN WENTWORTH
NELSON

The amendment to CSSB 1581 was read.

Senator Birdwell withdrew Floor Amendment No. 2.

Senator Gallegos offered the following amendment to the bill:

Floor Amendment No. 3

Amend CSSB 1581 as follows:

1. In the recital to SECTION 4.01 of the bill (page 2, lines 22 and 23), strike "Subsection (c), Section 54.214, Education Code, is amended" and substitute "Section 54.214, Education Code, is amended by amending Subsection (c) and by adding Subsection (c-1)"

2. In SECTION 4.01 of the bill, on page 2, between lines 49 and 50, insert the following:

(c-1) Notwithstanding Subsection (c)(5), a person who previously received a tuition exemption under Section 54.214 remains eligible for an exemption if the person:

1. is enrolled at an institution of higher education granting the exemption in courses required for teacher certification; and
2. meets the eligibility requirements in (c) other than Subsection (c)(5).

The amendment to CSSB 1581 was read.

On motion of Senator Ogden, Floor Amendment No. 3 was tabled by the following vote: Yeas 19, Nays 12.
Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.


Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 4**

Amend CSSB 1581 (Senate Committee Report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill appropriately:

ARTICLE ___. ADMINISTRATIVE MATTERS CONCERNING INSTITUTIONS OF HIGHER EDUCATION

SECTION __.01. Section 51.003, Education Code, is amended by amending Subsection (b) and adding Subsection (f) to read as follows:

(b) The funds shall either be deposited in the depository bank or banks or invested as authorized by Chapter 2256, Government Code (Public Funds Investment Act). Funds that are to be deposited in the depository bank or banks must be deposited within seven days from the date of receipt by the institution [collection].

(f) Notwithstanding any other provision of this section, the governing board of each institution may maintain unsecured deposits in a foreign bank as necessary to support the institution’s operations in a foreign country. The foreign bank must:

1. be licensed and supervised by a central bank;
2. be audited annually by an accounting firm that follows international financial reporting standards; and
3. maintain a capital to total assets ratio that is not less than the greater of four percent or the minimum tier 1 capital to total assets ratio required for depository institutions insured by the Federal Deposit Insurance Corporation.

SECTION __.02. Subchapter A, Chapter 51, Education Code, is amended by amending Section 51.005 and adding Sections 51.010, 51.011, and 51.012 to read as follows:

Sec. 51.005. REPORTS. Each institution of higher education [(a) True and full accounts shall be kept by the governing board and by the employees of the institution of all funds collected from all sources and of all sums paid out and the persons to whom and the purposes for which the sums are paid. The governing board shall prepare annually a complete annual financial report as prescribed by Section 2101.011, Government Code of all the sums collected, all expenditures, and all sums remaining on hand. The report shall show the true condition of all funds as of the August 31 preceding as well as the collections and expenditures for the preceding year.]

(b) Reports under this section must be in a form approved jointly by the coordinating board and the comptroller. The accounting and classification procedures of each institution must be consistent with uniform procedures prescribed for that purpose by the coordinating board and the comptroller. The requirements imposed by the coordinating board and the comptroller must be designed to reduce paperwork and duplicative reports.
The governing board shall furnish one copy of the report each to the governor, comptroller of public accounts, state auditor, Texas Higher Education Coordinating Board, Legislative Budget Board, House Appropriations Committee, Senate Finance Committee, and Legislative Reference Library. A copy of the report shall be submitted to the comptroller by the deadline established by the comptroller or the General Appropriations Act as necessary to prepare an audited comprehensive financial report. The governing board shall retain five copies of the report for distribution to legislators or other state officials on request.

Sec. 51.010. COLLECTION OF DELINQUENT OBLIGATIONS. If under the rules adopted by the attorney general under Chapter 2107, Government Code, an institution of higher education is not required to refer a delinquent obligation for collection to the attorney general, the institution is not required to expend resources for further collection efforts if, considering the amount, security, likelihood of collection, expense, and available resources, the institution determines that further collection should not be actively pursued.

Sec. 51.011. DISPOSITION OF SMALL CREDIT BALANCES. (a) This section applies to a credit balance of less than $25 held by an institution of higher education that is presumed abandoned under Chapter 72, Property Code.

(b) An institution of higher education may maintain an unclaimed money fund and transfer to that fund a credit balance to which this section applies. A deposit to the unclaimed money fund does not affect the ownership of the amount deposited. The institution shall:

(1) adopt procedures for owners to make and receive payments of claims against the fund; and

(2) maintain a database that permits members of the public to search for ownership of unclaimed funds.

(c) The institution shall use the fund to pay the claims of persons establishing ownership of amounts transferred to the fund and shall hold and account for the unclaimed money fund as educational and general funds of the institution. If the fund balance is insufficient to pay a valid claim, the institution shall pay the claim from the institution’s other educational and general funds.

(d) Each fiscal year, after deducting funds sufficient to pay anticipated expenses of and claims against the unclaimed money fund, the institution shall use the balance of the fund as other educational and general funds of the institution.

(e) In consultation with institutions of higher education, the comptroller by rule may establish minimum requirements for notice to owners of unclaimed money deposited in the unclaimed money fund and for charges for that notice. The rules may not provide stricter requirements than the comptroller applies for amounts of less than $25 in the custody of the comptroller under Chapter 74, Property Code.

(f) If an institution of higher education maintains an unclaimed money fund under this section, Chapter 74, Property Code, does not apply to a credit balance to which this section applies.

Sec. 51.012. PAYMENTS BY ELECTRONIC FUNDS TRANSFER OR ELECTRONIC PAY CARD. An institution of higher education may make any payment, including a payment of salary or wages, through electronic funds transfer or by electronic pay card.
SECTION .03. Section 65.42, Education Code, is amended to read as follows:

Sec. 65.42. DELINQUENT ACCOUNTS; VENUE. A suit by The University of Texas System on its own behalf or on behalf of a component institution of The University of Texas System to recover a delinquent loan account, account, or debt owed to The University of Texas System or a component institution of The University of Texas System must [may] be brought in Travis County.

SECTION .04. Section 1231.001, Government Code, is amended by amending Subdivision (2) and adding Subdivision (3) to read as follows:

(2) "State security" means:

(A) an obligation, including a bond, issued by:
   (i) a state agency;
   (ii) an entity that is expressly created by statute and has statewide jurisdiction; or
   (iii) an entity issuing the obligation on behalf of this state or on behalf of an entity described by Subparagraph (i) or (ii);

(B) an installment sale or lease-purchase obligation that is issued by or on behalf of an entity described by Paragraph (A) and that has:
   (i) a stated term of more than five years; or
   (ii) an initial principal amount of more than $250,000; or

(C) an obligation, including a bond, that is issued under Chapter 53, Education Code, at the request of or for the benefit of an institution of higher education [as defined by Section 61.003, Education Code] other than a public junior college.

(3) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

SECTION .05. Section 1231.041, Government Code, is amended to read as follows:

Sec. 1231.041. APPROVAL OF STATE SECURITY. (a) Except as otherwise provided by this section, an [An] entity, including a state agency, may not issue a state security unless:

(1) the board approves the issuance; or

(2) the security is exempted under law, including a board rule adopted under Section 1231.022(2).

(b) A state security issued by an institution of higher education, or issued at the request of or for the benefit of an institution of higher education, is not subject to board approval unless the general revenue of the state is pledged to the payment of the security.

SECTION .06. Section 74.001, Property Code, is amended by adding Subsection (c) to read as follows:

(c) This chapter does not apply to small credit balances held by an institution of higher education in an unclaimed money fund under Section 51.011, Education Code.

SECTION .07. Section 51.923, Education Code, is amended to read as follows:
Sec. 51.923. QUALIFICATIONS OF CERTAIN BUSINESS ENTITIES TO ENTER INTO CONTRACTS WITH AN INSTITUTION OF HIGHER EDUCATION. (a) In this section:

1. "Business entity" ["Corporation"] means any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, firm, corporation, limited liability company, holding company, joint stock company, receivership, or trust [a corporation for profit organized under the laws of this state or under laws other than the laws of this state].

2. "Governing board" has the meaning assigned by Section 61.003 [of this code].

3. "Institution of higher education" has the meaning assigned by Section 61.003 [of this code].

4. "Nonprofit corporation" means any organization exempt from federal income tax under Section 501 of the Internal Revenue Code of 1986 that does not distribute any part of its income to any member, director, or officer.

(b) A nonprofit corporation is not disqualified from entering into a contract or other transaction with an institution of higher education even though one or more members of the governing board of the institution of higher education also serves as a member, director, officer, or employee of the nonprofit corporation.

(c) A business entity [corporation] is not disqualified from entering into a contract or other transaction with an institution of higher education even though one or more members of the governing board of the institution of higher education have an interest in the business entity, subject to Subsection (d) [also serves as a stockholder or director of the corporation provided that no member of the governing board owns or has a beneficial interest in more than five percent of the corporation's outstanding capital stock and further provided that the contract or transaction is:

(1) an affiliation, licensing, or sponsored research agreement; or
(2) awarded by competitive bidding or competitive sealed proposals].

(d) An institution of higher education is not prohibited from entering into a contract or other transaction with a business entity in which a member of the governing board of the institution of higher education has an interest if the interest is not a substantial interest or, if the interest is a substantial interest, the [described in this section if any] board member [having an interest described in this section in the contract or transaction] discloses that interest in a meeting held in compliance with Chapter 551, Government Code, and refrains from voting on the contract or transaction requiring board approval. Any such contract or transaction requiring board approval must be approved by an affirmative majority of the board members voting on the contract or transaction.

(e) For purposes of this section, a member of a governing board has a substantial interest in a business entity if:

1. the member owns 10 percent or more of the voting stock or shares of the business entity or owns either 10 percent or more or $15,000 or more of the fair market value of the business entity;

2. funds received by the member from the business entity exceed 10 percent of the member's gross income for the previous year;
(3) the member is an officer of the business entity or a member of the
governing board of the business entity; or

(4) an individual related to the member in the first degree by consanguinity
or affinity, as determined under Chapter 573, Government Code, has an interest in the
business entity as described by Subdivision (1), (2), or (3).

(f) A violation of this section does not render an action of the governing board
voidable unless the contract or transaction that was the subject of the action would not
have been approved by the governing board without the vote of the member who
violated this section.

SECTION __.08. Section 51.9335, Education Code, is amended by amending
Subsections (d) and (f) and adding Subsections (g) and (h) to read as follows:

(d) Subtitle D, Title 10, Government Code, and Subchapter B, Chapter 2254,
Government Code, do not apply to the acquisition of goods and services under this
section, except that an institution must comply with any provision of those laws, or a
rule adopted under a provision of those laws. [To the extent of any conflict, this
section prevails over any other law, including Chapters 2155, 2156, 2157, 2158, 2167,
and 2170, Government Code, except a law or rule] relating to contracting with
historically underutilized businesses or relating to the procurement of goods and
services from persons with disabilities. An institution of higher education may, but is
not required to, acquire goods or services as provided by Subtitle D, Title 10
[Chapters 2155, 2156, 2157, 2158, 2167, and 2170, Government Code.]

(f) This section does not apply to professional services as defined by Section
2254.002, Government Code. Professional services shall be procured in accordance
with Subchapter A, Chapter 2254, Government Code.

(g) An institution of higher education may adopt rules and procedures for the
acquisition of goods or services.

(h) In any contract for the acquisition of goods and services to which an
institution of higher education is a party, a provision required by applicable law to be
included in the contract is considered to be a part of the executed contract without
regard to:

(1) whether the provision appears on the face of the contract; or
(2) whether the contract includes any provision to the contrary.

SECTION __.09. Subchapter Z, Chapter 51, Education Code, is amended by
adding Sections 51.9336 and 51.9337 to read as follows:

Sec. 51.9336. ELECTRONIC AND DIGITAL SIGNATURES. (a) An
institution of higher education or university system, as those terms are defined by
Section 61.003, shall determine whether, and the extent to which, the institution or
system will send and accept electronic or digital signatures to and from other persons
and otherwise create, generate, communicate, store, process, use, and rely on
electronic or digital signatures. The institution or system may adopt rules and
procedures governing the use of electronic or digital signatures.

(b) To the extent of any conflict, this section prevails over Chapter 322,
Business & Commerce Code, and rules and guidelines adopted under that chapter.

Sec. 51.9337. INTERAGENCY CONTRACTS FOR INFORMATION
RESOURCE TECHNOLOGIES. (a) In this section, "institution of higher education"
and "university system" have the meanings assigned by Section 61.003.
(b) Section 2054.119, Government Code, does not apply to an interagency contract for information resources technologies between two or more institutions of higher education or between an institution of higher education or university system and one or more state agencies, institutions of higher education, or university systems.

SECTION 10. Section 51.966, Education Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) Section 612.002(b), Government Code, does not apply to an institution of higher education or university system purchasing insurance under this section.

(d) In [As used in this section, "governing board," [and] "institution of higher education," and "university system" have the meanings assigned by Section 61.003.

SECTION 11. Subchapter C, Chapter 791, Government Code, is amended by adding Section 791.035 to read as follows:

Sec. 791.035. CONTRACTS WITH INSTITUTIONS OF HIGHER EDUCATION OR UNIVERSITY SYSTEMS. (a) A local government and an institution of higher education or university system may contract with one another to perform any governmental functions and services. If the terms of the contract provide for payment based on cost recovery, any law otherwise requiring competitive procurement does not apply to the functions and services covered by the contract.

(b) In this section, "institution of higher education" and "university system" have the meanings assigned by Section 61.003, Education Code.

SECTION 12. Section 2054.008, Government Code, is amended by adding Subsection (c) to read as follows:

(c) A university system or institution of higher education must provide written notice to the Legislative Budget Board under Subsection (b) only if the cost of the major information system exceeds $1 million. In this subsection, "university system" has the meaning assigned by Section 61.003, Education Code.

SECTION 13. Section 2155.078(n), Government Code, is amended to read as follows:

(n) This section does not apply to an institution [a medical and dental unit] to which Section 51.9335, Education Code, applies or to an institution to which Section 73.115, Education Code, applies.

SECTION 14. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9611 to read as follows:

Sec. 51.9611. PAYROLL DEDUCTIONS FOR EMPLOYEES OF UNIVERSITY SYSTEM OR INSTITUTION OF HIGHER EDUCATION. (a) In this section, "institution of higher education" and "university system" have the meanings assigned by Section 61.003.

(b) The governing board of a university system, or of an institution of higher education that is not a component institution of a university system, may authorize employees of the system or institution, as applicable, to elect a payroll deduction for any purpose that the governing board determines serves a public purpose and benefits employees. The board may adopt policies and procedures governing payroll deductions under this section. A payroll deduction under this section is in addition to payroll deductions authorized by other law.
(c) A payroll deduction under this section must be at the written request of the employee, and the request must state the amount to be deducted and the entity to which the deducted amount is to be transferred. A payroll deduction is in effect until revoked in writing by the employee, but the policies and procedures of the system or institution, as applicable, may provide for enrollment periods.

(d) A system or institution may collect an administrative fee to cover the costs of making a deduction.

SECTION 15. Section 1601.004(a), Insurance Code, is amended to read as follows:

(a) In this chapter, "dependent," with respect to an individual eligible to participate in the uniform program under Section 1601.101 or 1601.102, means the individual's:

(1) spouse;

(2) unmarried child younger than 25 years of age; and

(3) child of any age who the system determines lives with or has the child's care provided by the individual on a regular basis if the child is mentally retarded or physically incapacitated to the extent that the child is dependent on the individual for care or support, as determined by the system, and:

(A) if the child is at least 25 years of age, the child's coverage under this chapter has not lapsed, and the child was enrolled as a participant in the health benefits coverage under the uniform program on the date of the child's 25th birthday; or

(B) if the child is a child of an individual eligible to participate as an employee under Section 1601.101, at the time of the individual's initial enrollment in health benefits coverage under the uniform program the child is at least 25 years of age and is enrolled in comparable coverage, as determined by the system, under the individual's previous health benefits coverage.

SECTION 16. Subchapter C, Chapter 1601, Insurance Code, is amended by adding Section 1601.111 to read as follows:

Sec. 1601.111. PROGRAMS PROMOTING DISEASE PREVENTION, WELLNESS, AND HEALTH. A system may establish premium discounts, surcharges, rebates, or a revision in otherwise applicable copayments, coinsurance, or deductibles, or any combination of those incentives, for an individual who participates in system-approved programs promoting disease prevention, wellness, and health.

SECTION 17. Section 1601.201(d), Insurance Code, is amended to read as follows:

(d) Subsection (c) does not prohibit a system from contributing, from money not appropriated from the general revenue fund, amounts in excess of the amount specified by that subsection for:

(1) an individual employed by the system in a position that as a condition of employment requires the individual to be enrolled as a student in the system in graduate level courses; or

(2) an individual who is a tenured faculty member with whom the system has entered into a phased retirement agreement under which the individual will work less than 60 hours a week for a specified period of time at the end of which the individual will retire.
SECTION 18. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0573 to read as follows:

Sec. 61.0573. PROJECTS EXEMPT FROM BOARD APPROVAL. (a) In this section, "project" means the acquisition of improved or unimproved real property or the construction, repair, or rehabilitation of a building or other facility.

(b) Board approval of a project at an institution of higher education is not required under Section 61.0572 or 61.058 if the institution notifies the board of the project and certifies to the board that:

1. the institution meets the current published board standards applicable to the institution for space need, usage efficiency, deferred maintenance, and critical deferred maintenance or the board has approved the institution’s plan to correct any deficiencies in the institution’s compliance with those applicable standards;

2. the project meets current published board standards applicable to the project for cost, efficiency, and space use;

3. the project is identified on the institution’s campus master plan, as submitted to the board; and

4. the institution has no deficiencies according to the board’s most recent facilities audit or the board has approved the institution’s plan to correct any such deficiencies.

(c) The board’s staff shall promptly review a certification submitted under Subsection (b) and notify the institution whether the certification is sufficient and whether the information certified is consistent with the records of the board. If the staff review determines that the certification is sufficient and that the information certified is consistent with the records of the board, the project is considered approved by the board.

(d) This section does not apply to a project that is a new branch campus or a new higher education center.

SECTION 19. Section 2166.302(c), Government Code, is amended to read as follows:

(c) Subsection (a) does not apply to a project constructed by and for the Texas Department of Transportation or an institution of higher education or university system. In this subsection, "institution of higher education" and "university system" have the meanings assigned by Section 61.003, Education Code.

SECTION 20. Section 2166.403(c-1), Government Code, is amended to read as follows:

(c-1) For a project constructed by and for a state institution of higher education, the [governing body of the] institution shall, during the planning phase of the proposed construction for the project, verify [in an open meeting] the economic feasibility of incorporating into the building’s design and proposed energy system alternative energy devices for space heating and cooling functions, water heating functions, electrical load functions, and interior lighting functions. The [governing body of the] institution shall determine the economic feasibility of each function listed in this subsection by comparing the estimated cost of providing energy for the function, based on the use of conventional design practices and energy systems, with the estimated cost of providing energy for the function, based on the use of alternative energy devices, during the economic life of the building.
SECTION __.21. Section 2167.001(b), Government Code, is amended to read as follows:

(b) This chapter does not apply to:
(1) radio antenna space;
(2) residential space for a Texas Department of Mental Health and Mental Retardation program;
(3) residential space for a Texas Youth Commission program;
(4) space to be used for less than one month for meetings, conferences, conventions, seminars, displays, examinations, auctions, or similar purposes;
(5) district office space for members of the legislature;
(6) space used by the Texas Workforce Commission;
(7) residential property acquired by the Texas Department of Housing and Community Affairs or the Texas State Affordable Housing Corporation that is offered for sale or rental to individuals and families of low or very low income or families of moderate income;
(8) except as provided by Section 2167.007, classroom and instructional space for a university system or institution of higher education; or
(9) space leased by the Texas Veterans Commission to administer the veterans employment services program.

SECTION __.22. Section 33.06, Tax Code, is amended by adding Subsection (g) to read as follows:

(g) If the ownership interest of an individual entitled to a deferral under this section is a life estate, a lien for the deferred tax attaches to the estate of the life tenant, and not to the remainder interest, if the owner of the remainder is an institution of higher education that has not consented to the deferral. In this subsection, "institution of higher education" has the meaning assigned by Section 61.003, Education Code. This subsection does not apply to a deferral for which the individual entitled to the deferral filed the affidavit required by Subsection (b) before September 1, 2011.

SECTION __.23. Section 552.123, Government Code, is amended to read as follows:

Sec. 552.123. EXCEPTION: NAME OF APPLICANT FOR CHIEF EXECUTIVE OFFICER OF INSTITUTION OF HIGHER EDUCATION. The name of an applicant for the position of chief executive officer of an institution of higher education, and other information that would tend to identify the applicant, is excepted from the requirements of Section 552.021, except that the governing body of the institution must give public notice of the name or names of the finalists being considered for the position at least 21 days before the date of the meeting at which final action or vote is to be taken on the employment of the person.

SECTION __.24. Section 95.006(b), Health and Safety Code, is amended to read as follows:

(b) The advisory committee is composed of:
(1) the following representatives appointed by the executive director of the office:

(A) one representative of the office;
(B) one representative of the Texas Education Agency;
(C) one representative of the Texas Pediatric Society;
(D) one representative of the American Diabetes Association;
(E) one representative who is a member of the board of regents of The University of Texas Pan American;
(F) one school nurse representative from an urban school located within the boundaries of a regional education service center;
(G) one parent or guardian of a child who resides within the boundaries of a regional education service center; and
(H) one person with knowledge and experience in health care in school settings; and

(2) the following representatives appointed by the chairman of the council:
(A) one representative of the council;
(B) one representative of the Texas Medical Association;
(C) one school district administrator representative from a school district located within the boundaries of a regional education service center;
(D) one school principal representative from a school district located within the boundaries of a regional education service center; and
(E) one school nurse representative from a rural school located within the boundaries of a regional education service center.

SECTION 25. Sections 2.03(a) and (c), Chapter 670, Acts of the 72nd Legislature, Regular Session, 1991 (Article 4477-7j, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) On or after the effective date of this Act, the Commissioners Court of Gaines County shall appoint three persons, the governing body of the city of Seminole shall appoint two persons, and the governing body of the city of Seagraves shall appoint two persons to serve as initial directors of the district. The four persons appointed by the governing bodies of the cities of Seminole and Seagraves shall represent the municipalities within the county, and the three persons appointed by the Commissioners Court of Gaines County shall represent the unincorporated areas of the county. [In addition, the board of regents of The University of Texas System shall appoint one person to serve as an ex officio, nonvoting director of the district.]

(c) The Commissioners Court of Gaines County and the governing bodies of the cities of Seminole and Seagraves shall each appoint one initial director to serve a term expiring on May 1 of the first year after the year in which the original appointment is made. In addition, the Commissioners Court of Gaines County shall appoint two initial directors and the governing bodies of the cities of Seminole and Seagraves shall each appoint one initial director to serve terms expiring on May 1 of the second year after the year in which the original appointment is made. [The initial ex officio member serves a term expiring on May 1 of the second year after the year in which the original appointment is made.] Successor directors serve two-year terms.

SECTION 26. Section 3.01(a), Chapter 670, Acts of the 72nd Legislature, Regular Session, 1991 (Article 4477-7j, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The district is governed by a board of directors composed of seven voting members [and one ex officio, nonvoting member] who are appointed as provided by this Act. However, the district shall change to a system of electing the voting directors if:
(1) the Commissioners Court of Gaines County and the governing bodies of the cities of Seminole and Seagraves each pass a resolution calling for the election of the directors; or

(2) the board receives a petition signed by at least 150 registered voters of Gaines County calling for the election of the directors.

SECTION 27. Section 51.403(d), Education Code, is amended to read as follows:

(d) For purposes of this subsection, "small classes" [Each institution shall file with its governing board and the coordinating board a small class report, excluding individual instruction courses, indicating department, course number, title of course, and the name of the instructor. "Small classes," for the purpose of this report,] are undergraduate-level courses with less than 10 registrations, and graduate-level courses with less than 5 registrations. No small classes shall be offered in any institution except as authorized by the appropriate governing board, within the guidelines established by the Coordinating Board.

SECTION 28. Subchapter H, Chapter 51, Education Code, is amended by adding Section 51.406 to read as follows:

Sec. 51.406. EXPIRATION OF CERTAIN REPORTING REQUIREMENTS APPLICABLE TO INSTITUTIONS OF HIGHER EDUCATION AND UNIVERSITY SYSTEMS. (a) In this section, "university system" has the meaning assigned by Section 61.003.

(b) To the extent that any of the following laws require reporting by a university system or an institution of higher education, a university system or institution of higher education is not required to make the report on or after September 1, 2013, unless legislation enacted by the 83rd Legislature that becomes law expressly requires the institution or system to make the report:

(1) Section 7.109;
(2) Section 33.083;
(3) Section 51.0051;
(4) Section 59.07;
(5) Section 130.086;
(6) Section 325.007, Government Code;
(7) Section 669.003, Government Code;
(8) Section 2005.007, Government Code;
(9) Section 2052.103, Government Code;
(10) Section 2054.097, Government Code;
(11) Section 2101.011, Government Code;
(12) Section 2102.009, Government Code;
(13) Chapter 2114, Government Code; and
(14) Section 2205.041, Government Code.

(c) A rule or policy of a state agency, including the Texas Higher Education Coordinating Board, in effect on June 1, 2011, that requires reporting by a university system or an institution of higher education has no effect on or after September 1, 2013, unless the rule or policy is affirmatively and formally readopted before that date by formal administrative rule published in the Texas Register and adopted in compliance with Chapter 2001, Government Code. This subsection does not apply to:
(1) a rule or policy for which the authorizing statute is listed in Subsection (b);

(2) a rule or policy for which the authorizing statute is repealed on or before September 1, 2013, by legislation enacted by the legislature that becomes law; or

(3) a report required under any of the following laws:
   (A) Section 51.005;
   (B) Section 51.3062;
   (C) Section 51.402;
   (D) Section 56.039;
   (E) Section 61.051(k);
   (F) Section 61.059; or
   (G) Section 62.095(b).

SECTION _.29. Section 51.914, Education Code, is amended to read as follows:

Sec. 51.914. PROTECTION OF CERTAIN INFORMATION. (a) In order to protect the actual or potential value, the following information is [shall be] confidential and is [shall] not [be] subject to disclosure under Chapter 552, Government Code, or otherwise:

   (1) all information relating to a product, device, or process, the application or use of such a product, device, or process, and all technological and scientific information (including computer programs) developed in whole or in part at a state institution of higher education, regardless of whether patentable or capable of being registered under copyright or trademark laws, that have a potential for being sold, traded, or licensed for a fee;

   (2) any information relating to a product, device, or process, the application or use of such product, device, or process, and any technological and scientific information (including computer programs) that is the proprietary information of a person, partnership, corporation, or federal agency that has been disclosed to an institution of higher education solely for the purposes of a written research contract or grant that contains a provision prohibiting the institution of higher education from disclosing such proprietary information to third persons or parties; or

   (3) the plans, specifications, blueprints, and designs, including related proprietary information, of a scientific research and development facility that is jointly financed by the federal government and a local government or state agency, including an institution of higher education, if the facility is designed and built for the purposes of promoting scientific research and development and increasing the economic development and diversification of this state.

   (b) Information maintained by or for an institution of higher education that would reveal the institution’s plans or negotiations for commercialization or research, or that consists of unpublished research results or data, is not subject to Chapter 552, Government Code, unless the information has been published, is patented, or is otherwise subject to an executed license, sponsored research agreement, or research contract or grant. In this subsection, "institution of higher education" has the meaning assigned by Section 61.003.

SECTION _.30. Section 61.051(h), Education Code, is amended to read as follows:
(h) The board shall make continuing studies of the needs of the state for research
and designate the institutions of higher education to perform research as needed. The
board shall also maintain an inventory of all institutional and programmatic research
activities being conducted by the various institutions, whether state-financed or not.
Once a year, on dates prescribed by the board, each institution of higher education
shall report to the board all research conducted at that institution during the last
preceding year. The submission by an institution of the institution’s response to the
National Science Foundation’s annual Higher Education Research and Development
Survey satisfies the requirements of this section. All reports required by this
subsection shall be made subject to the limitations imposed by security regulations
governing defense contracts for research.

SECTION __.31. Section 61.0582, Education Code, is amended by adding
Subsection (f) to read as follows:

(f) This section does not apply to a university system that maintains an ongoing
system-wide capital improvement program approved by the system’s board of regents.

SECTION __.32. Section 130.152, Education Code, is amended to read as
follows:

Sec. 130.152. CRITERIA FOR PROGRAMS FOR THE DISADVANTAGED.
A junior college may develop programs to serve persons from backgrounds of
economic or educational deprivation by submission of a plan based on the following
criteria to the Texas Higher Education Coordinating Board[; Texas College and
University System]:

1. an instructional program that accommodates the different learning rates
   of students and compensates for prior economic and educational deprivation;

2. an unrestricted admissions policy allowing the enrollment of any person
   18 years of age or older with a high school diploma or its equivalent who can
   reasonably be expected to benefit from instruction;

3. the assurance that all students, regardless of their differing programs of
   study, will be considered, known, and recognized as full members of the student body,
   provided that the administrative officers of a junior college may deny admission to a
   prospective student or attendance of an enrolled student if, in their judgment, the
   person would not be competent to benefit from a program of the college, or
   would by the person’s presence or conduct create a disruptive atmosphere within
   the college not consistent with the statutory purposes of the college;

4. the submission of a plan for a financial aid program which removes to
   the maximum extent possible the financial barriers to the educational aspirations of
   the citizens of this state;

5. an annual evaluation report based on scientific methods and utilizing
   control groups wherever possible to be submitted to the coordinating board at the end
   of each school year, covering each remedial compensatory course or program offered
   at the college;

6. any other criteria consistent with the provisions of this subchapter
   specified by the coordinating board; and

7. a junior college must obtain approval of the coordinating board
   [Coordinating Board, Texas College and University System] before offering any
courses under the provisions of this Act.
SECTION __.33. Section 401.042, Government Code, is amended by adding Subsection (c) to read as follows:

(c) In consultation with public institutions of higher education, the offices of the governor and the Legislative Budget Board shall review the forms for higher education legislative appropriations requests to identify opportunities to improve efficiency, provide better transparency of funding sources, eliminate unnecessary or duplicative requirements, and otherwise reduce the cost or difficulty of providing information related to appropriations requests.

SECTION __.34. Subchapter L, Chapter 403, Government Code, is amended by adding Section 403.2715 to read as follows:

Sec. 403.2715. UNIVERSITY SYSTEMS AND INSTITUTIONS OF HIGHER EDUCATION. (a) In this section, "institution of higher education" and "university system" have the meanings assigned by Section 61.003, Education Code.

(b) Except as provided by this section, this subchapter does not apply to a university system or institution of higher education.

(c) A university system or institution of higher education shall account for all personal property as defined by the comptroller under Section 403.272. At all times, the property records of a university system or institution of higher education must accurately reflect the personal property possessed by the system or institution.

(d) The chief executive officer of each university system or institution of higher education shall designate one or more property managers. The property manager shall maintain the records required and be the custodian of all personal property possessed by the system or institution.

(e) Sections 402.273(h), 403.275, and 403.278 apply to a university system or institution of higher education.

SECTION __.35. Section 2101.0115(d), Government Code, is amended by adding Subdivision (4) to read as follows:

(4) "Institution of higher education" and "university system" have the meanings assigned by Section 61.003, Education Code.

SECTION __.36. Section 2101.0115, Government Code, is amended by adding Subsection (e) to read as follows:

(e) This section does not apply to an institution of higher education or university system.

SECTION __.37. Section 2254.028(c), Government Code, is amended to read as follows:

(c) Subsection (a) [(e)(3)] does not apply to a major consulting services contract to be entered into by an institution of higher education other than a public junior college if the institution includes in the invitation published under Section 2254.029 a finding by the chief executive officer of the institution that the consulting services are necessary and an explanation of that finding.

SECTION __.38. Section 2254.0301, Government Code, is amended to read as follows:

Sec. 2254.0301. CONTRACT NOTIFICATION. (a) A state agency shall provide written notice to the Legislative Budget Board of a contract for consulting services if the amount of the contract, including an amendment, modification,
renewal, or extension of the contract, exceeds $14,000. The notice must be on a form prescribed by the Legislative Budget Board and filed not later than the 10th day after the date the entity enters into the contract.

(b) This section does not apply to a university system or institution of higher education. In this subsection, "institution of higher education" and "university system" have the meanings assigned by Section 61.003, Education Code.

SECTION 39. Section 388.005(f), Health and Safety Code, is amended to read as follows:

(f) This section does not apply to a state agency or an institution of higher education that the State Energy Conservation Office determines [that], before September 1, 2007, adopted a plan for conserving energy under which the agency or institution established a percentage goal for reducing the consumption of electricity. The exemption provided by this section applies only while the agency or institution has an energy conservation plan in effect and only if the agency or institution submits reports on the conservation plan each year [calendar quarter] to the governor, the Legislative Budget Board, and the State Energy Conservation Office.

SECTION 40. Section 412.053, Labor Code, is amended by adding Subsection (e) to read as follows:

(c) This section does not apply to an institution of higher education or university system. In this subsection, "institution of higher education" and "university system" have the meanings assigned by Section 61.003, Education Code.

SECTION 41. Section 31.153(d), Natural Resources Code, is amended to read as follows:

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

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

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

SECTION 42. (a) The following laws are repealed effective September 1, 2011:

(1) Section 51.216, Education Code;
(2) Sections 51.403(b) and (c), Education Code;
(3) Section 51.4033, Education Code;
(4) Section 61.0815, Education Code;
(5) Section 61.086, Education Code;
(6) Section 61.087(c), Education Code;
(7) Section 62.098, Education Code;
(8) Section 1434.054, Government Code;
(9) Section 2107.005, Government Code;
(10) Section 412.042(c), Labor Code; and
(11) Section 3.01(c), Chapter 670, Acts of the 72nd Legislature, Regular Session, 1991 (Article 4477-7j, Vernon's Texas Civil Statutes).
(b) The following provisions of the Education Code are repealed effective September 1, 2013:

(1) Section 51.859;
(2) Section 51.917(e);
(3) Section 51.968(d);
(4) Section 54.203(h);
(5) Section 56.034(c);
(6) Section 56.079(j);
(7) Section 61.066(c);
(8) Section 63.003(d);
(9) Section 63.004;
(10) Section 63.103;
(11) Section 86.52(m);
(12) Section 88.210;
(13) Section 106.54;
(14) Section 142.005;
(15) Section 143.006;
(16) Section 147.005;
(17) Section 148.005; and
(18) Section 153.008.

SECTION__43. (a) This section governs a conflict between this article and any other Act of the 82nd Legislature, Regular Session, 2011, without regard to the relative dates of enactment.

(b) If this article and any other Act repeal the same statute, the earlier effective date of repeal controls.

(c) If this article amends a statute that any other Act repeals, the repeal controls.

SECTION__44. Section 51.011, Education Code, as added by this article, applies to credit balances held by a public institution of higher education on or after the effective date of this article.

SECTION__45. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

The amendment to CSSB 1581 was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 5

Amend CSSB 1581 by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ___. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.2031 to read as follows:
Sec. 411.2031. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON CERTAIN CAMPUSES. (a) For purposes of this section:

(1) "Campus" means all land and buildings owned or leased by an institution of higher education.

(2) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(3) "Premises" has the meaning assigned by Section 46.035, Penal Code.

(b) Except as otherwise provided by this section, a license holder may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of an institution of higher education in this state.

(c) Except as provided by Subsection (d), an institution of higher education in this state may not adopt any rule, regulation, or other provision prohibiting license holders from carrying handguns on the campus of the institution.

(d) An institution of higher education in this state may establish rules, regulations, or other provisions concerning the storage of handguns in dormitories that are owned or operated by the institution and located on the campus of the institution.

(e) This section does not permit a license holder to carry a concealed handgun on or about the premises of a hospital maintained or operated by an institution of higher education. In this subsection, "hospital" has the meaning assigned by Section 241.003, Health and Safety Code.

(f) This section does not permit a license holder to carry a concealed handgun on the premises of a preschool, elementary school, or secondary school that is located on the campus of an institution of higher education if the institution gives effective notice under Section 30.06, Penal Code.

SECTION ____. Section 411.208, Government Code, is amended by amending Subsections (a), (b), and (d) and adding Subsection (f) to read as follows:

(a) A court may not hold the state, an agency or subdivision of the state, an officer or employee of the state, an institution of higher education, an officer or employee of an institution of higher education, a peace officer, or a qualified handgun instructor liable for damages caused by:

(1) an action authorized under this subchapter or a failure to perform a duty imposed by this subchapter; or

(2) the actions of an applicant or license holder that occur after the applicant has received a license or been denied a license under this subchapter.

(b) A cause of action in damages may not be brought against the state, an agency or subdivision of the state, an officer or employee of the state, an institution of higher education, an officer or employee of an institution of higher education, a peace officer, or a qualified handgun instructor for any damage caused by the actions of an applicant or license holder under this subchapter.

(d) The immunities granted under Subsections (a), (b), and (e) do not apply to an act or a failure to act by the state, an agency or subdivision of the state, an officer of the state, an institution of higher education, an officer or employee of an institution of higher education, or a peace officer if the act or failure to act was capricious or arbitrary.

(f) For purposes of this section, "institution of higher education" has the meaning assigned by Section 61.003, Education Code.
SECTION ____. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.209 to read as follows:

Sec. 411.209. LIABILITY INSURANCE PREMIUMS. An insurance company doing business in this state may not increase the amount of the liability insurance premiums charged to an institution of higher education in this state solely because license holders are permitted to carry handguns on campus under Section 411.2031.

SECTION ____. Section 46.03, Penal Code, is amended by amending Subsections (a) and (c) and adding Subsections (j) and (k) to read as follows:

(a) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, club, or prohibited weapon listed in Section 46.05(a):

(1) on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless:

(A) pursuant to written regulations or written authorization of the institution; or

(B) the person possesses or goes with a concealed handgun that the person is licensed to carry under Subchapter H, Chapter 411, Government Code, and no other weapon to which this section applies, on the physical premises of an institution of higher education or in a passenger transportation vehicle of the institution;

(2) on the premises of a polling place on the day of an election or while early voting is in progress;

(3) on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;

(4) on the premises of a racetrack;

(5) in or into a secured area of an airport; or

(6) within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution under Article 43.19, Code of Criminal Procedure, on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that:

(A) going within 1,000 feet of the premises with a weapon listed under this subsection was prohibited; or

(B) possessing a weapon listed under this subsection within 1,000 feet of the premises was prohibited.

(c) In this section:

(1) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(2) "Premises" has the meaning assigned by Section 46.035.

(3) "Secured area" means an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law.
(j) Subsection (a)(1)(B) does not permit a person to possess a concealed handgun, or go with a concealed handgun, on the premises of a hospital maintained or operated by an institution of higher education. In this subsection, "hospital" has the meaning assigned by Section 241.003, Health and Safety Code.

(k) Subsection (a)(1)(B) does not permit a person to possess a concealed handgun, or go with a concealed handgun, on the premises of a preschool, elementary school, or secondary school that is located on the physical premises of an institution of higher education. This subsection does not apply if the actor was not given effective notice under Section 30.06.

SECTION ___. Section 46.11(c)(1), Penal Code, is amended to read as follows:

(1) "Premises" has the meaning ["Institution of higher education" and "premises" have the meanings] assigned by Section 481.134, Health and Safety Code.

SECTION ___. Section 411.208, Government Code, as amended 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 accrued before that date 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 ___. Sections 46.03(a) and (c), Penal Code, as amended 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 when 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.

The amendment to CSSB 1581 was read.

Question — Shall Floor Amendment No. 5 to CSSB 1581 be adopted?

GUESTS PRESENTED

Senator Patrick was recognized and introduced to the Senate Honorary Senate Page, Austin Landon, and his parents, Mr. and Mrs. Michael Landon, Jr.

The Senate welcomed its guests.

AT EASE

The President at 3:06 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 3:25 p.m. called the Senate to order as In Legislative Session.

Question — Shall Floor Amendment No. 5 to CSSB 1581 be adopted?

Senator West moved to table Floor Amendment No. 5.

The motion to table was lost by the following vote: Yeas 12, Nays 19.

Yeas: Davis, Ellis, Gallegos, Hinojosa, Lucio, Ogden, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.
Senator Davis offered the following amendment to Floor Amendment No. 5:

Floor Amendment No. 6

Amend Floor Amendment No. 5 to CSSB 1581 as follows:

1. In added Section 411.2031(a)(2), Government Code (page 1, line 10), strike ""Institution of higher education" and" and substitute ""Governing board," "institution of higher education," and".

2. In added Section 411.2031(c), Government Code (page 1, line 18), strike "provided by Subsection (d)" and substitute "otherwise provided by this section".

3. In added Section 411.2031, Government Code (page 1, between lines 25 and 26), insert the following subsection:
   (e) An institution of higher education in this state may establish rules, regulations, or other provisions prohibiting license holders from carrying handguns on the campus of the institution if the governing board of the institution approves the rules, regulations, or other provisions by majority vote.

4. In added Section 411.2031, Government Code (page 1, line 26), strike "(e)" and substitute "(f)".

5. In added Section 411.2031, Government Code (page 2, line 2), strike "(f)" and substitute "(g)".

6. In amended Section 411.208(a), Government Code (page 2, lines 12-13), strike "higher education, an officer or employee of an institution of higher education," and substitute "higher education that has not adopted rules under Section 411.2031 or an officer or employee of that institution,"

7. In amended Section 411.208(b), Government Code (page 2, lines 22-24), strike "an institution of higher education, an officer or employee of an institution of higher education," and substitute "or institution of higher education that has not adopted rules under Section 411.2031 or an officer or employee of that institution,"

8. In amended Section 411.208(d), Government Code (page 2, lines 29-31), strike "institution of higher education, an officer or employee of an institution of higher education," and substitute "institution of higher education that has not adopted rules under Section 411.2031 or an officer or employee of that institution,"

The amendment to Floor Amendment No. 5 to CSSB 1581 was read.

On motion of Senator Wentworth, Floor Amendment No. 6 was tabled by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Ogden, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.

Question recurring on the adoption of Floor Amendment No. 5 to CSSB 1581, the amendment was adopted by the following vote: Yeas 20, Nays 11.
Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.


Senator Davis offered the following amendment to the bill:

Floor Amendment No. 7

Amend CSSB 1581 (senate committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES of the bill appropriately:

ARTICLE ___. FISCAL MATTERS CONCERNING DISCOUNTED UTILITY RATES FOR CERTAIN SCHOOLS AND INSTITUTIONS OF HIGHER EDUCATION

SECTION ___.01. Section 36.351, Utilities Code, is reenacted and amended to read as follows:

Sec. 36.351. DISCOUNTED RATES FOR CERTAIN SCHOOLS AND INSTITUTIONS OF HIGHER EDUCATION. (a) Notwithstanding any other provision of this title, each electric utility and transmission and distribution utility and, except as provided by Subsection (d-1), each municipally owned utility shall discount charges for electric service provided to a facility of a four-year state university, upper-level institution, Texas State Technical College, junior or college independent school district, or open-enrollment charter school.

(b) The discount is a 20-percent reduction of the utility’s base rates that would otherwise be paid under the applicable tarifed rate. The discount shall be provided either directly to an educational entity described by Subsection (a) or to a retail electric provider that also provides service to the educational entity.

(b-1) A retail electric provider that receives a discount under Subsection (b) shall apply the discount to an educational entity described by Subsection (a) as a credit in an amount equal to the amount of the discount. The commission may suspend, revoke, or amend the certificate of a retail electric provider that does not apply the discount as required by this subsection. The commission shall impose an administrative penalty on a retail electric provider that does not apply the discount as required by this subsection.

(c) An electric or municipally owned utility is exempt from this section if the 20-percent discount results in a reduction equal to more than one percent of the utility’s total annual revenues.

(d) A municipally owned utility is exempt from this section if the municipally owned utility, on September 1, 1995, discounted base commercial rates for electric service provided to all four-year state universities or colleges in its service area by 20 percent or more.

(d-1) A municipally owned utility is exempt from the requirement to discount charges for electric service provided to a junior college, independent school district, or open-enrollment charter school.
(e) This section does not apply to a rate charged to an institution of higher education by a municipally owned utility that provides a discounted rate to the state for electric services below rates in effect on January 1, 1995, if the discounted rate provides a greater financial discount to the state than is provided to the institution of higher education through the discount provided by this section.

(f) An investor-owned electric utility may not recover from residential customers or any other customer class the assigned and allocated costs of serving an educational entity [a state university or college] that receives a discount under this section. After September 1, 2011, an investor-owned electric utility is subject to the requirements of this subsection unless a regulatory authority authorizes other ratemaking treatment.

(g) Each electric utility shall file tariffs with the commission reflecting the discount required under this section. The initial tariff filing is not a rate change for purposes of Subchapter C.

(h) This section has been in full force and effect since September 1, 1995, as to the discount required for electric service provided by an electric utility, including a transmission and distribution utility, or a municipally owned utility to a facility of a four-year state university, upper-level institution, Texas State Technical College, or college. Neither Section 63, Chapter 405 (S.B. 7), Acts of the 76th Legislature, Regular Session, 1999, nor the decision of the commission in the commission’s Docket No. 35717 or any other ruling or order by the commission terminated or excused the continuing obligation of a transmission and distribution utility, any other electric utility, or a municipally owned utility to provide the discounts required by this section.

SECTION .02. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

The amendment to CSSB 1581 was read.

On motion of Senator Ogden, Floor Amendment No. 7 was tabled by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.


Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 8

Amend CSSB 1581 (senate committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS accordingly:

ARTICLE __. FISCAL MATTERS CONCERNING THE STATE COMPRESSION PERCENTAGE
SECTION ___. Section 42.2516, Education Code, is amended by adding Subsection (b-2) to read as follows:

(b-2) If a school district adopts a maintenance and operations tax rate that is below the rate equal to the product of the state compression percentage multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year, the commissioner shall reduce the district’s entitlement under this section in proportion to the amount by which the adopted rate is less than the rate equal to the product of the state compression percentage multiplied by the rate adopted by the district for the 2005 tax year. The reduction required by this subsection applies beginning with the maintenance and operations tax rate adopted for the 2009 tax year.

HEGAR
ELTIFE

The amendment to CSSB 1581 was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 8.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 9

Amend CSSB 1581 (Senate Committee Printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ___. (a) Chapter 161, Health and Safety Code, is amended by adding Subchapter V to read as follows:

SUBCHAPTER V. FEE ON CIGARETTES AND CIGARETTE TOBACCO PRODUCTS MANUFACTURED BY CERTAIN COMPANIES

Sec. 161.601. PURPOSE. The purpose of this subchapter is to:

(1) recover health care costs to the state imposed by nonsettling manufacturers;

(2) prevent nonsettling manufacturers from undermining this state's policy of reducing underage smoking by offering cigarettes and cigarette tobacco products at prices that are substantially below the prices of cigarettes and cigarette tobacco products of other manufacturers;

(3) protect the tobacco settlement agreement and funding, which has been reduced because of the growth of sales of nonsettling manufacturer cigarettes and cigarette tobacco products, for programs that are funded wholly or partly by payments to this state under the tobacco settlement agreement and recoup for this state settlement payment revenue lost because of sales of nonsettling manufacturer cigarettes and cigarette tobacco products; and

(4) provide funding for certain health-related institutions of higher education for any purpose the legislature determines.

Sec. 161.602. DEFINITIONS. In this subchapter:

(1) "Brand family" means each style of cigarettes or cigarette tobacco products sold under the same trademark. The term includes any style of cigarettes or cigarette tobacco products that have a brand name, trademark, logo, symbol, motto.
selling message, recognizable pattern of colors, or other indication of product identification that is identical to, similar to, or identifiable with a previously known brand of cigarettes or cigarette tobacco products.

(2) "Cigarette" means any product that contains nicotine and is intended to be burned or heated under ordinary conditions of use. The term includes:

(A) a roll of tobacco wrapped in paper or another substance that does not contain tobacco;

(B) tobacco, in any form, that is functional in a product that, because of the product's appearance, the type of tobacco used in the filler, or the product's packaging and labeling, is likely to be offered to or purchased by a consumer as a cigarette; or

(C) a roll of tobacco wrapped in any substance containing tobacco that, because of the product's appearance, the type of tobacco used in the filler, or the product's packaging and labeling, is likely to be offered to or purchased by a consumer as a cigarette.

(3) "Cigarette tobacco product" means roll-your-own tobacco or tobacco that, because of the tobacco's appearance, type, packaging, or labeling, is suitable for use in making cigarettes and is likely to be offered to or purchased by a consumer for that purpose.

(4) "Distributor" has the meaning assigned by Section 154.001 or 155.001, Tax Code, as appropriate.

(5) "Manufacturer" means a person that manufactures, fabricates, or assembles cigarettes for sale or distribution. For purposes of this subchapter, the term includes a person that is the first importer into the United States of cigarettes and cigarette tobacco products manufactured, fabricated, or assembled outside the United States.

(6) "Nonsettling manufacturer" means a manufacturer of cigarettes that did not sign the tobacco settlement agreement.

(7) "Nonsettling manufacturer cigarettes" means cigarettes manufactured, fabricated, assembled, or imported by a nonsettling manufacturer.

(8) "Nonsettling manufacturer cigarette tobacco products" means cigarette tobacco products manufactured, fabricated, assembled, or imported by a nonsettling manufacturer.


Sec. 161.603. FEE IMPOSED. (a) A fee is imposed on the sale, use, consumption, or distribution in this state of:

(1) nonsettling manufacturer cigarettes if a stamp is required to be affixed to a package of those cigarettes under Chapter 154, Tax Code;

(2) nonsettling manufacturer cigarettes that are sold, purchased, or distributed in this state but that are not required to have a stamp affixed to a package of those cigarettes under Chapter 154, Tax Code;

(3) nonsettling manufacturer cigarette tobacco products that are subject to the tax imposed by Section 155.0211, Tax Code; and
(4) nonsettling manufacturer cigarette tobacco products that are sold, purchased, or distributed in this state but that are not subject to the tax imposed by Section 155.0211, Tax Code.

(b) The fee imposed by this section does not apply to cigarettes or cigarette tobacco products that are:

(1) included in computing payments due to be made by a settling manufacturer under the tobacco settlement agreement; or

(2) sold, purchased, or otherwise distributed in this state for retail sale outside this state.

(c) The fee imposed by this subchapter is in addition to any other privilege, license, fee, or tax required or imposed by state law.

(d) Except as otherwise provided by this subchapter, the fee imposed by this subchapter is imposed, collected, paid, administered, and enforced in the same manner, taking into account that the fee is imposed on nonsettling manufacturers, as the taxes imposed by Chapters 154 and 155, Tax Code, as appropriate.

Sec. 161.604. RATE OF FEE. (a) Except as provided by Subsection (b), the fee is imposed at the rate of 2.15 cents for:

(1) each nonsettling manufacturer cigarette; and

(2) each 0.09 ounce of nonsettling manufacturer cigarette tobacco product.

(b) On January 1 of each year, the comptroller shall increase the rate of the tax prescribed by Subsection (a) by the greater of:

(1) three percent; or

(2) the percentage increase in the most recent annual revised Consumer Price Index for All Urban Consumers, as published by the Federal Bureau of Labor Statistics of the United States Department of Labor.

Sec. 161.605. NONSETTLING MANUFACTURER CIGARETTES AND CIGARETTE TOBACCO PRODUCTS FOR RETAIL SALE OUTSIDE THIS STATE. (a) Except as provided by Subsection (b), a person may not transport or cause to be transported from this state nonsettling manufacturer cigarettes or cigarette tobacco products for retail sale in another state unless:

(1) the packages of the cigarettes or cigarette tobacco products bear the tax stamps of the state in which the cigarettes or cigarette tobacco products are to be sold and the stamps are affixed in accordance with the laws of that state; or

(2) if the state does not require a tax stamp, all excise taxes imposed on the cigarettes or cigarette tobacco products by the state in which they are to be sold have been paid in accordance with the laws of that state.

(b) A person is not required to affix a tax stamp of another state or pay the excise tax of another state before transporting the nonsettling manufacturer cigarettes or cigarette tobacco products out of this state if:

(1) the state the cigarettes or cigarette tobacco products are being transported to prohibits that action; and

(2) the cigarettes or cigarette tobacco products are being sold to a wholesaler licensed by that state.

Sec. 161.606. DISTRIBUTOR’S REPORT. (a) A distributor required to file a report under Section 154.210 or 155.111, Tax Code, shall, in addition to the information required by those sections, include in that required report, as appropriate:
(1) the number and denominations of stamps affixed to individual packages of nonsettling manufacturer cigarettes during the preceding month;

(2) the amount of nonsettling manufacturer cigarette tobacco products subject to the tax imposed by Section 155.0211, Tax Code, during the preceding month;

(3) the number of individual packages of nonsettling manufacturer cigarettes and the amount of nonsettling manufacturer cigarette tobacco products not subject to the tax imposed by Chapter 154, Tax Code, or Section 155.0211, Tax Code, sold or purchased in this state or otherwise distributed in this state for sale in the United States;

(4) the number of individual packages of nonsettling manufacturer cigarettes and the amount of nonsettling manufacturer cigarette tobacco products transported or caused to be transported outside this state during the preceding month;

(5) if Subdivision (4) applies, the name and address of the persons receiving the cigarettes or cigarette tobacco products outside this state; and

(6) any other information the comptroller considers necessary or appropriate to determine the amount of the fee imposed by this subchapter or to enforce this subchapter.

(b) The information required by Subsection (a) must be itemized for each place of business and by manufacturer and brand family.

(c) The requirement to report information under this section shall be enforced in the same manner as the requirement to deliver to or file with the comptroller a report required under Section 154.210 or 155.111, Tax Code, as appropriate.

(d) Information obtained from a report provided under Subsection (a) regarding cigarettes or cigarette tobacco products sold, purchased, or otherwise distributed by a nonsettling manufacturer may be disclosed by the comptroller to that manufacturer or to the authorized representative of the manufacturer.

Sec. 161.607. NOTICE AND PAYMENT OF FEE. (a) Each month, not later than the 20th day after the date the comptroller receives the information required by Section 161.606, the comptroller shall:

(1) compute the amount of the fee imposed by this subchapter that each nonsettling manufacturer owes for that reporting period based on that information and any other information available to the comptroller; and

(2) mail to each nonsettling manufacturer a notice of the amount of fees the manufacturer owes.

(b) Not later than the 15th day of the month after the month in which the comptroller mails a nonsettling manufacturer a notice under Subsection (a), the nonsettling manufacturer shall send to the comptroller the amount of the fee due according to the notice.

Sec. 161.608. DIRECTORY OF COMPLYING MANUFACTURERS. (a) The comptroller shall develop, maintain, and publish on the comptroller's Internet website a directory listing of all nonsettling manufacturers that have complied with this subchapter.

(b) The comptroller shall provide the list described by Subsection (a) to any person on request.
Sec. 161.609. PREPAYMENT BEFORE OFFERING NONSETTLING MANUFACTURER CIGARETTES OR CIGARETTE TOBACCO PRODUCTS FOR SALE OR DISTRIBUTION IN THIS STATE. (a) If cigarettes or cigarette tobacco products of a nonsettling manufacturer are not offered for sale or distribution in this state on September 1, 2011, the nonsettling manufacturer may not offer those cigarettes or cigarette tobacco products for sale or distribution in this state after that date unless the manufacturer first prepays the fee imposed by this subchapter for sales of cigarettes and cigarette tobacco products that will occur in the first calendar month in which they are sold or distributed in this state.

(b) The amount a nonsettling manufacturer is required to prepay under this section is equal to the greater of:

1. the rate prescribed by Section 161.604 in effect on that date multiplied by:
   (A) the number of cigarettes the comptroller reasonably projects that the nonsettling manufacturer will sell or distribute in this state during that calendar month; and
   (B) each 0.09 ounce of nonsettling manufacturer cigarette tobacco products the comptroller reasonably projects that the nonsettling manufacturer will sell or distribute in this state during that calendar month; or
2. $50,000.

(c) The fee imposed by this section does not apply to cigarettes or cigarette tobacco products that are:

1. included in computing payments due to be made by a settling manufacturer under the tobacco settlement agreement; or
2. sold, purchased, or otherwise distributed in this state for retail sale outside this state.

(d) The comptroller may require a nonsettling manufacturer to provide any information reasonably necessary to determine the prepayment amount.

(e) The comptroller shall establish procedures to:

1. reimburse a nonsettling manufacturer if the actual sales or distributions in the first calendar month are less than the projected sales or distributions; and
2. require additional payments if the actual sales or distributions in the first calendar month are greater than the projected sales or distributions.

(f) A nonsettling manufacturer shall pay the fee imposed by this subchapter in the manner provided by Section 161.607 beginning in the second calendar month in which the manufacturer offers the cigarettes or cigarette tobacco products for sale or distribution in this state.

Sec. 161.610. REPORT TO ATTORNEY GENERAL BEFORE OFFERING NONSETTLING MANUFACTURER CIGARETTES OR CIGARETTE TOBACCO PRODUCTS FOR SALE OR DISTRIBUTION IN THIS STATE. (a) In addition to prepaying the fee required by Section 161.609, a nonsettling manufacturer described by Section 161.609(a) shall, before the date the cigarettes or cigarette tobacco products are offered for sale or distribution in this state, provide to the attorney general on a form prescribed by the attorney general:

1. the nonsettling manufacturer’s complete name, address, and telephone number;
(2) the date that the nonsettling manufacturer will begin offering cigarettes or cigarette tobacco products for sale or distribution in this state;

(3) the names of the brand families of the cigarettes or cigarette tobacco products that the nonsettling manufacturer will offer for sale or distribution in this state;

(4) a statement that the nonsettling manufacturer intends to comply with this subchapter; and

(5) the name, address, telephone number, and signature of an officer of the nonsettling manufacturer attesting to all of the included information.

(b) The attorney general shall make the information provided under this section available to the comptroller.

Sec. 161.611. PENALTIES FOR NONCOMPLIANCE. (a) Cigarettes and cigarette tobacco products of a nonsettling manufacturer that has not complied with this subchapter, including full payment of the fee imposed by this subchapter, shall be treated as cigarettes or tobacco products for which the tax assessed by Chapter 154 or 155, Tax Code, as appropriate, has not been paid, and the manufacturer is subject to all penalties imposed by those chapters for violations of those chapters.

(b) The comptroller shall provide to a nonsettling manufacturer, each distributor authorized to affix stamps under Chapter 154, Tax Code, and the attorney general a notice of the manufacturer's noncompliance with this subchapter if the manufacturer:

(1) does not pay in full the fee imposed by this subchapter; or

(2) is not included on the directory required by Section 161.608.

(c) If a nonsettling manufacturer does not appear on the directory required by Section 161.608, or on receipt of the notice of a nonsettling manufacturer's noncompliance, a distributor may not:

(1) pay the tax imposed by Chapter 154 or 155, Tax Code, as appropriate;

(2) affix to a package of cigarettes the stamp required by Section 154.041, Tax Code; or

(3) otherwise purchase, sell, or distribute cigarettes manufactured by the nonsettling manufacturer in this state.

(d) If the comptroller determines that the nonsettling manufacturer that is the subject of a notice provided under Subsection (b) later complies with this subchapter, the comptroller shall provide to the nonsettling manufacturer, each distributor authorized to affix stamps under Chapter 154, Tax Code, and the attorney general a notice that the nonsettling manufacturer is in compliance with this subchapter.

Sec. 161.612. APPOINTMENT OF AGENT FOR SERVICE OF PROCESS. A nonsettling manufacturer shall appoint and engage a resident agent for service of process.

Sec. 161.613. AUDIT OR INSPECTION. The comptroller or attorney general is entitled to conduct reasonable periodic audits or inspections of the financial records of a nonsettling manufacturer to ensure compliance with this subchapter.
Sec. 161.614. REVENUE DEPOSITED IN PERMANENT HEALTH FUND. The revenue from the fee imposed by this subchapter shall be deposited in the state treasury to the credit of the permanent health fund under Subchapter A of Chapter 63, Education Code. The annual amounts deposited shall be distributed for any purpose the legislature determines and shall not be subject to the requirements of Chapter 63 of the Education Code.

Sec. 161.615. APPLICATION OF SUBCHAPTER. This subchapter applies without regard to Section 154.022, Tax Code, or any other law that might be read to create an exemption for interstate sales.

(b) Not later than September 30, 2011, a nonsettling manufacturer, as that term is defined by Section 161.602, Health and Safety Code, as added by this section, that is offering cigarettes or cigarette tobacco products for sale or distribution in this state on September 1, 2011, shall provide to the attorney general on a form prescribed by the attorney general:

(1) the nonsettling manufacturer’s complete name, address, and telephone number;

(2) the date that the nonsettling manufacturer began offering cigarettes or cigarette tobacco products for sale or distribution in this state;

(3) the names of the brand families of the cigarettes or cigarette tobacco products that the nonsettling manufacturer offers for sale or distribution in this state;

(4) a statement that the nonsettling manufacturer intends to comply with Subchapter V, Chapter 161, Health and Safety Code, as added by this section; and

(5) the name, address, telephone number, and signature of an officer of the nonsettling manufacturer attesting to all of the included information.

(c) The attorney general shall make the information provided under Subsection (b) of this section available to the comptroller.

(d) Notwithstanding any other provision of this Act, this section takes effect September 1, 2011.

The amendment to CSSB 1581 was read and was adopted by the following vote: Yeas 23, Nays 8.


Nays: Fraser, Harris, Huffman, Jackson, Nichols, Patrick, Seliger, Williams.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 10

Amend CSSB 1581 (Senate Committee Printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS accordingly:

ARTICLE ___. PROVISIONS RELATING TO CARRYING CONCEALED WEAPONS BY LICENSE HOLDERS

SECTION ___.01 Section 46.03, Penal Code, is amended by adding Subsection (j) to read as follows:
(j) It is a defense to prosecution under Subsection (a)(1) that at the time of the commission of the offense the actor was:

1. carrying a concealed handgun that the person was licensed to carry under Subchapter H, Chapter 411, Government Code; and
2. attending a school district board of trustees meeting in an official capacity as:
   (A) a member of the board of trustees; or
   (B) the superintendent of the school district governed by the board of trustees.

SECTION __.02. Section 46.035, Penal Code, is amended by adding Subsection (l) to read as follows:

(l) It is a defense to prosecution under Subsection (c) that at the time of the commission of the offense the actor was attending a school district board of trustees meeting in an official capacity as:

1. a member of the board of trustees; or
2. the superintendent of the school district governed by the board of trustees.

SECTION __.03. Sections 46.03(j) and 46.035(l), Penal Code, as added 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 covered by the law in effect when 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.

The amendment to CSSB 1581 was read.

Senator Williams withdrew Floor Amendment No. 10.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 11

Amend CSSB 1581 on page 3, between lines 18 and 19, by inserting Subsection (3) to read as follows and renumber the subsequent sections appropriately:

"(3)(a) The Joint Oversight Committee on Higher Education Governance, Excellence, and Transparency shall review tuition deregulation and make recommendations to the 83rd Legislature for its continuation or repeal. The report shall be submitted by January 1, 2013 to the Legislature.

(b) Section 54.0513, Education Code shall be repealed on September 1, 2013 unless the Legislature passes legislation to continue its existence."

The amendment to CSSB 1581 was read.

On motion of Senator Ogden, Floor Amendment No. 11 was tabled by the following vote: Yeas 16, Nays 15.

Yeas: Birdwell, Carona, Duncan, Eltife, Estes, Harris, Hegar, Huffman, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Zaffirini.

Nays: Davis, Deuell, Ellis, Fraser, Gallegos, Hinojosa, Jackson, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Williams.

Senator Ogden offered the following amendment to the bill:
Floor Amendment No. 12

Amend CSSB 1581 by striking ARTICLE 1 of the bill (senate committee printing, page 1, lines 12-40) and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly.

The amendment to CSSB 1581 was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 12.

On motion of Senator Ogden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1581 as amended was passed to engrossment by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Jackson, Lucio, Rodriguez, Van de Putte, Watson, West, Zaffirini.

COMMITTEE SUBSTITUTE
SENATE BILL 1581 ON THIRD READING

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 1581 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Wentworth, West, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Rodriguez, Watson, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Jackson, Lucio, Rodriguez, Van de Putte, Watson, West, Zaffirini.

CONFERENCE COMMITTEE ON HOUSE BILL 1

Senator Ogden called from the President’s table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on HB 1 and moved that the request be granted.

The motion prevailed without objection.
The President asked if there were any motions to instruct the conference committee on HB 1 before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate: Senators Ogden, Chair; Nelson, Williams, Duncan, and Hinojosa.

(President Pro Tempore Ogden in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 1213 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration CSSB 1213 at this time on its second reading:

CSSB 1213. Relating to consumer protections in the purchase of life settlement contracts; imposing penalties.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend CSSB 1213 (senate committee printing) as follows:

(1) In SECTION 1.01 of the bill, in added Section 1111A.002(1), Insurance Code (page 1, line 25), strike "an individual" and substitute "a person".

(2) In SECTION 1.01 of the bill, in added Section 1111A.002(2), Insurance Code (page 1, line 32), strike ", A broker" and substitute "or estimates life expectancy for a life settlement contract. A broker who offers or attempts to negotiate a life settlement contract."

(3) In SECTION 1.01 of the bill, in added Section 1111A.002(7), Insurance Code (page 2, line 17), strike "producer" and substitute "agent".

(4) In SECTION 1.01 of the bill, in added Section 1111A.003(a), Insurance Code (page 6, lines 3-8), strike "If there is more than one owner on a single policy and the owners are residents of different states, the life settlement contract is governed by the law of the state in which the owner having the largest percentage ownership resides or, if the owners hold equal ownership, the state of residence of one owner agreed on in writing by all owners."

(5) In SECTION 1.01 of the bill, in added Section 1111A.003(b), Insurance Code (page 6, line 10), strike "prescribed by rule" and substitute "prescribed".

(6) In SECTION 1.01 of the bill, at the end of added Section 1111A.003, Insurance Code (page 7, between lines 45 and 46), insert the following:

(q) The business of life settlements constitutes the business of insurance.

(7) In SECTION 1.01 of the bill, in added Section 1111A.004(a)(6), Insurance Code (page 7, line 69), between "contract" and "that", insert "using a form".

(8) In SECTION 1.01 of the bill, in added Section 1111A.004(b), Insurance Code (page 8, line 15), strike "only after a hearing".

(9) In SECTION 1.01 of the bill, in added Section 1111A.006(d)(4), Insurance Code (page 9, line 20), between "another" and "provider", insert "licensed".
In SECTION 1.01 of the bill, strike added Section 1111A.007, Insurance Code (page 9, line 39, through page 11, line 23), and substitute the following:

Sec. 1111A.007. EXAMINATION. Subchapter B, Chapter 401, applies to a person engaged in the business of life settlements.

In SECTION 1.01 of the bill, in added Section 1111A.011(c)(1), Insurance Code (page 11, line 55), strike "directly".

In SECTION 1.01 of the bill, in added Section 1111A.012(a), Insurance Code (page 11, lines 61–65), strike "A provider shall provide in writing, in a separate document that is signed by the owner and provider, the following information to the owner not later than the date the life settlement contract is signed by all parties:" and substitute the following:

Not later than the fifth day after the date a provider receives the application for a life settlement contract, the provider shall provide, in a separate written document, the following information to the owner:

In SECTION 1.01 of the bill, in added Section 1111A.013(c), Insurance Code (page 13, lines 57–58), strike "as described by Subsection (b)".

In SECTION 1.01 of the bill, in added Section 1111A.014(e), Insurance Code (page 14, line 64), strike "producer" and substitute "agent".

In SECTION 1.01 of the bill, in added Section 1111A.014(n), Insurance Code (page 15, lines 55–58), strike "The time covered under a group policy must be calculated without regard to a change in insurance carriers, provided the coverage has been continuous and under the same group sponsorship."

In SECTION 1.01 of the bill, in added Section 1111A.014, Insurance Code (page 16, between lines 15 and 16), insert a new Subsection (o) to read as follows:

(o) For the purposes of Subsection (n)(1), time covered under a group policy must be calculated without regard to a change in insurance carriers, provided the coverage has been continuous and under the same group sponsorship.

In SECTION 1.01 of the bill, in added Section 1111A.015, Insurance Code (page 16, line 29), between "RULES," and "The", insert "(a)".

In SECTION 1.01 of the bill, at the end of added Section 1111A.015, Insurance Code (page 16, between lines 32 and 33), insert the following:

(b) The commissioner may not adopt a rule establishing a price or fee for the sale or purchase of a life settlement contract. This subsection does not prohibit the commissioner from adopting a rule relating to an unjust price or fee for the sale or purchase of a life settlement contract.

(c) The commissioner may not adopt a rule that regulates the actions of an investor providing money to a life or viatical settlement company.

In SECTION 1.01 of the bill, in added Section 1111A.017(a)(1), Insurance Code (page 16, line 62), between "or" and "should", insert "reasonably".

In SECTION 1.01 of the bill, in added Section 1111A.017(a)(4), Insurance Code (page 17, line 4), strike "sole".

In SECTION 1.01 of the bill, in added Section 1111A.018(b), Insurance Code (page 17, line 45), strike "knowingly or intentionally".

In SECTION 1.01 of the bill, strike added Section 1111A.019, Insurance Code (page 17, lines 61–66), and substitute the following:

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Sec. 1111A.019. MANDATORY REPORTING OF FRAUDULENT LIFE SETTLEMENT ACTS. A person engaged in the business of life settlements has a duty under Section 701.051 to report a fraudulent life settlement act.

(23) In SECTION 1.01 of the bill, strike added Sections 1111A.020 and 1111A.021, Insurance Code (page 17, line 67, through page 18, line 34).

(24) In SECTION 1.01 of the bill, in added Section 1111A.024(b), Insurance Code (page 19, line 35), strike "or criminal".

(25) In SECTION 1.01 of the bill, strike added Section 1111A.026(b), Insurance Code (page 19, lines 59-62), and substitute the following:

(b) A person who knowingly, recklessly, or intentionally commits a fraudulent life settlement act commits a criminal offense and is subject to penalties under Chapter 35, Penal Code.

(26) In SECTION 1.01 of the bill, at the end of added Chapter 1111A, Insurance Code (page 19, between lines 64 and 65), insert the following appropriately numbered section:

Sec. 1111A. APPLICABILITY OF OTHER INSURANCE LAWS. The following laws apply to a person engaged in the business of life settlements:

(1) Chapters 82, 83, 84, 101, 481, 541, and 701;

(2) Sections 31.002, 32.021, 32.023, 32.041, 38.001, 81.004, 86.001, 86.051, 86.052, 201.004, 401.051, 401.054, 401.151(a), 521.003, 521.004, 543.001(c), 801.056, and 862.052;

(3) Subchapter A, Chapter 32;

(4) Subchapter C, Chapter 36;

(5) Subchapter B, Chapter 404; and

(6) Subchapter B, Chapter 491.

(27) In SECTION 1.01 of the bill, redesignate sections, subsections, and cross-references in added Chapter 1111A, Insurance Code, appropriately.

The amendment to CSSB 1213 was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Carona and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1213 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE
SENATE BILL 1213 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 1213 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yea 31, Nays 0.

The bill was read third time and was passed by the following vote: Yea 31, Nays 0.
COMMITTEE SUBSTITUTE
SENATE BILL 1616 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration CSSB 1616 at this time on its second reading:

CSSB 1616, Relating to the collection, storage, preservation, retrieval, and destruction of biological evidence.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend CSSB 1616 (Senate Committee Printing) as follows:

(1) In SECTION 1 of the bill, in added Article 38.43(b), Code of Criminal Procedure (page 1, line 44), between "preservation," and "or retrieval", insert "analysis."

(2) In SECTION 1 of the bill, in amended Article 38.43, Code of Criminal Procedure (page 1, line 46, through page 2, line 21), strike amended Subsection (c) and substitute the following:

(c) An entity or individual described by Subsection (b) shall ensure that biological evidence collected pursuant to an investigation or prosecution of a felony offense or conduct constituting a felony offense is retained and [except as provided by Subsection (d), material required to be preserved under this article must be] preserved:

(1) for not less than 40 years, or until the applicable statute of limitations has expired, if there is an unapprehended actor associated with the offense; or

(2) in a case in which a defendant has been convicted, placed on deferred adjudication community supervision, or adjudicated as having engaged in delinquent conduct and there are no additional unapprehended actors associated with the offense:

(A) until the inmate is executed, dies, or is released on parole, if the defendant is convicted of a capital felony; or

(B) [ (2)] until the defendant dies, completes the defendant’s sentence, or is released on parole or mandatory supervision, if the defendant is sentenced to a term of confinement or imprisonment in the Texas Department of Criminal Justice;

(C) until the defendant completes the defendant’s term of community supervision, including deferred adjudication community supervision, if the defendant is placed on community supervision;

(D) until the defendant dies, completes the defendant’s sentence, or is released on parole, mandatory supervision, or juvenile probation, if the defendant is committed to the Texas Youth Commission; or

(E) until the defendant completes the defendant’s term of juvenile probation, including a term of community supervision upon transfer of supervision to a criminal court, if the defendant is placed on juvenile probation.

(3) In SECTION 1 of the bill, in amended Article 38.43(d), Code of Criminal Procedure (page 2, lines 25 through 26), strike "the rules adopted under Subsection (c)(2)" and substitute "Subsection (c)".
(4) In SECTION 1 of the bill, in amended Article 38.43(f), Code of Criminal Procedure (page 2, line 40), between "adopt" and "rules", insert "standards and".

(5) In SECTION 1 of the bill, in amended Article 38.43, Code of Criminal Procedure (page 2, between lines 52 and 53), following amended Subsection (f), insert the following:

(g) The Department of Public Safety shall adopt standards and rules, consistent with best practices, relating to a person described by Subsection (b) that specify the manner of collection, storage, preservation, and retrieval of biological evidence.

(6) In SECTION 1 of the bill, in added Article 38.43(g), Code of Criminal Procedure (page 2, line 53), strike "(g)" and substitute "(h)".

(7) In SECTION 2(a) of the bill (page 2, line 58), strike "initial rules" and substitute "initial standards and rules".

(8) In SECTION 2(b) of the bill (page 3, line 10), strike "adopt the rules" and substitute "adopt the standards and rules".

(9) Strike SECTION 2(c) of the bill (page 3, lines 12 through 19) and substitute the following:

(c) The change in law made by Article 38.43, Code of Criminal Procedure, as amended by this Act, applies to biological evidence in the possession of an entity or individual described by Article 38.43(b), Code of Criminal Procedure, as amended by this Act, on the effective date of this Act, regardless of whether the evidence was collected before, on, or after the effective date of this Act.

(d) Notwithstanding Subsection (c) of this section, an entity or individual described by Article 38.43(b), Code of Criminal Procedure, as amended by this Act, is not required to comply with the standards and rules adopted under Article 38.43(g), Code of Criminal Procedure, as added by this Act, before January 1, 2013.

The amendment to CSSB 1616 was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator West and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1616 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE
SENATE BILL 1616 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 1616 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.
SENATE BILL 656 WITH HOUSE AMENDMENTS

Senator Huffman called SB 656 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Amendment

Amend SB 656 by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to the abolition of the Coastal Coordination Council and the transfer of its functions to the General Land Office.

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

SECTION 1. Section 201.026(g), Agriculture Code, is amended to read as follows:

(g) In an area that the state board identifies as having or having the potential to develop agricultural or silvicultural nonpoint source water quality problems or an area within the "coastal zone" designated by the commissioner of the General Land Office [Coastal Coordination Council], the state board shall establish a water quality management plan certification program that provides, through local soil and water conservation districts, for the development, supervision, and monitoring of individual water quality management plans for agricultural and silvicultural lands. Each plan must be developed, maintained, and implemented under rules and criteria adopted by the state board and comply with state water quality standards established by the Texas Commission on Environmental Quality. The state board shall certify a plan that satisfies the state board's rules and criteria and complies with state water quality standards established by the Texas Commission on Environmental Quality under the commission's exclusive authority to set water quality standards for all water in the state.

SECTION 2. Section 33.004, Natural Resources Code, is amended by adding Subdivision (2-a) to read as follows:

(2-a) "Committee" means the Coastal Coordination Advisory Committee.

SECTION 3. Section 33.051, Natural Resources Code, is amended to read as follows:

Sec. 33.051. GENERAL DUTY. The board, the commissioner [council], the land office, and the network shall perform the duties provided in this subchapter.

SECTION 4. Section 33.052(a), Natural Resources Code, is amended to read as follows:

(a) The commissioner shall develop a continuing comprehensive coastal management program pursuant to the policies stated in Section 33.202 [of this code]. The program is not effective until approved by a majority of the council under Section 33.204 of this code.

SECTION 5. Section 33.052(b), Natural Resources Code, as amended by Chapters 165 (S.B. 971) and 416 (H.B. 3226), Acts of the 74th Legislature, Regular Session, 1995, is reenacted and amended to read as follows:
In developing the program, the land office shall act as the lead agency to coordinate and implement a comprehensive coastal management program for the management of uses affecting coastal natural resource areas, in cooperation with other state agencies that have duties relating to coastal matters, including those agencies represented on the council. The program shall implement the policies stated in Section 33.202 [of this code] and shall include the elements listed in Section 33.053 [of this code].

SECTION 6. Section 33.052(e), Natural Resources Code, is amended to read as follows:

(c) This section does not add to or subtract from the duties and responsibilities of a state agency other than the land office, the commissioner, and the board.

SECTION 7. Section 33.055, Natural Resources Code, is amended to read as follows:

Sec. 33.055. PUBLIC HEARINGS TO CONSIDER COASTAL MANAGEMENT PROGRAM. In developing, reviewing, or amending the coastal management program, after due notice to affected persons and the public generally, the commissioner shall hold or have held public hearings as the commissioner determines to be appropriate.

SECTION 8. Sections 33.204(a), (c), (f), and (g), Natural Resources Code, are amended to read as follows:

(a) The commissioner by rule shall adopt goals and policies of the coastal management program. A goal or policy may not require an agency or subdivision to perform an action that would exceed the constitutional or statutory authority of the agency or subdivision to which the goal or policy applies.

(c) In conducting consistency reviews under Section 33.205 [of this code], the commissioner shall receive and consider the oral or written testimony of any person regarding the coastal management program as the testimony relates to the agency or subdivision action or federal agency action or activity or outer continental shelf plan under review. The commissioner may reasonably limit the length and format of the testimony and the time at which it will be received. Notice of the period during which the testimony will be received shall be published in the Texas Register and in a newspaper of general circulation in each county directly affected by the matter under review before the commencement of that period. The commissioner shall consider only the record before the agency or subdivision involved in the matter under review, the agency's or subdivision's findings, applicable laws and rules, any additional information provided by that agency or subdivision, and public testimony under this subsection, provided that if the agency or subdivision did not hold a hearing, make a record, or make findings, the commissioner may hold a hearing and make findings necessary to a complete and thorough review.

(f) The land office shall assist the council in carrying out its duties. The council members may not receive compensation for services but may receive reimbursement for actual and necessary expenses. The land office, in coordination with other agencies and subdivisions, shall prepare an annual report on the effectiveness of the coastal management program. On or before January 15 of each odd-numbered year, the land office shall send to the legislature each of the previous two annual reports.
The commissioner may award grants to projects that further the goals and policies of the coastal management program. The commissioner shall establish the procedures for making any determination related to awarding a grant.

SECTION 9. Section 33.2041, Natural Resources Code, is amended to read as follows:

Sec. 33.2041. COASTAL COORDINATION ADVISORY COMMITTEE
COMPOSITION OF COUNCIL; TERMS. (a) The commissioner by rule shall establish the Coastal Coordination Advisory Committee to advise the commissioner on matters related to the coastal management program. The committee shall consist of:

(1) a representative of each of the following entities designated by the presiding officer of that entity [ex officio members]:
   (A) the land office;
   (B) the Parks and Wildlife Department [Commission or a member of the commission designated by the presiding officer];
   (C) the Texas Commission on Environmental Quality [Natural Resource Conservation Commission or a member of the commission designated by the presiding officer];
   (D) a member of the Railroad Commission of Texas [appointed by that commission];
   (E) the Texas Water Development Board [or a member of the board designated by the presiding officer];
   (F) the Texas Department of Transportation [Commission or a member of the commission designated by the presiding officer];
   (G) a member of the State Soil and Water Conservation Board [appointed by that board]; and
   (H) the Texas [A&M University] Sea Grant College Program to serve as a nonvoting member; and

(2) the following members to be appointed by the commissioner [governor with the advice and consent of the senate to serve a two-year term]:
   (A) a city or county elected official who resides in the coastal area;
   (B) an owner of a business located in the coastal area who resides in the coastal area;
   (C) a resident from the coastal area; and
   (D) a representative of agriculture.

(b) The commissioner by rule shall establish the terms of office for and duties of committee members [terms of the positions on the council held by the city or county elected official who resides in the coastal area and the resident from the coastal area expire May 31 of each even numbered year. The terms of the positions on the council held by the owner of a business located in the coastal area who resides in the coastal area and the representative of agriculture expire May 31 of each odd numbered year].

(c) Chapter 2110, Government Code, does not apply to the size, composition, or duration of the committee [Appointments to the council shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees].
SECTION 10. The heading to Section 33.205, Natural Resources Code, is amended to read as follows:

Sec. 33.205. CONSISTENCY WITH COASTAL MANAGEMENT PROGRAM; COMMISSIONER [COUNCIL] REVIEW.

SECTION 11. Section 33.205, Natural Resources Code, is amended by amending Subsections (b), (c), (d), (e), (f), (g), and (h) and adding Subsections (f-1) and (f-2) to read as follows:

(b) An agency or subdivision subject to the requirements of Subsection (a) shall affirm that it has taken into account the goals and policies of the coastal management program by issuing a written determination that a proposed agency or subdivision action described by Section 33.2051 or 33.2053 is consistent with the program goals and policies.

(c) The commissioner [council] may [not] review a proposed agency or subdivision action subject to the requirements of Subsections (a) and (b) [of this section] for consistency with the goals and policies of the coastal management program if [unless]:

1. the consistency determination for the proposed action was contested by:
   (A) a [council member or other agency that was a party in a formal hearing under Chapter 2001, Government Code, or in an alternative dispute resolution process; or
   (B) another [council member or other] person by the filing of written comments with the agency before the action was proposed if the proposed action is one for which a formal hearing under Chapter 2001, Government Code, is not available; and

2. a person described by Subdivision (1) [of this subsection] files a request for referral alleging a significant unresolved dispute regarding the proposed action's consistency with the goals and policies of the coastal management program; and

3. any three members of the council other than the director of the Texas A&M University Sea Grant Program agree that there is a significant unresolved dispute regarding the proposed action's consistency with the goals and policies of the coastal management program and the matter is placed on the agenda for a council meeting.

(d) If consistency review thresholds are in effect under Section 33.2052, the commissioner [council] may not review a proposed action subject to the requirements of Subsections (a) and (b) for consistency with the goals and policies of the coastal management program unless the requirements of Subsection (c) are satisfied and:

1. if the proposed action is one for which a formal hearing under Chapter 2001, Government Code, is available:
   (A) the action exceeds the applicable thresholds and the agency's consistency determination was contested in a formal hearing or in an alternative dispute resolution process; or
   (B) the action does not exceed the applicable thresholds but may directly and adversely affect a critical area, critical dune area, coastal park, wildlife management area or preserve, or gulf beach and a state agency contested the agency's consistency determination in a formal hearing; or
(2) If the proposed action is one for which a formal hearing under Chapter 2001, Government Code, is not available to contest the agency's determination, the action exceeds the applicable thresholds.

(c) The commissioner must consider and act on a matter referred under Subsection (c) or (d) before the 26th day after the date the agency or subdivision proposed the action. For purposes of this section, an action subject to the contested case provisions of Chapter 2001, Government Code, is proposed when notice of a decision or order is issued under Section 2001.142, Government Code.

(f) The commissioner by rule shall establish a process by which an applicant for a permit or other proposed action described in Section 33.2053, or an agency or subdivision proposing an action, may request and receive a preliminary consistency review. The rules shall:

(1) create a permitting assistance group composed of representatives of committee member agencies and other interested committee members to coordinate the preliminary reviews; and

(2) require that the following written information be produced not later than the 45th day after the date of the request for preliminary review:

(A) a statement from each agency or subdivision required to permit or approve the project as to whether the agency or subdivision anticipates approving or denying the application;

(B) if an agency or subdivision intends to deny an application, the agency's or subdivision's explanation of the grounds for denial and recommendations for resolving the grounds in a way that would allow the application to be approved;

(C) if enough information is already available, a preliminary finding as to whether the project is likely to be found consistent with the goals and policies of the coastal management program; and

(D) if the project is likely to be found inconsistent with the goals and policies of the coastal management program, an explanation and recommendation for resolving the inconsistency in a way that would allow the project to be found consistent.

(f-1) Not later than January 1, 2012, the commissioner shall evaluate the functions including any pending initiatives, membership, and usefulness of the permitting assistance group established under Subsection (f). The evaluation must include input from all members of the permitting assistance group and the committee. This subsection expires April 1, 2012.

(f-2) The commissioner may adopt rules as necessary to:

(1) restructure or abolish the permitting assistance group;

(2) expand the functions of the permitting assistance group; or

(3) add members to the permitting assistance group.

(g) The commissioner by rule shall establish a process by which an individual or small business may request and receive assistance with filing applications for permits or other proposed actions described by Section 33.2053. The rules shall provide for:

(1) the coordination of preapplication assistance through the permitting assistance group; and
(2) the provision of the following, by the permitting assistance group, to an individual or a small business, on request:

(A) a list of the permits or other approvals necessary for the project;
(B) a simple, understandable statement of all permit requirements;
(C) a coordinated schedule for each agency's or subdivision's decision on the action;
(D) a list of all the information the agencies or subdivisions need to declare the applications for the permits or other approvals administratively complete;
(E) assistance in completing the applications as needed; and
(F) if enough information is already available, a preliminary finding as to whether the project is likely to be found consistent with the goals and policies of the coastal management program.

(h) If an agency, subdivision, or applicant has received a preliminary finding of consistency under Subsection (f)(2)(C) or (g)(2)(F) and a request for referral was filed on that action under Subsection (c)(2), the commissioner may accept the request for referral only if the agency or subdivision has substantially changed the permit or proposed action since the preliminary finding was issued.

SECTION 12. Section 33.2051(e), Natural Resources Code, is amended to read as follows:

c The commissioner may not review a proposed rule of the [Texas] Department of Agriculture.

SECTION 13. Section 33.2052, Natural Resources Code, is amended to read as follows:

Sec. 33.2052. CERTIFICATION OF AGENCY RULES; AGENCY ACTIONS CONSIDERED CONSISTENT. (a) The commissioner by rule shall establish and may modify a process by which an agency may submit rules and rule amendments described by Section 33.2051 to the commissioner for review and certification for consistency with the goals and policies of the coastal management program.

(b) The process must provide that an agency may submit to the commissioner consistency review thresholds for the agency's actions described in Section 33.2053. After the commissioner certifies that an agency's rules are consistent and approves the agency's thresholds, the agency's consistency determination under Section 33.205(b) for an action is final and is not subject to referral and review, except as provided by Section 33.205(d).

(c) The commissioner by rule shall provide that the commissioner may revoke a certification under Subsection (b) if the commissioner finds that an agency has:

1. implemented certified rules in a manner that conflicts with the goals and policies of the coastal management program; or
2. amended certified rules in a manner inconsistent with the goals and policies of the coastal management program.

SECTION 14. Sections 33.2053(j) and (k), Natural Resources Code, are amended to read as follows:
(j) An action to renew, amend, or modify an existing permit, certificate, lease, easement, approval, or other action is not an action under this section if the action is taken under a rule that the commissioner has certified under Section 33.2052 and:

(1) for a wastewater discharge permit, if the action is not a major permit modification that would:
   (A) increase pollutant loads to coastal waters; or
   (B) result in relocation of an outfall to a critical area;

(2) for solid, hazardous, or nonhazardous waste permits, if the action is not a Class III modification under rules of the Texas Commission on Environmental Quality; or

(3) for any other action, if the action:
   (A) only extends the period of the existing authorization and does not authorize new or additional work or activity; or
   (B) is not directly relevant to Sections 33.205(a) and (b).

(k) The commissioner shall establish a program boundary to limit the geographic area in which the requirements of Sections 33.205(a) and (b) apply. The boundary is the coastal facility designation line as defined by Appendix 1 to 31 TAC Section 19.2 as that appendix existed on the effective date of this section, as modified by Section 33.203(7). Except as provided by Subsections (f)(8)-(10), this subchapter does not apply to an agency action authorizing an activity outside the program boundary.

SECTION 15. Section 33.206, Natural Resources Code, is amended to read as follows:

Sec. 33.206. [COUNCIL] ACTION BY COMMISSIONER OR ATTORNEY GENERAL. (a) A proposed action is consistent with the goals and policies of the coastal management program and approved by the commissioner unless the affirmative vote of at least two thirds of the members of the council determines the action to be inconsistent with the coastal management program and protests the action.

(b) If the commissioner protests the proposed action, the commissioner shall report the commissioner's findings on the matter to the agency or subdivision. The report shall specify how the proposed action is inconsistent with the goals and policies of the coastal management program and include specific recommendations of the commissioner regarding how the proposed action may be modified or amended to make it consistent with the program. Before the 21st day after the date the agency or subdivision receives the report, the agency or subdivision shall review the findings and recommendations and determine whether to modify or amend the proposed action to make it consistent with the goals and policies of the coastal management program and shall notify the commissioner of its decision.

(c) If an agency or subdivision does not modify or amend a proposed action to be consistent with the goals and policies of the coastal management program, the commissioner shall request the attorney general to issue an opinion on the consistency of the proposed action with the coastal management program. The agency

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or subdivision is stayed from taking the proposed action until the attorney general issues the opinion. The attorney general shall issue an opinion before the 26th day after the date the commissioner requests the opinion.

(d) The commissioner shall adopt guidance and procedural rules for the review of federal actions, activities, and outer continental shelf plans that incorporate the provisions of federal regulations governing those reviews. The guidance and rules shall provide that the commissioner may request additional information from a federal agency or additional time for review as provided by the federal regulations.

(e) The commissioner shall review any federal action, activity, or outer continental shelf plan that the commissioner determines presents a significant unresolved issue regarding consistency with the goals and policies of the coastal management program and place the matter on the agenda of a meeting of the council.

(f) If an activity requiring an agency or subdivision action described by Section 33.2053 that falls below thresholds in effect under Section 33.2052 also requires an equivalent federal permit or license, the council may only determine the agency or subdivision action's consistency. If an activity requiring an agency or subdivision action described by Section 33.2053 that falls above thresholds in effect under Section 33.2052 also requires an equivalent federal permit or license, the commissioner may determine the consistency of the agency or subdivision action or the federal license or permit, but not both. The determination regarding the consistency of an action made by the commissioner under this subsection constitutes the state's determination regarding consistency of the equivalent agency or subdivision action or federal action.

(g) Notwithstanding the other provisions of this subchapter, on request for referral, the commissioner may not review a consistency determination of the land office, the commissioner, or the board. The commissioner shall refer a request for a review of the consistency of such an action to the attorney general not later than the second day after the date the commissioner receives the request. The attorney general shall determine whether the action is consistent with the goals and policies of the coastal management program in accordance with the applicable provisions of this subchapter governing determinations by the commissioner. If the attorney general determines the action to be inconsistent with the goals and policies of the coastal management program, the attorney general may protest the action in accordance with the provisions of this subchapter governing protests by the commissioner. A protest by the attorney general has the same effect as a protest by the commissioner. The attorney general may adopt rules as necessary to implement this subsection.

(h) The council may protest a proposed action by an agency or subdivision pertaining to an application filed with that agency or subdivision before the date the coastal management program is adopted.
SECTION 16. Section 33.207, Natural Resources Code, is amended to read as follows:

Sec. 33.207. COMMISSIONER [COUNCIL] RECOMMENDATIONS. In addition to the report required by Section 33.206, the commissioner [council]:

(1) may periodically submit recommendations to an agency or subdivision designed to encourage the agency or subdivision to carry out its functions in a manner consistent with the coastal management program, including recommendations for methods to simplify governmental procedures and changes in applicable rules or statutes; and

(2) shall report to the legislature on:

(A) recommended statutory changes needed to make more effective and efficient use of public funds and provide for more effective and efficient management of coastal natural resource areas, including recommendations on methods to simplify governmental procedures;

(B) agency or subdivision actions that are not consistent with the coastal management program; and

(C) population growth of, infrastructure needs of, and use of resources on the coast.

SECTION 17. Sections 33.208(b) and (c), Natural Resources Code, are amended to read as follows:

(b) If the attorney general issues an opinion under Section 33.206(c) that a proposed agency or subdivision action is inconsistent with the coastal management program and the agency or subdivision fails to implement the commissioner's [council's] recommendation regarding the action, the attorney general shall file suit in a district court of Travis County to enforce this subchapter. The court shall consider the attorney general’s opinion in determining whether the proposed action is consistent with the coastal management program.

(c) Notwithstanding the request of an opinion from, or the filing of suit by, the attorney general, the commissioner [council] and the agency or subdivision may enter into a settlement agreement with regard to the proposed agency or subdivision action. If the commissioner [council] and the agency or subdivision enter into a settlement agreement, the commissioner [council] may rescind the commissioner's [its] request for an opinion from the attorney general.

SECTION 18. Section 33.209, Natural Resources Code, is amended to read as follows:

Sec. 33.209. PROHIBITION ON SPECIAL AREA MANAGEMENT PLANS. The land office [council] may not develop or approve a special area management plan, including a plan for an area designated under the national estuary program.

SECTION 19. The following provisions of the Natural Resources Code are repealed:

(1) Section 33.004(13);
(2) Section 33.052(c);
(3) Section 33.203(20);
(4) Sections 33.204(b), (c), and (d);
(5) Section 33.2042;
(6) Section 33.2043;
SECTION 20. (a) Effective September 1, 2011, the Coastal Coordination Council is abolished and the powers and duties of the council are transferred to the General Land Office in accordance with Chapter 33, Natural Resources Code, as amended by this Act.

(b) As soon as possible after the effective date of this Act, the presiding officers of the appropriate entities shall appoint the members of the Coastal Coordination Advisory Committee in accordance with Section 33.2041, Natural Resources Code, as amended by this Act.

(c) All rules of the Coastal Coordination Council are continued in effect as rules of the General Land Office until superseded by a rule of the land office. A certification issued by the council is continued in effect as provided by the law in effect immediately before the effective date of this Act. A complaint investigation, contested case, or other proceeding pending on the effective date of this Act is continued without change in status after the effective date of this Act. An activity conducted by the council is considered to be an activity conducted by the land office.

(d) A reference in another law or an administrative rule to the Coastal Coordination Council means the General Land Office.

(e) On September 1, 2011, or as soon as is possible after that date, the commissioner of the General Land Office shall adopt a comprehensive plan to ensure the smooth transition of all programs operated by the Coastal Coordination Council before September 1, 2011, from the council to the land office. During the transition, the General Land Office shall consult with the National Oceanic and Atmospheric Administration as necessary to ensure continued compliance with federal requirements and to maintain federal approval of the Texas Coastal Management Program.

(f) All money, records, property, and equipment in the possession of the Coastal Coordination Council on September 1, 2012, shall be transferred to the possession of the General Land Office on September 1, 2012, or as soon as possible after that date.

SECTION 21. This Act takes effect September 1, 2011.

Floor Amendment No. 1

Amend CSSB 656 (house committee printing) as follows:

(1) In SECTION 11 of the bill, strike amended Section 33.205(c), Natural Resources Code (page 7, line 14, through page 8, line 10), and substitute:

(c) The [commissioner] may [not] review a proposed agency or subdivision action subject to the requirements of Subsections (a) and (b) [of this section] for consistency with the goals and policies of the coastal management program if [unless]:

(1) the consistency determination for the proposed action was contested by:

(A) a [commissioner] member of the committee or an agency that was a party in a formal hearing under Chapter 2001, Government Code, or in an alternative dispute resolution process; or
B) another council member or other person by the filing of written comments with the agency before the action was proposed if the proposed action is one for which a formal hearing under Chapter 2001, Government Code, is not available;

(2) a person described by Subdivision (1) files a request for referral alleging a significant unresolved dispute regarding the proposed action's consistency with the goals and policies of the coastal management program; and

(3) any three members of the committee other than the representative of the Texas A&M University Sea Grant College Program agree that there is a significant unresolved dispute regarding the proposed action's consistency with the goals and policies of the coastal management program and the matter is referred to the commissioner for review.

In SECTION 15 of the bill, in amended Section 33.206(d), Natural Resources Code (page 15, lines 16-17), strike "chair or any three members" and substitute "chair or any three members of the council".

In SECTION 15 of the bill, in amended Section 33.206(e), Natural Resources Code (page 15, lines 21-22), strike "the commissioner determines any three members of the council agree" and substitute "any three committee members agree".

The amendments were read.

Senator Huffman moved to concur in the House amendments to SB 656.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1153 WITH HOUSE AMENDMENTS

Senator Williams called SB 1153 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend SB 1153 by adding the following appropriately numbered SECTION to the bill:

SECTION ___. Section 39.4526, Utilities Code, is amended to read as follows:

(g) The commission shall be precluded from engaging any lobbyist, as defined in Section 305.003 of Texas Government Code, under Subsection (a).

Floor Amendment No. 1 on Third Reading

Amend second reading Floor Amendment No. 1, SB 1153, as follows:

SECTION ___. Section 39.4526, Utilities Code, is amended to read as follows:

(f) [as] The commission shall be precluded from engaging any individual who is required to register under lobbyist as defined in Section 305.003 of the Texas Government Code under Subsection (a).

The amendments were read.

Senator Williams moved to concur in the House amendments to SB 1153.

The motion prevailed by the following vote: Yeas 31, Nays 0.
SENATE BILL 1160 WITH HOUSE AMENDMENTS

Senator Seliger called SB 1160 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend SB 1160 (house committee printing) by inserting the following appropriately numbered SECTIONS and renumbering SECTIONS of the bill accordingly:

SECTION ____. The heading to Section 75.006, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 75.006. LIABILITY LIMITED FOR ACTIONS OF FIREFIGHTER, FEDERAL LAW ENFORCEMENT OFFICER, OR PEACE OFFICER.

SECTION ____. Section 75.006, Civil Practice and Remedies Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) In this section:

(1) "Federal law enforcement officer" means a law enforcement officer as defined by 5 U.S.C. Section 8331(20).

(2) "Firefighter" means a member of a fire department who performs a function listed in Section 419.021(3)(C), Government Code.

(3) [§2ii]. "Livestock" has the meaning assigned by Section 1.003, Agriculture Code.

(4) [§3ii]. "Peace officer" has the meaning assigned by Section 1.07, Penal Code, or other state or federal law.

(c) An owner, lessee, or occupant of agricultural land is not liable for any damage or injury to any person or property that arises from the actions of a peace officer or federal law enforcement officer when the officer enters or causes another person to enter the agricultural land with or without the permission of the owner, lessee, or occupant. The owner, lessee, or occupant of agricultural land is not liable for the damage or injury regardless of whether the damage or injury occurs on the agricultural land.

(d) The owner, lessee, or occupant of agricultural land is not liable for any damage or injury to any person or property that arises from the actions of an individual who, because of the actions of a peace officer or federal law enforcement officer, enters or causes another person to enter the agricultural land without the permission of the owner, lessee, or occupant.

(c) This section does not limit the liability of an owner, lessee, or occupant of agricultural land for any damage or injury that arises from a willful or wanton act or gross negligence by the owner, lessee, or occupant.

Floor Amendment No. 1 on Third Reading

Amend Amendment No. 1 of SB 1160 (line committeed printing) by amending Subsection (c) as follows:

(c) An owner, lessee, or occupant of agricultural land is not liable for any damage or injury to any person or property that arises from the actions of a peace officer or federal law enforcement officer when the officer enters or causes another
person to enter the agricultural land with or without the permission of the owner, lessee, or occupant. The owner, lessee, or occupant of agricultural land is not liable for the damage or injury regardless of whether the damage or injury occurs on the agricultural land.

The amendments were read.

Senator Seliger moved to concur in the House amendments to SB 1160.

The motion prevailed by the following vote: Yeas 31, Nays 0.

PERMISSION TO INTRODUCE BILLS

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bills: SB 1929, SB 1930.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

SB 1929 by Seliger
Relating to the application of the professional prosecutors law to the district attorney for the 287th Judicial District.
To Committee on Jurisprudence.

SB 1930 by Nelson
Relating to the disclosure of the composition of hydraulic fracturing fluids used in hydraulic fracturing treatments.
To Committee on Natural Resources.

HOUSE BILL ON FIRST READING

The following bill received from the House was read first time and referred to the committee indicated:

HB 2295 to Committee on Business and Commerce.

CONFERENCE COMMITTEE ON HOUSE BILL 1956

Senator Carona called from the President’s table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on HB 1956 and moved that the request be granted.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on HB 1956 before appointment.

There were no motions offered.

Accordingly, the President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Carona, Chair; Eltife, Lucio, Harris, and Watson.
HOUSE BILL 3814 REREFERRED
(Motion In Writing)

Senator Wentworth submitted a Motion In Writing requesting that HB 3814 be withdrawn from the Committee on Intergovernmental Relations and rereferred to the Committee on Administration.

The Motion In Writing prevailed without objection.

NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR

Senator Eltife announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)

On motion of Senator Eltife and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate is meeting today during the introduction of bills and resolutions on first reading and tomorrow during the Local and Uncontested Calendar Session.

SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)

On motion of Senator Lucio and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on International Relations and Trade might meet today.

MOTION TO RECESS AND ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 4:46 p.m. agreed to recess, in honor of Timothy Moore and Fernando Meza, upon completion of the introduction of bills and resolutions on first reading, until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

The Senate further agreed to adjourn, in memory of Myra McDaniel, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read first time and referred to the committees indicated:

HB 8 to Committee on Business and Commerce.
HB 122 to Committee on Jurisprudence.
HB 257 to Committee on Finance.
HB 300 to Committee on Health and Human Services.
HB 442 to Committee on Transportation and Homeland Security.
HB 528 to Committee on State Affairs.
HB 577 to Committee on Health and Human Services.
HB 595 to Committee on Criminal Justice.
HB 654 to Committee on Finance.
HB 673 to Committee on Transportation and Homeland Security.
HB 742 to Committee on Education.
HB 753 to Committee on Health and Human Services.
HB 762 to Committee on State Affairs.
HB 777 to Committee on Transportation and Homeland Security.
HB 783 to Committee on Criminal Justice.
HB 807 to Committee on Health and Human Services.
HB 818 to Committee on Education.
HB 826 to Committee on Education.
HB 872 to Committee on Intergovernmental Relations.
HB 961 to Committee on Criminal Justice.
HB 970 to Committee on Economic Development.
HB 971 to Committee on Business and Commerce.
HB 1009 to Committee on Criminal Justice.
HB 1033 to Committee on Economic Development.
HB 1071 to Committee on Intergovernmental Relations.
HB 1080 to Committee on Agriculture and Rural Affairs.
HB 1090 to Committee on Intergovernmental Relations.
HB 1111 to Committee on Jurisprudence.
HB 1135 to Committee on State Affairs.
HB 1178 to Committee on Economic Development.
HB 1226 to Committee on State Affairs.
HB 1315 to Committee on Economic Development.
HB 1335 to Committee on Education.
HB 1354 to Committee on State Affairs.
HB 1389 to Committee on Criminal Justice.
HB 1395 to Committee on Transportation and Homeland Security.
HB 1456 to Committee on Intergovernmental Relations.
HB 1500 to Committee on Open Government.
HB 1502 to Committee on State Affairs.
HB 1517 to Committee on Transportation and Homeland Security.
HB 1604 to Committee on International Relations and Trade.
HB 1610 to Committee on Education.
HB 1616 to Committee on State Affairs.
HB 1619 to Committee on Intergovernmental Relations.
HB 1649 to Committee on Intergovernmental Relations.
HB 1678 to Committee on State Affairs.
HB 1720 to Committee on Health and Human Services.
HB 1723 to Committee on Criminal Justice.
HB 1749 to Committee on Transportation and Homeland Security.
HB 1772 to Committee on State Affairs.
HB 1821 to Committee on Intergovernmental Relations.
HB 1834 to Committee on Education.
HB 1839 to Committee on Economic Development.
HB 1840 to Committee on Agriculture and Rural Affairs.
HB 1896 to Committee on Transportation and Homeland Security.
HB 1930 to Committee on Criminal Justice.
HB 1931 to Committee on Jurisprudence.
HB 1942 to Committee on Education.
HB 1983 to Committee on Health and Human Services.
HB 1985 to Committee on Jurisprudence.
HB 1988 to Committee on Criminal Justice.
HB 1992 to Committee on Agriculture and Rural Affairs.
HB 2048 to Committee on Finance.
HB 2052 to Committee on State Affairs.
HB 2061 to Committee on Health and Human Services.
HB 2077 to Committee on Natural Resources.
HB 2100 to Committee on Intergovernmental Relations.
HB 2109 to Committee on Health and Human Services.
HB 2127 to Committee on Agriculture and Rural Affairs.
HB 2160 to Committee on Intergovernmental Relations.
HB 2172 to Committee on State Affairs.
HB 2173 to Committee on State Affairs.
HB 2195 to Committee on Transportation and Homeland Security.
HB 2205 to Committee on Intergovernmental Relations.
HB 2220 to Committee on Intergovernmental Relations.
HB 2284 to Committee on Business and Commerce.
HB 2285 to Committee on Criminal Justice.
HB 2366 to Committee on Education.
HB 2367 to Committee on Jurisprudence.
HB 2371 to Committee on Transportation and Homeland Security.
HB 2374 to Committee on Criminal Justice.
HB 2396 to Committee on Transportation and Homeland Security.
HB 2477 to Committee on State Affairs.
HB 2549 to Committee on Government Organization.
HB 2576 to Committee on Health and Human Services.
HB 2577 to Committee on Criminal Justice.
HB 2584 to Committee on Intergovernmental Relations.
HB 2604 to Committee on Business and Commerce.
HB 2636 to Committee on Health and Human Services.
HB 2651 to Committee on Transportation and Homeland Security.
HB 2655 to Committee on Business and Commerce.
HB 2663 to Committee on Natural Resources.
HB 2671 to Committee on Transportation and Homeland Security.
HB 2699 to Committee on Business and Commerce.
HB 2703 to Committee on Health and Human Services.
HB 2723 to Committee on State Affairs.
HB 2735 to Committee on Criminal Justice.
HB 2742 to Committee on Agriculture and Rural Affairs.
HB 2761 to Committee on Intergovernmental Relations.
HB 2784 to Committee on Economic Development.
HB 2810 to Committee on Finance.
HB 2826 to Committee on Natural Resources.
HB 2872 to Committee on Transportation and Homeland Security.
HB 2882 to Committee on State Affairs.
HB 2899 to Committee on Jurisprudence.
HB 2903 to Committee on Health and Human Services.
HB 2947 to Committee on Open Government.
HB 2948 to Committee on Transportation and Homeland Security.
HB 2949 to Committee on Jurisprudence.
HB 2969 to Committee on Natural Resources.
HB 2972 to Committee on Intergovernmental Relations.
HB 2973 to Committee on State Affairs.
HB 2993 to Committee on Criminal Justice.
HB 3002 to Committee on Natural Resources.
HB 3071 to Committee on Natural Resources.
HB 3078 to Committee on State Affairs.
HB 3085 to Committee on Health and Human Services.
HB 3090 to Committee on Natural Resources.
HB 3096 to Committee on Intergovernmental Relations.
HB 3109 to Committee on Natural Resources.
HB 3116 to Committee on Business and Commerce.
HB 3117 to Committee on Business and Commerce.
HB 3134 to Committee on Natural Resources.
HB 3135 to Committee on Education.
HB 3145 to Committee on Health and Human Services.
HB 3161 to Committee on State Affairs.
HB 3182 to Committee on Finance.
HB 3197 to Committee on Health and Human Services.
HB 3269 to Committee on Natural Resources.
HB 3278 to Committee on Education.
HB 3298 to Committee on Transportation and Homeland Security.
HB 3311 to Committee on Jurisprudence.
HB 3329 to Committee on Business and Commerce.
HB 3337 to Committee on State Affairs.
HB 3346 to Committee on Criminal Justice.
HB 3391 to Committee on Natural Resources.
HB 3395 to Committee on Government Organization.
HB 3396 to Committee on Criminal Justice.
HB 3457 to Committee on Intergovernmental Relations.
HB 3468 to Committee on Education.
HB 3506 to Committee on Education.
HB 3573 to Committee on Business and Commerce.
HB 3582 to Committee on State Affairs.
HB 3689 to Committee on Higher Education.
HB 3722 to Committee on Transportation and Homeland Security.
HB 3724 to Committee on Health and Human Services.
HB 3771 to Committee on Transportation and Homeland Security.
HB 3796 to Committee on Jurisprudence.
HB 3808 to Committee on Agriculture and Rural Affairs.
HB 3811 to Committee on Intergovernmental Relations.
HB 3846 to Committee on Intergovernmental Relations.
HCR 86 to Committee on Government Organization.
HCR 98 to Committee on Agriculture and Rural Affairs.
HCR 133 to Committee on Government Organization.
HJR 63 to Committee on Intergovernmental Relations.

**CO-AUTHORS OF SENATE BILL 471**

On motion of Senator West, Senators Deuell, Rodriguez, and Uresti will be shown as Co-authors of SB 471.

**CO-AUTHOR OF SENATE BILL 1360**

On motion of Senator Harris, Senator Patrick will be shown as Co-author of SB 1360.

**CO-AUTHOR OF SENATE BILL 1866**

On motion of Senator Davis, Senator West will be shown as Co-author of SB 1866.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

SR 943 by Watson, In memory of David M. Himmelblau of Austin.

HCR 116 (Harris), In memory of the Reverend Clinton Roderick Dobson of Arlington.

**Congratulatory Resolutions**

SCR 53 by Watson, Recognizing the Texas Heritage Songwriters' Association for fostering and preserving Texas culture.

SR 939 by Harris, Recognizing The University of Texas at Arlington women's tennis team for winning the Southland Conference championship title.

SR 940 by Watson, Recognizing Abundant Life Community Baptist Church of Austin on the occasion of the dedication of its new location.

SR 941 by Watson, Recognizing Central Health, CommUnityCare, and The University of Texas at Austin School of Nursing for creating a nurse practitioner residency program.
SR 942 by Watson, Recognizing the Austin Jokers Fast Pitch Softball Team on the occasion of its 50th anniversary.

SR 944 by Lucio, Recognizing Silver Ribbon Community Partners for its service to the elderly and disabled citizens of Hidalgo and Starr Counties.

RECESS

Pursuant to a previously adopted motion, the Senate at 4:55 p.m. recessed, in honor of Timothy Moore and Fernando Meza, until 8:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 9, 2011

BUSINESS AND COMMERCE — SB 995

TRANSPORTATION AND HOMELAND SECURITY — CSHB 563, HB 1251, CSHB 1112, CSSB 1611, CSSB 1572, CSSB 197, HB 993, HB 885, HB 591, CSSB 1402

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — SB 1645, CSSB 1493

EDUCATION — CSSB 975

CRIMINAL JUSTICE — HB 27, HB 3000, HB 1779, HB 1770, HB 1567, HB 1566, HB 988, HB 1573, HB 1344, SB 1787, SB 578

TRANSPORTATION AND HOMELAND SECURITY — CSSB 1485

STATE AFFAIRS — HB 184, HB 1503, HB 1570, HB 1789, HB 2144, HB 2277, HB 2920, HB 3255

ECONOMIC DEVELOPMENT — CSSB 1175

INTERGOVERNMENTAL RELATIONS — CSHB 345

FINANCE — CSSJR 14, CSSB 516

BUSINESS AND COMMERCE — CSSB 1309

May 6, 2011

BILLS ENGROSSED

SB 546, SB 1113, SB 1214, SB 1417, SB 1543, SB 1584, SB 1729, SB 1806, SB 1905
BILLS AND RESOLUTIONS ENROLLED

May 6, 2011
SB 18, SB 265, SB 378, SB 528, SB 653, SB 820, SB 877, SB 918, SB 1195, SB 1272, SB 1303, SB 1490, SB 1568, SB 1716, SJR 4, SR 924, SR 928, SR 929, SR 930, SR 931, SR 932, SR 933, SR 934, SR 936, SR 937

May 9, 2011
SJR 4

SENT TO GOVERNOR

May 9, 2011
SB 18, SB 265, SB 378, SB 528, SB 653, SB 820, SB 877, SB 918, SB 1195, SB 1272, SB 1303, SB 1490, SB 1568, SB 1716
In Memory
of
Myra McDaniel

House Concurrent Resolution 139

WHEREAS, The State of Texas lost an admired public servant and civic leader with the death of former secretary of state Myra McDaniel of Austin on February 25, 2010, at the age of 77; and

WHEREAS, Born in Philadelphia on December 13, 1932, the former Myra Atwell was the daughter of Eva and Toronto Atwell; she attended the prestigious Philadelphia High School for Girls and earned her bachelor's degree in English from the University of Pennsylvania; after her marriage to Reuben McDaniel, she became the proud mother of two children, Diane and Reuben; and

WHEREAS, Mrs. McDaniel began her career as a management analyst and served in administrative positions at Baldwin Wallace College in Ohio and at Indiana University; in 1975, she completed her law degree at the University of Texas School of Law and she went on to work in the office of the Texas attorney general; she became chief of the taxation division in 1979 and then worked as counsel for the Railroad Commission before entering private practice in Midland; and

WHEREAS, In 1984, Governor Mark White appointed Mrs. McDaniel as his general counsel; she became the first African American secretary of state in Texas history two years later, and her intellect, integrity, and wisdom greatly benefited her fellow citizens; treating all those around her with thoughtfulness and respect, she won the loyalty of her staff and set a sterling example of leadership during her three-year tenure; and

WHEREAS, This esteemed woman continued to serve as a mentor and role model after returning to private practice, and in 1995, she became one of the first African American women to lead a major law firm, Bickerstaff, Heath, Smiley, Pollan, Kever, and McDaniel, as managing partner; over the course of her distinguished legal career, she served as counsel for Austin Community College and Capital Metro, and she continued to work part-time for Bickerstaff Heath well into her seventies; and

WHEREAS, Deeply committed to her community, Mrs. McDaniel won numerous awards for her contributions; she served on the boards of St. Edward's University, Seton Hospital, the Episcopal Seminary of the Southwest, and many other organizations; a valued member of St. James Episcopal Church, she served as a senior warden and edited the church newsletter; more than a mere fan of the UT women's basketball team, she generously shared her time and expertise with young athletes, offering special encouragement over the years to those interested in pursuing law degrees; and
WHEREAS, Myra McDaniel inspired innumerable people through her remarkable achievements and unyielding dedication to public service, and her positive influence will continue to resonate in the myriad lives she touched in the years to come; now, therefore, be it

RESOLVED, That the 82nd Legislature of the State of Texas hereby pay special tribute to the memory of Myra McDaniel and extend sincere condolences to the members of her family: to her husband, Reuben R. McDaniel, Jr.; to her children, Diane Rhodes and Reuben McDaniel III; to her seven grandchildren and two great-grandchildren; and to her many other relatives and friends; and, be it further

RESOLVED, That an official copy of this resolution be prepared for her family and that when the Texas House of Representatives and Senate adjourn this day, they do so in memory of Myra McDaniel.

ELLIS
The house met at 11 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1104).

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

Absent, Excused — Huberty; Muñoz.

The invocation was offered by Craig Curry, pastor, First Baptist Church, Dripping Springs, as follows:

Dear Heavenly Father, I thank you for the opportunity you have given us to live in the United States of America and the great State of Texas. Thank you also for our leaders, for we are grateful for their service. I pray a special prayer for the leaders of the Texas House of Representatives, that you will guide each one in every way and that you will bless them and their families for their willingness to serve.

Help all of us to be mindful of others. Help us to recognize when someone is down, discouraged, or weak so that we might be able to reach out and help. Help us also to have the kind of love, compassion, and forgiveness that you have.

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I also lift up to you this legislative session today. I pray for a spirit of unity throughout the dialogue of this session and as decisions are reached. May your presence be here in this place, leading, guiding, and directing every leader that is present. I lift up this prayer in your name. Amen.

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

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Huberty on motion of Schwertner.
Muñoz on motion of Raymond.

CAPITOL PHYSICIAN

The speaker recognized Representative Alonzo who presented Dr. Thomas Shima of Dallas as the "Doctor for the Day."

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

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. 30).

HR 2020 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the speaker announced the introduction of HR 2020, suspending the limitations on the conferees for SB 14.

HR 1368 - PREVIOUSLY ADOPTED
(by Lucio)

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

HR 1368, Congratulating Herbert A. Miller, Jr., of Austin on his receipt of a 2011 Texas Exes Teaching Award.
(Kleinschmidt in the chair)

INTRODUCTION OF GUESTS

The chair recognized Representative Lucio who introduced Herbert A. Miller, Jr., and his wife, Joy.

HR 1466 - ADOPTED
(by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time HR 1466.

The motion prevailed.
The following resolution was laid before the house:

**HR 1466**, Honoring the Texas Teen Safe Driving Coalition, commemorating May as National Youth Traffic Safety Month, and recognizing May 16, 2011, as Texas Teen Safe Driving Day.

**HR 1466** was adopted.

**HCR 163 - ADOPTED**  
(by Pickett)

Representative Pickett moved to suspend all necessary rules to take up and consider at this time **HCR 163**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 163**, Convening a joint memorial session to honor Texans killed while serving in the Global War on Terrorism, commemorating Memorial Day 2011, and paying tribute to all those who have died in the service of the United States.

**HCR 163** was adopted.

On motion of Representative Pickett, the names of all the members of the house were added to **HCR 163** as signers thereof.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 11:40 a.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Calendars, 11:40 a.m. today, 3W.15, for a formal meeting, to set a calendar.

**HR 1729 - PREVIOUSLY ADOPTED**  
(by Ritter)

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

**HR 1729**, Commemorating the 125th anniversary of the Lumbermen’s Association.

**HR 1986 - ADOPTED**  
(by Mallory Caraway)

Representative Mallory Caraway moved to suspend all necessary rules to take up and consider at this time **HR 1986**.

The motion prevailed.

The following resolution was laid before the house:
HR 1986, Congratulating Amber Pickens of Dallas on her acceptance to The Juilliard School.

HR 1986 was adopted.

(Speaker in the chair)

**HR 1488 - PREVIOUSLY ADOPTED**
(by Nash)

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

HR 1488, In memory of Lawrence Alvin Allen, Sr., of Houston.

On motion of Representative Thompson, the names of all the members of the house were added to HR 1488 as signers thereof.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Nash who introduced family members of Lawrence Alvin Allen, Sr., husband of Representative Allen.

(Frullo in the chair)

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Eissler requested permission for the Committee on Public Education to meet while the house is in session, at 2 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Public Education, 2 p.m. today, 3W.15, for a formal meeting, to consider pending business.

Public Health, during lunch recess today, 1W.14, for a formal meeting, to consider pending business.

Judiciary and Civil Jurisprudence, upon adjournment today, Desk 35, for a formal meeting, to consider pending business.

Economic and Small Business Development, 6 p.m. tomorrow, 200 Lee Barton Drive, Austin, for a work session.

**HR 1979 - ADOPTED**
(by Pickett)

Representative Pickett moved to suspend all necessary rules to take up and consider at this time HR 1979.

The motion prevailed.

The following resolution was laid before the house:

HR 1979, Honoring James Perry of El Paso for his contributions to his community.

HR 1979 was adopted.
On motion of Representative Pickett, the names of all the members of the house were added to HR 1979 as signers thereof.

**SCR 45 - PREVIOUSLY ADOPTED**
(Sheffield - House Sponsor)

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

**SCR 45.** Recognizing Otto P. Scharth on the occasion of his 88th birthday.

On motion of Representative Pickett, the names of all the members of the house were added to **SCR 45** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Sheffield who introduced Otto P. Scharth and members of his family.

**RECESS**

At 12:03 p.m., the chair announced that the house would stand recessed until 1:15 p.m. today.

**AFTERNOON SESSION**

The house met at 1:15 p.m. and was called to order by the speaker.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today to attend a funeral:

C. Anderson on motion of Kleinschmidt.

**HR 1605 - ADOPTED**
(by Huberty)

Representative S. Davis moved to suspend all necessary rules to take up and consider at this time **HR 1605**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1605**, Welcoming members of the Northeast Christian Academy community to the State Capitol on May 16, 2011.

**HR 1605** was adopted.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Cook requested permission for the Committee on State Affairs to meet while the house is in session, during bill referral today, in 1W.14, to consider SB 669, SB 760, SB 1219, SB 1270, SB 1605, SB 1743, SB 1907, SJR 26, and pending business.

Permission to meet was granted.
FIVE-DAY POSTING RULE SUSPENDED

Representative Cook moved to suspend the five-day posting rule to allow the Committee on State Affairs to consider SB 669, SB 760, SB 1219, SB 1270, SB 1605, SB 1743, SB 1907, SJR 26, and pending business during bill referral today in 1W.14.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

State Affairs, during bill referral today, 1W.14, for a formal meeting, to consider SB 669, SB 760, SB 1219, SB 1270, SB 1605, SB 1743, SB 1907, SJR 26, and pending business.

POSTPONED BUSINESS

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

SB 420 ON SECOND READING
(V. Taylor - House Sponsor)

SB 420, A bill to be entitled An Act relating to determining eligibility for indigent health care.

SB 420 was read second time on May 12 and was postponed until 7 a.m. May 13.

SB 420 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE V. GONZALES: Mr. Taylor, when the bill was heard in committee, I remember there were a couple of versions of it. One of the versions that had caused concern that I questioned you about was whether or not if you have a county person, they provide indigent care, and somebody happens to show up there that has a sponsor, but they haven't revealed that they have a sponsor, and the person doesn't ask, and it falls through the cracks—they don't ask the person about sponsorship. Is the county going to be denied indigent care funds because one of their employees made a mistake? Is this the version of the bill that would have allowed for funds to be cut and not provided to the county?

REPRESENTATIVE V. TAYLOR: No, it is not, Madam Chairwoman.

V. GONZALES: So, this is the one—this is after the substitute, where we're not—I think your substitute was the one that was the most offensive, I guess, to us, and then you went back to your original one, correct?

V. TAYLOR: Correct. This is the version as filed, and was passed out of the senate on their local calendar with bipartisan support, that has nothing to do with funding for indigent care programs. It merely empowers indigent care programs for counties that have them to decide for themselves if they want to deem the income and assets for U.S. citizen sponsors for resident legal aliens for eligibility purposes.
V. GONZALES: Okay, and the other concern that had been raised was whether or not they are already authorized to do this, because federal law and the form that they sign says if you’re a sponsor, you’re agreeing to provide for the person you’re sponsoring, for the immigrant you’re sponsoring. And so, if federal law already has that in the contract between them—whether or not it’s applicable to the counties—

V. TAYLOR: Right. There is a question, as you point out, and this law puts that question to rest. It says absolutely the counties have the right to do this. And I think you and I’ve—and I appreciate you. We’ve had long conversations, both in public and in private about this, and it is my belief, should the State of Texas choose, it can tell counties they cannot deem the income and assets for U.S. citizen sponsors for resident legal aliens. But this, I think, is more consistent with what the federal government intended in 1882, and with subsequent updating to their laws, that U.S. citizen sponsors are indeed responsible for the health care of the people they bring to this country. And I would submit that is not only a legal obligation, as clearly documented in the affidavit support, but also a moral obligation. If you’re going to bring someone into this country, sponsor them, and be responsible for them, I think it is incumbent on that U.S. citizen to truly be responsible for them and let them try to go fend for themselves.

V. GONZALES: Well, and I’m not trying to say if you agreed in a document that you’d do so, that you shouldn’t do so. My concern is that we, as Representative Walle was mentioning earlier, we don’t want people that are truly indigent to not be able to get care that they need. I know there are some exceptions; I think, even under the contract, that you can’t deny certain things to people, certain types of care. But we don’t want people who are truly ill to not be able to receive the care that they need, because that’s going to be a requirement that asks for documents as to whether or not they’ve been sponsored. Another point that I wanted to ask—another question that I wanted to ask is, only the person that signs the sponsor form, their assets would be looked at, right? Not the spouse?

V. TAYLOR: That’s correct. And some resident legal aliens have multiple sponsors, and so then every sponsor could be deemed by the county. And again, if the county wants to—we’re not telling the counties what to do, we are allowing them to do something that they can almost certainly do by federal law.

V. GONZALES: Okay, and again for intent purposes, there is no punishment aspect here, that a county is going to lose funding, is that correct?

V. TAYLOR: No, there is no reference to any funding in this bill.

REMARKS ORDERED PRINTED

Representative V. Gonzales moved to print remarks between Representative V. Taylor and Representative V. Gonzales.

The motion prevailed.
LEAVES OF ABSENCE GRANTED

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

Smithee on motion of Keffer.

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

Zerwas on motion of Hamilton.

**SB 420 - (consideration continued)**

**SB 420** was passed to third reading by (Record 1105): 100 Yeas, 37 Nays, 1

Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Anchia; Bumam; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Naishtat; Quintanilla; Reynolds; Rodriguez; Thompson; Turner; Veasey; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.; Huberty; Muñoz; Smithee.

Absent, Excused, Committee Meeting — Zerwas.

Absent — Castro; Christian; Guillen; King, T.; Pickett; Raymond; Vo.

**STATEMENTS OF VOTE**

I was shown voting no on Record No. 1105. I intended to vote yes.

Anchia

I was shown voting yes on Record No. 1105. I intended to vote no.

Menendez
When Record No. 1105 was taken, I was in the house but away from my desk. I would have voted yes.

Raymond

**CSSB 652 ON SECOND READING**
(Bonn - House Sponsor)

CSSB 652, A bill to be entitled An Act relating to governmental entities subject to the sunset review process.

CSSB 652 was read second time on May 12 and was postponed until 7:30 a.m. May 13.

Representative Ritter moved to postpone consideration of CSSB 652 until 9 a.m. tomorrow.

The motion prevailed.

**SB 1338 ON SECOND READING**
(Geren - House Sponsor)

SB 1338, A bill to be entitled An Act relating to the membership, powers, and duties of the State Preservation Board.

SB 1338 was read second time on May 10 and was postponed until 8 a.m. May 13.

**Amendment No. 1**

Representative Geren offered the following amendment to SB 1338:

Amend SB 1338 by striking page 2, line 26, through page 3, line 15.

Amendment No. 1 was adopted.

SB 1338, as amended, was passed to third reading.

**SB 5 ON SECOND READING**
(Branch - House Sponsor)

SB 5, A bill to be entitled An Act relating to the administration and business affairs of public institutions of higher education.

SB 5 was read second time on May 12 and was postponed until 10 a.m. May 13.

Representative Branch moved to postpone consideration of SB 5 until 9 a.m. tomorrow.

The motion prevailed.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 1:50 p.m. today, in 3W.9, to set a calendar.

Permission to meet was granted.
COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 1:50 p.m. today, 3W.9, for a formal meeting, to set a calendar.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 27).

GENERAL STATE CALENDAR

SENATE BILLS

SECOND READING

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

SB 118 ON SECOND READING

(Menendez and Naı́shtat - House Sponsors)

SB 118, A bill to be entitled An Act relating to a court’s authority to order a proposed patient to receive extended outpatient mental health services.

SB 118 was passed to third reading.

SB 156 ON SECOND READING

(V. Gonzales - House Sponsor)

SB 156, A bill to be entitled An Act relating to health care data collected by the Department of State Health Services and access to certain confidential patient information within the department.

Amendment No. 1

Representative D. Howard offered the following amendment to SB 156:

Amend SB 156 (house committee report) as follows:

(1) In the recital to SECTION 4 of the bill, amending Section 108.013, Health and Safety Code (page 2, line 11), between "Subsections" and ",(k)", insert "(a-1)."

(2) In SECTION 4 of the bill, immediately following amended Section 108.013(a), Health and Safety Code (page 2, between lines 18 and 19), insert the following:

(a-1) The department to the extent practicable as determined by the department may coordinate the reporting of data under this chapter and the reporting of data under Subchapter A, Chapter 161, to increase the efficiency of the department and reduce the department’s costs in collecting and maintaining data. Any disclosure or release of data regarding the immunization registry established under Subchapter A, Chapter 161, must conform to the requirements of that subchapter.
In SECTION 4 of the bill, in added Section 108.013, Health and Safety Code (page 4, line 13), following the period, add "The department may disclose to any program within the department nonidentifying summary statistics related to the immunization registry established under Subchapter A, Chapter 161, that do not individually identify an individual."

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

SECTION ____. Sections 161.007(a), (a-2), (b), (b-1), (c), and (d), Health and Safety Code, are amended to read as follows:

(a) The department, for the primary purpose of establishing and maintaining a single repository of accurate, complete, and current immunization records to be used in aiding, coordinating, and promoting efficient and cost-effective communicable disease prevention and control efforts, shall establish and maintain an immunization registry. The executive commissioner of the Health and Human Services Commission by rule shall develop guidelines to:

1. protect the confidentiality of patients in accordance with Section 159.002, Occupations Code;
2. inform the individual or the individual's legally authorized representative about the registry and that registry information may be released under Section 161.00735; and
3. require the written or electronic consent of the individual or the individual's legally authorized representative before any information relating to the individual is included in the registry;

4. permit the individual or the individual's legally authorized representative to request that the individual's information be removed from the registry;

5. determine the process by which consent is verified, including affirmation by a health care provider, birth registrar, regional health information exchange, or local immunization registry that consent has been obtained.

(a-2) An individual's legally authorized representative or the individual, after the individual has attained 18 years of age, may submit a request for consent in writing or electronically for the individual's information to be removed from the registry after the individual's 18th birthday and for the individual's subsequent immunizations to be included in the registry. The written or electronic consent of the minor's legally authorized representative as described by Section 161.0001(1-c)(A) must be submitted to the department before the individual's 18th birthday. The written or electronic consent of the individual or the individual's legally authorized representative as described by Section 161.0001(1-c)(B) or (C) must be submitted to the department not later than the individual's 19th birthday. The consent of the representative or individual is valid until the individual or the individual's legally authorized representative withdraws consent in writing or electronically. The department may not include in the registry the immunization information of an individual who is 18 years of age or older until written or electronic consent has been obtained as provided by

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this subsection]. The department shall coordinate with the Texas Education Agency to distribute materials described in Section 161.0095(a)(2) to students and parents through local school districts.

(b) Except as provided by Section 161.0071, the immunization registry must contain information on the immunization history that is obtained by the department under:

1. this section of each individual for whom immunization information [consent] has been obtained, unless the individual or the individual's legally authorized representative has requested that the individual's information be removed from the registry in accordance with guidelines adopted under Subsection (a) [or (a 2), as applicable];

2. Section 161.00705 of persons immunized to prepare for or in response to a declared disaster, public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency;

3. Section 161.00706 of first responders or their immediate family members; and

4. Section 161.00735 of persons evacuated or relocated to this state because of a disaster.

(b-1) The department shall remove from the registry information for any individual for whom [consent has been withdrawn. The department may not retain individually identifiable information about any individual:

1. for whom consent has been withdrawn;

2. for whom a consent for continued inclusion in the registry following the end of the declared disaster, public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency has not been received under Section 161.00705(f);

3. for whom a request to be removed from the registry has been received under Section 161.00706(e);

4. for whom consent for continued inclusion in the registry following the end of a disaster has not been received under Section 161.00735(f); or

5. for whom a request to remove information from the registry has been received under this subchapter [Section 161.00725(g)].

(c) A payor that receives data elements from a health care provider who administers an immunization to an individual younger than 18 years of age shall provide the data elements to the department. A payor is required to provide the department with only the data elements the payor receives from a health care provider. A payor that receives data elements from a health care provider who administers an immunization to an individual 18 years of age or older may provide the data elements to the department. The data elements shall be submitted in a format prescribed by the department. [The department shall verify consent before including the reported information in the immunization registry. The department may not retain individually identifiable information about an individual for whom consent cannot be verified.]

(d) A health care provider who administers an immunization to an individual younger than 18 years of age shall provide data elements regarding an immunization to the department. A health care provider who administers an
immunization to an individual 18 years of age or older may submit data elements regarding an immunization to the department. The data elements shall be submitted in a format prescribed by the department. The department shall verify consent before including the information in the immunization registry. The department may not retain individually identifiable information about an individual for whom consent cannot be verified.

SECTION____. Sections 161.00705(e) and (f), Health and Safety Code, are amended to read as follows:

(e) The executive commissioner of the Health and Human Services Commission by rule shall determine the period during which the information collected under this section must remain in the immunization registry following the end of the disaster, public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency. Requests for removal of information from the registry under Subsection (f) may be made only at the expiration of the retention period established by department rule under this subsection.

(f) Unless an individual or the individual's legally authorized representative in writing or electronically requests that the individual's information be removed from the registry, the department shall maintain the immunization records collected under this section in the registry on expiration of the period prescribed under Subsection (e).

SECTION____. Sections 161.0071(a) and (b), Health and Safety Code, are amended to read as follows:

(a) The first time the department receives registry data for an individual for whom the department has received consent to be included in the registry, the department shall send notice to the individual or the individual's legally authorized representative disclosing:

1. that providers and payors may be sending the individual's immunization information to the department;
2. the information that is included in the registry;
3. the persons to whom the information may be released under Sections 161.00735(b) and 161.008(d);
4. the purpose and use of the registry;
5. the procedure to exclude an individual from the registry; and
6. the procedure to report a violation if an individual's information is included in the registry after exclusion has been requested or consent has been withdrawn.

(b) On discovering that consent to be included in the registry has not been granted or has been withdrawn, the department shall exclude the individual's immunization records from the registry, and any other registry-related department record that individually identifies the individual, the immunization record of any individual from whom a request for exclusion has been received by the department.

SECTION____. Sections 161.00735(c) and (e), Health and Safety Code, are amended to read as follows: