SENATE RULES

adopted by
81st LEGISLATURE
January 14, 2009

Senate Resolution No. 14
Rule 5.08

refer bills, to concur in House amendments to Senate bills, to not concur in House amendments to Senate bills, to request the appointment of conference committees, and to adopt conference committee reports.

This concludes the morning call, which the President shall announce to the Senate.

It shall not be in order, during the morning call, to move to take up a bill or resolution out of its regular order, and the presiding officer shall not recognize any Senator for the purpose of making any such motion or making a motion to suspend this rule.

Editorial Note

A motion to set a bill for a special order may be made under item (5) of this rule, and motions to reconsider, to print or not print bills, and to re-refer bills may properly be made under item (5) of the morning call.

ORDER OF CONSIDERING BILLS AND RESOLUTIONS

Rule 5.09. At the conclusion of the morning call, the Senate shall proceed to consider business on the President's table, which shall be disposed of in the following order:

1. special orders;
2. unfinished business;
3. Senate Joint Resolutions;
4. Senate Resolutions;
5. Senate Concurrent Resolutions;
6. Senate bills on third reading;
7. Senate bills on second reading;
Rule 5.09

(8) House Joint Resolutions;

(9) House bills on third reading;

(10) House bills on second reading;

(11) House Concurrent Resolutions.

The above order is for Senate bill days, except as modified by any Joint Rules.

Notes of Rulings

The order of business as set forth above may be changed by a two-thirds vote of the Senate (42 S.J. Reg. 1682 (1931)).

A House bill laid before the Senate as an unfinished special order should be disposed of before any other House bill which has been set for a special order is taken up for consideration (46 S.J. Reg. 1853 (1939)).

A motion to suspend the regular order of business is not in order while other business is pending under a rule suspension (46 S.J. Reg. 1886 (1939)).

The bill next on calendar is not to be passed over, due to author's absence (47 S.J. Reg. 397 (1941)).

A motion to suspend the regular order of business is not a debatable motion (61 S.J. Reg. 1101 (1969)).

HOUSE BILL DAYS

Rule 5.10. On calendar Wednesday and calendar Thursday of each week, House Joint Resolutions and House bills on special order and on third and second readings, respectively, and House Concurrent Resolutions shall be taken up and considered until disposed of, provided in case one should be pending at adjournment on
Thursday, it shall go over until the succeeding calendar Wednesday as unfinished business.

Notes of Rulings

A House bill, by a two-thirds vote, may be taken up and considered by the Senate on any day of the week (46 S.J. Reg. 635-636 (1939)).

When the Senate adjourns on Thursday of any week with a House bill pending, the bill then pending, whether it is a special order or not, may not be further considered until Wednesday of the next succeeding week unless the Senate by a two-thirds vote agrees to consider it further prior to that day (46 S.J. Reg. 1704 (1939)).

House bills may be considered in Senate under a suspension of the regular order of business on days other than calendar Wednesday and calendar Thursday (48 S.J. Reg. 1051 (1943)).

When a member is discussing a Senate bill on calendar Monday or calendar Tuesday (which are considered Senate bill days in the Senate) and 12:01 o’clock a.m. Wednesday arrives (which is considered a House bill day in the Senate), no further discussion may be had on the Senate bill (61 S.J. Reg. 956 (1969)).

Consideration of a Senate bill taken up out of order on a Senate bill day may not be continued when a House bill day arrives (66 S.J. Reg. 1355 (1979)).

A House Concurrent Resolution taken up in its calendar order on a House bill day may not be further considered when a Senate bill day arrives (71 S.J. 1 C.S. 73 (1989)).

When rules have been suspended to permit consideration of a Senate bill on a House bill day, an additional suspension is
Rule 5.10

not required to permit consideration to continue when a Senate bill
day arrives (73 S.J. Reg. 1082 (1993)).

SPECIAL ORDERS

Rule 5.11. (a) Any bill, resolution, or other measure may on any day be
made a special order for a future time of the session by an affirmative vote of two-thirds
of the members present.

(b) A special order shall be considered at the time for which it is set and
considered from day to day until disposed of, unless at the time so fixed there is pending
business under a special order, but such pending business may be suspended by a
two-thirds vote of all the members present. If a special order is not reached or
considered at the time fixed, it shall not lose its place as a special order. All special
orders shall be subject to any Joint Rules and Rule 5.10.

(c) Upon the affirmative vote of four-fifths of the members present, a special
order may be reset to an earlier time than previously scheduled.

(d) Notwithstanding Subsection (a) of this rule, a bill or resolution relating to
voter identification requirements reported favorably from the Committee of the Whole
Senate may be set as a special order for a time at least 24 hours after the motion is
adopted by a majority of the members of the Senate.

Editorial Notes

A bill once set as a special order does not lose its place on
the calendar of special orders if not taken up at the hour for which it
is set.

A special order, the hour for the consideration of which has
arrived, takes precedence of the unfinished business unless the
unfinished business is itself a special order.

Notes of Rulings

A bill being considered as a special order that is laid on the
table subject to call is no longer a special order (43 S.J. Reg. 980
(1933)).

Refusal of Senate to set bill as special order for a certain
hour does not prevent a motion being made and adopted
Rule 5.11

immediately thereafter to set the bill as a special order for a different specified hour (45 S.J. Reg. 860 (1937)).

The motion to set a bill for a special order is not a proper substitute for a motion to suspend the regular order of business and take up a bill for immediate consideration (50 S.J. Reg. 1055 (1947)).

When the business before the Senate is a special order, the order of business may be suspended in order to consider other business (61 S.J. Reg. 2034 (1969)).

A motion to set a bill for special order may be made when the Senate is not in morning call (67 S.J. Reg. 1430 (1981)).

When the time set for consideration of a special order arrives, the special order displaces pending business (67 S.J. Reg. 1449 (1981)).

A motion to suspend the regular order of business is not in order when the time set for consideration of a special order has arrived (67 S.J. Reg. 1558 (1981)).

REGULAR ORDER OF BUSINESS

Rule 5.12. (a) Bills and resolutions shall be considered on second reading and shall be listed on the daily calendar of bills and resolutions on the President's table for second reading in the order in which the committee reports on them are received by the Senate. Upon the filing of a committee report on a bill or resolution as provided by Rule 11.12, the Secretary of the Senate shall note the date and time the report was filed. The Journal Clerk shall record the order in which the committee report was received in the Senate Journal for the day on which the Senate next convenes.
Rule 5.12

(b) Bills and resolutions shall be considered on third reading in the order in which they were passed on second reading.

Editorial Notes

On the very important matter of the order of considering each of the several bills reported from committees, the rules of the Senate were silent until Senate Rule 5.12 was amended on June 6, 1947, to provide that bills be placed on the calendars of Senate and House bills on the President's table in the order in which the committee reports on the bills are submitted by the respective chairmen from the floor. Bills are listed for consideration on third reading in the order in which they have been passed by the Senate to engrossment or to third reading.

The Senate Agenda is prepared daily and lists the bills in their order of consideration.

Notes of Rulings

A bill may not be considered by the Senate which has not been reported from a committee (44 S.J. Reg. 713 (1935)).

A report of a committee on a bill may be received only, and the question of its adoption is not voted on by the Senate (42 S.J. 1 C.S. 748 (1931)).

SUSPENSION OF THE REGULAR ORDER OF BUSINESS

Rule 5.13. No bill, joint resolution, or resolution affecting state policy may be considered out of its regular calendar order unless the regular order is suspended by a vote of two-thirds of the members present.

Notes of Rulings

By suspending the regular order of business, the Senate may take up a bill before the day to which it previously was postponed (67 S.J. Reg. 1057 (1981)).
Hello All:

As a reminder there will be coalition meeting on Monday, October 7, 2013 at the TOP Headquarters to update everyone on current outreach efforts and planning going forward.

If you have any questions please don’t hesitate to call at the below number. Thank you for your consideration.
Greetings All,

Attached you will find an updated flyer for October 15th Voter ID Community Workshop. Please let me know if you have any questions.

Thanks,

Tarsha Jackson
Texas Organizing Project
832-289-2370
Plaintiff Exhibit
PL1032

FILED UNDER SEAL
IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, JANE HAMILTON, )
SERGIO DELEON, FLOYD J. CARRIER, )
ANNA BURNS, MICHAEL MONTEZ, )
PENNY POPE, OSCAR ORTIZ, KOBY )
OZIAS, JOHN MELLOR-CRUMLEY, PEGGY )
HERMAN, EVELYN BRICKNER, GORDON )
BENJAMIN, KEN GANDY, LEAGUE OF )
UNITED LATIN AMERICAN CITIZENS )
(LULAC), AND DALLAS COUNTY, TEXAS, )
    Plaintiffs,

v.

RICK PERRY, Governor of Texas; and JOHN )
STEEN, Texas Secretary of State,
    Defendants.

UNITED STATES OF AMERICA,
    Plaintiffs,

TEXAS LEAGUE OF YOUNG VOTERS )
EDUCATION FUND, IMANI CLARK, )
AURICA WASHINGTON, CRYSTAL )
OWENS, AND MICHELLE BESSIAKE,
    Plaintiff-Intervenors,

TEXAS ASSOCIATION OF HISPANIC )
COUNTY JUDGES AND COUNTY )
COMMISSIONERS, HIDALGO COUNTY,
AND MARIA LONGORIA BENAVIDES,
    Plaintiff-Intervenors,

v.

STATE OF TEXAS, JOHN STEEN, in his )
official capacity as Texas Secretary of State; )
and STEVE McCRAW, in his official capacity )
as Director of the Texas Department of Public )
Safety,
    Defendants.

CIVIL ACTION NO. 2:13-CV-193 (NGR)
[Lead case]

CIVIL ACTION NO. 2:13-CV-263 (NGR)
[Consolidated case]
TEXAS STATE CONFERENCE OF NAACP BRANCHES; and the MEXICAN AMERICAN LEGISLATIVE CAUCUS OF THE TEXAS HOUSE OF REPRESENTATIVES,
Plaintiffs,
v.
JOHN STEEN, in his official capacity as Secretary of State of Texas; and STEVE McCRAW, in his official capacity as Director of the Texas Department of Public Safety,
Defendants.

BELINDA ORTIZ, LENARD TAYLOR, EULALIO MENDEZ JR., LIONEL ESTRADA; ESTELA GARCIA ESPINOSA, ROXANNE HERNANDEZ, LYDIA LARA, MARGARITO MARTINEZ LARA, MAXIMINA MARTINEZ LARA, AND LA UNION DEL PUEBLO ENTERO, INC.
Plaintiffs,
v.
STATE OF TEXAS; JOHN STEEN, in his Official capacity as Texas Secretary of State; and STEVE McCRAW, in his official capacity as Director of the Texas Department of Public Safety,
Defendants.

DEFENDANTS’ OBJECTIONS AND RESPONSES TO PLAINTIFFS AND PLAINTIFF-INTERVENORS’ SECOND SET OF INTERROGATORIES

TO: All Plaintiffs and Plaintiff-Intervenors, by and through their attorneys of record.

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, the State of
Texas, Rick Perry, John Steen and Steve McCraw, by and through the Attorney General for the State of Texas, serve these Objections and Responses to Plaintiffs and Plaintiff-Intervenors’ Second Set of Interrogatories.

**GENERAL OBJECTIONS**

Defendants object to each interrogatory: (1) insofar as it seeks information not in Defendants’ possession, custody, or control; (2) insofar as it seeks information that was prepared for or in anticipation of litigation, constitutes attorney work product, contains attorney-client communications, or is otherwise privileged; (3) insofar as it seeks information which is publicly available or otherwise equally available and/or uniquely or equally available from third parties; (4) insofar as it seeks information that does not specifically refer to the events which are the subject matter of this litigation; and (5) insofar as it seeks information not relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence.

These responses and objections are made on the basis of information now known to Defendants and are made without waiving any further objections to, or admitting the relevancy or materiality of, any of the information requested. Defendants’ investigation, discovery, and preparation for proceedings are continuing and all answers are given without prejudice to Defendants’ right to introduce or object to the discovery of any documents, facts, or information discovered after the date hereof. Defendants likewise do not waive the right to object, on any and all grounds, to (1) the evidentiary use of the information contained in these responses
and objections; and (2) discovery requests relating to these objections and responses.

Defendants will provide their responses based on terms as they are commonly understood, and consistent with the Federal Rules of Civil Procedure. Defendants object to and will refrain from extending or modifying any words employed in the requests to comport with expanded definitions or instructions.

INTERROGATORIES

1. For each date between January 1, 2006, and November 1, 2011 on which a person had to provide documentation to prove U.S. citizenship or lawful U.S. presence to obtain a Texas driver’s license or DPS personal identification card, identify the documents that were acceptable to prove U.S. citizenship, and identify by specific citation (including date) each statute, rule, other authority, or other writing authorizing the Department to request or require such proof.

RESPONSE: Defendants object to this interrogatory on the ground that it contains at least two separate interrogatories. By asking the Defendants to “identify the documents that were acceptable to prove U.S. citizenship” [hereafter Interrogatory 1a] and then asking Defendants to “identify by specific citation (including date) each statute, rule, other authority, or other writing authorizing the Department to request or require such proof” [hereafter Interrogatory 1b], the interrogatory introduces lines of inquiry that are separate and distinct from the inquiry made by the portion of the inquiry that precedes each. See Willingham v. Ashcroft, 226 F.R.D. 57, 59 (D.D.C. 2005). Defendants will, therefore, construe
Interrogatory 1 as two separate interrogatories.

Further, Defendants object to both interrogatories as being vague, not reasonably specific, overly broad and unduly burdensome to the extent they require the Defendants to provide a catalog of literally hundreds of responses accounting “for each date between January 1, 2006 and November 1, 2011 on which a person had to provide documentation to prove U.S. citizenship or lawful U.S. presence to obtain a Texas driver's license or DPS personal identification card”. These interrogatories seek to narrow the Defendants' responses without the benefit of specific questions during direct or cross-examination. Defendants would object that a detailed explanation of these issues is more appropriate by deposition. Defendants similarly object to the extent the interrogatories seek information regarding the Texas Administrative Code that is publicly available and/or equally accessible to the Plaintiffs and Plaintiff-Intervenors. Defendants object to the extent these interrogatories seek information that is not relevant to this cause of action and is not likely to lead to the discovery of relevant or admissible evidence.

Defendants object specifically to Interrogatory 1a to the extent it calls on Defendants to express legal opinions about “documentation to prove U.S. citizenship or lawful U.S. presence” requiring legal expertise with respect to “acceptable” proof of citizenship under the Texas Administrative Code.

Defendants object specifically to Interrogatory 1b as being vague, not reasonably specific, overly broad and unduly burdensome insofar as it calls for
Defendants to “identify by specific citation (including date) each . . . rule, other authority, or other writing authorizing the Department to request or require such proof.” Defendants also object to Interrogatory 1b to the extent it requires the Defendants to express legal opinions regarding which “statute, rule, other authority, or other writing authorize[es] the Department to request or require” proof of “U.S. citizenship” requiring legal expertise with respect to the Department of Public Safety’s “authority” under the Texas Administrative Code.

Subject to and without waiving the foregoing objections, the Defendants generally respond as follows:

**Interrogatory 1a**

“For each date between January 1, 2006, and November 1, 2011 on which a person had to provide documentation to prove U.S. citizenship or lawful U.S. presence to obtain a Texas driver’s license or DPS personal identification card, identify the documents that were acceptable to prove U.S. citizenship . . .”

Defendants respond generally that the Texas Department of Public Safety’s website provides a publicly available list of acceptable documents to prove U.S. citizenship. This list can be found on page one of the Verifying Lawful Presence document at:


Included are the following:

- Birth certificate issued by the appropriate vital statistics agency of a U.S. State, a U.S. territory, or the District of Columbia indicating birth in U.S.
- Department of State Certification of Birth issued to U.S. Citizens born abroad (FS-240, DS-1350, or FS-545) or Consular Report of Birth Abroad
- Certificate of U.S. Citizenship
- Certificate of Naturalization
- U.S. Dept. of Justice – INS U.S. Citizenship Identification Card (I-197 or I-179)
- Northern Mariana Card (I-873)
- U.S. passport book that does not indicate on the last page that "THE BEARER IS A UNITED STATES NATIONAL AND NOT A UNITED STATES CITIZEN"
- U.S. passport card
- American Indian Card (form I-872) which indicates “KIC.”

While this list covers the majority of applicants who are U.S citizens, the Department of Public Safety has discretion to accept other documents that sufficiently prove an applicant is a U.S. citizen pursuant to Texas Transportation Code § 521.142(e).

**Interrogatory 1b**

“For each date between January 1, 2006, and November 1, 2011 on which a person had to provide documentation to prove U.S. citizenship or lawful U.S. presence to obtain a Texas driver’s license or DPS personal identification card . . . identify by specific citation (including date) each statute, rule, other authority, or other writing authorizing the Department to request or require such proof.”

Defendants respond generally that as a result of the federal Motor Voter Act, Texas Transportation Code § 521.142 was amended in 1999 to add subsection (c)(7) to require applicants to indicate whether or not they are a U.S. citizen on an application. The legislative history of this statute is publically available. From October 2008 until December 2011, applicants were required by the previous version of 37 Texas Administrative Code § 15.171 to provide documentation proving their U.S. citizenship. The history of this administrative rule is publically available. Chapter 521 of the Texas Transportation Code was amended in 2011 to add section 521.1425 which requires applicants to provide
documentation proving their U.S. citizenship. The legislative history of these amendments is publically available.

2. As of April 18, 2014 (or any other named date since November 1, 2013), state the number of holders of non-expired Texas driver licenses or DPS personal identification cards who are (1) U.S. citizens for whom DPS records reflect that they have satisfied the current requirements for documentary proof of U.S. citizenship; (2) persons whom DPS records list as U.S. citizens but for whom the records do not reflect that they have satisfied the current requirements for documentary proof of U.S. citizenship; (3) persons for whom DPS records do not list a country of citizenship; and (4) persons for whom DPS records list a foreign country as the country of citizenship.

RESPONSE: Defendants object to this interrogatory on the ground that it contains at least four separate interrogatories. By asking the Defendants to “state the number of holders of non-expired Texas driver licenses or DPS personal identification cards who are (1) U.S. citizens for whom DPS records reflect that they have satisfied the current requirements for documentary proof of U.S. citizenship” [hereafter Interrogatory 2a], asking Defendants to “state the number of holders of non-expired Texas driver licenses or DPS personal identification cards who are . . . (2) persons whom DPS records list as U.S. citizens but for whom the records do not reflect that they have satisfied the current requirements for documentary proof of U.S. citizenship” [hereafter Interrogatory 2b], asking
Defendants to “state the number of holders of non-expired Texas driver licenses or DPS personal identification cards who are . . . (3) persons for whom DPS records do not list a country of citizenship” [hereafter interrogatory 2c], and asking Defendants to “state the number of holders of non-expired Texas driver licenses or DPS personal identification cards who are . . . (4) persons for whom DPS records list a foreign country as the country of citizenship” [hereafter interrogatory 2d], the interrogatory introduced lines of inquiry that are separate and distinct from the inquiry made by the portion of the inquiry that precedes each. See Willingham v. Ashcroft, 226 F.R.D. 57, 59 (D.D.C. 2005). Defendants will, therefore, construe Interrogatory 2 as four separate interrogatories.

Further, Defendants object to all four interrogatories as being vague, not reasonably specific, overly broad and unduly burdensome to the extent they attempt to create an ongoing duty to provide responses as of “any other named date since November 1, 2013.” Defendants further object to the interrogatories as seeking information that is neither relevant to this cause of action nor likely to lead to the discovery of relevant or admissible evidence.

Subject to and without waiving the foregoing objections, the Defendants generally respond as follows:

**Interrogatory 2a**

“As of April 18, 2014 (or any other named date since November 1, 2013), state the number of holders of non-expired Texas driver licenses or DPS personal identification cards who are (1) U.S. citizens for whom DPS records reflect that they have satisfied the current requirements for documentary proof of U.S. citizenship.”

**Interrogatory 2b**

“As of April 18, 2014 (or any other named date since November 1, 2013), state the number of holders of non-expired Texas driver licenses or DPS personal identification cards who are . . . (2) persons whom DPS records list as U.S. citizens but for whom the records do not reflect that they have satisfied the current requirements for documentary proof of U.S. citizenship.”


**Interrogatory 2c**

“As of April 18, 2014 (or any other named date since November 1, 2013), state the number of holders of non-expired Texas driver licenses or DPS personal identification cards who are . . . (3) persons for whom DPS records do not list a country of citizenship.”

Defendants respond that as of May 18, 2014, 211,167 is the number
persons with an unexpired license, occupational license and/or identification card
who do not have citizenship identified in the DLS database.

**Interrogatory 2d**

“As of April 18, 2014 (or any other named date since November 1, 2013), state the
number of holders of non-expired Texas driver licenses or DPS personal
identification cards who are . . . (4) persons for whom DPS records list a foreign
country as the country of citizenship.”

Defendants respond that as of May 18, 2014, 2,120,288 is the number
of persons with an unexpired license, occupational license and/or identification
card who are identified as Non-US citizens in the DLS database.
Dated: May 22, 2014

Respectfully submitted,

GREG ABBOTT
Attorney General of Texas

DANIEL T. HODGE
First Assistant Attorney General

JONATHAN F. MITCHELL
Solicitor General

J. REED CLAY, JR.
Special Assistant and Senior Counsel
to the Attorney General
Southern District of Texas No. 1160600

/s/ John B. Scott
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Deputy Attorney General for Civil Litigation
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COUNSEL FOR THE STATE OF TEXAS, RICK
PERRY, JOHN STEEN, and STEVE MCCRAW

CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2014, a true and correct copy of the foregoing
document is being served via the Court’s ECF system to all counsel of record.

/s/ John B. Scott
JOHN B. SCOTT
Deputy Attorney General for Civil Litigation
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, et al,

Plaintiffs,

VS.

RICK PERRY, et al,

Defendants.

CIVIL ACTION NO. 2:13-CV-00193

DEFENDANTS' FIRST AMENDED OBJECTIONS AND RESPONSES TO
PLAINTIFFS AND PLAINTIFF-INTERVENORS' THIRD SET OF
INTERROGATORIES

TO: All Plaintiffs and Plaintiff-Intervenors, by and through their attorneys of
record.

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, the State of
Texas, Rick Perry, Nandita Berry, and Steve McCraw, by and through the Attorney
General for the State of Texas, serve these First Amended Objections and Responses
to Plaintiffs and Plaintiff-Intervenors’ Third Set of Interrogatories.

GENERAL OBJECTIONS

Defendants object to each interrogatory: (1) insofar as it seeks information not
in Defendants’ possession, custody, or control; (2) insofar as it seeks information that
was prepared for or in anticipation of litigation, constitutes attorney work product,
contains attorney-client communications, or is otherwise privileged; (3) insofar as it
seeks information which is publicly available or otherwise equally available and/or
uniquely or equally available from third parties; (4) insofar as it seeks information
that does not specifically refer to the events which are the subject matter of this
litigation; and (5) insofar as it seeks information not relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence.

These responses and objections are made on the basis of information now known to Defendants and are made without waiving any further objections to, or admitting the relevancy or materiality of, any of the information requested. Defendants’ investigation, discovery, and preparation for proceedings are continuing and all answers are given without prejudice to Defendants’ right to introduce or object to the discovery of any documents, facts, or information discovered after the date hereof. Defendants likewise do not waive the right to object, on any and all grounds, to (1) the evidentiary use of the information contained in these responses and objections; and (2) discovery requests relating to these objections and responses.

Defendants will provide their responses based on terms as they are commonly understood, and consistent with the Federal Rules of Civil Procedure. Defendants object to and will refrain from extending or modifying any words employed in the requests to comport with expanded definitions or instructions.

INTERROGATORIES

1. Provide the total number of individuals whose Texas driver’s licenses were confiscated at any time between May 1, 2013 and April 30, 2014 as a result of a license suspension, revocation, or cancellation, breaking that total down by race and ethnicity. If these numbers are not available for the specified one-year time period, provide these numbers
for the most recent one-year time period for which such numbers are available and state the dates for which those numbers are provided.

NOTE: Plaintiffs on clarified that they seek information on the number of individuals who had their licenses confiscated, for instance, under programs such as the ALR program (see 524.011 of the Transportation Code) and suggest that information like this is available and was provided to the legislature in 2011?

RESPONSE: Defendants respond to this interrogatory as amended by Plaintiffs. Defendants object to this interrogatory pursuant to the General Objections above. Subject to and without waiving the foregoing objections, Defendants generally respond as follows: Defendants have produced to Plaintiffs the database dictionary for the driver’s license database maintained by the Department of Public Safety (“DPS”). The database dictionary references a data field titled “Licenses Confiscated,” but that field has not been implemented into the driver’s license database. Thus, while DPS does, on occasion, confiscate driver’s licenses as provided under Texas law (see, e.g., Tex. Transp. Code § 524.011(b)(2)), the DPS driver’s license database contains no information or corresponding data field indicating specifically the number of individuals who have had their driver’s license confiscated.

2. Provide the total number of people, broken down by race and ethnicity, who possessed an unexpired ID as of October 1, 2010, for each of the forms of DPS-issued, SB 14- approved ID, excluding the election
identification certificate (i.e., for Texas driver’s licenses, personal IDs, and concealed handgun permits). If these numbers are not available for October 1, 2010, provide these numbers for the earliest date after October 1, 2010 for which such numbers are available and state the date for which those numbers are provided.

RESPONSE: Defendants object this interrogatory pursuant to the General Objections above. Subject to and without waiving the foregoing objections, Defendants generally respond as follows: DPS ran a query against the concealed handgun license (“CHL”) database to ascertain the total number of people, broken down by race and ethnicity, who possessed an unexpired CHL. The numbers were not available for October 1, 2010. The following numbers represent the active CHL holders as of January 15, 2014, and the numbers are broken down by the race information maintained in the CHL database as self-reported by applicants. The CHL data does not include ethnicity or a marker to determine Spanish surnames.

<table>
<thead>
<tr>
<th>Race/Ethnicity</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Indian or Alaskan Native:</td>
<td>2,645</td>
</tr>
<tr>
<td>Asian or Pacific Islander:</td>
<td>14,382</td>
</tr>
<tr>
<td>Black:</td>
<td>45,750</td>
</tr>
<tr>
<td>Multi-Racial:</td>
<td>7,346</td>
</tr>
<tr>
<td>Other/Unknown:</td>
<td>25,398</td>
</tr>
<tr>
<td>White:</td>
<td>617,098</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>712,619</strong></td>
</tr>
</tbody>
</table>

A query was run against the driver license system (“DLS”) database to ascertain the total number of people, broken down by race and ethnicity, who possessed an unexpired driver license or personal identification card. The numbers were not available for October 1, 2010. As of June 13, 2014, the number of people,
broken down by race and ethnicity, who possess an unexpired Texas ID, Texas Driver License, or Texas Occupational Driver License, according to records stored in the DPS Driver License database, is as follows:

<table>
<thead>
<tr>
<th>Race and Ethnicity</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>13,719,182</td>
</tr>
<tr>
<td>Black</td>
<td>2,560,675</td>
</tr>
<tr>
<td>Asian/Pacific Islander</td>
<td>973,324</td>
</tr>
<tr>
<td>Hispanic</td>
<td>2,570,095</td>
</tr>
<tr>
<td>American Indian/Alaskan Native</td>
<td>41,502</td>
</tr>
<tr>
<td>Other</td>
<td>676,031</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>20,540,809</strong></td>
</tr>
</tbody>
</table>

Dated: August 1, 2014

Respectfully submitted,

GREG ABBOTT  
Attorney General of Texas

DANIEL T. HODGE  
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/s/ John B. Scott  
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ATTORNEY-IN-CHARGE

G. DAVID WHITLEY  
Assistant Deputy Attorney General  
Southern District of Texas No. 2080496
CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2014, a true and correct copy of the foregoing document was served via electronic mail to all counsel of record.

/s/ John B. Scott
JOHN B. SCOTT
What Will It Take to Fix Driver License?

Submitted by the Texas Department of Public Safety

February 28, 2011

Defendant's Exhibit # 226

TX_00245744

DE-001459

USA_00009232
Executive Summary

Getting a driver license in Texas should not have to be a painful experience. The typical driver license customer complaint is about uncomfortable, long wait times before they get to the counter to be helped. Long wait times and crowded facilities developed as the State's population grew and the length of time required to process increasingly-complex driver license transactions expanded over the years.

The Department of Public Safety (DPS) has begun making changes which have yielded reductions in customer wait times. These changes alone, however, are not enough to achieve the desired service quality and driver license document security. There are specific legislative changes recommended to reduce driver license office visits and increase the security of DLs and IDs. Other changes recommended to improve the driver license process include leveraging technology to improve service quality and operational efficiency, and investing in additional employees and facilities to catch up with the rapid population increase over the previous decades.

The recommendation is to increase the number of employees and the capacity of our facilities to match the population growth over the past decade while maintaining all existing driver license offices. The projected state cost for this is $63 million per biennium.

This recommendation includes: 361 FTEs for Driver License, Contact Center, and Indirect Support Staff; appropriate compensation for job duty responsibilities; 20 FTEs to augment staff during summer months; six new mega centers (mega facilities have 25 or more employees) [one in the Metroplex, three in Harris County, and one each in San Antonio and Austin]; furniture, fixtures, and equipment for the new mega centers; new technology initiatives to reduce customer wait times; and new equipment to re-open 96 mobile offices.

Texans currently pay $4 per year for their driver license. This fee is low in comparison to most other states. Thirty-five states have driver license fees higher than Texas. Some examples of states: Massachusetts charges $15 per year, Florida charges $8, Illinois charges $7.50, New York charges $6.50, and California charges $6.20 per year.
Background

The Texas State Legislature requested that DPS make specific recommendations to enhance the services provided by its Driver License Division to meet current and future needs of the State. In offering these recommendations, the Department considered the dynamically changing demographics, changes to legislation requiring additional services from the Division, and the increased need for secure driver license and identification cards.

In addition to supporting the law enforcement environment, citizens now expect world-class customer service from the Driver License Division while employees need a pay classification structure that reflects the increasing skill requirements of the job and a support structure that provides the tools and training to be successful in their jobs. Elected officials expect financial transparency and accountability for performance. Other federal, state, and local law enforcement agencies expect collaboration, information sharing, professionalism, and leadership.

According to the Deloitte Management and Organizational Structure Study dated October 28, 2008, DPS’s driver license function is one of the most customer-intensive functions of any Texas state agency. Unfortunately, visiting some DPS Driver License offices can be an unpleasant experience. Lines are long, technology is underutilized, and the facilities themselves are old, overcrowded, and poorly maintained.

To provide world class services, DPS will need changes in legislation to reduce demand and increase driver license security, as well as additional investments in Technology, People, and Facilities.
Changing Demographics

Texas has one of the largest and most rapidly growing economies in the United States. In 2006, Texas was home to six of the top 50 companies on the Fortune 500 List. Texas' economy is the 15th largest in the world, based on nominal GDP figures.

Texas has the second largest workforce in the United States, with almost 11 million civilian workers. This robust economy, plus the lack of personal income tax and the largely undervalued real estate throughout Texas, has led to significant population growth.

Texas' population is projected to grow by seven million people over the next 20 years, a 28 percent increase, or roughly 1.24 percent per year compounded. Migration to the large metropolitan areas is expected, creating mega MSAs (Metropolitan Statistical Areas) as shown in the dark green areas on the population maps below.

Source: Texas State Data Center
Defining the Problem

Customer Service

There are two primary factors that have contributed to the decline in customer service quality in driver license offices over the past 20 years:

1. An increase in the number of transactions while the number of employees and the capacity of facilities have remained constant

2. An increase in the length of driver license and ID transactions due to the need to increase document security and perform non-driver license related functions

The population in Texas has grown almost 21 percent over the last 10 years while the number of driver license examiners has remained constant. Over 20,000 driver license-related customer calls are received daily, and over 85 percent of those calls go unanswered each day.

Exacerbating the employee shortfall are the increase in non-driver license responsibilities (e.g., organ donor, selective service, and voter registration) and the complexity of services that extend transaction time. (See Appendix 1 for a complete list of transaction extending items.)

Driver license offices today provide a myriad of services to other government agencies, and the demand for data and ancillary services is increasing regularly. While this degrades driver license service quality somewhat, it is less expensive to provide incremental resources to Driver License than to set up redundant systems.
Driver License Service Quality

*Additional mandates include state and federal requirements placed upon Driver License Division that impact transaction times and ultimately wait times. Examples of non-driver license requirements include organ donation, selective service, and voter registration. Secure credentialing requirements such as birth certificates and lawful presence documents also extend transaction times.

Just as the number of driver license employees has remained constant, the quality and capacity of facilities has not kept pace with the growing population. The vast majority of driver license facilities were built in the 1960s, '70s, and early '80s. Customers complain about the condition, size, and appearance of many offices. Last summer, three customers fainted in one of our offices in the same week because the air conditioning was failing. Wait times were extended, and there was insufficient room to provide chairs in the waiting area.

Population growth has occurred mostly in the five large metropolitan areas. This has resulted in the Division's inability to provide consistent high quality services to all of its customers. In 2010, 26 percent of the offices completed 85 percent of transactions. This means that 80 offices processed nearly 5 million transactions combined, while the remaining 227 offices completed a total of only one million transactions. Over half (53%) of the 307 driver license offices have only one employee.

What Will It Take to Fix Driver License?
According to preliminary data from the business intelligence analysis being conducted by Texas State University, offices with only one employee operate less productively than larger offices. For example, a mega office (25+ employees) processes 18 times more transactions per employee than a small office (defined as three or fewer employees). A mega office processes 50 times more transactions per employee than a one person mobile office\(^1\). The efficiency of driver license operations is reduced by having so many small, less productive offices. This does not mean that employees in small offices have a different work ethic than those in larger offices, but the demand in the small offices is significantly less than in the metropolitan areas. The average customer volume in small offices is fewer than three transactions per hour, whereas Mega offices complete over 50 transactions per hour.

\(^1\) Mobile offices require a Driver License employee to drive their personal vehicle to another town, transporting and setting up equipment each day the office is open. The equipment used is outdated and not replaceable. As the equipment fails, we have no option but to temporarily close the office because months of testing new equipment have been unsuccessful. To date, 79 of the 96 mobile offices have been closed.
Efforts to improve efficiency and reduce the number of people who visit driver license offices will help improve service quality for those customers who must complete their transactions in person. However, these efforts cannot offset the State’s population increase or account for the growing number of more complex transactions. For example, the Division provides online services for driver license and ID renewal. Last year, approximately 450,000 of the 800,000 eligible renewals were done online, alleviating some of the in-office workload. Persuading another 200,000-250,000 applicants to renew online will not close the service gap.

**Safety and Security**

A driver license is no longer just a license to operate a vehicle. Today, a driver license or ID is essentially the gateway to legitimacy. These are legal documents used by government agencies, corporations, and financial institutions as the trusted validation of a person’s identity. Because of this, there is considerable fraud risk. Criminals have offered as much as $10,000 for a Texas driver license. Fraudulent driver licenses are sought because multiple driver licenses can be used to defraud other government programs.
It is imperative to protect the integrity of these documents. Driver license examiners are our front-line protection. They examine documents and enforce secure credentialing statutory requirements. Technology, providing access to federal and state databases, can also be used to verify document legitimacy.

**Employee Environment**

With very rare exceptions, driver license employees are trustworthy and dedicated to providing quality customer service under challenging circumstances: frustrated customers, long lines, long days, and low pay. They are committed to their duties to protect the safety and security of their fellow Texans. They work hard to understand and administer complex statutory requirements.

Over the years, the responsibilities placed on driver license employees have increased while salaries have remained constant. Typing speed is no longer the most important driver license examiner skill. DPS needs to be able to attract and retain employees with a valuable mix of customer service and critical thinking skills, as well as employees who have good interpersonal skills, can understand complex statutory requirements, and can identify fraudulent documents.

According to a driver license employee survey conducted in January 2011, 25 percent of respondents reported they work a second job because they are unable to support themselves on their $12 per hour salary. In some metropolitan areas, it is possible to get a job at a fast food restaurant with fewer responsibilities but higher pay and benefits.

Paying employees a salary commensurate with their responsibilities would allow DPS to recruit employees with more developed skills. Additionally, higher pay makes employees less vulnerable to bribes. Maintaining a strong employee base will enable Driver License to fulfill its mission of providing good quality service and protecting the safety and security of Texas.
Driver License Transaction Volumes and Fees

Most Texans currently pay $4 per year for their driver license. This fee is low in comparison to other states; thirty-five states have driver license fees higher than Texas. The highest per year fee is in Massachusetts at $15 per year. Arizona charges the lowest annual fee of $0.51 per year. Other comparable states charge: Florida - $8, Illinois - $7.50, New York - $6.50, and California - $6.20. (See Appendix 3 for a complete list of other states' driver license fees.)

In total, the Driver License Division generated approximately $330 million in revenue in FY10. Approximately 28% ($94 million) of these fees were collected via driver license, ID certificate, and Parent Taught Driver Education fees. Approximately 54% of the Driver License Division fees were collected via driver Enforcement and Compliance fees, including driver responsibility surcharges. Driver Record Sales generated 17% of the FY10 Driver License Division fees. (See Appendix 4 for Driver License Division Generated Revenue for FY09 and FY10.)

### Driver License Division Fees - FY10

<table>
<thead>
<tr>
<th>Driver License Fees</th>
<th>Collected 2010</th>
<th>% FY10</th>
<th>Legislative Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driver Responsibility Program - Trauma Fund</td>
<td>$ 77,075,001</td>
<td></td>
<td>Trauma Fund</td>
</tr>
<tr>
<td>Driver Responsibility Program - General Revenue</td>
<td>$ 77,075,001</td>
<td></td>
<td>GR Unappropriated</td>
</tr>
<tr>
<td>Driver Responsibility Program - Vendor Fees</td>
<td>$ 13,154,340</td>
<td></td>
<td>DPS</td>
</tr>
<tr>
<td>Driver License Reinstatement - Administrative License Revocation</td>
<td>$ 6,235,092</td>
<td></td>
<td>Texas Mobility Fund</td>
</tr>
<tr>
<td>Motor Vehicle Safety Responsibility Fees (Reinstatement Fees)</td>
<td>$ 3,745,315</td>
<td></td>
<td>GR Unappropriated</td>
</tr>
<tr>
<td>Reinstatement Fees</td>
<td>$ 1,759,972</td>
<td></td>
<td>Texas Mobility Fund</td>
</tr>
<tr>
<td>Driver Responsibility Program - Driver License Division</td>
<td>$ 1,555,059</td>
<td></td>
<td>DPS</td>
</tr>
<tr>
<td>Ignition Interlock DL Fees</td>
<td>$ 35,436</td>
<td></td>
<td>Texas Mobility Fund</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>$ 164,661,479</strong></td>
<td><strong>44%</strong></td>
<td>Enforcement/Compliance</td>
</tr>
<tr>
<td>Driver License Fees</td>
<td>$ 85,421,363</td>
<td></td>
<td>Texas Mobility Fund</td>
</tr>
<tr>
<td>ID Certificates</td>
<td>$ 6,005,865</td>
<td></td>
<td>Texas Mobility Fund</td>
</tr>
<tr>
<td>Parent Taught Driver Education</td>
<td>$ 1,749,442</td>
<td></td>
<td>Texas Mobility Fund</td>
</tr>
<tr>
<td>Motorcycle License Fees</td>
<td>$ 997,776</td>
<td></td>
<td>Texas Mobility Fund</td>
</tr>
<tr>
<td>Occupational Driver License Fees</td>
<td>$ 196,280</td>
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<td>Texas Mobility Fund</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>$ 94,370,725</strong></td>
<td><strong>28%</strong></td>
<td>DL/ID fees</td>
</tr>
<tr>
<td>Driver Record and Interactive Record Fees</td>
<td>$ 55,956,414</td>
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<td>Texas Mobility Fund</td>
</tr>
<tr>
<td>Sale of License Information - (Weekly Update)</td>
<td>$ 163,329</td>
<td></td>
<td>Texas Mobility Fund</td>
</tr>
<tr>
<td>Sale of License Information - (Complete List)</td>
<td>$ 10,000</td>
<td></td>
<td>Texas Mobility Fund</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>$ 56,137,743</strong></td>
<td><strong>17%</strong></td>
<td>Driver Record Sales</td>
</tr>
<tr>
<td>Voluntary Driver License Fee - Donor Education Awareness and Registry</td>
<td>$ 280,790</td>
<td></td>
<td>DSHS</td>
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<tr>
<td>Voluntary Driver license Fee</td>
<td>$ 293,444</td>
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<tr>
<td>Helmet Sticker Fee</td>
<td>$ 2,609</td>
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<td>Motorcycle Education Fund</td>
</tr>
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<td>National Driver Registry</td>
<td></td>
<td></td>
<td>DPS</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>$ 576,607</strong></td>
<td><strong>0%</strong></td>
<td>Miscellaneous</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>$ 331,660,053</strong></td>
<td><strong>100%</strong></td>
<td></td>
</tr>
</tbody>
</table>

What Will It Take to Fix Driver License?

![Image](TX_00245753)

Defendant's Exhibit # DE-001468

226

USA_00009241
Recommended Changes

The Driver License Division has initiated an aggressive FY11 Driver License Improvement Plan designed to improve customer service, enhance the safety and security of Texans, and improve the driver license employee environment. (See Appendix 2 for the Improvement Plan.) Wait time reductions have already occurred in some offices due to the installation of queuing systems; however, without other changes, the desired customer service quality and document security cannot be achieved. Specific changes proposed include no-cost legislative changes, as well as, additional funding to improve technical capacity, hire additional employees, and acquire facilities to accommodate the growing population.

Legislative

Legislative changes can be made to optimize the operational efficiency within the Driver License Division. There are several legislative changes that would reduce the volume of customers required to visit a driver license office:

- Modify the fcc structure to encourage customers to complete transactions online (Transportation Code §§ 521.421, 521.422, and 521.424)
- Extend driver license and ID expiration from six years to eight years and increase fees accordingly (Transportation Code § 521.271)
- Allow the DPS Director to waive road tests for qualified providers (Transportation Code § 521.165)

There are also a number of legislative changes that would enhance the security and integrity of driver licenses and ID cards and ensure compliance with Federal requirements:

- Require lawful presence for driver license or ID issuance (this is currently addressed by administrative rule but is subject to a court challenge which potentially could repeal the administrative rule) (Transportation Code § 521.141)
- Issue limited-term driver license/ID for non-immigrants (Transportation Code §§ 521.101, 521.271, and 521.2711)
- Repeal provision indicating that an ID card issued to an applicant over 60 does not expire (Transportation Code § 521.101)
- Require Social Security number for driver license/ID issuance (Transportation Code § 521.142)
- Expand authority to disclose SSN for purposes of verification with other driver license/ID issuing agencies (Transportation Code § 521.044)
- Only allow one driver license or ID card that is compliant with federal security standards per person (Transportation Code § 521.182)
- Provide authority to place an indicator on the face of the driver license/ID for purposes of identifying cards that are compliant and non-compliant with federal security standards (Transportation Code § 521.121)
Technology

DPS's vision is to leverage technology to improve the quality and speed of the services provided online and at our offices. To do this, we must expand our online capabilities and enhance our means to protect and utilize driver license data for use by law enforcement and other governmental entities in as efficient a manner as possible.

With the right technology the Division can provide customized lists of required documentation, offer online appointment scheduling, and electronically collect and check documents in advance. After visiting an office, customers could check the status of their cards online and access help through online chats, phone calls, or email. This would save time and money for both customers and DPS on every transaction.

With additional funding, the Driver License Division will be able to leverage new technology for driver licenses, our customers, and to help other governmental entities.

People and Facilities

As stated previously, the driver license facilities have not been updated nor the number of employees increased to match the ever-increasing population or transaction complexity. Meeting customer expectations and providing their desired level of customer service will require additional employees and upgraded or new facilities.

DPS, in conjunction with Texas State University, is conducting a systematic evaluation of current driver license operations to improve service within current resource constraints. Texas State is analyzing existing staffing levels and office locations based on population density and projected population growth. This information will be used to develop strategies to achieve the highest, most-consistent level of service across the state.

There are a number of different ways to approach the mismatch between population and employee/facility resources. The least costly approach that maximizes operational efficiency is to realign driver license employees and facilities to match current population distribution. However, this approach may not address requirements to provide locally-desired services. Two options for how to approach the people and facilities needs of Driver License are addressed below.

Whichever option is selected, it is important to note that these FTE increases will only allow us to serve the State's current population at an acceptable level of service. Additional FTEs will be needed over the years as the State's population continues to grow.
Recommendation

Increase the number of employees and the capacity of our facilities to match population growth while maintaining all existing driver license offices.

What’s Included:

- 361 full-time Driver License, Contact Center, and Indirect Support staff
- Appropriate compensation for job duty responsibilities
- 19.5 FTEs (which equates to 78 employees) to augment staff during summer months
- Six new mega centers (one in the Metroplex, three in Harris County, and one each in San Antonio and Austin)
- Furniture and equipment for the new mega centers
- New technology initiatives to reduce customer wait times
- New equipment to re-open 96 mobile offices

Advantages:

- Improved service quality
- Supports local communities by maintaining driver license presence and providing customer convenience

Disadvantages:

- Higher cost to the State

Projected State Costs for the Biennium:

<table>
<thead>
<tr>
<th>Description</th>
<th>FY12</th>
<th>FY13</th>
<th>Biennial Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Salary</td>
<td>9,371,433</td>
<td>19,923,873</td>
<td>29,295,306</td>
</tr>
<tr>
<td>Longevity</td>
<td>80,496</td>
<td>274,464</td>
<td>354,960</td>
</tr>
<tr>
<td>Professional Fees</td>
<td>3,000,000</td>
<td>3,000,000</td>
<td>6,000,000</td>
</tr>
<tr>
<td>Consumables</td>
<td>143,040</td>
<td>502,860</td>
<td>645,900</td>
</tr>
<tr>
<td>Utilities</td>
<td>1,736,349</td>
<td>1,880,439</td>
<td>3,616,788</td>
</tr>
<tr>
<td>Rent - Building*</td>
<td>40,422</td>
<td>3,237,179</td>
<td>3,277,601</td>
</tr>
<tr>
<td>Other Operating</td>
<td>8,036,317</td>
<td>897,000</td>
<td>8,933,317</td>
</tr>
<tr>
<td>Capital Expenditures</td>
<td>1,413,252</td>
<td>-</td>
<td>1,413,252</td>
</tr>
<tr>
<td>Subtotal Excl Emp Benefits</td>
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<td>29,715,814</td>
<td>53,537,123</td>
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<tr>
<td>Employee Benefits</td>
<td>2,633,287</td>
<td>5,627,188</td>
<td>8,260,474</td>
</tr>
<tr>
<td>5% Contingency(Non Employee)</td>
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<td>475,874</td>
<td>1,194,343</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td>27,173,065</td>
<td>35,818,876</td>
<td>62,991,940</td>
</tr>
</tbody>
</table>

*Construction costs as an alternative to leasing are estimated to be $47 million.

**The restoration of $4,772,388 for Driver License card stock is also needed to fund license issuance costs.

What Will It Take to Fix Driver License?
County Opt-In Alternative

Realign office locations and minimally increase employees to maximize service quality and efficiency and allow counties the choice to fund local services

What’s Included:
- 285 Full time Driver License, Contact Center, and Indirect Support Staff*
- Appropriate compensation for job duty responsibilities
- 19.5 FTEs (which equates to 78 employees) to augment staff during summer months
- Six new mega centers (one in the Metroplex, three in Harris County, and one each in San Antonio and Austin)
- Furniture and equipment for the new mega centers
- New technology initiatives to reduce customer wait times

Advantages:
- Lowest cost option to the state, minimizing resource expenditures for facilities and FTE increases
- Improves service quality
- Aligns existing resources with customer demand
- Allows counties to opt-in for local service

Disadvantages:
- Some customers may experience longer drive times to conduct driver license transactions which typically occurs once every six years
- Some DPS employees would be required to re-locate
Projected State Costs for the Biennium:

<table>
<thead>
<tr>
<th>Description</th>
<th>FY12</th>
<th>FY13</th>
<th>Biennial Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Salary</td>
<td>8,600,969</td>
<td>16,860,242</td>
<td>25,461,211</td>
</tr>
<tr>
<td>Longevity</td>
<td>66,672</td>
<td>219,384</td>
<td>286,056</td>
</tr>
<tr>
<td>Professional Fees</td>
<td>3,000,000</td>
<td>3,000,000</td>
<td>6,000,000</td>
</tr>
<tr>
<td>Consumables</td>
<td>122,800</td>
<td>422,535</td>
<td>545,415</td>
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<tr>
<td>Utilities</td>
<td>584,349</td>
<td>728,439</td>
<td>1,312,788</td>
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<tr>
<td>Rent - Building**</td>
<td>40,422</td>
<td>3,237,179</td>
<td>3,277,601</td>
</tr>
<tr>
<td>Other Operating</td>
<td>8,036,317</td>
<td>897,000</td>
<td>8,933,317</td>
</tr>
<tr>
<td>Capital Expenditures</td>
<td>558,852</td>
<td>-</td>
<td>558,852</td>
</tr>
</tbody>
</table>

Subtotal Excl Emp Benefits   | 21,010,461 | 25,364,778 | 46,375,239    |
Employee Benefits             | 2,414,787 | 4,758,329 | 7,173,116     |
5% Contingency(Non Employee)  | 617,141   | 414,258  | 1,031,399     |
Totals***                     | 24,042,389 | 30,537,365 | 54,579,754    |

Cost Sharing with Participating Counties:
Many mobile driver license offices have been temporarily closed due to equipment failure. For those currently without a driver license presence that previously had a mobile office, the Driver License Division would continue to pay the salary, mileage, and per diem costs. In return, the county could sign a Memorandum of Understanding (MOU) and provide a lockable, exclusive use, ADA-compliant facility with bathroom access, and pay for the equipment costs estimated at $20,900 per location for the first year; approximately $12,000 per year thereafter.

If a county wanted to open a new mobile office location previously un-served by the Division, they would be required to pay the above costs plus the personnel-related costs for each day they desired to have their new local office open for business. The total estimated cost for service two times per month is approximately $60,000 per year.

*The remaining FTEs to fully staff the new Mega Centers will be transferred from other driver license offices within the State.

**Construction costs as an alternative to leasing are estimated to be $47 million.

***The restoration of $4,772,388 for Driver License card stock is also needed to fund license issuance costs.
Conclusion

The Driver License Division has undergone a transformation to become a customer driven organization. We want to serve our customers as efficiently as possible, making it easy and painless to complete their required driver license and ID transactions.

Driver License has offered recommendations on two courses of action. The first recommendation allows Driver License to build efficiencies into its business while maintaining the small office locations desired by most counties. The alternate recommendation builds additional efficiencies into the business and allows the Division to use the State’s resources more cost effectively.
## Appendix 1 - Additional Requirements that Impact Driver License Service Quality

<table>
<thead>
<tr>
<th>Implementation Date</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 1992</td>
<td>Voter Registration was implemented.</td>
</tr>
<tr>
<td>January 1995</td>
<td>Donor information collection began.</td>
</tr>
<tr>
<td>February 3, 1997</td>
<td>Mandatory collection of SSN on original, renewal, or duplicate driver license began.</td>
</tr>
<tr>
<td>April 1, 1997</td>
<td>Parent-Taught Driver Education began requiring the collection of documentation demonstrating successful completion prior to the issuance of a driver license to persons under 18.</td>
</tr>
<tr>
<td>January 2, 2002</td>
<td>Implementation of the Graduated Driver License Program to restricted levels of driving permissions for persons under 18.</td>
</tr>
<tr>
<td>January 22, 2002</td>
<td>Original and renewal registration of sex offenders on an annual basis began.</td>
</tr>
<tr>
<td>January 22, 2002</td>
<td>Collection of a voluntary donation of $1 for anatomical gift education program began.</td>
</tr>
<tr>
<td>December 2002</td>
<td>Collection of citizenship status for the issuance of a driver license and ID card began. Registration with the Selective Service System began.</td>
</tr>
<tr>
<td>May 31, 2005</td>
<td>Hazardous Materials Endorsement (HME) application procedures went into effect requiring background checks for CDL applicants requesting an HME.</td>
</tr>
<tr>
<td>March 6, 2006</td>
<td>Fee exemption for disabled veterans became effective.</td>
</tr>
<tr>
<td>September 1, 2006</td>
<td>Voluntary organ donor registry collection to provide for a statement of gift on a driver license/ID became available.</td>
</tr>
<tr>
<td>September 1, 2009</td>
<td>Waivers of driving tests eliminated for persons under 18 years of age.</td>
</tr>
</tbody>
</table>
Appendix 2 – Driver License Division FY11 Improvement Plan

Focus Areas:
- Customer Service
- Safety/Security
- Employee Environment

Goals:
- CS1 – Provide customers easy-to-access, easy-to-understand information
- SS1 – Use internal controls to reduce illegal activity
- EE1 – Hire good people and treat them right
- CS2 – Minimize process time and provide a customer friendly environment
- SS2 – Work to improve driver safety
- EE2 – Provide training and tools to enable employees to succeed
- CS3 – Provide stakeholders useful/interesting information about DL operations
## FY 2011 DL Improvement Project List

<table>
<thead>
<tr>
<th>Project</th>
<th>Customer Service</th>
<th>Safety-Security</th>
<th>Employee Environment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Intelligence Analysis</td>
<td>CS2</td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>Division Reorganization and Staffing</td>
<td>CS2</td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>Proactive Customer Communication Plan</td>
<td>CS1</td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>DL Improvement Metrics Dashboard</td>
<td>CS2</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>DL Staffing and Faculty Situation Analysis</td>
<td>CS3</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>DL/ID Issuance Requirements</td>
<td>CS1</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>Mailer Upgrade</td>
<td>CS2</td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>Form Letter Revisions (50)</td>
<td>CS1</td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>IDs for Inmates</td>
<td>CS2</td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>Customer Flow Solution</td>
<td>CS2</td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>DL/DFS Message Development for Visual Displays</td>
<td>CS3</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>Signage Standardization</td>
<td>CS1</td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>Model Office Design</td>
<td>CS2</td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>Credit/Debit Card Acceptance</td>
<td>CS2</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>Parent Taught Driver Education Improvement</td>
<td>CS1</td>
<td>√</td>
<td>√</td>
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<tr>
<td>Regional Management Empowerment Project</td>
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<td>√</td>
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<td>Online Training Plan</td>
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<td>√</td>
<td>EE2</td>
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<tr>
<td>Internal Communication Plan</td>
<td></td>
<td></td>
<td>EE1</td>
</tr>
<tr>
<td>Employee Uniforms</td>
<td></td>
<td>√</td>
<td>EE1</td>
</tr>
<tr>
<td>Job Descriptions Revamp</td>
<td></td>
<td>√</td>
<td>EE1</td>
</tr>
<tr>
<td>DL Manual Revision + DLD Fact Sheet Development</td>
<td></td>
<td>√</td>
<td>EE2</td>
</tr>
<tr>
<td>IT Project Prioritization/Communication Plan</td>
<td></td>
<td>√</td>
<td>SS1</td>
</tr>
<tr>
<td>ADLTS (Automated Driver License Testing System)</td>
<td></td>
<td>√</td>
<td>SS2</td>
</tr>
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</table>

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**What Will It Take to Fix Driver License?**  Page 19

**Defendant's Exhibit #**  DE-001477

**TX_00245762**

**USA_00009250**
FY 2011 DL Improvement Project Descriptions

**Customer Service Projects:**

**Business Intelligence Analysis** – This project will help the Driver License Division understand the details about the transactions processed in our 307 offices located across the state so we can target our improvement efforts to achieve the greatest impact. This analysis, for example, will help us understand the optimal location and size of offices based on population density and population growth.

**Division Reorganization and Staffing** – This project will help us realign staffing to optimize division efficiency and add some new employees with skill sets that we don’t currently have.

**Proactive Customer Communication Plan** – This project will help us identify ways to make sure our customers have easy access to information that they need to quickly complete their DL/ID transactions. In addition to making sure that we get information up to date on the web and in our offices, we may also consider using Twitter or Facebook to share information.

**DL Improvement Metrics Dashboard** – This project will make sure we can tangibly demonstrate the benefits of our DL Improvement Plan by developing performance measures to quantify how much we improved customer service, employee environment, and safety and security. Developing this at-a-glance assessment tool for managers, employees, and other interested parties will let us quickly gauge our progress toward improving customer service, ensuring safety and security, and enhancing our employee environment.

**DL Staffing and Facility Situation Analysis** – This project will analyze and briefly present information about the change in DL staffing levels over the years compared to population growth and the increasing complexity of transactions.

**DL/ID Issuance Requirements** – This project will clarify—for our employees and customers—exactly what documents must be presented in order to receive a Texas DL or ID card. This project will identify the best ways to present this information to our customers including the possibilities of presenting this information on the web, on large display boards at our offices, and via handouts or brochures.

**Mailer Upgrade** – This project will define the processes to improve the efficiency of the mailing process for the millions of documents DLD mails each year including renewal notices, DL/ID card mailings, and suspensions and surcharge notices.
**Form Letter Revisions** – This project will review approximately 50 different form letters we send out to make sure they are easy to understand. Many times, customers get these letters and immediately call us because they are confused. The hope is that by making the letters easier to understand we can reduce customer frustration and reduce the number of calls answered by DLD and Contact Center employees.

**IDs for Inmates** – This project, as required by HB2161, will develop a procedure to allow TDCJ staff to help inmates get ID cards before they are released so they can transition into society.

**Customer Flow Solution** – This project will provide a queuing system for our 50 largest offices allowing us to separate quick transactions from slower, more complex transactions. This capability will eventually allow us to provide online scheduling and online sharing of office wait times. This project will dramatically improve our customer service.

**DL/DPS Message Development for Visual Displays** – This project is related to the customer flow solution. The display screens for the queuing system also allow the display of important information for our customers. We can help them understand the requirements, share interesting facts, and convey key department messages.

**Signage Standardization** – By standardizing signage in our offices we will identify our most important messages and make sure they are presented uniformly and neatly in all our offices.

**Model Office Design** – This project will develop a standard appearance for our offices and define minimum space per counter window. While we will not be able to implement the standard appearance in all offices, having a target to shoot for will help us prepare for future facility changes.

**Credit/Debit Card Acceptance** – Develop the policy to accept alternate methods of payment which will improve customer convenience and reduce the threat of monetary loss to the state.

**Parent Taught Driver Education Improvement** – There is a great deal of confusion and frustration on all fronts regarding Parent Taught Driver Education. This project will work to simplify and clarify the requirements for this method of driver education, streamlining the process for everyone.

**Regional Management Empowerment Project** – This project will help develop a strong team of DL field managers who work together to solve challenges such as how to develop incident response teams, how to respond to customer calls, ways to reduce unproductive supervisory responsibility.
**Employee Environment Projects:**

**Online Training Plan** – We will develop a clear roadmap for what training can be presented online and prioritize which training modules should be developed first. Online training offers many advantages: course content is presented consistently; employees can repeat courses they did not fully grasp the first time; supervisors can easily track training; and online training doesn’t require any travel time or expenditures.

**Internal Communication Plan** – We will consciously think about and develop a plan to make sure that there are ample opportunities to engage in 2 way communication between employees and supervisors.

**Employee Uniforms** – Providing field office employees department-issued shirts will ensure a professional, recognizable appearance and relieve employees of the need to replace clothing items at their own expense when they are damaged on the job.

**Job Descriptions Revamp** – This project will update the job descriptions for DL employees building in opportunities for career ladder advancement as knowledge and responsibility expand. This project will also look at defining ideal employee characteristics for each job.

**DL Manual Revision + DLD Fact Sheet development** – The current DL Manual will be revamped to make it easier to understand and to use as the reference tool it should be. A revamped manual should make it easier for employees to do their job right. Additionally, a series of fact sheets will be developed to provide high-level brief overviews of some of DLD’s high-profile activities, providing employees, regional commanders, and other stakeholders. Fact sheets have already been drafted on DRP and DPS actions to combat DL Fraud.

**Safety and Security Projects:**

**IT Project Prioritization/Communication Plan** – Using technology is key to reducing office lines and improving customer satisfaction but it is also critical to achievement of many of our other projects. This project will develop a method to prioritize IT requirements and communicate that with employees and other interested parties.

**ADLTS** – An Automated Driver License Testing System (ADLTS) will significantly reduce the potential for a driver license to be issued without the applicant passing the traffic law knowledge test because ADLTS will be directly connected to DLS.
### Appendix 3 – Other States Driver License Fees

<table>
<thead>
<tr>
<th>State</th>
<th>DL Fee *</th>
<th>AVG Fee/Year</th>
<th>Renewal Term by Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Massachusetts</td>
<td>$75.00</td>
<td>$15.00</td>
<td>5</td>
</tr>
<tr>
<td>Vermont</td>
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<td>$14.00</td>
<td>2</td>
</tr>
<tr>
<td>Connecticut</td>
<td>$66.00</td>
<td>$11.00</td>
<td>6</td>
</tr>
<tr>
<td>Iowa</td>
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<tr>
<td>New Hampshire</td>
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<td>$10.00</td>
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</tr>
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<tr>
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<td>$7.50</td>
<td>4</td>
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<tr>
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<td>8</td>
</tr>
<tr>
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<td>$28.00</td>
<td>$7.00</td>
<td>4</td>
</tr>
<tr>
<td>New York</td>
<td>$62.00</td>
<td>$6.60</td>
<td>8</td>
</tr>
<tr>
<td>Rhode Island</td>
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<td>5</td>
</tr>
<tr>
<td>Michigan</td>
<td>$25.00</td>
<td>$6.25</td>
<td>4</td>
</tr>
<tr>
<td>California</td>
<td>$31.00</td>
<td>$6.20</td>
<td>5</td>
</tr>
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<td>$6.00</td>
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<td>4</td>
</tr>
<tr>
<td>Mississippi</td>
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<td>$5.25</td>
<td>4</td>
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<tr>
<td>Arkansas</td>
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<td>$5.00</td>
<td>4</td>
</tr>
<tr>
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<td>5</td>
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<td>$4.00</td>
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<td>$4.00</td>
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<td>$4.00</td>
<td>5</td>
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<tr>
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</table>

* Some states have different driver license fees. The fees shown are the highest fees for a non-commercial license.
Source: American Association of Motor Vehicle Administrators, September 2010
<table>
<thead>
<tr>
<th>Driver License Fees</th>
<th>Fund</th>
<th>Fee</th>
<th># Accessed 2010</th>
<th>Collected 2010</th>
<th>% FY10</th>
<th>Collected 2010</th>
<th>% FY10</th>
<th>Legislative Appropriation</th>
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<td>$100-$2,000</td>
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<td>$83,922,031</td>
<td>7.31%</td>
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<td>9.44%</td>
<td>Trauma Fund</td>
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<td>$83,922,031</td>
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<td>Driver Responsibility Program - Vendor Fees**</td>
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<td>Motor Vehicle Safety Responsibility Fees (Reimbursement Fees)</td>
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<td>$100</td>
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<td>Driver Record and Interactive Record Fees</td>
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<td>53,969,344</td>
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<tr>
<td>Sale of License Information - Weekly Update</td>
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<td>$75</td>
<td>2,178</td>
<td>155,410</td>
<td>0.19%</td>
<td>155,320</td>
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<td>Sale of License Information - Checkable List</td>
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<td>8,000</td>
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<td><strong>Subtotal</strong></td>
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<td>58,952,942</td>
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<td>209,792</td>
<td>324,209</td>
<td>0.00%</td>
<td>329,790</td>
<td>0.00%</td>
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<tr>
<td>Helmet Sticker Fee***</td>
<td>0350</td>
<td>$1</td>
<td>18,966</td>
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<td>18,966</td>
<td>0</td>
<td>-</td>
<td>Motorcycle Education Fund</td>
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<tr>
<td>National Driver Registry</td>
<td>0350</td>
<td>$1</td>
<td>867</td>
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<td>0.00%</td>
<td>2,066</td>
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<td>DPS</td>
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<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td></td>
<td></td>
<td>127,923</td>
<td>127,923</td>
<td>0%</td>
<td>187,957</td>
<td>0%</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td></td>
<td></td>
<td></td>
<td>847,006,753</td>
<td>847,006,753</td>
<td>100%</td>
<td>852,846,083</td>
<td>100%</td>
</tr>
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</table>
Election Identification Certificate Mobile Stations

The Office of the Texas Secretary of State and the Texas Department of Public Safety have joined in partnership to offer Election Identification Certificates (EICs) at mobile stations across the state. Election Identification Cards are available to qualified voters who do not otherwise have an approved form of photo ID for voting. Learn more about EICs (http://www.txdps.state.tx.us/DriverLicense/electionID.htm) here.

EIC applicants will need to bring evidence of citizenship and identity (http://www.txdps.state.tx.us/DriverLicense/eicDocReqmnts.htm). To avoid confusion or delays, please review the list of required documents before applying for an EIC.

Below are EIC mobile station locations scheduled so far. More locations will be added as they are scheduled and confirmed. Based on the mobile nature of the units, locations, dates and times are subject to change.

### May 15, 2014

<table>
<thead>
<tr>
<th>Location</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Paso County Courthouse</td>
<td>500 E. San Antonio, 1st Floor, El Paso, Texas 79901</td>
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### May 14, 2014

<table>
<thead>
<tr>
<th>Location</th>
<th>Address</th>
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</thead>
<tbody>
<tr>
<td>El Paso County, Bassett Place</td>
<td>6101 Gateway West, El Paso, Texas 79925</td>
</tr>
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</table>

### February 28, 2014

<table>
<thead>
<tr>
<th>Location</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collin County, Commissioner's Courtroom</td>
<td>2300 Bloomdale Road Suite 4152, McKinney, Texas 75071</td>
</tr>
<tr>
<td>Harris County, Lone Star College System</td>
<td>4141 Victory Dr., Houston, Texas 77088</td>
</tr>
<tr>
<td>Harris County, Holman Street Baptist Church</td>
<td>3422 Holman St # B, Houston , Texas 77004</td>
</tr>
</tbody>
</table>

### February 27, 2014

<table>
<thead>
<tr>
<th>Location</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jefferson County, Port Arthur Public Library</td>
<td>4615 Ninth Ave., Port Arthur, Texas 77642</td>
</tr>
<tr>
<td>Collin County, Commissioner's Courtroom</td>
<td>2300 Bloomdale Road Suite 4152, McKinney, Texas 75071</td>
</tr>
<tr>
<td>Harris County, Lone Star College System</td>
<td>4141 Victory Dr., Houston, Texas 77088</td>
</tr>
<tr>
<td>Harris County, Holman Street Baptist Church</td>
<td>3422 Holman St # B., Houston, Texas 77004</td>
</tr>
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</table>

### February 26, 2014

<table>
<thead>
<tr>
<th>Location</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jefferson County, Port Arthur Public Library</td>
<td>4615 Ninth Ave., Port Arthur, Texas 77642</td>
</tr>
<tr>
<td>Collin County, Commissioner's Courtroom</td>
<td>2300 Bloomdale Road Suite 4152, McKinney, Texas 75071</td>
</tr>
<tr>
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<td>4141 Victory Dr., Houston, Texas 77088</td>
</tr>
<tr>
<td>Harris County, Holman Street Baptist Church</td>
<td>3422 Holman St # B., Houston, Texas 77004</td>
</tr>
<tr>
<td>Location</td>
<td>Address</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>----------------------------------------------</td>
</tr>
<tr>
<td>Travis County, Clerk’s Office</td>
<td>5501 Airport Blvd., Austin, Texas 78751</td>
</tr>
<tr>
<td>Fort Bend County, Missouri City Annex</td>
<td>307 Texas Parkway, Missouri City, Texas 77489</td>
</tr>
<tr>
<td>Bexar County, Las Palmas Library</td>
<td>515 Castroville Rd., San Antonio, Texas 78237</td>
</tr>
<tr>
<td>Montgomery County, Central Library</td>
<td>104 I-45 North, Conroe, Texas 77301</td>
</tr>
<tr>
<td>Williamson County, The Caring Place</td>
<td>2000 Railroad St., Georgetown, Texas 78626</td>
</tr>
<tr>
<td>Jefferson County, Alice Keith Community Center</td>
<td>4075 Highland, Beaumont, Texas 77705</td>
</tr>
</tbody>
</table>

**February 25, 2014**

<table>
<thead>
<tr>
<th>Location</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travis County, Clerk’s Office</td>
<td>5501 Airport Blvd., Austin, Texas 78751</td>
</tr>
<tr>
<td>Fort Bend County, Missouri City Annex</td>
<td>307 Texas Parkway, Missouri City, Texas 77489</td>
</tr>
<tr>
<td>Bexar County, Claude Black Community Center</td>
<td>2805 E Commerce St., San Antonio, Texas 78203</td>
</tr>
<tr>
<td>Montgomery County, Central Library</td>
<td>104 I-45 North, Conroe, Texas 77301</td>
</tr>
<tr>
<td>Williamson County, BACA Senior Center Lobby</td>
<td>303 W. Bagdad Road, Round Rock, Texas 78664</td>
</tr>
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</table>

**February 21, 2014**

<table>
<thead>
<tr>
<th>Location</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hidalgo County, South Texas College Building H – Student Lounge</td>
<td>3201 W. Pecan, McAllen, Texas 78501</td>
</tr>
<tr>
<td>Tarrant County, Plaza Building</td>
<td>201 Burnett Street, 3rd Floor, Fort Worth, Texas 76102</td>
</tr>
<tr>
<td>El Paso County, Courthouse Main Lobby – First Floor</td>
<td>500 East San Antonio, El Paso, Texas 79901</td>
</tr>
<tr>
<td>Brooks County Library</td>
<td>203 Calixto Mora Ave., Falfurrias, Texas 78355</td>
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**February 20, 2014**

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Hidalgo County, South Texas College Building H – Student Lounge</td>
<td>3201 W. Pecan, McAllen, Texas 78501</td>
</tr>
<tr>
<td>Trinity County, Trinity Fire Department</td>
<td>201 S Elm St., Trinity, Texas 75862</td>
</tr>
<tr>
<td>Galveston County, Dickinson Community Center</td>
<td>2714 Highway 3, Dickinson, Texas 77539</td>
</tr>
<tr>
<td>Tarrant County Plaza Building</td>
<td>201 Burnett Street, 3rd Floor, Fort Worth, Texas 76102</td>
</tr>
<tr>
<td>El Paso County Courthouse Main Lobby – First Floor</td>
<td>500 East San Antonio, El Paso, Texas 79901</td>
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</table>

### February 19, 2014

<table>
<thead>
<tr>
<th>Location</th>
<th>Address</th>
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</thead>
<tbody>
<tr>
<td>Hidalgo County, University of Texas Pan American, Student Union</td>
<td>1201 West University Drive Edinburg, Texas 78539</td>
</tr>
<tr>
<td>Nueces County Courthouse Room 203</td>
<td>901 Leopard St., Corpus Christi, Texas 78401</td>
</tr>
<tr>
<td>Cameron County, Dancy Building Exhibit Room</td>
<td>1100 East Monroe St., Brownsville, Texas 78520</td>
</tr>
<tr>
<td>Trinity County, Trinity Fire Department</td>
<td>201 S Elm St., Trinity, Texas 75862</td>
</tr>
<tr>
<td>Galveston County Courthouse</td>
<td>Commissioner's Room 722 Moody (21st St.), Galveston, Texas 77550</td>
</tr>
<tr>
<td>Denton County, Texas Woman's University Student Union Building</td>
<td>304 Administration Drive, Denton, Texas 76204</td>
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</table>

### February 18, 2014

<table>
<thead>
<tr>
<th>Location</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cameron County, Harlingen City Hall</td>
<td>118 East Tyler Ave., Harlingen, Texas 78550</td>
</tr>
<tr>
<td>Dallas County, J. Erik Jonsson Central Library, 1st Floor Lobby</td>
<td>1515 Young Street, Dallas, Texas 75201</td>
</tr>
<tr>
<td>Nueces County Courthouse</td>
<td>901 Leopard St Rm 203, Corpus Christi, Texas 78401</td>
</tr>
<tr>
<td>Hidalgo County, University of Texas Pan American Student Union Building</td>
<td>1201 West University Drive, Edinburg, Texas 78539</td>
</tr>
</tbody>
</table>


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**Not Registered?**

To vote in Texas, you must be registered. Simply pick up a voter registration application ([http://www.sos.state.tx.us/elections/voter/reqvr.shtml](http://www.sos.state.tx.us/elections/voter/reqvr.shtml)), fill it out, and mail it at least 30 days before the election date. **MORE ABOUT REGISTRATION**

**Remind your friends to vote**

Spread the word, share important election information with your friends and family! **MORE ABOUT REMINDING**

**Voting is easy, so is getting the facts**

Texans must show an approved photo ID when voting in person. **MORE ABOUT PHOTO ID**


**(800) 252-VOTE** [www.sos.state.tx.us](http://www.sos.state.tx.us)
Plaintiff Exhibit
PL1037

WITHDRAWN
A BILL TO BE ENTITLED

AN ACT

relating to the foundation curriculum, the establishment of the
instructional materials allotment, and the adoption, review, and
purchase of instructional materials and technological equipment
for public schools.

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

SECTION 1. Section 7.055(b)(28), Education Code, is amended
to read as follows:

(28) The commissioner shall perform duties relating to
the funding, adoption, and purchase of instructional materials
under Chapter 31.

SECTION 2. Section 7.056(f), Education Code, is amended to
read as follows:

(f) A school district or campus that is required to develop
and implement a student achievement improvement plan under Section
39.102 or 39.103 may receive an exemption or waiver under this
section from any law or rule other than:

(1) a prohibition on conduct that constitutes a
criminal offense;

(2) a requirement imposed by federal law or rule;

(3) a requirement, restriction, or prohibition
imposed by state law or rule relating to:

(A) public school accountability as provided by
Subchapters B, C, D, E, and J, Chapter 39; or
(B) educator rights and benefits under Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter A, Chapter 22; or

(4) [textbook] selection of instructional materials under Chapter 31.

SECTION 3. Section 7.102(c)(23), Education Code, is amended to read as follows:

(23) The board shall adopt and purchase or license instructional materials [textbooks] as provided by Chapter 31 and adopt rules required by that chapter.

SECTION 4. Sections 7.108(a) and (c), Education Code, are amended to read as follows:

(a) A person interested in selling bonds of any type or a person engaged in manufacturing, shipping, selling, or advertising instructional materials [textbooks] or otherwise connected with the instructional material [textbook] business commits an offense if the person makes or authorizes a political contribution to or takes part in, directly or indirectly, the campaign of any person seeking election to or serving on the board.

(c) In this section:

(1) "Instructional material" has the meaning assigned by Section 31.002.

(2) "Political contribution" has the meaning assigned by Section 251.001, Election Code.

(42) "Textbook" has the meaning assigned by Section 31.002.

SECTION 5. The heading to Section 7.112, Education Code, is
amended to read as follows:

Sec. 7.112. REPRESENTATION OF [TEXTBOOK] PUBLISHER OF INSTRUCTIONAL MATERIALS BY FORMER MEMBER OF BOARD.

SECTION 6. Section 7.112(a), Education Code, is amended to read as follows:

(a) A former member of the State Board of Education who is employed by or otherwise receives compensation from a [textbook] publisher of instructional materials may not, before the second anniversary of the date on which the person last served as a member of the State Board of Education:

(1) confer with a member of the board of trustees of a school district concerning [textbook] published by that [textbook] publisher; or

(2) appear at a meeting of the board of trustees on behalf of the [textbook] publisher.

SECTION 7. Section 7.112(c)(2), Education Code, is amended to read as follows:

(2) "Instructional material" and "publisher" have the meanings assigned by Section 31.002.

SECTION 8. Section 11.158(b), Education Code, is amended to read as follows:

(b) The board may not charge fees for:

(1) instructional materials [textbooks], workbooks, laboratory supplies, or other supplies necessary for participation in any instructional course except as authorized under this code;

(2) field trips required as a part of a basic education
program or course;
(3) any specific form of dress necessary for any required educational program or diplomas;
(4) the payment of instructional costs for necessary school personnel employed in any course or educational program required for graduation;
(5) library materials [books] required to be used for any educational course or program, other than fines for lost, damaged, or overdue materials [books];
(6) admission to any activity the student is required to attend as a prerequisite to graduation;
(7) admission to or examination in any required educational course or program; or
(8) lockers.

SECTION 9. Section 11.164(a), Education Code, is amended to read as follows:
(a) The board of trustees of each school district shall limit redundant requests for information and the number and length of written reports that a classroom teacher is required to prepare. A classroom teacher may not be required to prepare any written information other than:
(1) any report concerning the health, safety, or welfare of a student;
(2) a report of a student's grade on an assignment or examination;
(3) a report of a student's academic progress in a class or course;
(4) a report of a student's grades at the end of each grade reporting period;
(5) a textbook report on instructional materials;
(6) a unit or weekly lesson plan that outlines, in a brief and general manner, the information to be presented during each period at the secondary level or in each subject or topic at the elementary level;
(7) an attendance report;
(8) any report required for accreditation review;
(9) any information required by a school district that relates to a complaint, grievance, or actual or potential litigation and that requires the classroom teacher's involvement;
or
(10) any information specifically required by law, rule, or regulation.

SECTION 10. Section 19.007(e), Education Code, is amended to read as follows:
(e) The district may participate in the instructional materials [textbook] program under Chapter 31.

SECTION 11. Sections 26.006(a) and (c), Education Code, are amended to read as follows:
(a) A parent is entitled to:
(1) review all teaching materials, instructional materials [textbooks], and other teaching aids used in the classroom of the parent's child; and
(2) review each test administered to the parent's child after the test is administered.
H.B. No. 6

(c) A student's parent is entitled to request that the school district or open-enrollment charter school the student attends allow the student to take home any instructional materials used by the student. Subject to the availability of the instructional materials, the district or school shall honor the request. A student who takes home instructional materials must return the instructional materials to school at the beginning of the next school day if requested to do so by the student's teacher. In this subsection, "instructional material" has the meaning assigned by Section 31.002.

SECTION 12. Sections 28.002(a), (c), (h), and (n), Education Code, are amended to read as follows:

(a) Each school district that offers kindergarten through grade 12 shall offer, as a required curriculum:

(1) a foundation curriculum that includes:

(A) English language arts;

(B) mathematics;

(C) science; and

(D) social studies, consisting of Texas, United States, and world history, government, economics, with emphasis on the free enterprise system and its benefits, and geography; and

(2) an enrichment curriculum that includes:

(A) to the extent possible, languages other than English;

(B) health, with emphasis on the importance of proper nutrition and exercise;
H.B. No. 6

(C) physical education;

(D) fine arts;

(E) [economics, with emphasis on the free enterprise system and its benefits;]

(F) [career and technology education;]

(G) technology applications; and

(G) [religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature.]

(c) The State Board of Education, with the direct participation of educators, parents, business and industry representatives, and employers shall by rule identify the essential knowledge and skills of each subject of the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials [textbooks] under Chapter 31 and addressed on the assessment instruments required under Subchapter B, Chapter 39. As a condition of accreditation, the board shall require each district to provide instruction in the essential knowledge and skills at appropriate grade levels.

(h) The State Board of Education and each school district shall foster the continuation of the tradition of teaching United States and Texas history and the free enterprise system in regular subject matter and in reading courses and in the adoption of instructional materials [textbooks]. A primary purpose of the public school curriculum is to prepare thoughtful, active citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the
basic democratic values of our state and national heritage.

(n) The State Board of Education may by rule develop and implement a plan designed to incorporate foundation curriculum requirements into the career and technology education curriculum under Subsection (a)(2)(E) [(a)(2)(F)].

SECTION 13. Sections 28.0022(a) and (d), Education Code, are amended to read as follows:

(a) Not later than November 1, 2007, the agency shall establish a panel under this section to:

(1) review and recommend revisions to the career and technical education curriculum under Section 28.002(a)(2)(E) [(28.002(a)(2)(F))]; and

(2) review and recommend revisions for the program in which high schools and articulated postsecondary institutions allow high school students to take advanced technical credit courses.

(d) Not later than November 1, 2008, the panel shall:

(1) complete the review as required by this section of:

(A) the career and technical education curriculum; and

(B) the program under which high schools and articulated postsecondary institutions allow high school students to take advanced technical credit courses; and

(2) make recommendations to the State Board of Education as necessary to:

(A) increase the academic rigor of the career and
technical education curriculum under Section 28.002(a)(2)(E); and

(B) improve and increase participation in the program under which high schools and articulated postsecondary institutions allow high school students to take advanced technical credit courses.

SECTION 14. Section 28.003(b), Education Code, is amended to read as follows:

(b) In this section, "educational program" means a course or series of courses in the required curriculum under Section 28.002, other than a fine arts course under Section 28.002(a)(2)(D) or a career and technology course under Section 28.002(a)(2)(E).

SECTION 15. Section 28.011(c), Education Code, is amended to read as follows:

(c) A student may not be required to use a specific translation as the sole text of the Hebrew Scriptures or New Testament and may use as the basic instructional material a different translation of the Hebrew Scriptures or New Testament from that chosen by the board of trustees of the student's school district or the student's teacher.

SECTION 16. The heading to Chapter 31, Education Code, is amended to read as follows:

CHAPTER 31. INSTRUCTIONAL MATERIALS [TEXTBOOKS]

SECTION 17. Section 31.001, Education Code, is amended to read as follows:

Sec. 31.001. FREE INSTRUCTIONAL MATERIALS [TEXTBOOKS].
Instructional materials [Textbooks] selected for use in the public schools shall be furnished without cost to the students attending those schools. Except as provided by Section 31.104(d), a school district may not charge a student for instructional material or technological equipment purchased by the district with the district's instructional materials allotment.

SECTION 18. Sections 31.002(1), (1-a), (2), and (4), Education Code, are amended to read as follows:

(1) "Instructional material" ["Electronic textbook"] means content that conveys the essential knowledge and skills of a subject in the public school curriculum through a medium or a combination of media for conveying information to a student. The term includes a book, supplementary materials, a combination of a book, workbook, and supplementary materials, computer software, [interactive videodisc,] magnetic media, DVD, CD-ROM, computer courseware, on-line services, or an electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means, including [an] open-source instructional material [textbook].

(1-a) "Open-source instructional material" [textbook] means [an] electronic instructional material [textbook] that is available for downloading from the Internet at no charge to a student and without requiring the purchase of an unlock code, membership, or other access or use charge, except for a charge to order an optional printed copy of all or part of the instructional material [textbook]. The term includes [a] state-developed open-source instructional material [textbook].
H.B. No. 6

(2) "Publisher" includes an on-line service or a developer or distributor of electronic instructional materials [textbook].

(4) "Technological equipment" means hardware, a device, or equipment necessary for:

(A) instructional use in the classroom, including to gain access to or enhance the use of electronic instructional materials [textbook]; or

(B) professional use by a classroom teacher.

SECTION 19. Subchapter A, Chapter 31, Education Code, is amended by amending Sections 31.003 and 31.004 and adding Section 31.005 to read as follows:

Sec. 31.003. RULES. The State Board of Education may adopt rules, consistent with this chapter, for the adoption, requisition, distribution, care, use, and disposal of instructional materials [textbooks].

Sec. 31.004. CERTIFICATION OF PROVISION OF [TEXTBOOKS, ELECTRONIC TEXTBOOKS, AND] INSTRUCTIONAL MATERIALS. Each school district and open-enrollment charter school shall annually certify to the State Board of Education and the commissioner that, for each subject in the foundation [required] curriculum under Section 28.002 and each grade level, the district provides each student with [textbooks, electronic textbooks, or] instructional materials that cover all elements of the essential knowledge and skills adopted by the State Board of Education for that subject and grade level.
Sec. 31.005. FUNDING FOR OPEN-ENROLLMENT CHARTER SCHOOLS. An open-enrollment charter school is entitled to the instructional materials allotment under this chapter and is subject to this chapter as if the school were a school district.

SECTION 20. The heading to Section 31.021, Education Code, is amended to read as follows:

Sec. 31.021. STATE INSTRUCTIONAL MATERIALS [TEXTBOOK] FUND.

SECTION 21. Section 31.021, Education Code, is amended by amending Subsections (a) and (d) and adding Subsection (c) to read as follows:

(a) The state instructional materials [textbook] fund consists of:

(1) an amount set aside by the State Board of Education from the available school fund, in accordance with Section 43.001(d); and

(2) all funds accruing from the state's sale of disused textbooks; and

(3) all amounts lawfully paid into the fund from any other source.

(c) Money in the state instructional materials fund shall be used to:

(1) fund the instructional materials allotment, as provided by Section 31.0211;

(2) purchase special instructional materials for the education of blind and visually impaired students in public schools;
(3) pay the expenses associated with the instructional materials adoption and review process under this chapter;

(4) pay the expenses associated with the purchase or licensing of open-source instructional material, to the extent authorized by the General Appropriations Act; and

(5) pay the expenses associated with the purchase of instructional material, including freight, shipping, and insurance expenses.

(d) Money transferred to the state instructional materials [textbook] fund remains in the fund until spent and does not lapse to the state at the end of the fiscal year.

SECTION 22. Subchapter B, Chapter 31, Education Code, is amended by adding Sections 31.0211, 31.0212, 31.0213, and 31.0214 to read as follows:

Sec. 31.0211. INSTRUCTIONAL MATERIALS ALLOTMENT. (a) A school district is entitled to an annual allotment from the state instructional materials fund for each student enrolled in the district on a date during the preceding school year specified by the commissioner. The commissioner shall determine the amount of the allotment per student each year on the basis of the amount of money available in the state instructional materials fund to fund the allotment. An allotment under this section shall be transferred from the state instructional materials fund to the credit of the district's instructional materials account as provided by Section 31.0212.

(b) A juvenile justice alternative education program under Section 37.011 is entitled to an allotment from the state.
instructional materials fund in an amount determined by the
commissioner. The program shall use the allotment to purchase
items listed in Subsection (c) for students enrolled in the
program. The commissioner's determination under this subsection is
final and may not be appealed.

(c) Subject to Subsection (d), funds allotted under this
section may be used to:

(1) purchase:
(A) materials on the list adopted by the
commissioner, as provided by Section 31.0231;
(B) instructional materials, regardless of
whether the instructional materials are on the conforming or
nonconforming list, as provided by Section 31.024;
(C) consumable instructional materials,
including workbooks;
(D) instructional materials for use in bilingual
education classes, as provided by Section 31.029;
(E) supplemental instructional materials, as
provided by Section 31.035;
(F) state-developed open-source instructional
materials, as provided by Subchapter B-1;
(G) instructional materials and technological
equipment under any continuing contracts of the district in effect
on September 1, 2011; and
(H) technological equipment necessary to support
the use of materials included on the list adopted by the
commissioner under Section 31.0231 or any instructional materials
(2) pay for training educational personnel directly involved in student learning in the appropriate use of instructional materials and for providing for access to technological equipment for instructional use.

(d) Each year a school district shall use the district's allotment under this section to purchase:

(1) a sufficient quantity of instructional materials or technological equipment that corresponds to the adoption cycle under Section 31.022;

(2) instructional materials necessary to permit the district to certify that the district has instructional materials that cover all elements of the essential knowledge and skills of the foundation curriculum for each grade level as required by Section 31.004; and

(3) any other instructional materials or technological equipment as determined by the district.

(d-1) Notwithstanding Subsection (d), for the state fiscal year beginning September 1, 2011, a school district may use an allotment received under this section to purchase any combination of:

(1) instructional materials available for selection under the 2011 proclamation issued by the State Board of Education; or

(2) other instructional materials or technological equipment available to the district under a continuing contract in effect on September 1, 2011.
(d-2) Subsection (d-1) and this subsection expire August 31, 2012.

(e) Not later than May 31 of each school year, a school district may request that the commissioner adjust the number of students for which the district is entitled to receive an allotment under Subsection (a) on the grounds that the number of students attending school in the district will increase or decrease during the school year for which the allotment is provided. The commissioner may also adjust the number of students for which a district is entitled to receive an allotment, without a request by the district, if the commissioner determines a different number of students is a more accurate reflection of students who will be attending school in the district. The commissioner's determination under this subsection is final.

(f) The commissioner may adopt rules as necessary to implement this section.

Sec. 31.0212. INSTRUCTIONAL MATERIALS ACCOUNT. (a) The commissioner shall maintain an instructional materials account for each school district. Each school year, the commissioner shall deposit in the account for each district the amount of the district's instructional materials allotment under Section 31.0211.

(b) The commissioner shall pay the cost of instructional materials requisitioned by a school district under Section 31.103 using funds from the district's instructional materials account.

(c) A school district may also use funds in the district's account to purchase electronic instructional materials or
technological equipment. The district shall submit to the commissioner a request for funds for this purpose from the district's account. The commissioner shall adopt rules regarding the documentation a school district must submit to receive funds under this subsection.

(d) Money deposited in a school district's instructional materials account during each state fiscal biennium remains in the account and available for use by the district for the entire biennium. At the end of each biennium, a district with unused money in the district's account may carry forward any remaining balance to the next biennium.

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

Sec. 31.0213. CERTIFICATION OF USE OF INSTRUCTIONAL MATERIALS ALLOTMENT. Each school district shall annually certify to the commissioner that the district's instructional materials allotment has been used only for expenses allowed by Section 31.0211.

Sec. 31.0214. ADJUSTMENT FOR HIGH ENROLLMENT GROWTH DISTRICTS. (a) Each year the commissioner shall adjust the instructional materials allotment of school districts experiencing high enrollment growth. The commissioner shall establish a procedure for determining high enrollment growth districts eligible to receive an adjustment under this section and the amount of the instructional materials allotment those districts will receive.

(b) The commissioner may adopt rules as necessary to
implement this section.

SECTION 23. The heading to Section 31.022, Education Code, is amended to read as follows:

Sec. 31.022. INSTRUCTIONAL MATERIALS [TEXTBOOK] REVIEW AND ADOPTION.

SECTION 24. Section 31.022, Education Code, is amended by amending Subsections (a), (b), (c), (e), and (f) and adding Subsection (b-1) to read as follows:

(a) The State Board of Education shall adopt a review and adoption cycle for instructional materials [textbooks] for elementary grade levels, including prekindergarten, and secondary grade levels, for each subject in the required curriculum under Section 28.002. In adopting the cycle, the board:

(1) is not required to review and adopt instructional materials for all grade levels in a single year; and

(2) shall give priority to instructional materials for subjects in the following order:

(A) foundation curriculum subjects for which the essential knowledge and skills have been substantially revised and for which assessment instruments are required under Subchapter B, Chapter 39, including career and technology courses that satisfy foundation curriculum requirements as provided by Section 28.002(n);

(B) foundation curriculum subjects for which the essential knowledge and skills have been substantially revised, including career and technology courses that satisfy foundation curriculum requirements as provided by Section 28.002(n);
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(C) foundation curriculum subjects not described by Paragraph (A) or (B), including career and technology courses that satisfy foundation curriculum requirements as provided by Section 28.002(n); and

(D) enrichment curriculum subjects.

(b) The board shall organize the cycle for subjects in the foundation curriculum so that not more than one-fourth [one-sixth] of the instructional materials [textbooks] for subjects in the foundation curriculum are reviewed each biennium [year]. The board shall adopt rules to provide for a full and complete investigation of instructional materials [textbooks] for each subject in the foundation curriculum [at least] every eight [six] years. The adoption of instructional materials [textbooks] for a subject in the foundation curriculum may be extended beyond the eight-year [six-year] period only if the content of instructional materials [textbooks] for a subject is sufficiently current.

(b-1) For the biennium beginning September 1, 2011, the board shall review and adopt instructional materials for English language arts. This subsection expires September 1, 2013.

(c) The board shall adopt rules to provide for a full and complete investigation of instructional materials [textbooks] for each subject in the enrichment curriculum on a cycle the board considers appropriate.

(e) The board shall designate a request for production of instructional materials [textbooks] in a subject area and grade level by the school year in which the instructional materials [textbooks] are intended to be made available in classrooms and not
by the school year in which the board makes the request for production.

(f) The board shall amend any request for production issued for the purchase of instructional materials [textbooks] to conform to the instructional materials [textbook] funding levels provided by the General Appropriations Act for the year of implementation.

SECTION 25. Section 31.0221, Education Code, is amended to read as follows:

Sec. 31.0221. MIDCYCLE REVIEW AND ADOPTION OF INSTRUCTIONAL MATERIALS [TEXTBOOKS]. (a) The State Board of Education shall adopt rules for the midcycle review and adoption of instructional material [a textbook] for a subject for which instructional materials [textbooks] are not currently under review by the board under Section 31.022. The rules must require:

(1) the publisher of the instructional material [textbook] to pay a fee to the board to cover the cost of the midcycle review and adoption of the instructional material [textbook];

(2) the publisher of the instructional material [textbook] to enter into a contract with the board concerning the instructional material [textbook] for a term that ends at the same time as any contract entered into by the board for other instructional materials [another textbook] for the same subject and grade level; and

(3) a commitment from the publisher to provide the instructional material [textbook] to school districts in the manner specified by the publisher, which may include:
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(A) providing the instructional material [textbook] to any district in a regional education service center area identified by the publisher; or

(B) providing a certain maximum number of instructional materials [textbooks] specified by the publisher.

(b) Sections 31.023 and 31.024 apply to instructional material [a textbook] adopted under this section. Section 31.027 does not apply to instructional material [a textbook] adopted under this section.

SECTION 26. Section 31.023, Education Code, is amended to read as follows:

Sec. 31.023. INSTRUCTIONAL MATERIAL [TEXTBOOK] LISTS. (a) For each subject and grade level, the State Board of Education shall adopt two lists of instructional materials [textbooks]. The conforming list includes each instructional material [textbook] submitted for the subject and grade level that meets applicable physical specifications adopted by the State Board of Education and contains material covering each element of the essential knowledge and skills of the subject and grade level in the student version of the instructional material [textbook], as well as in the teacher version of the instructional material [textbook], as determined by the State Board of Education under Section 28.002 and adopted under Section 31.024. The nonconforming list includes each instructional material [textbook] submitted for the subject and grade level that:

(1) meets applicable physical specifications adopted by the State Board of Education;

(2) contains material covering at least half, but not
all, of the elements of the essential knowledge and skills of the
subject and grade level in the student version of the instructional
material [textbook], as well as in the teacher version of the
instructional material [textbook]; and

(3) is adopted under Section 31.024.

(b) Each instructional material [textbook] on a conforming
or nonconforming list must be free from factual errors.

SECTION 27. Section 31.0231, Education Code, is amended to
read as follows:

Sec. 31.0231. COMMISSIONER'S [ELECTRONIC TEXTBOOK AND
INSTRUCTIONAL MATERIAL] LIST. (a) The commissioner shall adopt a
list of:

(1) electronic instructional material [textbooks];

and

(2) science [instructional] material that conveys
information to the student or otherwise contributes to the learning
process, including tools, models, and investigative materials
designed for use as part of the foundation curriculum for science in
kindergarten through grade five.

(b) A school district may select [an electronic textbook or
instructional] material on the list adopted under Subsection (a) to
be funded by the district's instructional materials allotment
[state textbook fund] under Section 31.0211 [31.021].

(c) Before the commissioner places [an electronic textbook
or instructional] material on the list adopted under Subsection
(a), the State Board of Education must be given an opportunity to
comment on the [electronic textbook or instructional] material.
Material [An electronic textbook or instructional material] placed on the list adopted under Subsection (a):

(1) must be reviewed and recommended to the commissioner by a panel of recognized experts in the subject area of the [electronic textbook or instructional] material and experts in education technology;

(2) must satisfy criteria adopted for the purpose by commissioner rule; and

(3) must meet the National Instructional Materials Accessibility Standard, to the extent practicable as determined by the commissioner.

(d) The criteria adopted under Subsection (c)(2) must:

(1) include evidence of alignment with current research in the subject for which the [electronic textbook or instructional] material is intended to be used;

(2) include coverage of the essential knowledge and skills identified under Section 28.002 for the subject for which the [electronic textbook or instructional] material is intended to be used and identify:

(A) each of the essential knowledge and skills for the subject and grade level or levels covered by the [electronic textbook or instructional] material; and

(B) the percentage of the essential knowledge and skills for the subject and grade level or levels covered by the [electronic textbook or instructional] material; and

(3) include appropriate training for teachers.

(e) The commissioner shall update, as necessary, the list...
adopted under Subsection (a). Before the commissioner places [an electronic textbook or instructional material] on the updated list, the requirements of Subsection (c) must be met. [Before the commissioner removes an electronic textbook or instructional material from the updated list, the removal must be recommended by a panel of recognized experts in the subject area of the electronic textbook or instructional material and experts in education technology.]

(f) After notice to the commissioner explaining in detail the changes, the provider of [an electronic textbook or instructional material] on the list adopted under Subsection (a) may update the navigational features or management system related to the [electronic textbook or instructional material].

(g) After notice to the commissioner and a review by the commissioner, the provider of [an electronic textbook or instructional material] on the list adopted under Subsection (a) may update the content of the [electronic textbook or instructional material] if needed to accurately reflect current knowledge or information.

(h) The commissioner shall adopt rules as necessary to implement this section. The rules must:

(1) be consistent with Section 31.151 regarding the duties of publishers and manufacturers, as appropriate, and the imposition of a reasonable administrative penalty; and

(2) require public notice of an opportunity for the submission of [an electronic textbook or instructional material].

SECTION 28. Section 31.024, Education Code, is amended to
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Sec. 31.024. ADOPTION BY STATE BOARD OF EDUCATION. (a) By majority vote, the State Board of Education shall:

(1) place each submitted instructional material on a conforming or nonconforming list; or

(2) reject instructional material submitted for placement on a conforming or nonconforming list.

(b) Not later than December 1 of the year preceding the school year for which the instructional materials for a particular subject and grade level will be purchased under the cycle adopted by the board under Section 31.022, the board shall provide the lists of adopted instructional materials to each school district. Each nonconforming list must include the reasons an adopted instructional material is not eligible for the conforming list.

SECTION 29. The heading to Section 31.0241, Education Code, is amended to read as follows:

Sec. 31.0241. ADOPTION OF OPEN-SOURCE INSTRUCTIONAL MATERIALS.

SECTION 30. Sections 31.0241(b) and (c), Education Code, are amended to read as follows:

(b) The State Board of Education shall place an open-source instructional material for a secondary-level course submitted for adoption by an eligible institution on a conforming or nonconforming list if:

(1) the instructional material is written, compiled, or edited primarily by faculty of the eligible
institution who specialize in the subject area of the instructional material [textbook];

(2) the eligible institution identifies each contributing author;

(3) the appropriate department of the eligible institution certifies the instructional material [textbook] for accuracy; and

(4) the eligible institution determines that the instructional material [textbook] qualifies for placement on the conforming or nonconforming list based on the extent to which the instructional material [textbook] covers the essential knowledge and skills identified under Section 28.002 for the subject for which the instructional material [textbook] is written and certifies that:

(A) for instructional material [a textbook] for a senior-level course, a student who successfully completes a course based on the instructional material [textbook] will be prepared, without remediation, for entry into the eligible institution's freshman-level course in that subject; or

(B) for instructional material [a textbook] for a junior-level and senior-level course, a student who successfully completes the junior-level course based on the instructional material [textbook] will be prepared for entry into the senior-level course.

(c) This section does not prohibit an eligible institution from submitting instructional material [a textbook] for placement on a conforming or nonconforming list through any other adoption.
process provided by this chapter.

SECTION 31. Section 31.026, Education Code, is amended to read as follows:

Sec. 31.026. CONTRACT; PRICE. (a) The State Board of Education shall execute a contract:

[(1) for the purchase of each adopted textbook other than an electronic textbook; and

(2) for the purchase or licensing of each adopted instructional material.

(b) A contract must require the publisher to provide the number of instructional materials required by school districts in this state for the term of the contract, which must coincide with the board's adoption cycle.

(c) As applicable, a contract must provide for the purchase or licensing of instructional material at a specific price, which may not exceed the lowest price paid by any other state or any school or school district. The price must be fixed for the term of the contract.

(d) This section does not apply to an open-source instructional material.

SECTION 32. Section 31.0261, Education Code, is amended to read as follows:

Sec. 31.0261. CONTRACTS FOR PRINTING OF OPEN-SOURCE INSTRUCTIONAL MATERIALS. The State Board of Education may execute a contract for the printing of open-source instructional materials listed on the conforming or nonconforming list. The contract must allow a school district to...
requisition printed copies of [an] open-source instructional materials [textbook] as provided by Section 31.103.

SECTION 33. Section 31.027, Education Code, is amended to read as follows:

Sec. 31.027. INFORMATION TO SCHOOL DISTRICTS; SAMPLE COPIES. (a) A publisher shall provide each school district and open-enrollment charter school with information that fully describes each of the publisher's submitted instructional materials [adopted textbooks]. On request of a school district, a publisher shall provide a sample copy in digital format of submitted instructional material [an adopted textbook].

(b) A publisher shall provide at least two sample copies in digital format of each submitted instructional material [adopted textbook] to be maintained at each regional education service center.

(c) This section does not apply to [an] open-source instructional material [textbook].

SECTION 34. Section 31.028, Education Code, is amended to read as follows:

Sec. 31.028. SPECIAL INSTRUCTIONAL MATERIALS [TEXTBOOKS].

(a) The commissioner [State Board of Education] may purchase special instructional materials [textbooks] for the education of blind and visually impaired students in public schools. In addition, for a teacher who is blind or visually impaired, the commissioner [board] shall provide a teacher's edition in Braille or large type, as requested by the teacher, for each instructional material [textbook] the teacher uses in the instruction of
students. The teacher edition must be available at the same time the student instructional materials [textbooks] become available.

(b) The publisher of [an] adopted instructional material [textbook] shall provide the agency with computerized instructional material [textbook] files for the production of Braille instructional materials [textbooks] or other versions of instructional materials [textbooks] to be used by students with disabilities, on request of the commissioner [State Board of Education]. A publisher shall arrange computerized instructional material [textbook] files in one of several optional formats specified by the commissioner [State Board of Education].

(c) The commissioner [board] may also enter into agreements providing for the acceptance, requisition, and distribution of special instructional materials [textbooks] and instructional aids pursuant to 20 U.S.C. Section 101 et seq. for use by students enrolled in:

(1) public schools; or
(2) private nonprofit schools, if state funds, other than for administrative costs, are not involved.

(d) In this section:

(1) "Blind or visually impaired student" includes any student whose visual acuity is impaired to the extent that the student is unable to read the text [print] in [a] regularly adopted instructional material [textbook] used in the student's class.
(2) "Special instructional material [textbook]" means instructional material [a textbook] in Braille, large type or any other medium or any apparatus that conveys information to a student
or otherwise contributes to the learning process.

SECTION 35. Section 31.029, Education Code, is amended to read as follows:

Sec. 31.029. BILINGUAL INSTRUCTIONAL MATERIALS [TEXTBOOKS]. (a) A school district [The board] shall purchase with the district's instructional materials allotment or otherwise acquire instructional materials [textbooks] for use in bilingual education classes.

(b) The commissioner shall adopt rules regarding the purchase of instructional materials under this section.

SECTION 36. Section 31.030, Education Code, is amended to read as follows:

Sec. 31.030. USED INSTRUCTIONAL MATERIALS [TEXTBOOKS]. The State Board of Education shall adopt rules to ensure that used instructional materials [textbooks] sold to school districts and open-enrollment charter schools are not sample copies that contain factual errors. The rules may provide for the imposition of an administrative penalty in accordance with Section 31.151 against a seller of used instructional materials [textbooks] who knowingly violates this section.

SECTION 37. The heading to Section 31.035, Education Code, is amended to read as follows:

Sec. 31.035. SUPPLEMENTAL INSTRUCTIONAL MATERIALS [TEXTBOOKS].

SECTION 38. Sections 31.035(a), (b), (c), (d), and (f), Education Code, are amended to read as follows:

(a) Notwithstanding any other provision of this subchapter,
the State Board of Education may adopt supplemental instructional materials [textbooks] that are not on the conforming or nonconforming list under Section 31.023. The State Board of Education may adopt [a] supplemental instructional material [textbook] under this section only if the instructional material [textbook]:

1. contains material covering one or more primary focal points or primary topics of a subject in the required curriculum under Section 28.002, as determined by the State Board of Education;
2. is not designed to serve as the sole instructional material [textbook] for a full course;
3. meets applicable physical specifications adopted by the State Board of Education; and
4. is free from factual errors.

(b) The State Board of Education shall identify the essential knowledge and skills identified under Section 28.002 that are covered by [a] supplemental instructional material [textbook] adopted by the board under this section.

(c) Supplemental instructional material [A supplemental textbook] is subject to the review and adoption cycle provisions, including the midcycle review and adoption cycle provisions, of this subchapter.

(d) A school district or open-enrollment charter school may requisition [a] supplemental instructional material [textbook] adopted under this section only if the district or school [a]

(1) uses textbook credits received under Section
31.1011 to purchase the supplemental textbook, or

[(2)] instead of requisitioning instructional material [textbook] on the conforming list under Section 31.023 for a course in the foundation curriculum under Section 28.002, requisitions the supplemental instructional material [textbook] along with other supplemental instructional materials [textbooks] or instructional materials [textbooks] on the nonconforming list under Section 31.023 that in combination cover each element of the essential knowledge and skills for the course for which the district or school is requisitioning the supplemental instructional materials [textbooks].

(f) A school district or open-enrollment charter school that requisitions supplemental instructional materials [textbooks under Subsection (d)(2)] shall certify to the agency that the supplemental instructional materials [textbooks], in combination with any other instructional materials [textbooks] or supplemental instructional materials [textbooks] used by the district or school, cover the essential knowledge and skills identified under Section 28.002 by the State Board of Education for the subject and grade level for which the district or school is requisitioning the supplemental instructional materials [textbooks].

SECTION 39. The heading to Subchapter B-1, Chapter 31, Education Code, is amended to read as follows:

SUBCHAPTER B-1. STATE-DEVELOPED OPEN-SOURCE INSTRUCTIONAL MATERIALS [TEXTBOOKS]

SECTION 40. Section 31.071, Education Code, is amended to read as follows:
Sec. 31.071. PURCHASE AUTHORITY. (a) The commissioner may purchase state-developed open-source instructional materials [textbooks] in accordance with this subchapter.

(b) The commissioner:

(1) shall purchase any state-developed open-source instructional materials [textbooks] through a competitive process; and

(2) may purchase more than one state-developed open-source instructional material [textbook] for a subject or grade level.

(c) State-developed open-source instructional material [textbook] must be irrevocably owned by or licensed to the state for use in the applicable subject or grade level. The state must have unlimited authority to modify, delete, combine, or add content to the instructional material [textbook] after purchase.

(d) The commissioner may issue a request for proposals for state-developed open-source instructional material [textbook]:

(1) in accordance with the instructional material [textbook] review and adoption cycle under Section 31.022; or

(2) at any other time the commissioner determines that a need exists for additional instructional material [textbook] options.

(e) The costs of administering this subchapter and purchasing state-developed open-source instructional materials [textbooks] shall be paid from the state instructional materials [textbook] fund, as determined by the commissioner and subject to
Section 31.021.

SECTION 41. Sections 31.072(a) and (b), Education Code, are amended to read as follows:

(a) State-developed open-source instructional material must:

(1) be evaluated by teachers or other experts, as determined by the commissioner, before purchase; and

(2) meet the requirements for inclusion on a conforming or nonconforming instructional material list under Section 31.023.

(b) Following a curriculum revision by the State Board of Education, the commissioner shall require the revision of state-developed open-source instructional material relating to that curriculum. The commissioner may, at any time, require an additional revision of state-developed open-source instructional material or contract for ongoing revisions of state-developed instructional material for a period not to exceed the period under Section 31.022 for which instructional material for that subject and grade level may be adopted. The commissioner shall use a competitive process to request proposals to revise state-developed open-source instructional material under this subsection.

SECTION 42. The heading to Section 31.073, Education Code, is amended to read as follows:

Sec. 31.073. SELECTION BY SCHOOL DISTRICT [COST].

SECTION 43. Sections 31.073(c) and (d), Education Code, are
amended to read as follows:

(c) Notwithstanding Section 31.022, a school district or open-enrollment charter school may adopt a state-developed open-source instructional material [textbook] at any time, regardless of the instructional material [textbook] review and adoption cycle under that section.

(d) A school district or open-enrollment charter school may not be charged for selection of a state-developed open-source instructional material [textbook] in addition to instructional material [a textbook] adopted under Subchapter B.

SECTION 44. Section 31.074, Education Code, is amended to read as follows:

Sec. 31.074. DISTRIBUTION. (a) The commissioner shall provide for the distribution of state-developed open-source instructional materials [textbooks] in a manner consistent with distribution of instructional materials [textbooks] adopted under Subchapter B.

(b) The commissioner may use a competitive process to contract for printing or other reproduction of a state-developed open-source instructional material [textbook] on behalf of a school district or open-enrollment charter school. The commissioner may not require a school district or open-enrollment charter school to contract with a state-approved provider for the printing or reproduction of a state-developed open-source instructional material [textbook].

SECTION 45. Section 31.075, Education Code, is amended to read as follows:
Sec. 31.075. OWNERSHIP; LICENSING. (a) State-developed open-source instructional material is the property of the state.

(b) The commissioner shall provide a license to each public school in the state, including a school district, an open-enrollment charter school, and a state or local agency educating students in any grade from prekindergarten through high school, to use and reproduce state-developed open-source instructional material.

(c) The commissioner may provide a license to use state-developed open-source instructional material to an entity not listed in Subsection (b). In determining the cost of a license under this subsection, the commissioner shall seek, to the extent feasible, to recover the costs of developing, revising, and distributing state-developed open-source instructional materials.

SECTION 46. Section 31.076(b), Education Code, is amended to read as follows:

(b) A decision by the commissioner regarding the purchase, revision, cost, or distribution of state-developed open-source instructional material is final and may not be appealed.

SECTION 47. Section 31.077, Education Code, is amended to read as follows:

Sec. 31.077. ADOPTION SCHEDULE. The commissioner shall develop a schedule for the adoption of state-developed open-source instructional materials under this subchapter. In developing the adoption schedule under this section, the...
commissioner shall consider:

1. the availability of funds;
2. the existing instructional material [textbook] adoption cycles under Subchapter B; and
3. the availability of instructional materials [textbooks] for development or purchase by the state.

SECTION 48. The heading to Section 31.101, Education Code, is amended to read as follows:

Sec. 31.101. SELECTION AND PURCHASE OF INSTRUCTIONAL MATERIALS [TEXTBOOKS] BY SCHOOL DISTRICTS.

SECTION 49. Section 31.101, Education Code, is amended by amending Subsections (a), (d), and (e) and adding Subsection (f) to read as follows:

(a) Each year, during a period established by the State Board of Education, the board of trustees of each school district and the governing body of each open-enrollment charter school shall:

1. for a subject in the foundation curriculum, notify the State Board of Education of the instructional materials [textbooks] selected by the board of trustees or governing body for the following school year from among the instructional materials [textbooks] on the appropriate conforming or nonconforming list, including the list adopted under Section 31.0231; or
2. for a subject in the enrichment curriculum:
   (A) notify the State Board of Education of each instructional material [textbook] selected by the board of trustees or governing body for the following school year from among the
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1 instructional materials [textbooks] on the appropriate conforming or nonconforming list, including the list adopted under Section 31.0231; or

4 (B) notify the State Board of Education that the board of trustees or governing body has selected instructional material [a textbook] that is not on the conforming or nonconforming list.

(d) For instructional material [a textbook] that is not on the conforming or nonconforming list, a school district or open-enrollment charter school must use the instructional material [textbook] for the period of the review and adoption cycle the State Board of Education has established for the subject and grade level for which the instructional material [textbook] is used.

(e) A school district or open-enrollment charter school that selects [a] subscription-based [electronic textbook or] instructional material on the conforming list under Section 31.023 or electronic instructional material on the list adopted by the commissioner under Section 31.0231 may cancel the subscription and subscribe to [a] new [electronic textbook or] instructional material on the conforming list under Section 31.023 or electronic instructional material on the list adopted by the commissioner under Section 31.0231 before the end of the state contract period under Section 31.026 if:

(1) the district or school has used the [electronic textbook or] instructional material for at least one school year; and

(2) the agency approves the change based on a written
request to the agency by the district or school that specifies the reasons for changing the [electronic textbook or] instructional material used by the district or school.

(f) The commissioner shall maintain an online requisition system for school districts to requisition instructional materials to be purchased with the district's instructional materials allotment.

SECTION 50. Section 31.102, Education Code, is amended to read as follows:

Sec. 31.102. TITLE AND CUSTODY. (a) Except as provided by Subsection (d), printed instructional material [Each textbook] purchased as provided by this chapter is the property of this state. Any electronic instructional material or technological equipment purchased with a school district's instructional materials allotment is the property of the school district.

(b) Subsection (a) applies to [an] electronic instructional material [textbook] only to the extent of any applicable licensing agreement.

(c) The board of trustees of a school district or the governing body of an open-enrollment charter school is the legal custodian of printed instructional materials [textbooks] purchased as provided by this chapter for the district or school. The board of trustees shall distribute printed instructional materials [textbooks] to students in the manner that the board or governing body determines is most effective and economical.

(d) Printed instructional material purchased with a school district's instructional materials allotment becomes the property
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of the district on the date the printed instructional material is
discontinued for use in the public schools by the State Board of
Education or the commissioner.

SECTION 51. The heading to Section 31.103, Education Code,
is amended to read as follows:

Sec. 31.103. INSTRUCTIONAL MATERIAL [TEXTBOOK]

REQUISITIONS.

SECTION 52. Sections 31.103(b), (c), and (d), Education
Code, are amended to read as follows:

(b) [A requisition for textbooks for the following school
year shall be based on the maximum attendance reports under
Subsection (a), plus an additional 10 percent, except as otherwise
provided.] A school district or open-enrollment charter school
shall make a requisition for instructional material using the
online requisition program maintained by [a textbook on the
conforming or nonconforming list through] the commissioner [to the
state depository designated by the publisher or as provided by
State Board of Education rule, as applicable] not later than June 1
of each year. The [designated state depository or, if the publisher
or manufacturer does not have a designated textbook depository in
this state under Section 31.151(a)(6)(B), the] publisher or
manufacturer shall fill a requisition approved by the agency [at
any other time in the case of an emergency]. [As made necessary by
available funds, the commissioner shall reduce the additional
percentage of attendance for which a district or school may
requisition textbooks. The commissioner may, on application of a
district or school that is experiencing high enrollment growth,
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increase the additional percentage of attendance for which the
district or school may requisition textbooks.)

(c) In making a requisition under this section, a school
district or open-enrollment charter school may requisition
instructional materials [textbooks] on the conforming or
nonconforming list for grades above the grade level in which a
student is enrolled[, except that the total quantity of textbooks
requisitioned under this section may not exceed the limit
prescribed by Subsection (b)].

(d) A school district or open-enrollment charter school
that selects [an] open-source instructional material [textbook]
shall requisition a sufficient number of printed copies for use by
students unable to access the instructional material [textbook]
electronically unless the district or school provides to each
student:

(1) electronic access to the instructional material
[textbook] at no cost to the student; or

(2) printed copies of the portion of the instructional
material [textbook] that will be used in the course.

SECTION 53. Section 31.1031, Education Code, is amended to
read as follows:

Sec. 31.1031. SHORTAGE OF REQUISITIONED PRINTED
INSTRUCTIONAL MATERIALS [TEXTBOOKS]. If a school district or
open-enrollment charter school does not have a sufficient number of
copies of printed instructional materials [a textbook] used by the
district or school for use during the following school year, and a
sufficient number of additional copies will not be available from

41
the [depository or the] publisher within the time specified by Section 31.151(a)(8), the district or school is entitled to:\[4\]

(1) be reimbursed from the state textbook fund, at a rate and in the manner provided by State Board of Education rule, for the purchase of a sufficient number of used adopted textbooks;

or

(2) return currently used printed instructional materials [textbooks] to the commissioner in exchange for sufficient copies, if available, of other printed instructional materials [textbooks] on the conforming or nonconforming list to be used during the following school year.

SECTION 54. Section 31.104, Education Code, is amended to read as follows:

Sec. 31.104. DISTRIBUTION AND HANDLING. (a) The board of trustees of a school district or the governing body of an open-enrollment charter school may delegate to an employee the authority to requisition, distribute, and manage the inventory of instructional materials [textbooks] in a manner consistent with this chapter and rules adopted under this chapter.

(b) A school district or open-enrollment charter school may order replacements for instructional materials [textbooks] that have been lost or damaged directly from:\[4\

(1) the textbook depository;

(2) the [textbook] publisher of the instructional materials or [manufacturer if the textbook publisher or manufacturer does not have a designated textbook depository in this state under Section 31.151(a)(6)(B)], or
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(3) any source for a printed copy of an open-source instructional material [textbook].

(c) Each instructional material [textbook] must state that the instructional material [textbook] is the property of or is licensed to this state or the school district, as appropriate. Each instructional material [textbook], other than an electronic instructional material [textbook] or a printed copy of an open-source instructional material [textbook], must be covered by the student under the direction of the teacher. Except as provided by Subsection (g), a student must return all instructional materials [textbooks] to the teacher at the end of the school year or when the student withdraws from school.

(d) Each student, or the student's parent or guardian, is responsible for all instructional materials [each textbook, including an electronic textbook] and [all] technological equipment not returned in an acceptable condition by the student. A student who fails to return in an acceptable condition all instructional materials [textbooks, including electronic textbooks] and technological equipment forfeits the right to free instructional materials [textbooks, including electronic textbooks] and technological equipment until all instructional materials [textbooks, including electronic textbooks] and technological equipment previously issued but not returned in an acceptable condition are [is] paid for by the student, parent, or guardian. As provided by policy of the board of trustees or governing body, a school district or open-enrollment charter school may waive or reduce the payment requirement if the student is from a
The district or school shall allow the student to use instructional materials [textbooks, including electronic textbooks] and technological equipment at school during each school day. If instructional materials [a textbook, including an electronic textbook] or technological equipment is not returned in an acceptable condition or paid for, the district or school may withhold the student's records. A district or school may not, under this subsection, prevent a student from graduating, participating in a graduation ceremony, or receiving a diploma. The commissioner by rule shall adopt criteria for determining whether instructional materials [a textbook, including an electronic textbook] and technological equipment are returned in an acceptable condition.

(e) The board of trustees of a school district may not require an employee of the district who acts in good faith to pay for instructional materials [a textbook, electronic textbook] or technological equipment that is damaged, stolen, misplaced, or not returned. A school district employee may not waive this provision by contract or any other means, except that a district may enter into a written agreement with a school employee whereby the employee assumes financial responsibility for electronic instructional material [textbook] or technological equipment usage off school property or outside of a school-sponsored event in consideration for the ability of the school employee to use the electronic instructional material [textbook] or technological equipment for personal business. Such a written agreement shall be separate from the employee's contract of employment, if applicable,
and shall clearly inform the employee of the amount of the financial responsibility and advise the employee to consider obtaining appropriate insurance. An employee may not be required to agree to such an agreement as a condition of employment.

(g) At the end of the school year for which [an open-source instructional material] textbook that a school district or open-enrollment charter school does not intend to use for another student is distributed, the printed copy of the open-source instructional material textbook becomes the property of the student to whom it is distributed.

(h) This section does not apply to an electronic copy of [an open-source instructional material textbook].

SECTION 55. Section 31.105, Education Code, is amended to read as follows:

Sec. 31.105. SALE OR DISPOSAL OF INSTRUCTIONAL MATERIALS AND TECHNOLOGICAL EQUIPMENT [TEXTBOOKS]. (a) The board of trustees of a school district or governing body of an open-enrollment charter school may sell printed instructional materials on the date the instructional material is discontinued for use in the public schools by the State Board of Education or the commissioner. The board of trustees or governing body may also sell electronic instructional materials and technological equipment owned by the district or school. Any funds received by a district or school from a sale authorized by this subsection must be used to purchase instructional materials and technological equipment allowed under Section 31.0211 [Textbooks, other than electronic textbooks, to a student or another school at the state contract...
price. The district shall send money from the sale of textbooks to
the commissioner as required by the commissioner. The commissioner
shall deposit the money in the state textbook fund]

(b) The board of trustees of a school district shall
determine how the district will dispose of discontinued printed
instructional materials, electronic instructional materials, and
technological equipment.

SECTION 56. Section 31.106, Education Code, is amended to
read as follows:

Sec. 31.106. USE OF LOCAL FUNDS. In addition to any
instructional material [textbook] selected under this chapter, a
school district or open-enrollment charter school may use local
funds to purchase any instructional materials [textbooks].

SECTION 57. Sections 31.151(a) and (d), Education Code, are
amended to read as follows:

(a) A publisher or manufacturer of instructional materials
textbooks]:

(1) shall furnish any instructional material
textbook] the publisher or manufacturer offers in this state at
a price that does not exceed the lowest price at which the publisher
offers that instructional material [textbook] for adoption or sale
to any state, public school, or school district in the United
States;

(2) shall automatically reduce the price of
instructional material [a textbook] sold for use in a school
district or open-enrollment charter school to the extent that the
price is reduced elsewhere in the United States;
(3) shall provide any instructional material [textbook] or ancillary item free of charge in this state to the same extent that the publisher or manufacturer provides the instructional material [textbook] or ancillary item free of charge to any state, public school, or school district in the United States;

(4) shall guarantee that each copy of instructional material [a textbook] sold in this state is at least equal in quality to copies of that instructional material [textbook] sold elsewhere in the United States and is free from factual error;

(5) may not become associated or connected with, directly or indirectly, any combination in restraint of trade in instructional materials [textbooks] or enter into any understanding or combination to control prices or restrict competition in the sale of instructional materials [textbooks] for use in this state;

(6) shall:

(A) maintain a depository in this state or arrange with a depository in this state to receive and fill orders for textbooks, other than open-source textbooks, on-line textbooks, or on-line textbook components, consistent with State Board of Education rules; or

(B) deliver instructional materials [textbooks] to a school district or open-enrollment charter school without a delivery charge to the school district, open-enrollment charter school, or state [if:]

(i) the publisher or manufacturer does not
maintain or arrange with a depository in this state under Paragraph (A) and the publisher's or manufacturer's textbooks and related products are warehoused or otherwise stored less than 300 miles from a border of this state; or

[(ii) the textbooks are open-source textbooks, on-line textbooks, or on-line textbook components];

(7) shall, at the time an order for instructional materials [textbooks] is acknowledged, provide to school districts or open-enrollment charter schools an accurate shipping date for instructional materials [textbooks] that are back-ordered;

(8) shall guarantee delivery of instructional materials [textbooks] at least 10 business days before the opening day of school of the year for which the instructional materials [textbooks] are ordered if the instructional materials [textbooks] are ordered by a date specified in the sales contract; and

(9) shall submit to the State Board of Education an affidavit certifying any instructional material [textbook] the publisher or manufacturer offers in this state to be free of factual errors at the time the publisher executes the contract required by Section 31.026.

(d) A penalty collected under this section shall be deposited to the credit of the state instructional materials [textbook] fund.

SECTION 58. The heading to Section 31.152, Education Code, is amended to read as follows:

Sec. 31.152. ACCEPTING REBATE ON [TEXTBOOKS, ELECTRONIC TEXTBOOKS,] INSTRUCTIONAL MATERIALS OR TECHNOLOGICAL EQUIPMENT.
SECTION 59. Sections 31.152(a), (b), and (d), Education Code, are amended to read as follows:

(a) A school trustee, administrator, or teacher commits an offense if that person receives any commission or rebate on any [textbooks, electronic textbooks,] instructional materials[¹] or technological equipment used in the schools with which the person is associated as a trustee, administrator, or teacher.

(b) A school trustee, administrator, or teacher commits an offense if the person accepts a gift, favor, or service that:

(1) is given to the person or the person's school;

(2) might reasonably tend to influence a trustee, administrator, or teacher in the selection of [a textbook, electronic textbook,] instructional material[¹] or technological equipment; and

(3) could not be lawfully purchased with state instructional materials funds [from the state textbook fund].

(d) In this section, "gift, favor, or service" does not include:

(1) staff development, in-service, or teacher training; [or]

(2) ancillary [instructional] materials, such as maps or worksheets, that convey information to the student or otherwise contribute to the learning process; or

(3) the provision of food or beverages with a value that does not exceed $50.

SECTION 60. The heading to Section 31.153, Education Code, is amended to read as follows:
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Sec. 31.153. VIOLATION OF FREE INSTRUCTIONAL MATERIALS

SECTION 61. Section 31.153(a), Education Code, is amended to read as follows:

(a) A person commits an offense if the person knowingly violates any law providing for the purchase or distribution of free instructional materials [textbooks] for the public schools.

SECTION 62. Section 39.303(b), Education Code, is amended to read as follows:

(b) For a student who failed to perform satisfactorily as determined under either performance standard under Section 39.0241 on an assessment instrument administered under Section 39.023(a), (c), or (l), the school district shall include in the notice specific information relating to access to [online] educational resources at the appropriate assessment instrument content level, including [educational resources described by Section 32.252(b)(2) and] assessment instrument questions and answers released under Section 39.023(e).

SECTION 63. Section 41.124(c), Education Code, is amended to read as follows:

(c) A school district that receives tuition for a student from a school district with a wealth per student that exceeds the equalized wealth level may not claim attendance for that student for purposes of Chapters 42 and 46 and the instructional materials [technology] allotment under Section 31.0211 [31.021(b)(2)].

SECTION 64. Section 43.001(b), Education Code, as amended by Chapters 201 (H.B. 3459) and 328 (S.B. 206), Acts of the 78th
Legislature, Regular Session, 2003, is reenacted to read as follows:

(b) The available school fund, which shall be apportioned annually to each county according to its scholastic population, consists of:

(1) the distributions to the fund from the permanent school fund as provided by Section 5(a), Article VII, Texas Constitution;

(2) one-fourth of all revenue derived from all state occupation taxes, exclusive of delinquencies and cost of collection;

(3) one-fourth of revenue derived from state gasoline and special fuels excise taxes as provided by law; and

(4) all other appropriations to the available school fund made by the legislature for public school purposes.

SECTION 65. Section 43.001, Education Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) Each year the State Board of Education shall set aside an amount equal to 50 percent of the annual distribution for that year from the permanent school fund to the available school fund as provided by Section 5(a), Article VII, Texas Constitution, to be placed, subject to the General Appropriations Act, in the state instructional materials fund established under Section 31.021.

(e) In calculating the amounts to be set aside as provided by Subsection (d) for the state fiscal biennium beginning September 1, 2011, the State Board of Education shall consider only the amounts of the annual distribution of the permanent school fund for

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that biennium. The board shall not consider amounts distributed
for the state fiscal biennium beginning September 1, 2009,
regardless of the date on which those amounts were approved for
distribution. This subsection expires September 1, 2014.

SECTION 66. The following provisions of the Education Code
are repealed:

(1) Section 31.002(3);
(2) Sections 31.021(b), (e), and (f);
(3) Section 31.022(d);
(4) Section 31.0222;
(5) Section 31.025;
(6) Sections 31.035(e) and (g);
(7) Section 31.072(c);
(8) Sections 31.073(a) and (b);
(9) Sections 31.101(b), (b-1), (c), and (c-1);
(10) Section 31.1011;
(11) Sections 31.103(a) and (e);
(12) Subchapter E, Chapter 31;
(13) Section 32.005;
(14) Sections 32.251 through 32.257; and
(15) Sections 32.259 through 32.263.

SECTION 67. This Act takes effect September 1, 2011.
A BILL TO BE ENTITLED
AN ACT
relating to requiring a voter to present proof of identification.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. 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 2. 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. The secretary of state shall prescribe the wording of the notice to be included on the websites.
(b) The secretary of state, in cooperation with appropriate
nonprofit organizations as determined by the secretary of state and
with each party whose nominee for governor in the most recent
gubernatorial general election received 20 percent or more of the
total number of votes received by all candidates for governor in the
election, shall establish a statewide effort to educate voters
regarding the identification requirements for voting prescribed by
Chapter 63. The secretary of state may use any available funds,
including federal funds, for the purposes of this section.

SECTION 3. Effective September 1, 2011, Section 32.111,
Election Code, is amended by adding Subsection (c) to read as
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 4. 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 5. 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 photographic and nonphotographic identification. The list must be printed using a font that is at least 24-point.

SECTION 6. Section 63.001, Election Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsection (g) to read as follows:

(b) On offering to vote, a voter must present to an election officer at the polling place either:

(1) one form of identification listed in Section 63.0101(a); or

(2) two different forms of identification listed in Section 63.0101(b) [the voter's voter registration certificate to an election officer at the polling place].

(c) On presentation of the documentation required by Subsection (b) [a 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.

(d) If 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
1 certificate) to the voter.
2
3 (g) If the requirements for identification prescribed by
4 Subsection (b) are not met, regardless of whether the voter's name
5 is on the precinct list of registered voters, the voter may be
6 accepted for provisional voting only under Section 63.011. An
7 election officer shall inform a voter who is not accepted for voting
8 under this section of the voter's right to cast a provisional ballot
9 under Section 63.011.
10
11 SECTION 7. Section 63.0011(a), Election Code, is amended to
12 read as follows:
13 (a) Before a voter may be accepted for voting, an election
14 officer shall ask the voter if the voter's residence address on the
15 precinct list of registered voters is current and whether the voter
16 has changed residence within the county. If the voter's address is
17 omitted from the precinct list under Section 18.005(c), the officer
18 shall ask the voter if the voter's residence as listed on
19 identification presented by the voter under Section 63.001(b) [the
20 voter's voter registration certificate] is current and whether the
21 voter has changed residence within the county.
22
23 SECTION 8. Section 63.006(a), Election Code, is amended to
24 read as follows:
25 (a) A voter who, when offering to vote, presents a voter
26 registration certificate indicating that the voter is currently
27 registered in the precinct in which the voter is offering to vote,
28 but whose name is not on the precinct list of registered voters,
29 shall be accepted for voting if the voter's identity can be verified
30 from the documentation presented under Section 63.001(b).
SECTION 9. Section 63.007(a), Election Code, is amended to read as follows:

(a) A voter who, when offering to vote, presents documentation required under Section 63.001(b) that indicates the voter is currently registered in a different precinct from the one in which the voter is offering to vote, and whose name is not on the precinct list of registered voters, shall be accepted for voting if the voter's identity can be verified from the documentation and the voter executes an affidavit stating that the voter:

(1) is a resident of the precinct in which the voter is offering to vote or is otherwise entitled by law to vote in that precinct;

(2) was a resident of the precinct in which the voter is offering to vote at the time that information on the voter's residence address was last provided to the voter registrar;

(3) did not deliberately provide false information to secure registration in a precinct in which the voter does not reside; and

(4) is voting only once in the election.

SECTION 10. Section 63.0101, Election Code, is amended to read as follows:

(a) The following documentation is an acceptable form of photo identification under this chapter:

(1) a driver's license or personal identification card issued to the person by the Department of Public Safety that has not
expired or that expired no earlier than two years before the date of presentation [or a similar document issued to the person by an agency of another state, regardless of whether the license or card has expired];

(2) a United States military identification card that contains the person's photograph; 

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

(4) a United States citizenship certificate [papers] issued to the person that contains the person's photograph;

(5) a United States passport issued to the person;

(6) a license to carry a concealed handgun issued to the person by the Department of Public Safety; or

(7) a valid identification card that contains the person's photograph and is issued by:

(A) an agency or institution of the federal government; or

(B) an agency, institution, or political subdivision of this state.

(b) The following documentation is acceptable as proof of identification under this chapter:
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(1) the voter's voter registration certificate or 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;

(2) official mail addressed to the person by name from a governmental entity;

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

(4) United States citizenship papers issued to the person;

(5) an original or certified copy of the person's marriage license or divorce decree;

(6) court records of the person's adoption, name change, or sex change;

(7) an identification card issued to the person by a governmental entity of this state or the United States for the purpose of obtaining public benefits, including veteran's benefits, Medicaid, or Medicare;

(8) a temporary driving permit issued to the person by the Department of Public Safety;

(9) a pilot's license issued to the person by the Federal Aviation Administration or another authorized agency of the United States;

(10) a library card that contains the person's name issued to the person by a public library located in this state; or

(11) a hunting or fishing license issued to a person by
the Parks and Wildlife Department [(8)]

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

SECTION 11. Sections 63.011(a) and (b), Election Code, are
amended to read as follows:

(a) A person to whom Section 63.001(g) [63.008(b) or
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 a space for
entering the identification number of the provisional ballot voted
by the person and a space for an election officer to indicate
whether the person presented proof of identification as required by
Section 63.001(b). 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 12. Section 65.054(b), Election Code, is amended to
read as follows:

(b) A provisional ballot may be accepted only if:

(1) the board determines that, 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; and

(2) the voter presents proof of identification as required by Section 63.001(b):

(A) at the time the ballot was cast; or

(B) in the period prescribed under Section 65.0541.

SECTION 13. 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 present proof of identification as required by Section 63.001(b) may, not later than the sixth business day after the date of the election, present proof of identification to the voter registrar for examination by the early voting ballot board.

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

SECTION 14. Section 521.422, Transportation Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsection (d), the fee for a personal identification certificate is:

(1) $15 for a person under 60 years of age;
(2) $5 for a person 60 years of age or older; and
(3) $20 for a person subject to the registration requirements under Chapter 62, Code of Criminal Procedure.

(d) The department 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
sole purpose of satisfying Section 63.001(b)(1), 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.

SECTION 15. Sections 63.008 and 63.009, Election Code, are
repealed.

SECTION 16. 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, as amended by this Act, using the standards adopted
and materials developed to implement the change in law made by this
Act to Section 32.111, Election Code.

SECTION 17. Except as otherwise provided by this Act, this
Act takes effect January 1, 2012.
A BILL TO BE ENTITLED

AN ACT

relating to requiring a voter to present proof of identification;
creating a penalty.

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

SECTION 1. 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 2. Effective January 1, 2012, Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.012 to read as follows:

Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) Not earlier than 60 days or later than 30 days before each primary and general election, the secretary of state shall mail a notice describing in detail the identification requirements for voting prescribed by Chapter 63 to each voter who, in the last election:

(1) voted provisionally under Section 63.001(g); and

(2) did not submit proof of identification under
Section 65.0541.

(b) The secretary of state by rule may create innovative programs to educate the population of this state about the requirements for voting prescribed by Chapter 63.

(c) 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. The secretary of state shall prescribe the wording of the notice to be included on the websites.

SECTION 3. Section 32.111, Election Code, is amended by adding Subsection (c) to read as 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 4. 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 5. Effective January 1, 2012, Chapter 62, Election
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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 notice that a provisional ballot will be provided to a person who executes the appropriate affidavit and a list of the acceptable forms of photographic identification. The notice and list must be printed:

(1) in English, Spanish, and any other language appropriate to the precinct in which the polling place is located;

and

(2) using a font that is at least 24 point.

SECTION 6. Effective January 1, 2012, Section 63.001, Election Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsection (g) to read as follows:

(b) On offering to vote, a voter must present one form of identification listed in Section 63.0101 [the voter’s registration certificate] to an election officer at the polling place.

(c) On presentation of the documentation required by Subsection (b) [a 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.

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

(g) A voter shall be accepted for provisional voting only under Section 63.011 if the requirement for identification prescribed by Subsection (b) is not met.

SECTION 7. Effective January 1, 2012, Section 63.007, Election Code, is amended to read as follows:

Sec. 63.007. VOTER WITH REQUIRED DOCUMENTATION [INCORRECT CERTIFICATE] WHO IS NOT ON LIST. (a) A voter who, when offering to vote, presents the documentation required under Section 63.001 [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], and whose name is not on the precinct list of registered voters, shall be accepted for voting if the voter executes an affidavit stating that the voter:

(1) is a resident of the precinct in which the voter is offering to vote or is otherwise entitled by law to vote in that precinct;

(2) was a resident of the precinct in which the voter is offering to vote at the time that information on the voter's residence address was last provided to the voter registrar;

(3) did not deliberately provide false information to secure registration in a precinct in which the voter does not reside; and

(4) is voting only once in the election.

(b) After the voter is accepted, an election officer shall:
(1) indicate beside the voter's name on the poll list that the voter was accepted under this section; and
(2) if the voter presents the voter's voter registration certificate, enter on the registration omissions list the precinct of the voter's registration as indicated by the voter's registration certificate.

SECTION 8. Effective January 1, 2012, Section 63.0101, Election Code, is amended to read as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

The following documentation containing the person's photograph is acceptable as proof of identification under this chapter:

(1) a driver's license or personal identification card issued to the person by the Department of Public Safety or a similar document issued to the person by an agency of another state that, regardless of whether the license or card has not expired or that expired no earlier than two years before the date of presentation;

(2) a United States military [form of] identification card [containing the person's photograph that establishes the person's identity];

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

(4) a United States citizenship certificate [papers] issued to the person;

(5) a United States passport issued to the person;

(6) a license to carry a concealed handgun issued to the person by the Department of Public Safety [official mail...
a valid identification card that contains the person's photograph and is issued to the person by:

(A) an agency or institution of the federal government; or

(B) an agency, institution, or political subdivision of this state, [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

[(8) any other form of identification prescribed by the secretary of state].

SECTION 9. Effective January 1, 2012, Sections 63.011(a) and (b), Election Code, are amended to read as follows:

(a) A person to whom Section 63.001(g) [63.008(b) or 63.008(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 be printed on an envelope in which the provisional ballot voted by the person may be placed and must include a space for entering the identification number of the provisional ballot voted by the person and a space for an election officer to indicate whether the person presented proof of identification as required by Section 63.001(b). 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 10. Effective January 1, 2012, Section 65.054(b),
Election Code, is amended to read as follows:

(b) A provisional ballot may be accepted only if:

(1) the board determines that, 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; and

(2) the voter presents proof of identification as
required by Section 63.001(b):

(A) at the time the ballot was cast; or

(B) in the period prescribed under Section
65.0541.

SECTION 11. Effective January 1, 2012, 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 present
proof of identification as required by Section 63.001(b) may, not
later than the sixth business day after the date of the election,
present proof of identification to the voter registrar for
examination by the early voting ballot board.

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

SECTION 12. Effective January 1, 2012, Section 521.422,
Transportation Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsection (d), the fee for a personal identification certificate is:

(1) $15 for a person under 60 years of age;
(2) $5 for a person 60 years of age or older; and
(3) $20 for a person subject to the registration requirements under Chapter 62, Code of Criminal Procedure.

(d) The department may not collect a fee for a personal identification certificate issued to a person who:

(1) executes an affidavit stating that the person:
   (A) is obtaining the personal identification certificate for the sole purpose of satisfying Section 63.001(b), Election Code;
   (B) is financially unable to pay the required fee; and
   (C) does not have another form of identification acceptable under Section 63.0101, Election Code; and
(2) is:
   (A) a registered voter in this state and presents a valid voter registration certificate; or
   (B) eligible for registration under Section 13.001, Election Code, and submits a registration application to the department.

SECTION 13. Effective January 1, 2012, Sections 521.453(a) and (h), Transportation Code, are amended to read as follows:

(a) Except as provided by Subsection (f), a person
the age of 21 years] commits an offense if the person possesses[17]
with the intent to represent that the person is 21 years of age or
older, a document that is deceptively similar to a driver's
license or a personal identification certificate unless the
document displays the statement "NOT A GOVERNMENT DOCUMENT"
diagonally printed clearly and indelibly on both the front and back
of the document in solid red capital letters at least one-fourth
inch in height and the person:

(1) is under the age of 21 years and possesses the
document with the intent to represent that the person is 21 years of
age or older; or

(2) possesses the document with the intent to use the
document as a form of identification for the purposes of Section
63.001(b), Election Code.

(h) In addition to the punishment provided by Subsection
(d), a court, if the court is located in a municipality or county
that has established a community service program, may order a
person [younger than 21 years of age] who commits an offense under
this section to perform eight hours of community service unless the
person is shown to have previously committed an offense under this
section, in which case the court may order the person to perform 12
hours of community service.

SECTION 14. Effective January 1, 2012, Sections 63.006,
63.008, and 63.009, Election Code, are repealed.

SECTION 15. As soon as practicable after September 1, 2011:
(1) 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) the county clerk of each county shall provide a session of training under Section 32.114, Election Code, as amended by this Act, using the standards adopted and materials developed to implement the change in law made by this Act to Section 32.111, Election Code.

SECTION 16. The secretary of state, attorney general, or other state officer shall submit this Act to the United States District Court for the District of Columbia under Section 5 of the Voting Rights Act of 1965 (42 U.S.C. Section 1973c) to determine whether this Act has the purpose or 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).

SECTION 17. Except as otherwise provided by this Act, this Act takes effect September 1, 2011.