



JOURNAL

OF THE

SENATE

FIFTY-FIFTH DAY

REGULAR SESSION

OF THE

EIGHTY-THIRD LEGISLATURE

WEDNESDAY, MAY 8, 2013



SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-FIFTH DAY

(Wednesday, May 8, 2013)

The Senate met at 11:34 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Watson, West, Whitmire, Williams, Zaffirini.

Absent-excused: Van de Putte.

The President announced that a quorum of the Senate was present.

Pastor Gene Wilkes, Legacy Church, Plano, offered the invocation as follows:

God in heaven and ruler of Earth, I ask Your blessings and favor upon these men and women who have been entrusted with the welfare and wellbeing of this state. May wisdom and service motivate their actions and humility and graciousness mark their speech. Give them the courage to make the hard calls on behalf of those who have no voice but theirs to speak for them, and may they see their roles as servant leaders to those who gave them this position and the authority to make these laws. May their pride be found only in what they have done for others rather than for what they have done for themselves. Please take what is done here today and use it or redeem it for Your eternal purposes. We place our hope in You, O Lord our God. Amen.

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

The motion prevailed without objection.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Van de Putte was granted leave of absence for today on account of a death in the family.

PHYSICIAN OF THE DAY

Senator Davis was recognized and presented Dr. Linda Siy of Fort Worth as the Physician of the Day.

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

SENATE RESOLUTION 757

Senator Birdwell, on behalf of Senator Van de Putte, offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the veterans who protected our nation's freedom in World War II; and

WHEREAS, These men and women are known collectively as the Greatest Generation; whether wading ashore at Normandy, battling on the sands of Iwo Jima, or flying in the skies over Germany and the South Pacific, these brave individuals faced aggression and evil with courage and determination; and

WHEREAS, Their legacy of heroism and valor continues to serve as an inspiration to succeeding generations of Americans; their selfless devotion and strength have left an enduring mark on the world; and

WHEREAS, It is truly fitting that all Texans reaffirm their gratitude to those true patriots who fought so bravely in defense of the nation's safety, security, and ideals; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend the nation's World War II veterans on their courage and sacrifice and extend to them heartfelt gratitude for their service; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of their dedication to the cause of liberty.

SR 757 was read and was adopted by a rising vote of the Senate.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate World War II veterans: Ray Perry, Jesse Farmer, Jack Puryear, Wallace Lynn Lundgren, John "Jack" Schneider, R. V. Burgin, Marvin Kanter, Hazel Von Roeder, Joe Barger, Alvino Mendoza, Norman Kosarek, Ben Schedler, Granville Coggs, Thomas Marvin Ellis, Warren Eusan, Claude R. Platte, Jr., Homer Hogues, Jim Smith, Horace Johnson, Bill Pierce, and Joseph Cook.

The Senate welcomed its guests.

(Senator Eltife in Chair)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, May 8, 2013 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 26 Martinez Fischer
Relating to unemployment compensation eligibility and chargebacks regarding certain persons who are victims or whose immediate family members are victims of sexual assault.

HB 167 McClendon
Relating to the establishment, operation, and funding of victim-offender mediation programs; authorizing a fee.

HB 170 Alonzo
Relating to the coverage by certain health benefit plans of mammograms performed by certain health care providers.

HB 462 Huberty
Relating to state control of teacher appraisal criteria, curriculum standards, and assessment instruments.

HB 555 Callegari
Relating to certain criminal offenses for violations of the law regulating metal recycling entities.

HB 626 Harper-Brown
Relating to the number of hours certain employees must work to be eligible to participate in the Texas Municipal Retirement System.

HB 899 Perry
Relating to certain rights of victims, guardians of victims, and close relatives of deceased victims in the criminal justice system.

HB 928 Krause
Relating to the enforcement of certain federal laws regulating firearms, firearm accessories, and firearm ammunition within the State of Texas.

HB 990 Thompson, Senfronia
Relating to the establishment of a sentencing policy, accountability, and review council to develop means to assess the effect of sentencing practices and policies on state correctional resources and improve the efficiency of the state criminal justice system, to develop a plan regarding the prosecution of certain child offenders, and to review certain penal laws.

HB 1050 Callegari
Relating to purchasing and other contracts by certain governmental entities.

HB 1129 White
Relating to a program allowing certain military voters on active duty overseas to cast a ballot electronically.

- HB 1133** Otto
Relating to a sales and use tax refund for tangible personal property used to provide cable television service, Internet access service, or telecommunications services and to the exclusion of that property in certain economic development agreements.
- HB 1228** Dukes
Relating to consideration by the court of sexual abuse and conduct that constitutes sexual assault in certain suits affecting the parent-child relationship.
- HB 1302** Clardy
Relating to the imposition of a sentence of life without parole on certain repeat sex offenders and to certain restrictions on employment for certain sex offenders.
- HB 1360** Ritter
Relating to the exemption from ad valorem taxation of real property leased to and used by certain schools.
- HB 1392** King, Susan
Relating to information provided by the Department of State Health Services on food regulation.
- HB 1428** Davis, Sarah
Relating to inappropriate actions by the early voting ballot board; creating an offense.
- HB 1597** Gonzalez, Naomi
Relating to installment payments of ad valorem taxes.
- HB 1736** Anchia
Relating to a temporary exemption from ad valorem taxation of property used to collect, process, and deliver landfill-generated gas.
- HB 1748** Branch
Relating to the punishment for defendants who commit certain aggravated sexual assaults.
- HB 1772** Turner, Chris
Relating to the disconnection of electric or gas utility service.
- HB 1813** Lucio III
Relating to the authority of a municipality to confiscate packaged fireworks; providing an affirmative defense for possessing fireworks in certain circumstances.
- HB 1862** Dutton
Relating to the criminal consequences of engaging in certain conduct with respect to a switchblade knife.
- HB 1897** Eiland
Relating to the exemption from ad valorem taxation of pollution control property.
- HB 1908** Eiland
Relating to sports and community venue projects.
- HB 1931** Guillen
Relating to compensation of property owners whose property is damaged as a result of a pursuit involving a law enforcement agency.

- HB 1965** Harper-Brown
Relating to the state contracting duties of the quality assurance team and Contract Advisory Team.
- HB 1992** Smith
Relating to the transfer of certain inmates to the Texas Department of Criminal Justice following pronouncement of the inmate's sentence.
- HB 2268** Frullo
Relating to search warrants issued in this state and other states for certain customer data, communications, and other related information held in electronic storage in this state and other states by providers of electronic communications services and remote computing services.
- HB 2280** Phillips
Relating to prohibited employment by a bail bond surety.
- HB 2320** Parker
Relating to establishing a pilot program for driver education schools to administer certain driver's license examinations; authorizing fees.
- HB 2330** Gooden
Relating to regulation of traffic in a special district by a commissioners court.
- HB 2446** Crownover
Relating to the definitions of advanced clean energy projects and clean energy projects and to franchise tax credits for certain of those projects.
- HB 2447** Martinez, "Mando"
Relating to the sale and advertisement of portable fire extinguishers.
- HB 2532** Workman
Relating to the regulation of propane distribution system retailers; authorizing a fee.
- HB 2668** Vo
Relating to requirements applicable to meetings of the governing board of certain junior college districts.
- HB 2691** Elkins
Relating to the permissible noise level of a sound emitted from a motor vehicle audible warning device.
- HB 2694** Villarreal
Relating to the provision of credit by examination for public school students.
- HB 2712** Perez
Relating to the exemption from ad valorem taxation of energy storage systems used for the control of air pollution in a nonattainment area.
- HB 2733** White
Relating to the administration and operation of the Texas Juvenile Justice Department.
- HB 2851** Callegari
Relating to the adoption of rules by state agencies.

- HB 2859** Harless
Relating to the amount of money authorized to be used for Clean Air Act local initiative projects related to vehicles.
- HB 2887** Davis, John
Relating to the establishment and expansion of community collaboratives by entities to provide services to and coordinate the care of persons who are homeless, persons with mental illness, and persons with substance abuse problems.
- HB 3101** Morrison
Relating to filing deadlines to become a write-in candidate in elections.
- HB 3103** Morrison
Relating to the administration of primary elections, the nomination of candidates by convention, and voting by certain military and overseas voters.
- HB 3121** Harper-Brown
Relating to the qualifications for the exemption from ad valorem taxation for aircraft parts located in this state for a limited time.
- HB 3152** Giddings
Relating to the payment of and contracts with health care providers by certain entities under contract with a certified workers' compensation network.
- HB 3162** Davis, John
Relating to the Texas emerging technology fund; redesignating the fund as the Texas Research Technology Fund.
- HB 3196** Price
Relating to licensing and certification requirements for certain health facilities and to the allocation of Medicaid beds in certain of those facilities; increasing fees.
- HB 3233** Ritter
Relating to interbasin transfers of state water.
- HB 3234** Ritter
Relating to the procedure for action by the Texas Commission on Environmental Quality on an application for a water right.
- HB 3285** Davis, Yvonne
Relating to the reporting of health care associated infections.
- HB 3327** Coleman
Relating to a list of mental health, substance abuse, and suicide prevention programs that may be selected for implementation by public schools.
- HB 3370** Craddick
Relating to the authority of certain retired peace officers to carry certain firearms.
- HB 3459** Eiland
Relating to the determination of the boundaries of, and the enforcement of the law governing access to, public beaches.

HB 3536

Otto

Relating to imposing a fee on the sale of cigarettes and cigarette tobacco products manufactured by certain companies; providing penalties; changing the rate of the tax on chewing tobacco.

HB 3566

Kleinschmidt

Relating to the regulation of advertising by structural pest control businesses.

HB 3668

Naishtat

Relating to an individual's responsibilities following an accident reasonably likely to result in injury to or death of a person; imposing criminal penalties.

HB 3671

Cook

Relating to the right of certain young crime victims to a speedy trial and to be considered with respect to a defendant's motion for continuance.

HB 3805

Gonzales, Larry

Relating to the discharge of an officer or employee of the Department of Public Safety of the State of Texas.

HJR 24

Perry

Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of part of the market value of the residence homestead of a partially disabled veteran or the surviving spouse of a partially disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization.

SB 348

Schwertner

Sponsor: Kolkhorst

Relating to a utilization review process for managed care organizations participating in the STAR + PLUS Medicaid managed care program.

SB 354

West

Sponsor: Giddings

Relating to permitting electronic delivery of certain documents in a criminal case.

SB 743

Nelson

Sponsor: Lucio III

Relating to the penalties prescribed for repeated violations of certain court orders or conditions of bond in a family violence case.

SB 1251

Carona

Sponsor: Villarreal

Relating to authorized charges and terms for certain consumer loans.
(Committee Substitute)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Seliger was recognized and introduced to the Senate a Texas-Israel Chamber of Commerce delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 820

Senator Hegar offered the following resolution:

SR 820, Recognizing the Texas A&M University Agricultural and Natural Resources Policy Internship Program and the Public Policy Internship Program and the interns for the 83rd legislative session.

HEGAR	LUCIO
DEUELL	NELSON
FRASER	SCHWERTNER
HANCOCK	SELIGER
HINOJOSA	

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate Texas A&M University interns Crystal Gonzales, Taylor Lee, Wilson Macha, Daniela Silva, Megan McKisson, Jennifer Salazar, Jamie Feldt, Meenakshi Manivannan, and Taylor Home.

The Senate welcomed its guests.

SENATE RESOLUTION 760

Senator Watson offered the following resolution:

SR 760, In memory of James Raguet Irion III.

The resolution was again read.

The resolution was previously adopted on Thursday, April 25, 2013.

In honor of the memory of James Raguet Irion III, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Watson was recognized and introduced to the Senate the family of James Irion III: Veniece Irion, widow; Jana McCain and Anna Irion Schotz, daughters; James Irion IV, son; and Mark Schotz, son-in-law.

The Senate welcomed its guests and extended its sympathy.

SENATE RESOLUTION 765

Senator West offered the following resolution:

SR 765, Commending Ruben Amarasingham for receiving a Robert Wood Johnson Foundation Young Leader Award.

The resolution was read and was adopted without objection.

GUEST PRESENTED

Senator West was recognized and introduced to the Senate Ruben Amarasingham.

The Senate welcomed its guest.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

May 7, 2013

Austin, Texas

TO THE SENATE OF THE EIGHTY-THIRD LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Texas State Board of Public Accountancy for terms to expire January 31, 2019:

Susan Fletcher

Frisco, Texas

(replacing John Steinberg of Marion whose term expired)

Donna J. Hugly Franks

Addison, Texas

(replacing David King of Lago Vista whose term expired)

William "Bill" Lawrence

Highland Village, Texas

(replacing Evelyn Huron of San Antonio whose term expired)

Stephen "Steve" Pena

Georgetown, Texas

(Mr. Pena is being reappointed)

To be members of the Texas Board of Nursing for terms to expire January 31, 2019:

Nina Almasy

Austin, Texas

Patricia "Patti" Clapp

Dallas, Texas

Marilyn Davis

Sugar Land, Texas

The individuals listed above are being reappointed.

To be members of the Upper Guadalupe River Authority for terms to expire February 1, 2019:

Michael L. Allen

Ingram, Texas

(Mr. Allen is being reappointed)

Claudell Kercheville

Kerrville, Texas

(Ms. Kercheville is being reappointed)

Brian Wright
Center Point, Texas
(replacing Scott Parker of Kerrville whose term expired)

To be the Nonresident Violator Compact Administrator for a term to expire February 1, 2015:

Rebecca L. Davio
Austin, Texas

Dr. Davio is being reappointed.

To be members of the Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments for terms to expire February 1, 2019:

Robb Catalano
Fort Worth, Texas
(replacing Jan Krockner of Houston whose term expired)

Martin "Ringo" Deleon, Jr.
Corpus Christi, Texas
(Mr. Deleon is being reappointed)

Kathy C. Flanagan
Houston, Texas
(Dr. Flanagan is being reappointed)

Trenton R. Marshall
Burlison, Texas
(replacing Clara Hernandez of El Paso whose term expired)

To be members of the Texas Commission of Licensing and Regulation for terms to expire February 1, 2019:

Thomas F. Butler
Deer Park, Texas
(replacing Frank Denton of Conroe whose term expired)

Deborah Yurco
Austin, Texas
(Ms. Yurco is being reappointed)

To be members of the Governing Board of the Texas School for the Blind and Visually Impaired for terms to expire January 31, 2019:

Bobby Druessedow, Jr.
Aledo, Texas
(Mr. Druessedow is being reappointed)

Michael E. Garrett
Missouri City, Texas
(Mr. Garrett is being reappointed)

B. Lee Sonnenberg
Lubbock, Texas
(replacing Michelle Goodwin of Fort Worth whose term expired)

To be members of the Assistive and Rehabilitative Services Council for terms to expire February 1, 2019:

Lee Chayes

El Paso, Texas

(Ms. Chayes is being reappointed)

Donald "Don" Roy

Mt. Pleasant, Texas

(Mr. Roy is being reappointed)

Amanda B. Davis

Buffalo, Texas

(replacing David Coco of Austin whose term expired)

To be members of the Aging and Disability Services Council for terms to expire as indicated:

To Expire February 1, 2015:

Sheri Harmonson

El Paso, Texas

(replacing Carolyn Harvey of Tyler who resigned)

To Expire February 1, 2019:

Barry L. Anderson

Grand Prairie, Texas

(replacing Gary Newsom of Austin whose term expired)

J. Russell Shannon

Andrews, Texas

(Mr. Shannon is being reappointed)

Donna Stauber

Waco, Texas

(Dr. Stauber is being reappointed)

Respectfully submitted,

/s/Rick Perry

Governor

BILLS SIGNED

The Presiding Officer announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

SB 120, SB 202, SB 307, SB 412, SB 447, SB 900, SB 945, SB 1110, SB 1286, SB 1815, HB 666, HB 1016.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

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

There was no objection.

CONCLUSION OF MORNING CALL

The Presiding Officer at 12:37 p.m. announced the conclusion of morning call.

SENATE BILL 166 WITH HOUSE AMENDMENT

Senator Deuell called **SB 166** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 166** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the use by certain health care providers of electronically readable information from a driver's license or personal identification certificate.

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

SECTION 1. Section 521.126, Transportation Code, is amended by amending Subsections (i), (j), and (k) and adding Subsection (l) to read as follows:

(i) The prohibition provided by Subsection (b) does not apply to a health care provider or hospital that accesses, uses, compiles, or maintains a database of the information to provide health care services to the individual who holds the driver's license, commercial driver's license, or personal identification certificate.

(j) Except as otherwise provided by this subsection, a health care provider or hospital may not sell, transfer, or otherwise disseminate the information described by Subsection (i) to a third party for any purpose, including any marketing, advertising, or promotional activities. A health care provider or hospital that obtains information described by Subsection (i) may transfer the information only in accordance with the rules implementing the federal Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191). A business associate, and any subcontractor of the business associate who receives the transferred information, may use the information only to service or maintain the health care provider's or hospital's database of the information.

(k) If an individual objects to the health care provider or hospital collecting the individual's information from the individual's driver's license as described by Subsection (i), the health care provider or hospital must use an alternative method for collecting the individual's information.

(l) In this section, "health care provider" means an individual or facility licensed, certified, or otherwise authorized by the law of this state to provide or administer health care, for profit or otherwise, in the ordinary course of business or professional practice, including a physician, nurse, dentist, podiatrist, pharmacist, chiropractor, therapeutic optometrist, ambulatory surgical center, urgent care facility, nursing home, home and community support services agency, and emergency medical services personnel as defined by Section 773.003, Health and Safety Code.

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

The amendment was read.

Senator Deuell moved to concur in the House amendment to **SB 166**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

SENATE BILL 611 WITH HOUSE AMENDMENTS

Senator Lucio called **SB 611** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 611** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the irrigation powers and functions of certain water districts; providing authority for a district by rule to change fees; clarifying a district's authority to impose certain assessments.

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

SECTION 1. Section 51.301(a), Water Code, is amended to read as follows:

(a) If required by the board, each [Each] person who desires to receive irrigation water at any time during the year shall furnish the secretary of the board a written statement of the acreage the person [he] intends to irrigate and the different crops the person [he] intends to plant with the acreage of each crop.

SECTION 2. Section 51.302, Water Code, is amended to read as follows:

Sec. 51.302. CONTRACTS WITH PERSON USING IRRIGATION WATER.

(a) The board may require each person who desires to use irrigation water during the year to enter into a contract with the district which states the acreage to be irrigated [watered], the crops to be planted, the amount to be paid for the water, and the terms of payment.

(b) If a person irrigates more acreage [~~land~~] than the person's [~~his~~] contract specifies, the person [~~he~~] shall pay for the additional service.

(c) The directors also may require a person using irrigation water to execute a negotiable note or notes for all or part of the amount owed under the contract.

(d) The contract is not a waiver of the lien given to the district under Section 51.309 [of this code] against the crops of a person using irrigation water for the service furnished to the person [him].

SECTION 3. Section 51.303, Water Code, is amended to read as follows:

Sec. 51.303. AUTHORITY TO DETERMINE RULES AND REGULATIONS.

The board may adopt, alter, and rescind rules, regulations, and standing and temporary orders which do not conflict with the provisions of this subchapter and which govern:

- (1) methods, terms, and conditions of water service;
- (2) applications for water;
- (3) assessments, charges, fees, rentals, or deposits for maintenance and operation;
- (4) payment and the enforcement of payment of the assessments, charges, fees, rentals, or deposits;
- (5) furnishing irrigation water to persons who did not apply for it before the date of assessment if required; and

(6) furnishing water to persons who wish to take water for irrigation in excess of their original applications or for use on land not covered by their original applications if required.

SECTION 4. Section 51.304, Water Code, is amended to read as follows:

Sec. 51.304. BOARD'S ESTIMATE OF MAINTENANCE AND OPERATING EXPENSES. The board, on or as soon as practicable after a date fixed by standing order of the board, shall estimate the expenses of maintaining and operating the district's water delivery [irrigation] system for the next 12 months. The board may change the 12-month period for which it estimates the expenses of maintaining and operating the water delivery [irrigation] system by estimating such expenses for a shorter period so as to adjust to a new fixed date and thereafter estimating the expenses for 12-month periods following the adjusted fixed date.

SECTION 5. Section 51.305, Water Code, is amended to read as follows:

Sec. 51.305. DISTRIBUTION OF ASSESSMENT. (a) The board by order shall allocate a portion [Not less than one third nor more than two thirds] of the estimated maintenance and operating expenses that shall be paid by assessment against all land in the district to which the district can furnish irrigation water through its water delivery [irrigation] system or through an extension of its water delivery [irrigation] system. This assessment shall be levied against all irrigable land in the district on a per acre basis, whether or not the land is actually irrigated.

(b) [The assessments shall be levied against all irrigable land in the district on a per acre basis, whether or not the land is actually irrigated.] The board shall determine from year to year the proportionate amount of the expenses which will be borne by all water users receiving water delivery from the district.

(c) The remainder of the estimated expenses shall be paid by assessments, charges, fees, rentals, or deposits required of [against] persons in the district who use or who make application to use water. The board shall prorate the remainder [as equitably as possible] among the applicants for irrigation water and may consider:

(1) the acreage each applicant will plant, the crop the applicant [he] will grow, and the amount of water per acre used for irrigation purposes; and

(2) other factors deemed appropriate by the board with respect to water used for other nonirrigation uses [he will use].

(d) A landowner of irrigable land in the district or a user of water delivered by the district for any purpose other than irrigation who disputes all or a part of a board order that determines the amount of an assessment, charge, fee, rental, or deposit may file a petition under Section 11.041. That petition filed with the commission is the sole remedy available to a landowner or user of water described by this subsection.

SECTION 6. Section 51.306, Water Code, is amended to read as follows:

Sec. 51.306. NOTICE OF ASSESSMENTS. (a) Public notice of all assessments imposed under Section 51.305(a) shall be given by posting printed notice [notices] of the assessment in at least one [three] public place [places] in the district.

(b) Not later than the fifth day before the date on which the assessment is due, notice [Notice] shall be mailed to each landowner at the address which the landowner shall furnish to the board.

(c) Notice [The notice shall be posted in a public place and mailed to each landowner five days before the assessment is due, and notice] of special assessments shall be given within 10 days after the assessment is levied.

SECTION 7. Section 51.307(a), Water Code, is amended to read as follows:

(a) All assessments imposed under Section 51.305(a) shall be paid in installments at the times fixed by the board.

SECTION 8. Sections 51.308(a), (b), and (c), Water Code, are amended to read as follows:

(a) Under the direction of the board, the assessor and collector, or other person designated by the board, shall collect all assessments imposed under Section 51.305(a) for maintenance and operating expenses.

(b) The assessor and collector shall execute a bond in an amount determined by the board, conditioned on the faithful performance of the [his] duties of the assessor and collector and accounting for all money collected.

(c) The assessor and collector shall keep an account of all money collected and shall deposit the money as collected in the district depository. The assessor and collector [He] shall file with the secretary of the board a statement of all money collected once each month [week].

SECTION 9. Section 51.309, Water Code, is amended to read as follows:

Sec. 51.309. LIEN AGAINST CROPS. (a) The district shall have a first lien, superior to all other liens, against all crops grown on a [each] tract of land in the district to secure the payment of an [the] assessment imposed against the tract under Section 51.305(a), interest, and collection or attorney's fees.

(b) If the crops against which the district has a lien under this section are cultivated on a basis other than annual replanting, the owner of the crops shall record with the county clerk of the county where the land on which the crops are cultivated is located a legally sufficient description of the land, including a metes and bounds description or a plat reference.

SECTION 10. Section 51.310, Water Code, is amended to read as follows:

Sec. 51.310. LIST OF DELINQUENT ASSESSMENTS. Assessments imposed under Section 51.305(a) not paid when due shall become delinquent on the first day of the month following the date payment is due, and the board shall [post in a public place in the district a list of all persons who are delinquent in paying their assessments and shall] keep posted in a public place in the district a correct list of all persons who are delinquent in paying assessments. If a person who owes an assessment has executed a note and contract as provided in Section 51.302, the person may [of this code, he shall] not be placed on the delinquent list until after the maturity of the note and contract.

SECTION 11. Section 51.311, Water Code, is amended to read as follows:

Sec. 51.311. WATER SERVICE DISCONTINUED. (a) If a landowner fails or refuses to pay a water assessment or a person fails to pay a charge, fee, rental, or deposit imposed under this chapter or Chapter 49 when due, the landowner's or person's [his] water supply shall be cut off, and no water may be furnished to the land

until all back assessments or other amounts owed to the district are fully paid. The discontinuance of water service is binding on all persons who own or acquire an interest in land for which assessments or other amounts owed to the district are due.

(b) A landowner or person whose water service has been discontinued under Subsection (a) may request that the board reconsider the discontinuance related to a charge, fee, rental, deposit, or penalty, and may not request that the board reconsider a discontinuance related to an assessment. If the board declines to reconsider the discontinuance, the landowner or person may file a petition under Section 11.041. That petition filed with the commission is the sole remedy available to a landowner or person described by this subsection.

SECTION 12. Section 51.312, Water Code, is amended to read as follows:

Sec. 51.312. SUITS FOR DELINQUENT ASSESSMENTS. Suits for delinquent water assessments or other amounts owed to the district under this subchapter ~~[assessment]~~ may be brought either in the county in which the district is located or in the county in which the defendant resides. All landowners are personally liable for assessments imposed under Section 51.305(a) ~~[provided in this subchapter]~~.

SECTION 13. Section 51.313(a), Water Code, is amended to read as follows:

(a) All assessments imposed under Section 51.305(a) shall bear interest from the date payment is due at the rate of 15 percent a year. Assessments not paid by the first day of the month following the date payment is due are ~~[shall become]~~ delinquent, and a penalty of up to 15 percent of the amount of the past-due assessment shall be added to the amount due.

SECTION 14. Section 55.351, Water Code, is amended to read as follows:

Sec. 55.351. STATEMENT ESTIMATING WATER REQUIREMENTS AND PAYMENT OF CHARGE. (a) If required by the board, each ~~[Each]~~ person desiring to receive irrigation water at any time during the year shall furnish the secretary of the board a written statement of the acreage the person ~~[he]~~ intends to irrigate and the different crops the person ~~[he]~~ intends to plant with the acreage of each crop.

(b) At the time the acreage estimate is furnished to the secretary, each person applying for water shall pay the portion of the water charge or assessment set by the board for immediate payment.

(c) If a ~~[any]~~ person applying for water from the district does not furnish the statement of estimated acreage or does not pay the part of the water charge or assessment set by the board before the date for fixing the assessment, the district is not obligated to furnish water to that person during that year.

SECTION 15. Section 55.352, Water Code, is amended to read as follows:

Sec. 55.352. BOARD'S ESTIMATE OF MAINTENANCE AND OPERATING EXPENSES. The board, on or as soon as practicable after a date fixed by standing order of the board, shall estimate the expenses of maintaining and operating the district's water delivery ~~[irrigation]~~ system for the next 12 months. The board may change the 12-month period for which it estimates the expenses of maintaining and operating the water delivery ~~[irrigation]~~ system by estimating such expenses for a shorter period so as to adjust to a new fixed date and thereafter estimating the expenses for 12-month periods following the adjusted fixed date.

SECTION 16. Section 55.354, Water Code, is amended to read as follows:

Sec. 55.354. DISTRIBUTION OF ASSESSMENT. (a) The board by order shall allocate a portion ~~[Not less than one-third nor more than two-thirds]~~ of the estimated maintenance and operating expenses that shall be paid by assessment against all land in the district to which the district can furnish irrigation water through its water delivery ~~[irrigation]~~ system or through an extension of its water delivery ~~[irrigation]~~ system. This assessment ~~[The assessments]~~ shall be levied against all irrigable land in the district on a per acre basis, whether or not the land is actually irrigated.

(b) The board shall determine from year to year the proportionate amount of the expenses which will be borne by all water users receiving water delivery from the district ~~[under this subsection]~~.

(c) ~~[(b)]~~ The remainder of the estimated expenses shall be paid by assessments, charges, fees, rentals, or deposits required of ~~[against]~~ persons in the district who use or who make application to use water and other charges approved by the board. The board shall prorate the remainder ~~[as equitably as possible]~~ among the applicants for irrigation water and may consider:

(1) the acreage each applicant will plant, the crop the applicant ~~[he]~~ will grow, and the amount of water per acre used for irrigation purposes; and

(2) other factors deemed appropriate by the board with respect to water used for other nonirrigation uses ~~[he will use]~~.

(d) All persons using irrigation water to plant the same crop will pay the same price per acre for the water.

(e) A landowner of irrigable land in the district or a user of water delivered by the district for any purpose other than irrigation who disputes all or a part of a board order that determines the amount of an assessment, charge, fee, rental, or deposit may file a petition under Section 11.041. That petition filed with the commission is the sole remedy available to a landowner or user of water described by this subsection.

SECTION 17. Section 55.355, Water Code, is amended to read as follows:

Sec. 55.355. NOTICE OF ASSESSMENTS. (a) Public notice of all assessments imposed under Section 55.354(a) shall be given by posting printed notice ~~[notices]~~ of the assessment in at least one ~~[three]~~ public place ~~[places]~~ in the district.

(b) Not later than the fifth day before the date on which the assessment is due, notice ~~[Printed notices]~~ shall be mailed to each landowner at the address which the landowner shall furnish to the board.

(c) Notice ~~[The notice shall be posted in a public place and mailed to the landowner five days before the assessment is due, and notice]~~ of special assessments shall be given within 10 days after the assessment is levied.

SECTION 18. Section 55.356, Water Code, is amended to read as follows:

Sec. 55.356. PAYMENT OF ASSESSMENTS. (a) All assessments imposed under Section 55.354(a) shall be paid in installments at the times fixed by the board.

(b) If a crop for which water was furnished by the district is harvested before the due date of any installment payment, the entire unpaid assessment becomes due at once and shall be paid within 10 days after the crop is harvested and before the crop is removed from the county or counties in which it was grown.

SECTION 19. Section 55.357, Water Code, is amended to read as follows:

Sec. 55.357. COLLECTION OF ASSESSMENTS BY TAX ASSESSOR AND COLLECTOR. (a) Under the direction of the board, the assessor and collector of taxes, or other person designated by the board, shall collect all assessments imposed under Section 55.354(a) for maintenance and operating expenses made under the provisions of this subchapter.

(b) The assessor and collector of taxes shall give bond in an amount determined by the board, conditioned upon the faithful performance of the [his] duties of the assessor and collector and accounting for all money collected.

(c) The assessor and collector of taxes shall keep an account of all money collected and shall deposit the money as collected in the district depository. The assessor and collector [He] shall file with the secretary of the board a statement of all money collected once each month [week].

(d) The assessor and collector [He] shall use duplicate receipt books, give a receipt for each collection made, and retain in the book a copy of each receipt, which shall be kept as a record of the district.

SECTION 20. Section 55.358, Water Code, is amended to read as follows:

Sec. 55.358. CONTRACTS WITH PERSON USING IRRIGATION WATER.

(a) The board may require each person who desires to use irrigation water during the year to enter into a contract with the district which states the acreage to be irrigated [watered], the crops to be planted, the amount to be paid for the water, and the terms of payment.

(b) The contract is not a waiver of the lien given to the district under Section 55.359 [of this code] against the crops of a person using irrigation water for the service furnished to the person [him].

(c) If a person irrigates more acreage [land] than the person's [his] contract specifies, the person [he] shall pay for the additional service [under the provisions of this subchapter].

(d) The directors also may require a person using irrigation water to execute a negotiable note or notes for all or part of the amount owed under the contract.

SECTION 21. Section 55.359, Water Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The district shall have a first lien, superior to all other liens, against all crops grown on a [each] tract of land in the district to secure the payment of an assessment imposed against the tract under Section 55.354(a) [the assessments], interest, and collection or attorney's fees.

(c) If the crops against which the district has a lien under this section are cultivated on a basis other than annual replanting, the owner of the crops shall record with the county clerk of the county where the land on which the crops are cultivated is located a legally sufficient description of the land, including a metes and bounds description or a plat reference.

SECTION 22. Section 55.360, Water Code, is amended to read as follows:

Sec. 55.360. LIST OF DELINQUENT ASSESSMENTS. Assessments imposed under Section 55.354(a) not paid when due shall become delinquent on the first day of the month following the date payment is due, and the board shall [post in a public place in the district a list of all persons who are delinquent in paying their assessments and shall] keep posted in a public place in the district a correct list of all delinquent

assessments. If a person who owes an assessment has ~~[persons who owe assessments have]~~ executed a note and contract ~~[notes and contracts]~~ as provided in Section 55.358, the person may ~~[of this code, they shall]~~ not be placed on the delinquent list until after the maturity of the note and contract ~~[notes and contracts]~~.

SECTION 23. Section 55.361, Water Code, is amended to read as follows:

Sec. 55.361. WATER SERVICE DISCONTINUED. (a) If a landowner fails or refuses ~~[shall fail or refuse]~~ to pay any water assessment or a person fails to pay a charge, fee, rental, or deposit imposed under this chapter or Chapter 49 when due, the landowner's or person's ~~[his]~~ water supply shall be cut off, and no water shall be furnished to the land until all back assessments or other amounts owed to the district are fully paid. The discontinuance of water service is binding on all persons who own or acquire any interest in land for which assessments or other amounts owed to the district are due.

(b) A landowner or person whose water service has been discontinued under Subsection (a) may request that the board reconsider the discontinuance related to a charge, fee, rental, deposit, or penalty, and may not request that the board reconsider a discontinuance related to an assessment. If the board declines to reconsider the discontinuance, the landowner or person may file a petition under Section 11.041. That petition filed with the commission is the sole remedy available to a landowner or person described by this subsection.

SECTION 24. Section 55.362, Water Code, is amended to read as follows:

Sec. 55.362. SUITS FOR DELINQUENT ASSESSMENTS. Suits for delinquent water assessments or other amounts owed to the district under this subchapter may be brought either in the county in which the irrigation district is located or in the county in which the defendant resides. All landowners are personally liable for all assessments imposed under Section 55.354(a) ~~[provided in this subchapter]~~.

SECTION 25. Section 55.363(a), Water Code, is amended to read as follows:

(a) All assessments imposed under Section 55.354(a) shall bear interest from the date payment is due at the rate of 15 percent a year. Assessments not paid by the first day of the month following the date payment is due are ~~[shall become]~~ delinquent, and a penalty of up to 15 percent of the amount of the past-due assessment shall be added to the amount due.

SECTION 26. Section 58.301(a), Water Code, is amended to read as follows:

(a) If required by the board, each ~~[Each]~~ person who desires to receive irrigation water at any time during the year shall furnish the secretary of the board a written statement of the acreage the person ~~[he]~~ intends to irrigate and the different crops the person ~~[he]~~ intends to plant with the acreage of each crop.

SECTION 27. Section 58.302, Water Code, is amended to read as follows:

Sec. 58.302. CONTRACTS WITH PERSON USING IRRIGATION WATER. (a) The board may require each person who desires to use irrigation water during the year to enter into a contract with the district which states the acreage to be irrigated ~~[watered]~~, the crops to be planted, the amount to be paid for the water, and the terms of payment.

(b) If a person irrigates more acreage ~~[land]~~ than the person's ~~[his]~~ contract specifies, the person ~~[he]~~ shall pay for the additional service.

(c) The directors also may require a person using irrigation water to execute a negotiable note or notes for all or part of the amount owed under the contract.

(d) The contract is not a waiver of the lien given to the district under Section 58.309 ~~[of this code]~~ against the crops of a person using irrigation water for the service furnished to the person ~~[him]~~.

SECTION 28. Section 58.303, Water Code, is amended to read as follows:

Sec. 58.303. **AUTHORITY TO DETERMINE RULES AND REGULATIONS.** The board may adopt, alter, and rescind rules, and standing and temporary orders which do not conflict with the provisions of this subchapter and which govern:

- (1) methods, terms, and conditions of water service;
- (2) applications for water;
- (3) assessments, charges, fees, rentals, or deposits for maintenance and operation;
- (4) payment and the enforcement of payment of the assessments, charges, fees, rentals, or deposits;
- (5) furnishing irrigation water to persons who did not apply for it before the date of assessment if required; and
- (6) furnishing water to persons who wish to take water for irrigation in excess of their original applications or for use on land not covered by their original applications if required.

SECTION 29. Section 58.304, Water Code, is amended to read as follows:

Sec. 58.304. **BOARD'S ESTIMATE OF MAINTENANCE AND OPERATING EXPENSES.** The board, on or as soon as practicable after a date fixed by standing order of the board, shall estimate the expenses of maintaining and operating the district's water delivery [irrigation] system for the next 12 months. The board may change the 12-month period for which it estimates the expenses of maintaining and operating the water delivery [irrigation] system by estimating such expenses for a shorter period so as to adjust to a new fixed date and thereafter estimating the expenses for 12-month periods following the adjusted fixed date.

SECTION 30. Section 58.305, Water Code, is amended to read as follows:

Sec. 58.305. **DISTRIBUTION OF ASSESSMENT.** (a) The board by order shall allocate a portion ~~[Not less than one third nor more than two thirds]~~ of the estimated maintenance and operating expenses that shall be paid by assessment against all land in the district to which the district can furnish irrigation water through its water delivery [irrigation] system or through an extension of its water delivery [irrigation] system. This assessment shall be levied against all irrigable land in the district on a per acre basis, whether or not the land is actually irrigated.

(b) ~~[The assessments shall be levied against all irrigable land in the district on a per acre basis, whether or not the land is actually irrigated.]~~ The board shall determine from year to year the proportionate amount of the expenses which will be borne by all water users receiving water delivery from the district.

(c) The remainder of the estimated expenses shall be paid by charges, fees, rentals, or deposits required of [assessments against] persons in the district who use or who make application to use water and other charges approved by the board. The board shall prorate the remainder ~~[as equitably as possible]~~ among the applicants for irrigation water and may consider:

(1) the acreage each applicant will plant, the crop the applicant ~~[he]~~ will grow, and the amount of water per acre used for irrigation purposes; and

(2) other factors deemed appropriate by the board with respect to water used for other nonirrigation uses ~~[he will use]~~.

(d) A landowner of irrigable land in the district or a user of water delivered by the district for any purpose other than irrigation who disputes all or a part of a board order that determines the amount of an assessment, charge, fee, rental, or deposit may file a petition under Section 11.041. That petition filed with the commission is the sole remedy available to a landowner or user of water described by this subsection.

SECTION 31. Section 58.306, Water Code, is amended to read as follows:

Sec. 58.306. NOTICE OF ASSESSMENTS. (a) Public notice of all assessments imposed under Section 58.305(a) shall be given by posting printed notice ~~[notices]~~ of the assessment in at least one ~~[three]~~ public place ~~[places]~~ in the district.

(b) Not later than the fifth day before the date on which the assessment is due, notice ~~[Notice]~~ shall be mailed to each landowner at the address which the landowner shall furnish to the board.

(c) Notice ~~[The notice shall be posted in a public place and mailed to each landowner five days before the assessment is due, and notice]~~ of special assessments shall be given within 10 days after the assessment is levied.

SECTION 32. Section 58.307(a), Water Code, is amended to read as follows:

(a) All assessments imposed under Section 58.305(a) shall be paid in installments at the times fixed by the board.

SECTION 33. Sections 58.308(a), (b), and (c), Water Code, are amended to read as follows:

(a) Under the direction of the board, the assessor and collector, or other person designated by the board, shall collect all assessments imposed under Section 58.305(a) for maintenance and operating expenses.

(b) The assessor and collector shall execute a bond in an amount determined by the board, conditioned on the faithful performance of the ~~[his]~~ duties of the assessor and collector and accounting for all money collected.

(c) The assessor and collector shall keep an account of all money collected and shall deposit the money as collected in the district depository. The assessor and collector ~~[He]~~ shall file with the secretary of the board a statement of all money collected once each month ~~[week]~~.

SECTION 34. Section 58.309, Water Code, is amended to read as follows:

Sec. 58.309. LIEN AGAINST CROPS. (a) The district shall have a first lien, superior to all other liens, against all crops grown on a ~~[each]~~ tract of land in the district to secure the payment of an ~~[the]~~ assessment imposed against the tract under Section 58.305(a), interest, and collection or attorney's fees.

(b) If the crops against which the district has a lien under this section are cultivated on a basis other than annual replanting, the owner of the crops shall record with the county clerk of the county where the land on which the crops are cultivated is located a legally sufficient description of the land, including a metes and bounds description or a plat reference.

SECTION 35. Section 58.310, Water Code, is amended to read as follows:

Sec. 58.310. LIST OF DELINQUENT ASSESSMENTS. Assessments imposed under Section 58.305(a) not paid when due shall become delinquent on the first day of the month following the date payment is due, and the board shall ~~[post in a public place in the district a list of all persons who are delinquent in paying their assessments and shall]~~ keep posted in a public place in the district a correct list of all persons who are delinquent in paying assessments. If a person who owes an assessment has executed a note and contract as provided in Section 58.302, the person may ~~[of this code, he shall]~~ not be placed on the delinquent list until after the maturity of the note and contract.

SECTION 36. Section 58.311, Water Code, is amended to read as follows:

Sec. 58.311. WATER SERVICE DISCONTINUED. (a) If a landowner fails or refuses to pay a water assessment or a person fails to pay a charge, fee, rental, or deposit imposed under this chapter or Chapter 49 when due, the landowner's or person's [his] water supply shall be cut off, and no water may be furnished to the land until all back assessments or other amounts owed to the district are fully paid. The discontinuance of water service is binding on all persons who own or acquire an interest in land for which assessments or other amounts owed to the district are due.

(b) A landowner or person whose water service has been discontinued under Subsection (a) may request that the board reconsider the discontinuance related to a charge, fee, rental, deposit, or penalty, and may not request that the board reconsider a discontinuance related to an assessment. If the board declines to reconsider the discontinuance, the landowner or person may file a petition under Section 11.041. That petition filed with the commission is the sole remedy available to a landowner or person described by this subsection.

SECTION 37. Section 58.312, Water Code, is amended to read as follows:

Sec. 58.312. SUITS FOR DELINQUENT ASSESSMENTS. Suits for delinquent water assessments or other amounts owed to the district under this subchapter may be brought either in the county in which the district is located or in the county in which the defendant resides. All landowners are personally liable for assessments imposed under Section 58.305(a) ~~[provided in this subchapter]~~.

SECTION 38. Section 58.313(a), Water Code, is amended to read as follows:

(a) All assessments imposed under Section 58.305(a) shall bear interest from the date payment is due at the rate of 15 percent a year. Assessments not paid by the first day of the month following the date payment is due ~~are [shall become]~~ delinquent, and a penalty of up to 15 percent of the amount of the past-due assessment shall be added to the amount due.

SECTION 39. Section 58.137, Water Code, is repealed.

SECTION 40. A district whose fiscal year begins on a date other than September 1 is not required to comply with the changes in law made by this Act that apply to the district until the beginning of the district's next fiscal year following the effective date of this Act.

SECTION 41. This Act takes effect September 1, 2013.

Floor Amendment No. 1

Amend **CSSB 611** (house committee report) as follows:

- (1) On page ____, line ____, insert the following:

Sec. 51.091. PROJECTS OF CERTAIN DISTRICTS. (a) In this section "preservation district" means a district defined by Chapter 54 and created by special law with the power to promote the preservation of fish and other wildlife within its boundaries.

(b) A water supply project financed, in whole or in part, with water development bonds as defined under Section 16.001, that is undertaken by a district having operations or facilities located in not less than 4 counties, and that is included in a regional water plan under Section 16.053, is of fundamental and paramount importance and is to be given priority over the activities, rules, regulations, ordinances, or any requirement for a permit, bond, or fee of a preservation district, which shall be inapplicable to the construction of the project.

(c) Governmental immunity of a preservation district is waived in an action brought by a district described in subsection (b) for the acquisition of land, easements or other property for a project described in subsection (b), if the preservation district is the owner of the land or property.

(d) Notwithstanding any other law, venue shall lie in Travis County for an action described in subsection (c) and brought by a district described in subsection (b).

(e) This section expires September 1, 2039.

The amendments were read.

Senator Lucio moved to concur in the House amendments to **SB 611**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

COMMITTEE SUBSTITUTE SENATE BILL 1375 ON SECOND READING

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSSB 1375** at this time on its second reading:

CSSB 1375, Relating to a study and report by the Sunset Advisory Commission of the self-directed semi-independent status of state agencies.

The motion prevailed.

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

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

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

Nays: Campbell, Patrick.

Absent-excused: Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 1375 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1375** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Campbell, Patrick.

Absent-excused: Van de Putte.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1334 ON SECOND READING**

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

CSSB 1334, Relating to accounting and payoff statements for certain seller-financed residential loans.

The motion prevailed.

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

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

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

Nays: Campbell.

Absent-excused: Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 1334 ON THIRD READING**

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

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Campbell.

Absent-excused: Van de Putte.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

SENATE BILL 365 WITH HOUSE AMENDMENT

Senator Carona called **SB 365** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 365** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to expedited credentialing for certain podiatrists and therapeutic optometrists providing services under a managed care plan.

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

SECTION 1. Chapter 1452, Insurance Code, is amended by adding Subchapters D and E to read as follows:

SUBCHAPTER D. EXPEDITED CREDENTIALING PROCESS
FOR CERTAIN PODIATRISTS

Sec. 1452.151. DEFINITIONS. In this subchapter:

(1) "Applicant podiatrist" means a podiatrist applying for expedited credentialing under this subchapter.

(2) "Enrollee" means an individual who is eligible to receive health care services under a managed care plan.

(3) "Health care provider" means:

(A) an individual who is licensed, certified, or otherwise authorized to provide health care services in this state; or

(B) a hospital, emergency clinic, outpatient clinic, or other facility providing health care services.

(4) "Managed care plan" means a health benefit plan under which health care services are provided to enrollees through contracts with health care providers and that requires enrollees to use participating providers or that provides a different level of coverage for enrollees who use participating providers. The term includes a health benefit plan issued by:

(A) a health maintenance organization;

(B) a preferred provider benefit plan issuer; or

(C) any other entity that issues a health benefit plan, including an insurance company.

(5) "Participating provider" means a health care provider who has contracted with a health benefit plan issuer to provide services to enrollees.

(6) "Professional practice" means a business entity that is owned by one or more podiatrists or physicians.

Sec. 1452.152. APPLICABILITY. This subchapter applies only to a podiatrist who joins an established professional practice that has a current contract in force with a managed care plan.

Sec. 1452.153. ELIGIBILITY REQUIREMENTS. To qualify for expedited credentialing under this subchapter and payment under Section 1452.154, an applicant podiatrist must:

(1) be licensed in this state by, and in good standing with, the Texas State Board of Podiatric Medical Examiners;

(2) submit all documentation and other information required by the issuer of the managed care plan as necessary to enable the issuer to begin the credentialing process required by the issuer to include a podiatrist in the issuer's health benefit plan network; and

(3) agree to comply with the terms of the managed care plan's participating provider contract currently in force with the applicant podiatrist's established professional practice.

Sec. 1452.154. PAYMENT OF APPLICANT PODIATRIST DURING CREDENTIALING PROCESS. On submission by the applicant podiatrist of the information required by the managed care plan issuer under Section 1452.153(2), and for payment purposes only, the issuer shall treat the applicant podiatrist as if the podiatrist were a participating provider in the health benefit plan network when the applicant podiatrist provides services to the managed care plan's enrollees, including:

(1) authorizing the applicant podiatrist to collect copayments from the enrollees; and

(2) making payments to the applicant podiatrist.

Sec. 1452.155. DIRECTORY ENTRIES. Pending the approval of an application submitted under Section 1452.154, the managed care plan may exclude the applicant podiatrist from the managed care plan's directory of participating podiatrists, the managed care plan's website listing of participating podiatrists, or any other listing of participating podiatrists.

Sec. 1452.156. EFFECT OF FAILURE TO MEET CREDENTIALING REQUIREMENTS. If, on completion of the credentialing process, the managed care plan issuer determines that the applicant podiatrist does not meet the issuer's credentialing requirements:

(1) the managed care plan issuer may recover from the applicant podiatrist or the podiatrist's professional practice an amount equal to the difference between payments for in-network benefits and out-of-network benefits; and

(2) the applicant podiatrist or the podiatrist's professional practice may retain any copayments collected or in the process of being collected as of the date of the issuer's determination.

Sec. 1452.157. ENROLLEE HELD HARMLESS. An enrollee in the managed care plan is not responsible and shall be held harmless for the difference between in-network copayments paid by the enrollee to a podiatrist who is determined to be ineligible under Section 1452.156 and the managed care plan's charges for out-of-network services. The podiatrist and the podiatrist's professional practice may not charge the enrollee for any portion of the podiatrist's fee that is not paid or reimbursed by the enrollee's managed care plan.

Sec. 1452.158. LIMITATION ON MANAGED CARE ISSUER LIABILITY. A managed care plan issuer that complies with this subchapter is not subject to liability for damages arising out of or in connection with, directly or indirectly, the payment by the issuer of an applicant podiatrist as if the podiatrist were a participating provider in the health benefit plan network.

SUBCHAPTER E. EXPEDITED CREDENTIALING PROCESS
FOR CERTAIN THERAPEUTIC OPTOMETRISTS

Sec. 1452.201. DEFINITIONS. In this subchapter:

(1) "Applicant therapeutic optometrist" means a therapeutic optometrist applying for expedited credentialing under this subchapter.

(2) "Enrollee" means an individual who is eligible to receive health care services under a managed care plan.

(3) "Health care provider" has the meaning assigned by Section 1452.151.

(4) "Managed care plan" has the meaning assigned by Section 1452.151.

(5) "Participating provider" means a health care provider who has contracted with a health benefit plan issuer to provide services to enrollees.

(6) "Professional practice" means a business entity that is owned by one or more therapeutic optometrists or physicians.

Sec. 1452.202. APPLICABILITY. This subchapter applies only to a therapeutic optometrist who joins an established professional practice that has a current contract in force with a managed care plan.

Sec. 1452.203. ELIGIBILITY REQUIREMENTS. To qualify for expedited credentialing under this subchapter and payment under Section 1452.204, an applicant therapeutic optometrist must:

(1) be licensed in this state by, and in good standing with, the Texas Optometry Board;

(2) submit all documentation and other information required by the issuer of the managed care plan as necessary to enable the issuer to begin the credentialing process required by the issuer to include a therapeutic optometrist in the issuer's health benefit plan network; and

(3) agree to comply with the terms of the managed care plan's participating provider contract currently in force with the applicant therapeutic optometrist's established professional practice.

Sec. 1452.204. PAYMENT OF APPLICANT THERAPEUTIC OPTOMETRIST DURING CREDENTIALING PROCESS. On submission by the applicant therapeutic optometrist of the information required by the managed care plan issuer under Section 1452.203(2), and for payment purposes only, the issuer shall treat the applicant therapeutic optometrist as if the therapeutic optometrist were a participating provider in the health benefit plan network when the applicant therapeutic optometrist provides services to the managed care plan's enrollees, including:

(1) authorizing the applicant therapeutic optometrist to collect copayments from the enrollees; and

(2) making payments to the applicant therapeutic optometrist.

Sec. 1452.205. DIRECTORY ENTRIES. Pending the approval of an application submitted under Section 1452.204, the managed care plan may exclude the applicant therapeutic optometrist from the managed care plan's directory of participating therapeutic optometrists, the managed care plan's website listing of participating therapeutic optometrists, or any other listing of participating therapeutic optometrists.

Sec. 1452.206. EFFECT OF FAILURE TO MEET CREDENTIALING REQUIREMENTS. If, on completion of the credentialing process, the managed care plan issuer determines that the applicant therapeutic optometrist does not meet the issuer's credentialing requirements:

(1) the managed care plan issuer may recover from the applicant therapeutic optometrist or the therapeutic optometrist's professional practice an amount equal to the difference between payments for in-network benefits and out-of-network benefits; and

(2) the applicant therapeutic optometrist or the therapeutic optometrist's professional practice may retain any copayments collected or in the process of being collected as of the date of the issuer's determination.

Sec. 1452.207. ENROLLEE HELD HARMLESS. An enrollee in the managed care plan is not responsible and shall be held harmless for the difference between in-network copayments paid by the enrollee to a therapeutic optometrist who is determined to be ineligible under Section 1452.206 and the managed care plan's charges for out-of-network services. The therapeutic optometrist and the therapeutic optometrist's professional practice may not charge the enrollee for any portion of the therapeutic optometrist's fee that is not paid or reimbursed by the enrollee's managed care plan.

Sec. 1452.208. LIMITATION ON MANAGED CARE ISSUER LIABILITY. A managed care plan issuer that complies with this subchapter is not subject to liability for damages arising out of or in connection with, directly or indirectly, the payment by the issuer of an applicant therapeutic optometrist as if the therapeutic optometrist were a participating provider in the health benefit plan network.

SECTION 2. The change in law made by this Act applies only to credentialing of a podiatrist or a therapeutic optometrist under a contract entered into or renewed by a professional practice and an issuer of a managed care plan on or after the effective date of this Act. A contract entered into or renewed before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

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

The amendment was read.

Senator Carona moved to concur in the House amendment to **SB 365**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

SENATE BILL 698 WITH HOUSE AMENDMENT

Senator Carona called **SB 698** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 698** (house committee printing) as follows:

- (1) On page 1, line 6, strike "(d) and (e)" and substitute "(d), (e), and (f)".
- (2) On page 1, between lines 11 and 12, insert the following:

(e) Notwithstanding Subsection (d), a guaranty association shall refund any unearned premium as described by Subchapter E, Chapter 462, not later than the 30th business day after the date the guaranty association receives any necessary and accurate financial information, including supporting accounting information, required to determine unearned premium under a policy of personal automobile or residential property insurance, as those terms are defined by Section 2301.051.

(3) On page 1, line 12, strike "(e)" and substitute "(f)".

The amendment was read.

Senator Carona moved to concur in the House amendment to **SB 698**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

COMMITTEE SUBSTITUTE SENATE BILL 1720 ON SECOND READING

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1720** at this time on its second reading:

CSSB 1720, Relating to the Math and Science Scholars Loan Repayment Program for teachers who agree to teach mathematics or science in certain school districts in this state.

The bill was read second time.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1720** (senate committee report), in SECTION 1 of the bill, in proposed Section 61.9832(a), Education Code (page 1 between lines 43 and 44), insert the following and renumber subsequent subdivisions of the section accordingly:

(6) be certified under Subchapter B, Chapter 21, to teach mathematics or science in a public school in this state or be enrolled in an educator preparation program to obtain that certification that is accredited by the State Board for Educator Certification and is provided by an institution of higher education or by a private or independent institution of higher education in this state;

The amendment to **CSSB 1720** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Van de Putte.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1720** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in proposed Section 61.9837, Education Code (page 3, between lines 31 and 32), insert the following:

(f) The legislature may not appropriate general revenue to the fund.

(2) In SECTION 1 of the bill, in proposed Section 61.9838(a), Education Code (page 3, lines 35 through 37), strike "and any other money that the board is legally authorized to use for purposes of this subchapter".

(3) In SECTION 1 of the bill, in proposed Section 61.9838, Education Code (page 3, between lines 57 and 58), insert the following:

(d) Only available money in the Mathematics and Science Teacher Investment Fund may be used for loan repayment assistance under this subchapter.

The amendment to **CSSB 1720** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 except as follows:

Absent-excused: Van de Putte.

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

CSSB 1720 as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Van de Putte.

COMMITTEE SUBSTITUTE SENATE BILL 1720 ON THIRD READING

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1720** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1906 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1906** at this time on its second reading:

CSSB 1906, Relating to the creation of Fort Bend County Municipal Management District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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

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

Absent-excused: Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 1906 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1906** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1458 ON SECOND READING**

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1458** at this time on its second reading:

CSSB 1458, Relating to contributions to, benefits from, and the administration of systems and programs administered by the Teacher Retirement System of Texas.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1458** as follows:

(1) Strike SECTION 1 of the bill, amending Section 824.202, Government Code (page 1 line 25, through page 2, line 26), and substitute the following appropriately numbered SECTION:

SECTION 1. Section 824.202, Government Code, is amended by amending Subsections (a), (b), (b-1), (d), and (d-1) and adding Subsections (a-2), (b-2), and (d-2) to read as follows:

(a) Except as provided by Subsections [~~Subsection~~] (a-1) and (a-2), a member is eligible to retire and receive a standard service retirement annuity if:

(1) the member is at least 65 years old and has at least five years of service credit in the retirement system;

(2) the member is at least 60 years old and has at least 20 years of service credit in the retirement system;

(3) the member is at least 50 years old and has at least 30 years of service credit in the retirement system; or

(4) the member has at least five years of service credit in the retirement system and the sum of the member's age and amount of service credit in the retirement system equals the number 80.

(a-1) This subsection applies only to a person who becomes a member of the retirement system on or after September 1, 2007 and who is not subject to Subsection (a-2). A member subject to this subsection is eligible to retire and receive a standard service retirement annuity if:

(1) the member is at least 65 years old and has at least five years of service credit in the retirement system; or

(2) the member is at least 60 years old and has at least five years of service credit in the retirement system and the sum of the member's age and amount of service credit in the retirement system equals the number 80.

(a-2) This subsection applies only to a person who does not have at least five years of service credit in the retirement system on or before August 31, 2014, or who becomes a member of the retirement system on or after September 1, 2014. A member subject to this subsection is eligible to retire and receive a standard service retirement annuity if:

(1) the member is at least 65 years old and has at least five years of service credit in the retirement system; or

(2) the member is at least 62 years old and has at least five years of service credit in the retirement system and the sum of the member's age and amount of service credit in the retirement system equals the number 80.

(b) This subsection applies only to a person who is not subject to Subsection (b-1), (b-2), ~~(c)~~ (d), (d-1), or (d-2). If a member subject to this subsection is at least 55 years old and has at least five years of service credit in the retirement system, the member is eligible to retire and receive a service retirement annuity reduced from the standard service retirement annuity available under Subsection (a)(1), to a percentage derived from the following table:

Age at date of retirement	55	56	57	58	59	60	61	62	63	64	65
Percentage of standard annuity receivable	47%	51%	55%	59%	63%	67%	73%	80%	87%	93%	100%

(b-1) This subsection applies only to a person who becomes a member of the retirement system on or after September 1, 2007 and who is not subject to Subsection (b-2). If a member subject to this subsection is at least 55 years old and has at least five years of service credit in the retirement system, but does not meet the requirements under Subsection (d-1), the member is eligible to retire and receive a service retirement annuity reduced from the standard service retirement annuity available under Subsection (a-1)(1), to a percentage derived from the following table:

Age at date of retirement	55	56	57	58	59	60	61	62	63	64	65
Percentage of standard annuity receivable	47%	51%	55%	59%	63%	67%	73%	80%	87%	93%	100%

(b-2) This subsection applies only to a person who does not have at least five years of service credit in the retirement system on or before August 31, 2014, or who becomes a member of the retirement system on or after September 1, 2014. If a member subject to this subsection is at least 55 years old and has at least five years of service credit in the retirement system, but does not meet the requirements under Subsection (d-2), the member is eligible to retire and receive a service retirement annuity reduced from the standard service retirement annuity available under Subsection (a-2)(1), to a percentage derived from the following table:

<u>Age at date of retirement</u>	<u>55</u>	<u>56</u>	<u>57</u>	<u>58</u>	<u>59</u>	<u>60</u>	<u>61</u>	<u>62</u>	<u>63</u>	<u>64</u>	<u>65</u>
<u>Percentage of standard annuity receivable</u>	<u>47%</u>	<u>51%</u>	<u>55%</u>	<u>59%</u>	<u>63%</u>	<u>67%</u>	<u>73%</u>	<u>80%</u>	<u>87%</u>	<u>93%</u>	<u>100%</u>

(d) This subsection applies only to a person who is not subject to Subsection (d-1) or (d-2). If a member subject to this subsection has at least 30 years of service credit in the retirement system, the member is eligible to retire regardless of age and receive a service retirement annuity consisting of the standard service retirement annuity available under Subsection (a) decreased by two percent for each year of age under 50 years.

(d-1) This subsection applies only to a person who becomes a member of the retirement system on or after September 1, 2007 and who is not subject to Subsection (d-2). If the sum of the member's age and amount of service credit in the retirement system equals the number 80, with at least five years of service credit, or if the member has at least 30 years of service credit in the retirement system, the member is eligible to retire regardless of age and receive a service retirement annuity consisting of ~~reduced from~~ the standard service retirement annuity available under Subsection (a-1)(2) decreased by five percent for each year of age under 60 years ~~((a)(2), to a percentage derived from the following table:~~

<u>Age at date of retirement</u>	<u>50</u>	<u>51</u>	<u>52</u>	<u>53</u>	<u>54</u>	<u>55</u>	<u>56</u>	<u>57</u>	<u>58</u>	<u>59</u>	<u>60</u>
<u>Minimum years of service credit required</u>	<u>30</u>	<u>29</u>	<u>28</u>	<u>27</u>	<u>26</u>	<u>25</u>	<u>24</u>	<u>23</u>	<u>22</u>	<u>21</u>	<u>20</u>
<u>Percentage of standard annuity receivable</u>	<u>50%</u>	<u>55%</u>	<u>60%</u>	<u>65%</u>	<u>70%</u>	<u>75%</u>	<u>80%</u>	<u>85%</u>	<u>90%</u>	<u>95%</u>	<u>100%</u>

~~[For each year of age under 50 years with 30 years of service credit, the standard service retirement annuity shall be five percent less than the percentage for age 50 with 30 years of service credit].~~

(d-2) This subsection applies only to a person who does not have at least five years of service credit in the retirement system on or before August 31, 2014, or who becomes a member of the retirement system on or after September 1, 2014. If the sum of the member's age and amount of service credit in the retirement system equals the number 80, with at least five years of service credit, or if the member has at least 30 years of service credit in the retirement system, the member is eligible to retire regardless of age and receive a service retirement annuity consisting of the standard service retirement annuity available under Subsection (a-2)(2) decreased by five percent for each year of age under 62 years.

(2) In SECTION 2 of the bill, adding Section 824.702, Government Code (page 2, line 27 through page 3, line 24), strike "August 31, 1994" and substitute "August 31, 1999" in each of the following places it appears:

- (A) page 2, line 54;
- (B) page 2, line 60; and
- (C) page 2, line 64.

(3) Strike SECTION 5 of the bill, amending Section 825.402, Government Code (page 3, line 39 through page 4, line 19), and substitute the following appropriately numbered SECTION:

SECTION 5. Section 825.402, Government Code, is amended to read as follows:

Sec. 825.402. RATE OF MEMBER CONTRIBUTIONS. ~~[(a)]~~ The rate of contributions for each member of the retirement system is:

(1) five percent of the member's annual compensation or \$180, whichever is less, for service rendered after August 31, 1937, and before September 1, 1957;

(2) six percent of the first \$8,400 of the member's annual compensation for service rendered after August 31, 1957, and before September 1, 1969;

(3) six percent of the member's annual compensation for service rendered after August 31, 1969, and before the first day of the 1977-78 school year;

(4) 6.65 percent of the member's annual compensation for service rendered after the last day of the period described by Subdivision (3) and before September 1, 1985~~[-and]~~

(5) 6.4 percent of the member's annual compensation for service rendered after August 31, 1985, and before September 1, 2014;

(6) 7.7 percent of the member's annual compensation for service rendered after August 31, 2014, and before September 1, 2015; and

(7) for service rendered on or after September 1, 2015, the lesser of:

(A) 7.7 percent of the member's annual compensation; or

(B) a percentage of the member's annual compensation equal to 7.7 percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the service relates, is less than the state contribution rate established for the 2015 fiscal year ~~[-subject to Subsection (b)].~~

~~[(b) Subject to Subsection (e), the board of trustees may by order require that the rate of contributions for each member of the retirement system under Subsection (a) is increased to not more than 6.58 percent of the member's annual compensation for service rendered after the date of the order if:~~

~~(1) the legislature by law requires or authorizes the board of trustees to pay a supplemental payment to specified annuitants; and~~

~~(2) the board of trustees finds, as of the time the payment is to be made, that after the payment is made the amortization period for the unfunded actuarial liabilities of the retirement system would exceed 30 years by one or more years.~~

~~(c) Notwithstanding any other law, the board of trustees may not make a supplemental payment required or authorized by the legislature by law, and may not impose an increase in the rate of contributions under Subsection (b), if the board of trustees finds that after making the payment and imposing the increase the amortization period for the unfunded actuarial liabilities of the retirement system would exceed 30 years by one or more years.~~

~~(d) Notwithstanding any other law, the board of trustees may delay making a supplemental payment required or authorized by the legislature by law as necessary to make the determinations required under Subsections (b) and (c).]~~

(4) Strike SECTION 7 of the bill, adding Section 825.4035, Government Code (page 4, lines 26 through 57), and substitute the following appropriately numbered SECTION:

Sec. 825.4035. EMPLOYER CONTRIBUTIONS FOR CERTAIN EMPLOYED MEMBERS FOR WHOM THE EMPLOYER IS NOT MAKING CONTRIBUTIONS TO THE FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM. (a) This section:

(1) applies to an employer who reports to the retirement system under Section 825.403 the employment of a member for whom the employer is not making contributions to the federal Old-Age, Survivors, and Disability Insurance program; and

(2) does not apply to an employer that is an institution of higher education.

(b) Except as provided in Subsection (c), for each member the employer reports to the retirement system and for whom the employer is not making contributions to the federal Old-Age, Survivors and Disability Insurance program, the employer shall contribute monthly to the retirement system for each such member:

(1) for the period beginning with the report month of September 2014 and ending with the report month of August 2015, an amount equal to 1.5 percent of the member's compensation; and

(2) beginning with the report month for September 2015, an amount equal to the lesser of:

(A) 1.5 percent of the member's compensation; or

(B) a percentage of the member's compensation equal to 1.5 percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the report month relates, is less than the state contribution rate established for the 2015 fiscal year.

(c) If a member is entitled to the minimum salary for certain school personnel under Section 21.402, Education Code, or if a member would have been entitled to the minimum salary for certain school personnel under former Section 16.056, Education Code, as that section existed on January 1, 1995, the employer shall, in addition to any contributions required under Section 825.405, contribute monthly to the retirement system for each such member:

(1) for the period beginning with the report month of September 2014 and ending with the report month of August 2015, an amount equal to 1.5 percent of the statutory minimum salary determined under Section 825.405(b); and

(2) beginning with the report month for September 2015, an amount equal to the lesser of:

(A) 1.5 percent of the statutory minimum salary determined under Section 825.405(b); or

(B) a percentage of the statutory minimum salary determined under Section 825.405(b) equal to 1.5 percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the report month relates, is less than the state contribution rate established for the 2015 fiscal year.

(d) Contributions under this section:

(1) are subject to the requirements of Section 825.408; and

(2) must be used to fund the normal cost of the retirement system.

(5) On page 4, between lines 57 and 58, insert the following appropriately numbered SECTION:

SECTION _____. Subsection (a), Section 825.404, Government Code, is amended to read as follows:

(a) During each fiscal year, the state shall contribute to the retirement system an amount equal to at least six and not more than 10 percent of the aggregate annual compensation of all members of the retirement system during that fiscal year. ~~[The amount of the state contribution made under this section may not be less than the amount contributed by members during that fiscal year in accordance with Section 825.402.]~~

(6) Strike SECTION 10 of the bill, repealing certain provisions of the Government Code and Insurance Code (page 5, lines 12 through 15), and substitute the following appropriately numbered SECTION:

SECTION _____. Section 1579.103, Insurance Code, is repealed.

(7) Strike SECTION 11 of the bill, adding a transition provision for the changes in law made by the bill to Section 824.202, Government Code (page 5, lines 16 through 58), and substitute the following appropriately numbered SECTION:

SECTION _____. For purposes of determining whether a member has at least five years of service on or before August 31, 2014 under Section 824.202(a-2), (b-2), or (d-2), Government Code, as amended by this Act, only service actually credited in the Teacher Retirement System of Texas, the Employees Retirement System of Texas, or a retirement system participating in the proportionate retirement program under Chapter 803, Government Code, on or before August 31, 2014, may be counted. Purchased service credit in the retirement system is:

(a) not considered actually credited in the retirement system if the service credit is established only after completion of an installment payment plan under which any installment payment is made after August 31, 2014; and

(b) considered actually credited in the retirement system if:

(1) payment in full for the purchase of service credit is made by a direct rollover or otherwise on or before August 31, 2014; or

(2) payment in full by direct rollover or otherwise is made after August 31, 2014, if:

(A) the member's request to purchase service credit occurred on or before August 31, 2014; and

(B) payment to purchase the service credit is made in accordance with uniform administrative requirements, including payment deadlines, established by the retirement system.

(8) Strike SECTION 14 of the bill, providing effective dates for the Act and certain provisions of the Act (page 6, lines 28 through 32), and substitute the following appropriately numbered SECTION:

SECTION _____. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2014.

(b) Section 825.402, Government Code, as amended by this Act, and the repeal by this Act of Section 1579.103, Insurance Code, take effect September 1, 2013.

(9) Renumber SECTIONS of the bill accordingly.

The amendment to **CSSB 1458** was read.

Senator Watson offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to **CSSB 1458** by striking subdivision (3) (page 5, line 15 through page 7, line 14) that was substituting SECTION 5 of C.S.S.B. 1458, and replace with the following:

(3) Strike SECTION 5 of the bill, amending Section 825.402, Government Code (page 3, line 39 through page 4, line 19), and substitute the following appropriately numbered SECTION:

SECTION 5. Section 825.402, Government Code, is amended to read as follows:

Sec. 825.402. RATE OF MEMBER CONTRIBUTIONS. [(*)] The rate of contributions for each member of the retirement system is:

(1) five percent of the member's annual compensation or \$180, whichever is less, for service rendered after August 31, 1937, and before September 1, 1957;

(2) six percent of the first \$8,400 of the member's annual compensation for service rendered after August 31, 1957, and before September 1, 1969;

(3) six percent of the member's annual compensation for service rendered after August 31, 1969, and before the first day of the 1977-78 school year;

(4) 6.65 percent of the member's annual compensation for service rendered after the last day of the period described by Subdivision (3) and before September 1, 1985[; and]

(5) 6.4 percent of the member's annual compensation for service rendered after August 31, 1985, and before September 1, 2014;

(6) 6.7 percent of the member's annual compensation for service rendered after August 31, 2014, and before September 1, 2015;

(7) 7.2 percent of the member's annual compensation for service rendered after August 31, 2015, and before September 1, 2016;

(8) 7.7 percent of the member's annual compensation for service rendered after August 31, 2016, and before September 1, 2017; and

(9) for service rendered on or after September 1, 2017, the lesser of:

(A) 7.7 percent of the member's annual compensation; or

(B) a percentage of the member's annual compensation equal to 7.7 percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the service relates, is less than the state contribution rate established for the 2015 fiscal year [; subject to Subsection (b)].

~~[(b) Subject to Subsection (e), the board of trustees may by order require that the rate of contributions for each member of the retirement system under Subsection (a) is increased to not more than 6.58 percent of the member's annual compensation for service rendered after the date of the order if:~~

~~(1) the legislature by law requires or authorizes the board of trustees to pay a supplemental payment to specified annuitants; and~~

~~(2) the board of trustees finds, as of the time the payment is to be made, that after the payment is made the amortization period for the unfunded actuarial liabilities of the retirement system would exceed 30 years by one or more years.~~

~~(e) Notwithstanding any other law, the board of trustees may not make a supplemental payment required or authorized by the legislature by law, and may not impose an increase in the rate of contributions under Subsection (b), if the board of~~

~~trustees finds that after making the payment and imposing the increase the amortization period for the unfunded actuarial liabilities of the retirement system would exceed 30 years by one or more years.~~

~~(d) Notwithstanding any other law, the board of trustees may delay making a supplemental payment required or authorized by the legislature by law as necessary to make the determinations required under Subsections (b) and (c).]~~

WATSON
DAVIS
WEST

The amendment to Floor Amendment No. 1 to **CSSB 1458** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 except as follows:

Absent-excused: Van de Putte.

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 1458**, the amendment as amended was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 as amended except as follows:

Absent-excused: Van de Putte.

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

CSSB 1458 as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Van de Putte.

COMMITTEE SUBSTITUTE SENATE BILL 1458 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1458** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE HOUSE BILL 535 ON THIRD READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSHB 535** at this time on its third reading and final passage:

CSHB 535, Relating to the preference given by state agencies to goods offered by bidders in this state or manufactured, produced, or grown in this state or in the United States.

The motion prevailed by the following vote: Yeas 23, Nays 7.

Yeas: Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hegar, Hinojosa, Lucio, Nelson, Nichols, Rodríguez, Seliger, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Hancock, Huffman, Patrick, Paxton, Schwertner, Taylor, Williams.

Absent-excused: Van de Putte.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 7. (Same as previous roll call)

SENATE BILL 866 WITH HOUSE AMENDMENT

Senator Paxton called **SB 866** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 866** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to authorizing local governments to participate in statewide technology centers.

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

SECTION 1. Section 2054.375, Government Code, is amended to read as follows:

Sec. 2054.375. DEFINITIONS [~~DEFINITION~~]. In this subchapter:

(1) "Governmental entity" means a state agency or local government.

(2) "Statewide[, "statewide] technology center" means a statewide technology center established or operated under this subchapter.

SECTION 2. Section 2054.376(a), Government Code, is amended to read as follows:

(a) This subchapter applies to all information resources technologies, other than telecommunications service [~~services~~], advanced communications services, or information service, as those terms are defined by 47 U.S.C. Section 153, that are:

(1) obtained by a state agency using state money; [~~or~~]

(2) used by a state agency; or

(3) used by a participating local government.

SECTION 3. Subchapter L, Chapter 2054, Government Code, is amended by adding Section 2054.3771 to read as follows:

Sec. 2054.3771. LOCAL GOVERNMENTS. The department may establish or expand a statewide technology center to include participation by a local government. The executive director and the department have all the powers necessary or appropriate, consistent with this chapter, to accomplish that purpose.

SECTION 4. Section 2054.378(a), Government Code, is amended to read as follows:

(a) The department may operate statewide technology centers to provide two or more governmental entities [~~state agencies~~], on a cost-sharing basis, services relating to:

- (1) information resources and information resources technology; and
- (2) the deployment, [~~and~~] development, and maintenance of software [~~statewide~~] applications.

SECTION 5. Section 2054.380(a), Government Code, is amended to read as follows:

(a) The department shall set and charge a fee to each governmental entity [~~state agency~~] that receives a service from a statewide technology center in an amount sufficient to cover the direct and indirect cost of providing the service.

SECTION 6. Subchapter L, Chapter 2054, Government Code, is amended by adding Section 2054.3851 to read as follows:

Sec. 2054.3851. LOCAL GOVERNMENT PARTICIPATION AND SELECTION. (a) A local government may submit a request to the department to receive services or operations through a statewide technology center. The local government shall identify its particular requirements, operations costs, and requested service levels.

(b) On receipt of the request, the department shall conduct a cost and requirements analysis for the local government.

(c) If the department selects the local government for participation in a statewide technology center, the department shall provide notice to the local government that includes:

- (1) the scope of the services to be provided to the local government;
- (2) a schedule of anticipated costs for the local government; and
- (3) the implementation schedule for the local government.

(d) If selected to participate in a statewide technology center, a local government may contract with the department to receive the identified services and have the identified operations performed through the statewide technology center.

(e) Two or more local governments that are parties to an interlocal agreement, acting through the entity designated by the parties to supervise performance of the interlocal agreement under Section 791.013, may apply to the department and participate in a statewide technology center.

SECTION 7. Section 2054.387, Government Code, is amended to read as follows:

Sec. 2054.387. INTERAGENCY CONTRACT; COMPLIANCE WITH SERVICE LEVELS. The department shall ensure compliance with service levels agreed to in an interagency contract or intergovernmental contract, as appropriate, executed under this subchapter.

SECTION 8. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

The amendment was read.

Senator Paxton moved to concur in the House amendment to **SB 866**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

SENATE BILL 901 WITH HOUSE AMENDMENT
(Motion In Writing)

Senator Fraser called **SB 901** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 901** (committee report) as follows on page 7, between line 7-19 and line 7-20, insert the following and renumber subsequent sections appropriately:

SECTION 14. Section 26.360, Water Code, is amended to read as follows:

26.360. Privatization of Program. Notwithstanding other provisions of this subchapter, the commission by rule may authorize the privatization of any part of the program established under this subchapter. Any entity that is authorized to participate or enforce the provisions under this subchapter or other Chapters of this Code acts on behalf of the commission and has only those powers available to it.

The amendment was read.

Senator Fraser moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 901** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Fraser, Chair; Deuell, Eltife, Hinojosa, and Estes.

SENATE BILL 820 WITH HOUSE AMENDMENT

Senator Williams called **SB 820** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 820** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the management, breeding, and destruction of deer and to procedures regarding certain deer permits.

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

SECTION 1. Section 12.501(b), Parks and Wildlife Code, is amended to read as follows:

(b) The director may suspend or revoke an original or renewal permit or license issued under this code if it is found, after notice and hearing, that:

(1) the permittee or licensee has been finally convicted of a violation of this code or proclamation or regulation adopted under this code relating to the permit or license to be suspended or revoked;

(2) the permittee or licensee violated a provision of this code or proclamation or regulation adopted under this code relating to the permit or license to be suspended or revoked;

(3) the permittee or licensee made a false or misleading statement in connection with the permittee's or licensee's ~~his~~ original or renewal application, either in the formal application itself or in any other written instrument relating to the application submitted to the commission or its officers or employees;

(4) the permittee or licensee is indebted to the state for taxes, fees, or payment of penalties imposed by this code or by a commission rule relating to a permit or license to be suspended or revoked; or

(5) the permittee or licensee is liable to the state under Section 12.301.

SECTION 2. Section 12.506, Parks and Wildlife Code, is amended by adding Subsection (c) to read as follows:

(c) This section does not apply to the appeal of a decision by the department refusing to issue or renew a permit to which Subchapter G applies.

SECTION 3. Chapter 12, Parks and Wildlife Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. REFUSAL TO ISSUE OR RENEW CERTAIN PERMITS
RELATING TO THE CONTROL, BREEDING, OR MANAGEMENT OF DEER;
APPEAL OF CERTAIN DECISIONS

Sec. 12.601. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to the following permits:

(1) a trap, transport, and transplant permit under Section 43.061 or 43.0611;

(2) a trap, transport, and process permit under Section 43.0612;

(3) a deer breeder's permit under Subchapter L, Chapter 43;

(4) a white-tailed deer management permit under Subchapter R, Chapter 43;

and

(5) a mule deer management permit under Subchapter R-1, Chapter 43.

Sec. 12.602. DEFINITIONS. In this subchapter:

(1) "Applicant" means a person who has applied for a new or renewal permit.

(2) "Final conviction" means a final judgment of guilt, the granting of deferred adjudication or pretrial diversion, or the entering of a plea of guilty or nolo contendere.

Sec. 12.603. GENERAL CIRCUMSTANCES FOR REFUSAL TO ISSUE OR RENEW PERMIT. The department may refuse to issue or renew a permit if the applicant fails to submit in a timely manner the following:

(1) a completed application on a form supplied by the department and all application materials required by the department;
(2) the required permit fee;
(3) accurate reports as applicable; and
(4) any additional information that the department determines is necessary to process the application.

Sec. 12.604. CONSIDERATIONS FOR ISSUANCE OR RENEWAL OF PERMIT; APPLICANT WITH PRIOR PENALTIES OR CONVICTIONS. (a) This section applies only to a determination of whether to issue a permit to or renew a permit for an applicant who has a final conviction or has been assessed an administrative penalty for a violation of:

(1) Subchapter C, E, L, R, or R-1, Chapter 43;
(2) a provision of this code not described by Subdivision (1) that is punishable as a Class A or B Parks and Wildlife Code misdemeanor, a Parks and Wildlife Code state jail felony, or a Parks and Wildlife Code felony;
(3) Section 63.002; or
(4) the Lacey Act (16 U.S.C. Sections 3371-3378).

(b) In determining whether to issue a permit to or renew a permit for an applicant who has a final conviction or has been assessed an administrative penalty, the department shall consider:

(1) the number of final convictions or administrative penalties;
(2) the seriousness of the conduct on which the final conviction or administrative penalty is based;
(3) the existence, number, and seriousness of offenses or violations other than offenses or violations that resulted in a final conviction or administrative penalty described by Subsection (a);
(4) the length of time between the most recent final conviction or administrative penalty and the permit application;
(5) whether the final conviction, administrative penalty, or other offense or violation was the result of negligence or intentional conduct;
(6) whether the final conviction or administrative penalty resulted from conduct committed or omitted by the applicant, an agent of the applicant, or both;
(7) the accuracy of the permit history information provided by the applicant;
(8) for a renewal, whether the applicant agreed to any special provisions recommended by the department as conditions to the expiring permit; and
(9) other mitigating factors.

Sec. 12.605. PROCEDURE FOR REFUSAL TO ISSUE OR RENEW PERMIT. (a) Not later than the 10th day after the date a decision to refuse to issue or renew a permit has been made, the department shall provide to the applicant a written statement of the reasons for the decision.

(b) The commission by rule shall adopt procedures consistent with this subchapter for the department's review of a refusal to issue or renew a permit.

Sec. 12.606. REVIEW OF REFUSAL TO ISSUE OR RENEW PERMIT. In conducting a review of a decision by the department to refuse to issue or renew a permit, the department shall consider:

(1) any applicable factors listed under Section 12.604;

- (2) the applicant's efforts toward rehabilitation;
- (3) whether there is a substantial likelihood that the applicant would repeat the conduct on which the refusal is based;
- (4) whether the conduct on which the refusal is based involved a threat to public safety; and
- (5) other mitigating factors.

Sec. 12.607. APPEAL OF DEPARTMENT DECISION REFUSING TO ISSUE OR RENEW PERMIT. (a) Venue to appeal a decision of the department refusing to issue or renew a permit is a district court in Travis County.

(b) The appeal shall be by trial de novo.

SECTION 4. Section 43.352, Parks and Wildlife Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) At the option of the person applying for the issuance or renewal of a permit under this section, the [The] department may issue a permit [~~under this section~~] that is valid for [~~longer than~~] one year, three years, or five years.

(c) A three-year or five-year permit is available only to a person who:

(1) has held a deer breeder's permit for the three consecutive permit years immediately preceding the date of the application for a three-year or five-year permit;

(2) agrees to submit the annual reports required under this subchapter electronically; and

(3) meets any other criteria established by rule of the commission.

(d) The commission may adopt rules allowing the department to revoke a three-year or five-year permit before the date specified for expiration of the permit if the permit holder fails to submit the annual reports electronically as required.

SECTION 5. Subchapter L, Chapter 43, Parks and Wildlife Code, is amended by adding Section 43.3591 to read as follows:

Sec. 43.3591. GENETIC TESTING. (a) In this section:

(1) "DNA" means deoxyribonucleic acid.

(2) "Genetic test" means a laboratory analysis of a deer's genes, gene products, or chromosomes that:

(A) analyzes the deer's DNA, RNA, proteins, or chromosomes; and

(B) is performed to determine genetically the deer's ancestral lineage or descendants.

(3) "RNA" means ribonucleic acid.

(b) After an inspection, the department shall notify a deer breeder in writing when the department has reason to believe the deer breeder possesses deer that may pose a disease risk to other deer. The notice must include an explanation of the rationale used to establish the disease risk.

(c) If genetic testing is timely conducted, the department must postpone any actions that may be affected by the test results until the test results are available.

(d) The results of genetic testing may not be used as evidence to establish a defense against a fine imposed on a deer breeder found guilty of failure to keep records of all deer in a deer breeder facility as required by this subchapter.

(e) The commission shall adopt rules as needed to implement this section.

SECTION 6. Chapter 43, Parks and Wildlife Code, is amended by adding Subchapter X to read as follows:

SUBCHAPTER X. DEER DISPOSITION PROTOCOL

Sec. 43.951. APPLICABILITY. This subchapter applies only to the disposition of the following deer:

- (1) deer held at a facility covered by a permit issued under Subchapter L;
- (2) deer on acreage covered by a permit issued under Subchapter R; and
- (3) deer on acreage covered by a permit issued under Subchapter R-1.

Sec. 43.952. DEFINITIONS. In this subchapter:

(1) "Animal health commission" means the Texas Animal Health Commission.

(2) "Permit" means a permit issued under Subchapter L, R, or R-1.

(3) "Permit holder" means a person to whom a permit is issued under Subchapter L, R, or R-1.

Sec. 43.953. DESTRUCTION OF DEER. (a) Before any deer may be destroyed under this subchapter:

(1) an agent of the animal health commission may conduct an epidemiological assessment:

(A) if the assessment can be conducted in a timely manner; and

(B) contingent on the availability of funding; and

(2) the department must consider the results of an assessment, if conducted, under Subdivision (1).

(b) To control or prevent the spread of disease, deer to which this subchapter applies may be destroyed only if the department determines that the deer pose a threat to the health of other deer or other species, including humans.

(c) The department shall carry out an order to destroy deer after notice has been provided to the permit holder under Section 43.954.

Sec. 43.954. NOTICE OF DEER DESTRUCTION. (a) The department must provide written notice of an order to destroy deer to a permit holder before the department may destroy any of the deer covered by the permit holder's permit.

(b) A notice provided under this section must be sent by certified mail to the last known address of the permit holder and must contain:

(1) the date of destruction, which may not be sooner than the 10th day after the date of the notice;

(2) an explanation of any access restrictions imposed on the facility or acreage covered by the permit during the destruction of the deer; and

(3) an explanation of the reasons for the destruction, including the results of any epidemiological assessment conducted under Section 43.953(a) applicable to the deer that are the subject of the notice.

(c) The permit holder may waive the notice requirements of this section.

Sec. 43.955. COST RECOVERY. The applicable permit holder shall pay all costs associated with:

(1) an epidemiological assessment conducted under this subchapter to the animal health commission; and

(2) the destruction of deer under this subchapter to the department.

SECTION 7. (a) Except as provided by Subsection (b) of this section, Subchapter G, Chapter 12, Parks and Wildlife Code, as added by this Act, applies only to an application for the issuance or renewal of a permit submitted to the Parks

and Wildlife Department on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Section 12.607, Parks and Wildlife Code, as added by this Act, applies only to an appeal of a decision of the Parks and Wildlife Department refusing to issue or renew a permit that is filed on or after the effective date of this Act. An appeal filed before the effective date of this Act is governed by the law in effect on the date the appeal was filed, and that law is continued in effect for that purpose.

SECTION 8. Section 43.3591(d), Parks and Wildlife Code, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 9. Not later than September 1, 2014, the Parks and Wildlife Commission shall adopt rules as needed to implement Subchapter G, Chapter 12, Parks and Wildlife Code, as added by this Act.

SECTION 10. This Act takes effect September 1, 2013.

The amendment was read.

Senator Williams moved to concur in the House amendment to **SB 820**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

SENATE BILL 965 WITH HOUSE AMENDMENT

Senator Williams called **SB 965** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 965** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the correction of employment termination reports for law enforcement officers.

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

SECTION 1. The heading to Section 1701.4525, Occupations Code, is amended to read as follows:

Sec. 1701.4525. PETITION FOR CORRECTION OF REPORT; HEARING[; ~~ADMINISTRATIVE PENALTY~~].

SECTION 2. Section 1701.4525(e), Occupations Code, is amended to read as follows:

(e) In a proceeding to contest information in an employment termination report for a report based on alleged misconduct, an administrative law judge shall determine if the alleged misconduct occurred by a preponderance of the evidence regardless of

whether the person who is the subject of the report was terminated or the person resigned, retired, or separated in lieu of termination. If the alleged misconduct is not supported by a preponderance of the evidence, the administrative law judge shall order the commission to change the report [~~to be changed~~]. The commission shall send the changed report to the law enforcement agency that prepared the original employment termination report. The law enforcement agency shall replace the original employment termination report with the changed report.

SECTION 3. Section 1701.4525(c-1), Occupations Code, is repealed.

SECTION 4. The changes in law made by this Act to Section 1701.4525, Occupations Code, apply only to a petition for a correction of an employment termination report submitted on or after the effective date of this Act. A petition submitted before the effective date of this Act is governed by the law in effect on the date the petition was submitted, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2013.

The amendment was read.

Senator Williams moved to concur in the House amendment to **SB 965**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

SENATE BILL 1489 WITH HOUSE AMENDMENT

Senator Watson called **SB 1489** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 1489** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the powers and jurisdiction of a regional mobility authority.

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

SECTION 1. Section 370.003(14), Transportation Code, is amended to read as follows:

- (14) "Transportation project" means:
- (A) a turnpike project;
 - (B) a system;
 - (C) a passenger or freight rail facility, including:
 - (i) tracks;
 - (ii) a rail line;
 - (iii) switching, signaling, or other operating equipment;
 - (iv) a depot;
 - (v) a locomotive;
 - (vi) rolling stock;
 - (vii) a maintenance facility; and

(viii) other real and personal property associated with a rail operation;

(D) a roadway with a functional classification greater than a local road or rural minor collector;

(D-1) a bridge;

(E) a ferry;

(F) an airport, other than an airport that on September 1, 2005, was served by one or more air carriers engaged in scheduled interstate transportation, as those terms were defined by 14 C.F.R. Section 1.1 on that date;

(G) a pedestrian or bicycle facility;

(H) an intermodal hub;

(I) an automated conveyor belt for the movement of freight;

(J) a border crossing inspection station, including:

(i) a border crossing inspection station located at or near an international border crossing; and

(ii) a border crossing inspection station located at or near a border crossing from another state of the United States and not more than 50 miles from an international border;

(K) an air quality improvement initiative;

(L) a public utility facility;

(M) a transit system;

(M-1) a parking area, structure, or facility, or a collection device for parking fees;

(N) if applicable, projects and programs listed in the most recently approved state implementation plan for the area covered by the authority, including an early action compact; ~~and~~

(O) improvements in a transportation reinvestment zone designated under Subchapter E, Chapter 222; and

(P) port security, transportation, or facility projects eligible for funding under Section 55.002.

SECTION 2. Section 370.033, Transportation Code, is amended by amending Subsections (c) and (f) and adding Subsections (f-1) and (r) to read as follows:

(c) An authority may~~[, if requested by the commission,]~~ perform any function not specified by this chapter to promote or develop a transportation project that the authority is authorized to develop or operate under this chapter [in the authority's area of jurisdiction].

(f) An authority ~~[and a governmental entity]~~ may enter into a contract, agreement, interlocal agreement, or other similar arrangement under which the authority may acquire, plan, design, construct, maintain, repair, or operate a transportation project on behalf of another ~~[the]~~ governmental entity if:

(1) the transportation project is located in the authority's area of jurisdiction or in a county adjacent to the authority's area of jurisdiction;

(2) the transportation project is being acquired, planned, constructed, designed, operated, repaired, or maintained on behalf of the department or another toll project entity, as defined by Section 372.001; or

(3) for a transportation project that is not described by Subdivision (1) or (2), the department approves the acquisition, planning, construction, design, operation, repair, or maintenance of the project by the authority.

~~(f-1) [An authority may enter into a contract or agreement with the department under which the authority will plan, develop, operate, or maintain a transportation project on behalf of the department, subject to the transportation project being in the authority's area of jurisdiction.]~~ A contract or agreement under Subsection (f) ~~[this subsection]~~ may contain terms and conditions as may be approved by an authority, including payment obligations of the governmental entity and the authority.

(r) This chapter may not be construed to restrict the ability of an authority to enter into an agreement under Chapter 791, Government Code, with another governmental entity located anywhere in this state.

SECTION 3. Section 370.161, Transportation Code, is amended to read as follows:

Sec. 370.161. TRANSPORTATION PROJECTS EXTENDING INTO OTHER COUNTIES. ~~[(a)]~~ An authority may study, evaluate, design, finance, acquire, construct, operate, maintain, repair, expand, or extend a transportation project ~~[only]~~ in:

(1) a county that is a part of the authority;

(2) a county in this state that is not a part of the authority if the county and authority enter into an agreement under Section 370.033(f)~~[-~~

~~[(A) the transportation project in that county is a continuation of a transportation project of the authority extending from a county adjacent to that county;~~

~~[(B) the county is given an opportunity to become part of the authority on terms and conditions acceptable to the authority and that county; and~~

~~[(C) the commissioners court of the county agrees to the proposed acquisition, construction, operation, maintenance, expansion, or extension of the transportation project in that county];~~ or

(3) a county in another state or the United Mexican States if:

(A) each governing body of a political subdivision in which the project will be located agrees to the proposed study, evaluation, design, financing, acquisition, construction, operation, maintenance, repair, expansion, or extension;

(B) the project will bring significant benefits to the counties in this state that are part of the authority;

(C) the county in the other state is adjacent to a county that ~~[is]~~:

(i) is part of the authority studying, evaluating, designing, financing, acquiring, constructing, operating, maintaining, repairing, expanding, or extending the transportation project; and

(ii) has a municipality with a population of 500,000 or more; and

(D) the governor approves the proposed study, evaluation, design, financing, acquisition, construction, operation, maintenance, repair, expansion, or extension.

SECTION 4. Section 370.181(b), Transportation Code, is amended to read as follows:

(b) An authority may enter into an agreement with one or more persons to provide, on terms and conditions approved by the authority, personnel and services to design, construct, operate, maintain, expand, enlarge, or extend a ~~the~~ transportation project owned or operated by ~~of~~ the authority.

SECTION 5. Subchapter E, Chapter 370, Transportation Code, is amended by adding Section 370.1911 to read as follows:

Sec. 370.1911. COMMERCIAL TRANSPORTATION PROCESSING SYSTEMS AT INSPECTION FACILITIES AT INTERSTATE BORDERS. (a) Notwithstanding Section 370.191, an authority may construct a border inspection facility to be used solely for the purpose of conducting commercial motor vehicle inspections by the Department of Public Safety, provided that the facility is located:

- (1) at or near a border crossing from another state of the United States; and
- (2) not more than 50 miles from an international border.

(b) To the extent an authority constructing a border inspection facility under this section considers appropriate to expedite commerce, the facility may include implementation of Intelligent Transportation Systems for Commercial Vehicle Operations (ITS/CVO) technology.

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

The amendment was read.

Senator Watson moved to concur in the House amendment to **SB 1489**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

SENATE BILL 213 WITH HOUSE AMENDMENTS (Motion In Writing)

Senator Whitmire called **SB 213** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer, Senator Eltife in Chair, laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 213** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the continuation and functions of the Texas Board of Criminal Justice, the Texas Department of Criminal Justice, and the Windham School District and to the functions of the Board of Pardons and Paroles and the Correctional Managed Health Care Committee.

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

SECTION 1. Section 492.012, Government Code, is amended to read as follows:

Sec. 492.012. SUNSET PROVISION. The Texas Board of Criminal Justice and the Texas Department of Criminal Justice are subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board and the department are abolished September 1, 2021 [~~2013~~].

SECTION 2. Chapter 493, Government Code, is amended by adding Section 493.031 to read as follows:

Sec. 493.031. CASE MANAGEMENT COMMITTEES. (a) Each facility under the oversight of the correctional institutions division shall establish a case management committee to assess each inmate in the facility and ensure the inmate is receiving appropriate services or participating in appropriate programs. The case management committee shall:

(1) review each individual treatment plan adopted under Section 508.152 for an inmate in the facility and, as applicable, discuss with the inmate a possible treatment plan, including participation in any program or service that may be available through the department, the Windham School District, or any volunteer organization; and

(2) meet with each inmate in the facility at the time of the inmate's initial placement in the facility and at any time in which the committee seeks to reclassify the inmate based on the inmate's refusal to participate in a program or service recommended by the committee.

(b) A case management committee must include the members of the unit classification committee. In addition to those members, a case management committee may include any of the following members, based on availability and inmate needs:

(1) an employee whose primary duty involves providing rehabilitation and reintegration programs or services;

(2) an employee whose primary duty involves providing vocational training or educational services to inmates;

(3) an employee whose primary duty involves providing medical care or mental health care treatment to inmates; or

(4) a representative of a faith-based or volunteer organization.

SECTION 3. Section 501.092, Government Code, as added by Chapter 643 (H.B. 1711), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

Sec. 501.092. COMPREHENSIVE REENTRY AND REINTEGRATION PLAN FOR OFFENDERS. (a) The department shall develop and adopt a comprehensive plan to reduce recidivism and ensure the successful reentry and reintegration of offenders into the community following an offender's release or discharge from a correctional facility.

(b) The reentry and reintegration plan adopted [~~developed~~] under this section must provide for:

(1) incorporate the use of the risk and needs assessment instrument adopted under Section 501.0921 [~~an assessment of offenders entering a correctional facility to determine which skills the offender needs to develop to be successful in the community following release or discharge~~];

(2) provide for programs that address the assessed needs of offenders;

(3) provide for a comprehensive network of transition programs to address the needs of offenders released or discharged from a correctional facility;

(4) identify and define the transition services that are to be provided by the department and which offenders are eligible for those services;

(5) coordinate the provision of reentry and reintegration services provided to offenders through state-funded and volunteer programs across divisions of the department to:

(A) target eligible offenders efficiently; and

(B) ensure maximum use of existing facilities, personnel, equipment, supplies, and other resources;

(6) provide for collecting and maintaining data regarding the number of offenders who received reentry and reintegration services and the number of offenders who were eligible for but did not receive those services, including offenders who did not participate in those services;

(7) provide for evaluating the effectiveness of the reentry and reintegration services provided to offenders by collecting, maintaining, and reporting outcome information, including recidivism data as applicable;

(8) identify [~~(4) the identification of~~] providers of existing local programs and transitional services with whom the department may contract under Section 495.028 to implement the reentry and reintegration plan; and

(9) [~~(5)]~~ subject to Subsection (f) [~~(e)]~~, provide for the sharing of information between local coordinators, persons with whom the department contracts under Section 495.028, and other providers of services as necessary to adequately assess and address the needs of each offender.

(c) The department, in consultation with the Board of Pardons and Paroles and the Windham School District, shall establish the role of each entity in providing reentry and reintegration services. The reentry and reintegration plan adopted under this section must include, with respect to the department, the Board of Pardons and Paroles, and the Windham School District:

(1) the reentry and reintegration responsibilities and goals of each entity, including the duties of each entity to administer the risk and needs assessment instrument adopted under Section 501.0921;

(2) the strategies for achieving the goals identified by each entity; and

(3) specific timelines for each entity to implement the components of the reentry and reintegration plan for which the entity is responsible.

(d) The department shall regularly evaluate the reentry and reintegration plan adopted under this section. Not less than once in each three-year period following the adoption of the plan, the department shall update the plan.

(e) The department shall provide a copy of the initial reentry and reintegration plan adopted under this section and each evaluation and revision of the plan to the board, the Windham School District, and the Board of Pardons and Paroles.

(f) An offender's personal health information may be disclosed under Subsection (b)(9) [~~(b)(5)]~~ only if:

(1) the offender consents to the disclosure; and

(2) the disclosure does not violate the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) or other state or federal law.

(g) ~~(d)~~ The programs provided under Subsections (b)(2) and (3) must:

(1) be implemented by highly skilled staff who are experienced in working with inmate reentry and reintegration programs;

(2) provide offenders with:

(A) individualized case management and a full continuum of care;

(B) life-skills training, including information about budgeting, money management, nutrition, and exercise;

(C) education and, if an offender has a learning disability, special education;

(D) employment training;

(E) appropriate treatment programs, including substance abuse and mental health treatment programs; and

(F) parenting and relationship building classes; and

(3) be designed to build for former offenders post-release and post-discharge support from the community into which an offender is released or discharged, including support from agencies and organizations within that community.

(h) ~~(e)~~ In developing the reentry and reintegration plan adopted under this section, the department shall ensure that the reentry program for long-term inmates under Section 501.096 and the reintegration services provided under Section 501.097 are incorporated into the plan.

(i) Not later than September 1 of each even-numbered year, the department shall deliver a report of the results of evaluations conducted under Subsection (b)(7) to the lieutenant governor, the speaker of the house of representatives, and each standing committee of the senate and house of representatives having primary jurisdiction over the department.

SECTION 4. Subchapter C, Chapter 501, Government Code, is amended by adding Section 501.0921 to read as follows:

Sec. 501.0921. RISK AND NEEDS ASSESSMENT INSTRUMENT. (a) The department shall adopt a standardized instrument to assess, based on criminogenic factors, the risks and needs of each offender within the adult criminal justice system.

(b) The department shall make the risk and needs assessment instrument available for use by each community supervision and corrections department established under Chapter 76.

(c) The department and the Windham School District shall jointly determine the duties of each entity with respect to implementing the risk and needs assessment instrument in order to efficiently use existing assessment processes.

(d) The department shall specify a timeline for the testing, adoption, and implementation of the risk and needs assessment instrument. The department's timeline must provide for the use of the instrument to be fully implemented not later than January 1, 2015. This subsection expires January 1, 2016.

SECTION 5. Section 501.098, Government Code, as added by Chapter 643 (H.B. 1711), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

Sec. 501.098. REENTRY TASK FORCE. (a) The department shall establish a reentry task force and shall coordinate the work of the task force with the Office of Court Administration. The executive director shall ensure that the task force includes representatives of [and by rule shall enter into a memorandum of understanding with] the following entities [to establish a reentry task force]:

- (1) the Texas Juvenile Justice Department [Youth Commission];
- (2) the Texas Workforce Commission;
- (3) the Department of Public Safety;
- (4) the Texas Department of Housing and Community Affairs;
- (5) the Texas Correctional Office on Offenders with Medical or Mental Impairments;
- (6) the Health and Human Services Commission;
- (7) the Texas Judicial Council; ~~and~~
- (8) the Board of Pardons and Paroles;
- (9) the Windham School District;
- (10) the Texas Commission on Jail Standards;
- (11) the Department of State Health Services;
- (12) the Texas Court of Criminal Appeals;
- (13) the County Judges and Commissioners Association of Texas;
- (14) the Sheriffs' Association of Texas;
- (15) the Texas District and County Attorneys Association; and
- (16) the Texas Conference of Urban Counties.

(b) The executive director shall appoint a representative from each of the following entities to serve on the reentry task force:

- (1) a community supervision and corrections department established under Chapter 76;
- (2) an organization that advocates on behalf of offenders;
- (3) a local reentry planning entity; and
- (4) a statewide ~~an~~ organization [selected by the department] that advocates for or provides reentry or reintegration services to offenders following their release or discharge from a correctional facility.

(c) To the extent feasible, the executive director shall ensure that the membership of the reentry task force reflects the geographic diversity of this state and includes members of both rural and urban communities.

(d) The executive director may appoint additional members as the executive director determines necessary.

- (e) ~~(b)~~ The reentry task force shall [established under Subsection (a) may]:
- (1) identify gaps in services for offenders following their release or discharge to rural or urban communities in the areas of employment, housing, substance abuse treatment, medical care, and any other areas in which the offenders need special services; and
 - (2) coordinate with providers of existing local reentry and reintegration programs, including programs operated by a municipality or county, to make recommendations regarding the provision of comprehensive services to offenders following their release or discharge to rural or urban communities.

(f) In performing its duties under Subsection (e), the reentry task force shall:

(1) identify:

(A) specific goals of the task force;

(B) specific deliverables of the task force, including the method or format in which recommendations under Subsection (e)(2) will be made available;
and

(C) the intended audience or recipients of the items described by Paragraph (B);

(2) specify the responsibilities of each entity represented on the task force regarding the goals of the task force; and

(3) specify a timeline for achieving the task force's goals and producing the items described by Subdivision (1)(B).

SECTION 6. Section 501.131, Government Code, is amended to read as follows:

Sec. 501.131. DEFINITIONS [~~DEFINITION~~]. In this subchapter:

(1) "Committee" [~~"committee"~~] means the Correctional Managed Health Care Committee.

(2) "Contracting entity" means an entity that contracts with the department to provide health care services under this chapter.

(3) "Medical school" means the medical school at The University of Texas Health Science Center at Houston, the medical school at The University of Texas Health Science Center at Dallas, the medical school at The University of Texas Health Science Center at San Antonio, The University of Texas Medical Branch at Galveston, the Texas Tech University Health Sciences Center, the Baylor College of Medicine, the college of osteopathic medicine at the University of North Texas Health Science Center at Fort Worth, or The Texas A&M University System Health Science Center.

SECTION 7. Section 501.133, Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The committee consists of nine [~~five~~] voting members and one nonvoting member as follows:

(1) one member employed full-time by the department, appointed by the executive director;

(2) one member who is a physician and employed full-time by The University of Texas Medical Branch at Galveston, appointed by the president of the medical branch;

(3) one member who is a physician and employed full-time by the Texas Tech University Health Sciences Center, appointed by the president of the university;

(4) two members who are physicians, each of whom is employed full-time by a medical school other than The University of Texas Medical Branch at Galveston or the Texas Tech University Health Sciences Center, appointed by the governor;

(5) two members appointed by the governor who are licensed mental health professionals;

(6) two public members appointed by the governor who are not affiliated with the department or with any contracting entity [~~with which the committee has contracted to provide health care services under this chapter~~], at least one of whom is licensed to practice medicine in this state; and

(7) [(5)] the state Medicaid director or a person employed full-time by the Health and Human Services Commission and appointed by the Medicaid director, to serve ex officio as a nonvoting member.

(c) A committee member appointed under Subsection (a)(7) shall assist the department with developing the expertise needed to accurately assess health care costs and determine appropriate rates.

SECTION 8. Section 501.136, Government Code, is amended to read as follows:

Sec. 501.136. APPOINTMENT; TERMS OF OFFICE; VACANCY [FOR PUBLIC MEMBERS]. (a) The two committee members appointed under Section 501.133(a)(4) serve concurrent four-year terms expiring on February 1 following the fourth anniversary of the date of appointment. On the expiration of the terms, the governor shall appoint one member from each of the next two medical schools that, based on an alphabetical listing of the names of the medical schools, follow the medical schools that employ the vacating members. A medical school may not be represented at any given time by more than one member appointed under Section 501.133(a)(4).

(b) The two committee members appointed under Section 501.133(a)(5) serve concurrent four-year terms expiring on February 1 following the fourth anniversary of the date of appointment.

(c) Public [Committee] members appointed under Section 501.133(a)(6) [by the governor] serve staggered four-year terms, with the term of one of those members expiring on February 1 of each odd-numbered year.

(d) Other committee members serve at the will of the appointing official or until termination of the member's employment with the entity the member represents.

(e) If a vacancy occurs, the appropriate appointing authority shall appoint a person, in the same manner as the original appointment, to serve for the remainder of the unexpired term. If a vacancy occurs in a position appointed under Section 501.133(a)(4), the governor shall appoint a physician employed by the same medical school as that of the vacating member.

SECTION 9. Section 501.146, Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The committee shall develop and approve a managed health care plan for all persons confined by the department that ~~[includes]:~~

(1) specifies the types and general level of care to be provided to [the establishment of a managed health care provider network of physicians and hospitals that will serve the department as the exclusive health care provider for] persons confined [in institutions operated] by the department; and

(2) ensures continued access to needed care in the correctional health care system [cost containment studies;

~~[(3) care case management and utilization management studies performed for the department; and~~

~~[(4) concerning the establishment of criteria for hospitals, home health providers, or hospice providers, a provision requiring the managed health care plan to accept certification by the Medicare program under Title XVIII, Social Security Act (42 U.S.C. Section 1395 et seq.), and its subsequent amendments, as an alternative to accreditation by the Joint Commission on Accreditation of Healthcare Organizations].~~

(c) The committee shall provide expertise to the department, and may appoint subcommittees to assist the department, in developing policies and procedures for implementation of the managed health care plan.

SECTION 10. Section 501.147, Government Code, is amended to read as follows:

Sec. 501.147. POWERS AND DUTIES OF DEPARTMENT; AUTHORITY TO CONTRACT. (a) The department, in cooperation with the contracting entities, shall:

(1) establish a managed health care provider network of physicians and hospitals to provide health care to persons confined by the department; and

(2) evaluate and recommend to the board sites for new medical facilities that appropriately support the managed health care provider network.

(b) The department may:

(1) communicate with the legislature regarding the financial needs of the correctional health care system;

(2) monitor the expenditures of a contracting entity to ensure that those expenditures comply with applicable statutory and contractual requirements;

(3) address problems found through monitoring activities, including requiring corrective action if care does not meet expectations as determined by those monitoring activities;

(4) identify and address long-term needs of the correctional health care system;

(5) ~~enter into a~~ contract with any entity to fully implement the managed health care plan under this subchapter, including contracting for health care services and the integration of those services into the managed health care provider network;

(6) contract with an individual for financial consulting services and make use of financial monitoring of the managed health care plan to assist the department in determining an accurate capitation rate; and

(7) contract with an individual for actuarial consulting services to assist the department in determining trends in the health of the inmate population and the impact of those trends on future financial needs.

(c) In contracting for the implementation of the managed health care plan, the department shall:

(1) ~~[A contract entered into under this subsection must]~~ include provisions necessary to ensure that the contracting entity ~~[The University of Texas Medical Branch at Galveston]~~ is eligible for and makes reasonable efforts to participate in the purchase of prescription drugs under Section 340B, Public Health Service Act (42 U.S.C. Section 256b); and~~[-]~~

(2) ~~[(b) The department may contract with other governmental entities for similar health care services and integrate those services into the managed health care provider network.~~

~~[(e) In contracting for implementation of the managed health care plan, the department,] to the extent possible, [shall] integrate the managed health care provider network with the [public] medical schools [of this state] and the component and affiliated hospitals of those medical schools. [The contract must authorize The University of Texas Medical Branch at Galveston to contract directly with the Texas Tech University Health Sciences Center for the provision of health care services. The Texas Tech University Health Sciences Center shall cooperate with The University of Texas Medical Branch at Galveston in its efforts to participate in the purchase of prescription drugs under Section 340B, Public Health Service Act (42 U.S.C. Section 256b).]~~

(d) For services that a governmental entity ~~[the public medical schools and their components and affiliates]~~ cannot provide, the department shall initiate a competitive bidding process for contracts with other providers for medical care to persons confined by the department.

~~[(e) The department, in cooperation with the committee, may contract with an individual or firm for a biennial review of, and report concerning, expenditures under the managed health care plan. The review must be conducted by an individual or firm experienced in auditing the state's Medicaid expenditures and other medical expenditures. Not later than September 1 of each even numbered year, the department shall submit a copy of a report under this section to the health care providers that are part of the managed health care provider network established under this subchapter, the Legislative Budget Board, the governor, the lieutenant governor, and the speaker of the house of representatives.]~~

SECTION 11. Subchapter E, Chapter 501, Government Code, is amended by adding Section 501.1471 to read as follows:

Sec. 501.1471. REPORT. (a) Not later than the 30th day after the end of each fiscal quarter, the department shall submit to the Legislative Budget Board and the governor a report that contains, for the preceding quarter:

(1) the actual and projected expenditures for the correctional health care system, including expenditures for unit and psychiatric care, hospital and clinical care, and pharmacy services;

(2) health care utilization and acuity data;

(3) other health care information as determined by the governor and the Legislative Budget Board; and

(4) the amount of cost savings realized as a result of contracting for health care services under this subchapter with a provider other than the Texas Tech University Health Sciences Center and The University of Texas Medical Branch.

(b) A contract entered into by the department for the provision of health care services must require the contracting entity to provide the department with necessary documentation to fulfill the requirements of this section.

SECTION 12. Sections 501.148(a) and (b), Government Code, are amended to read as follows:

(a) The committee may:

(1) develop statewide policies for the delivery of correctional health care;

(2) ~~[communicate with the department and the legislature regarding the financial needs of the correctional health care system;~~

~~[(3) in conjunction with the department, monitor the expenditures of The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center to ensure that those expenditures comply with applicable statutory and contractual requirements;~~

~~[(4)] serve as a dispute resolution forum in the event of a disagreement relating to inmate health care services between:~~

~~(A) the department and the health care providers; or~~

~~(B) contracting entities [The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center];~~

~~[(5) address problems found through monitoring activities by the department and health care providers, including requiring corrective action if care does not meet expectations as determined by those monitoring activities;~~

~~[(6) identify and address long term needs of the correctional health care system]; and~~

~~(3) [(7)] report to the board [Texas Board of Criminal Justice] at the board's regularly scheduled meeting each quarter on the committee's policy recommendations[, the financial status of the correctional health care system, and corrective actions taken by or required of the department or the health care providers].~~

~~(b) The committee shall advise the department and the board as necessary, including providing medical expertise and assisting the department and the board in identifying system needs and resolving contract disputes [evaluate and recommend to the board sites for new medical facilities that appropriately support the managed health care provider network].~~

SECTION 13. Sections 501.1485(a) and (b), Government Code, are amended to read as follows:

(a) The department, in cooperation with any contracting entity that is a medical school ~~[The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center]~~, shall develop and implement a training program for corrections medication aides that uses a curriculum specific to administering medication in a correctional setting.

(b) In developing the curriculum for the training program, the department and the medical school ~~[, The University of Texas Medical Branch at Galveston, and the Texas Tech University Health Sciences Center]~~ shall:

(1) consider the content of the curriculum developed by the American Correctional Association for certified corrections nurses; and

(2) modify as appropriate the content of the curriculum developed under Chapter 242, Health and Safety Code, for medication aides administering medication in convalescent and nursing homes and related institutions to produce content suitable for administering medication in a correctional setting.

SECTION 14. Subchapter E, Chapter 508, Government Code, is amended by adding Section 508.1411 to read as follows:

Sec. 508.1411. NOTIFICATION OF PAROLE PANEL DECISION. (a) For each decision of a parole panel granting or denying the release of an inmate on parole, or denying the release of an inmate on mandatory supervision, the parole panel shall:

(1) produce a written statement, in clear and understandable language, that explains:

(A) the decision; and
(B) the reasons for the decision only to the extent those reasons relate specifically to the inmate;

(2) provide a copy of the statement to the inmate; and

(3) place a copy of the statement in the inmate's file.

(b) In a written statement produced under Subsection (a), the parole panel may withhold information that:

(1) is confidential and not subject to public disclosure under Chapter 552; or

(2) the parole panel considers to possibly jeopardize the health or safety of any individual.

(c) The board shall keep a copy of each statement produced under Subsection (a) in a central location.

SECTION 15. Section 508.144, Government Code, is amended to read as follows:

Sec. 508.144. PAROLE GUIDELINES AND RANGE OF RECOMMENDED PAROLE APPROVAL RATES. (a) The board shall:

(1) develop according to an acceptable research method the parole guidelines that are the basic criteria on which a parole decision is made;

(2) base the guidelines on the seriousness of the offense and the likelihood of a favorable parole outcome;

(3) ensure that the guidelines require consideration of an inmate's progress in any programs in which the inmate participated during the inmate's term of confinement; ~~and~~

(4) establish and maintain a range of recommended parole approval rates for each category or score within the guidelines; and

(5) implement the guidelines.

(b) ~~If a board member or parole commissioner deviates from the parole guidelines in voting on a parole decision, the member or parole commissioner shall:~~

~~(1) produce a written statement describing in detail the specific circumstances regarding the departure from the guidelines;~~

~~(2) place a copy of the statement in the file of the inmate for whom the parole decision was made; and~~

~~(3) provide a copy of the statement to the inmate.~~

~~(c) The board shall keep a copy of a statement made under Subsection (b) in a central location.~~

~~(d) The board shall meet annually to review and discuss the parole guidelines and range of recommended parole approval rates ~~developed under Subsection (a)~~. The board may consult outside experts to assist with the review. The board shall prioritize the use of outside experts, technical assistance, and training in taking any action under Subsection (c). The board must consider:~~

(1) how the parole guidelines and range of recommended parole approval rates serve the needs of parole decision-making; and

(2) the extent to which ~~how well~~ the parole guidelines and range of recommended parole approval rates reflect parole panel decisions ~~;~~ and

~~(3) how well parole guidelines~~ predict successful parole outcomes.

(c) ~~(e)~~ Based on the board's review ~~[of the parole guidelines]~~ under Subsection (b) ~~(d)~~, the board may:

- (1) update the guidelines by:
 - (A) including new risk factors; or
 - (B) changing the values of offense severity or risk factor scores; or
- (2) modify the range of recommended parole approval rates under the guidelines, if:

(A) a modification is recommended as a result of the peer review process under Section 508.1441; or

(B) parole approval rates differ significantly from the range of recommended parole approval rates.

(d) ~~(f)~~ The board is not required to hold an open meeting to review the parole guidelines and range of recommended parole approval rates as required by Subsection (b) ~~(d)~~, but any modifications or updates to the guidelines or range of recommended parole approval rates made by the board under Subsection (c) ~~(e)~~ must occur in an open meeting.

SECTION 16. Subchapter E, Chapter 508, Government Code, is amended by adding Section 508.1441 to read as follows:

Sec. 508.1441. REVIEW OF DEVIATIONS; PEER REVIEW PANELS. (a) The board shall conduct an annual review of the voting patterns of each regional office and individual parole panel member to identify the offices or members that have actual parole approval rates in a fiscal year that deviate from the range of recommended parole approval rates for a given category or score by more than five percent either above or below the recommended range.

(b) The board shall develop and implement a peer review process by which a panel will review the parole decisions of a regional office identified by the board as deviating from the range of recommended parole approval rates as described by Subsection (a).

(c) The presiding officer shall designate the composition of each peer review panel and shall designate panels composed of any combination of board members and parole commissioners.

(d) In conducting a review, a peer review panel shall:

(1) review a reasonable sample of the cases of the regional office under review that relate to the deviation;

(2) determine whether the deviation:

(A) was justified; or

(B) indicates a need for additional training, a reexamination of the parole guidelines, or a modification of the range of recommended parole approval rates to increase the reliability, validity, or effectiveness of the guidelines or range; and

(3) make recommendations to the regional office under review to enable the office to more accurately align the office's actual parole approval rates with the range of recommended parole approval rates.

(e) A peer review panel shall provide the presiding officer with a copy of any recommendations made under Subsection (d)(3).

(f) A regional office under review shall develop and submit to the presiding officer for consideration and approval a plan to implement recommendations made to the office under Subsection (d)(3).

SECTION 17. Section 508.1445(b), Government Code, is amended to read as follows:

(b) The report must include:

(1) a brief explanation of the parole guidelines, including how the board:

(A) defines the risk factors and offense severity levels; and

(B) determines the range of recommended parole approval rates for each guideline score;

(2) a comparison of the range of recommended parole approval rates under the parole guidelines to the actual approval rates for individual parole panel members, regional offices, and the state as a whole; ~~and~~

(3) a description of instances in which the actual parole approval rates do not meet the range of recommended parole approval rates under the parole guidelines, an explanation of the variations, and a list of actions that the board has taken or will take to meet the guidelines; and

(4) a summary of each peer review panel's recommendations and the results of any approved actions taken to implement those recommendations, as described by Section 508.1441(f).

SECTION 18. The heading to Section 508.152, Government Code, is amended to read as follows:

Sec. 508.152. INDIVIDUAL TREATMENT PLAN ~~[PROPOSED PROGRAM OF INSTITUTIONAL PROGRESS]~~.

SECTION 19. Section 508.152, Government Code, is amended by amending Subsections (b) and (d) and adding Subsections (b-1) and (b-2) to read as follows:

(b) The department shall:

(1) establish for the inmate an individual treatment plan ~~[a proposed program of measurable institutional progress]~~; and

(2) submit the plan ~~[proposed program]~~ to the board at the time of the board's consideration of the inmate's case for release.

(b-1) The department shall include in an inmate's individual treatment plan:

(1) a record of the inmate's institutional progress that includes the inmate's participation in any program, including an intensive volunteer program as defined by the department;

(2) the results of any assessment of the inmate, including any assessment made using the risk and needs assessment instrument adopted under Section 501.0921 and any vocational, educational, or substance abuse assessment;

(3) the dates on which the inmate must participate in any subsequent assessment; and

(4) all of the treatment and programming needs of the inmate, prioritized based on the inmate's assessed needs.

(b-2) At least once in every 12-month period, the department shall review each inmate's individual treatment plan to assess the inmate's institutional progress and revise or update the plan as necessary.

(d) Before the inmate is approved for release on parole, the inmate must agree to participate in the programs and activities described by the individual treatment plan [proposed program of measurable institutional progress].

SECTION 20. Section 508.281, Government Code, is amended by adding Subsection (e) to read as follows:

(e) Any hearing required to be conducted by a parole panel under this chapter may be conducted by a designated agent of the board. The designated agent may make recommendations to a parole panel that has responsibility for making a final determination.

SECTION 21. Chapter 509, Government Code, is amended by adding Section 509.0041 to read as follows:

Sec. 509.0041. USE OF RISK AND NEEDS ASSESSMENT INSTRUMENT. The division shall require each department to use the risk and needs assessment instrument adopted by the Texas Department of Criminal Justice under Section 501.0921 to assess each defendant at the time of the defendant's initial placement on community supervision and at other times as required by the comprehensive reentry and reintegration plan adopted under Section 501.092.

SECTION 22. Section 509.010(b), Government Code, is amended to read as follows:

(b) Before the 30th day before the date of the meeting, the division, the department that the facility is to serve, or a vendor proposing to operate the facility shall:

(1) publish by advertisement that is not less than 3-1/2 inches by 5 inches notice of the date, hour, place, and subject of the hearing required by Subsection (a) in three consecutive issues of a newspaper of, or in newspapers that collectively have, general circulation in the county in which the proposed facility is to be located; and

(2) mail a copy of the notice to each police chief, sheriff, city council member, mayor, county commissioner, county judge, school board member, state representative, and state senator who serves or represents the area in which the proposed facility is to be located, unless the proposed facility has been previously authorized to operate at a particular location as part of a community justice plan submitted by a community justice council under Section 509.007 [76.003].

SECTION 23. Section 509.011(a), Government Code, is amended to read as follows:

(a) If the division determines that a department complies with division standards and if the community justice council has submitted a community justice plan under Section 509.007 [76.003] and the supporting information required by the division and the division determines the plan and supporting information are acceptable, the division shall prepare and submit to the comptroller vouchers for payment to the department as follows:

(1) for per capita funding, a per diem amount for each felony defendant directly supervised by the department pursuant to lawful authority;

(2) for per capita funding, a per diem amount for a period not to exceed 182 days for each defendant supervised by the department pursuant to lawful authority, other than a felony defendant; and

(3) for formula funding, an annual amount as computed by multiplying a percentage determined by the allocation formula established under Subsection (f) times the total amount provided in the General Appropriations Act for payments under this subdivision.

SECTION 24. Chapter 509, Government Code, is amended by adding Sections 509.013 and 509.014 to read as follows:

Sec. 509.013. GRANT PROGRAM ADMINISTRATION. (a) In this section, "grant program" means a grant program administered by the division through which the division awards grants to departments through an application process.

(b) The division shall:

(1) establish goals for each grant program that are consistent with the purposes described by Section 509.002 and the mission of the division;

(2) establish grant application, review, award, and evaluation processes;

(3) establish the process by which and grounds on which an applicant may appeal a decision of the division regarding a grant application;

(4) establish and maintain a system to routinely monitor grant performance;

(5) establish and make available to the public:

(A) all criteria used in evaluating grant applications; and

(B) all factors used to measure grant program performance;

(6) publish on the division's Internet website for each grant awarded:

(A) the amount awarded;

(B) the method used in scoring the grant applications and the results of

that scoring; and

(C) additional information describing the methods used to make the funding determination; and

(7) require each department to submit program-specific outcome data for the division's use in making grant awards and funding decisions.

Sec. 509.014. STUDY REGARDING PERFORMANCE-BASED FUNDING.

(a) The division shall:

(1) review the funding formulas specified under Section 509.011 and study the feasibility of adopting performance-based funding formulas, including whether the formulas should take into consideration an offender's risk level or other appropriate factors in allocating funding; and

(2) make recommendations for modifying the current funding formulas.

(b) In conducting the study and making recommendations under Subsection (a), the division shall:

(1) seek input from departments, the judicial advisory council established under Section 493.003(b), and other relevant interest groups; and

(2) in consultation with the Legislative Budget Board, determine the impact of any recommendations on the allocation of the division's funds as projected by the Legislative Budget Board.

(c) The division shall include in the reports prepared under Sections 509.004(c) and 509.016(c):

(1) the findings of the study;

(2) any recommendations regarding modifying the funding formulas; and

(3) the projected impact of the recommendations on the allocation of the division's funds.

SECTION 25. Article 42.01, Code of Criminal Procedure, is amended by adding Section 11 to read as follows:

Sec. 11. In addition to the information described by Section 1, the judgment should reflect whether a victim impact statement was returned to the attorney representing the state pursuant to Article 56.03(e).

SECTION 26. Article 56.03(e), Code of Criminal Procedure, is amended to read as follows:

(e) Prior to the imposition of a sentence by the court in a criminal case, the court~~[, if it has received a victim impact statement,]~~ shall, as applicable in the case, inquire as to whether a victim impact statement has been returned to the attorney representing the state and, if a victim impact statement has been returned to the attorney representing the state, consider the information provided in the statement. Before sentencing the defendant, the court shall permit the defendant or the defendant's ~~[his]~~ counsel a reasonable time to read the statement, excluding the victim's name, address, and telephone number, comment on the statement, and, with the approval of the court, introduce testimony or other information alleging a factual inaccuracy in the statement. If the court sentences the defendant to a term of community supervision, the attorney representing the state ~~[court]~~ shall forward any victim's impact statement received in the case to the community supervision and corrections department supervising the defendant~~[, along with the papers in the case].~~

SECTION 27. Article 56.04, Code of Criminal Procedure, is amended by adding Subsection (d-1) and amending Subsection (e) to read as follows:

(d-1) The victim services division of the Texas Department of Criminal Justice, in consultation with the Board of Pardons and Paroles, law enforcement agencies, prosecutors' offices, and other participants in the criminal justice system, shall develop recommendations to ensure that completed victim impact statements are submitted to the Texas Department of Criminal Justice as provided by this chapter.

(e) On inquiry by the court, the attorney representing the state ~~[The victim assistance coordinator]~~ shall make available ~~[send]~~ a copy of a victim impact statement for consideration by ~~[to]~~ the court sentencing the defendant. If the court sentences the defendant to imprisonment in the Texas Department of Criminal Justice, the court ~~[#]~~ shall attach the copy of the victim impact statement to the commitment papers.

SECTION 28. Chapter 19, Education Code, is amended by adding Section 19.0022 to read as follows:

Sec. 19.0022. SUNSET PROVISION. The Windham School District is subject to review under Chapter 325, Government Code (Texas Sunset Act). The district shall be reviewed during the period in which the Texas Department of Criminal Justice is reviewed.

SECTION 29. Section 19.0041, Education Code, is amended to read as follows:

Sec. 19.0041. PROGRAM DATA COLLECTION AND BIENNIAL EVALUATION AND REPORT ~~[OF TRAINING SERVICES]~~. (a) To evaluate the effectiveness of its programs ~~[training services provided to persons confined or imprisoned in the department],~~ the Windham School District shall ~~[consult with the~~

~~Legislative Budget Board to~~ compile and analyze information for each of its programs, including performance-based information and data related to academic, vocational training, and life skills programs ~~[person who receives the training services]~~. This information shall include for each person who participates in district programs an evaluation of:

- (1) institutional disciplinary violations;
- (2) subsequent arrests;
- (3) subsequent convictions or confinements;
- (4) the cost of confinement;
- (5) educational achievement;
- (6) high school equivalency examination passage;
- (7) the kind of training services provided;
- (8) ~~[(2)]~~ the kind of employment the person obtains on release;
- (9) ~~[(3)]~~ whether the employment was related to training;
- (10) ~~[(4)]~~ the difference between the amount of the person's earnings on the date employment is obtained following release and the amount of those earnings on the first anniversary of that date; and
- (11) ~~[(5)]~~ the retention factors associated with the employment.

(b) The Windham School District shall use the information compiled and analyzed under Subsection (a) to biennially:

- (1) evaluate whether its programs meet the goals under Section 19.003 and make changes to the programs as necessary; and
- (2) ~~[Legislative Budget Board shall]~~ submit a [an annual] report to the board, the legislature, and the governor's office [based on data compiled and analyzed under Subsection (a)].

(c) The Windham School District may enter into a memorandum of understanding with the department, the Department of Public Safety, and the Texas Workforce Commission to obtain and share data necessary to evaluate district programs.

SECTION 30. The following provisions of the Government Code are repealed:

- (1) Section 493.009(i);
- (2) Section 501.100; and
- (3) Sections 501.148(c) and (d).

SECTION 31. Not later than October 1, 2013, each facility under the oversight of the correctional institutions division of the Texas Department of Criminal Justice shall establish a case management committee as required by Section 493.031, Government Code, as added by this Act.

SECTION 32. Not later than January 1, 2014:

- (1) the Texas Department of Criminal Justice shall adopt the comprehensive reentry and reintegration plan required by Section 501.092, Government Code, as amended by this Act; and
- (2) the executive director of the Texas Department of Criminal Justice shall appoint representatives to serve on the reentry task force as required by Section 501.098, Government Code, as amended by this Act.

SECTION 33. Not later than September 1, 2016, the Texas Department of Criminal Justice shall submit the first report required by Section 501.092(i), Government Code, as added by this Act.

SECTION 34. (a) Not later than January 31, 2014, the governor shall appoint to the Correctional Managed Health Care Committee one member from each of the first two medical schools, so as to comply with the membership requirements of Section 501.133(a)(4), Government Code, as amended by this Act, based on an alphabetical listing of the names of the medical schools.

(b) Not later than January 31, 2014, the governor shall appoint to the Correctional Managed Health Care Committee two members who are licensed health professionals, so as to comply with the membership requirements of Section 501.133(a)(5), Government Code, as added by this Act.

(c) Notwithstanding the terms of the members as provided by Section 501.136(a), Government Code, as added by this Act, the terms of the members appointed under this section expire February 1, 2017.

SECTION 35. Not later than the 30th day after the end of the first quarter of fiscal year 2014, the Texas Department of Criminal Justice shall submit the first report required by Section 501.1471, Government Code, as added by this Act.

SECTION 36. Section 508.1411, Government Code, as added by this Act, applies only to a decision of a parole panel made on or after November 1, 2013. A decision of a parole panel made before November 1, 2013, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 37. Not later than January 1, 2014, the Board of Pardons and Paroles shall:

(1) establish the range of recommended parole approval rates required by Section 508.144(a), Government Code, as amended by this Act; and

(2) develop and begin implementation of the peer review process required by Section 508.1441, Government Code, as added by this Act.

SECTION 38. Not later than January 1, 2014, the community justice assistance division of the Texas Department of Criminal Justice shall adopt forms, establish procedures, and take other actions necessary to comply with the requirements of Section 509.013, Government Code, as added by this Act.

SECTION 39. Not later than January 1, 2017, the community justice assistance division of the Texas Department of Criminal Justice shall include in the reports submitted under Sections 509.004(c) and 509.016(c), Government Code, the findings, recommendations, and projected impact of recommendations from the first study conducted under Section 509.014, Government Code, as added by this Act.

SECTION 40. Before January 1, 2014, the victim services division of the Texas Department of Criminal Justice shall develop the recommendations required by Article 56.04(d-1), Code of Criminal Procedure, as added by this Act.

SECTION 41. This Act takes effect September 1, 2013.

Floor Amendment No. 2

Amend **CSSB 213** (house committee printing) as follows:

(1) On page 33, strike lines 15-17 and substitute the following:

(1) Section 493.009(i);

- (2) Section 497.012(e);
- (3) Section 501.100; and
- (4) Sections 501.148(c) and (d).

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

SECTION _____. Section 497.012(b), Government Code, is amended to read as follows:

(b) If the department determines that it is economically feasible, the department shall repair or refurbish the surplus or salvage data processing equipment. The department may ~~shall~~ sell the repaired or refurbished data processing equipment to a school district, a state agency, an organization that is exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986, or a political subdivision of the state in that relative order of preference.

Floor Amendment No. 4

Amend **CSSB 213** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 495, Government Code, is amended by adding Section 495.0251 to read as follows:

Sec. 495.0251. COMMISSARY STUDY. (a) The department shall contract with an independent third party to study the department's commissary operations. The independent third party must:

(1) review the operation of the commissary in each facility operated by the department; and

(2) make recommendations to the department for decreasing the costs of, or otherwise improving the operations of, the commissaries.

(b) Not later than December 1, 2014, the department shall provide a report summarizing the results of the study to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over criminal justice matters. The report must include information regarding the extent to which the department has implemented the independent third party's recommendations.

(c) This section expires January 1, 2015.

Floor Amendment No. 6

Amend **CSSB 213** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 501, Government Code, is amended by adding Section 501.023 to read as follows:

Sec. 501.023. INFORMATION CONCERNING FOSTER CARE HISTORY. (a) The department, during the diagnostic process, shall assess each inmate with respect to whether the inmate has at any time been in the conservatorship of a state agency responsible for providing child protective services.

(b) Not later than December 31 of each year, the department shall submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, and each legislative standing committee having primary jurisdiction

over the department. The report must summarize statistical information concerning the total number of inmates who have at any time been in the conservatorship of a state agency responsible for providing child protective services.

Floor Amendment No. 8

Amend **CSSB 213** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 501, Government Code, is amended by adding Section 501.0971 to read as follows:

Sec. 501.0971. PROVISION OF REENTRY AND REINTEGRATION INFORMATION TO INMATES. (a) The department shall identify organizations that provide reentry and reintegration resource guides and shall collaborate with those organizations to make the resource guides available to all inmates. At a minimum, the department shall collaborate with:

- (1) nonprofit entities that specialize in criminal justice issues;
- (2) faith-based organizations; and
- (3) organizations that:
 - (A) offer pro bono legal services to inmates; or
 - (B) are composed of the families and friends of inmates.

(b) The department shall make the resource guides available in the Windham School District libraries and in each of the following areas of a correctional facility:

- (1) law libraries;
- (2) peer educator classrooms;
- (3) chapels;
- (4) reintegration specialist offices; and
- (5) any area or classroom that is used by the department for the purpose of providing information about reentry to inmates.

(c) The department shall make available a sufficient number of copies of the resource guides to ensure that each inmate is able to access a resource guide in a timely manner.

(d) The department shall identify organizations described by Subsections (a)(1) through (3) that provide information described by Subsection (e) and shall collaborate with those organizations to compile county-specific information packets for inmates. The department shall provide a county-specific information packet to an inmate not less than six months before the inmate will discharge the inmate's sentence or as soon as practicable before releasing the inmate on parole, mandatory supervision, or conditional pardon.

(e) At the minimum, a county-specific packet described by Subsection (d) must include, for the applicable county:

(1) contact information, including telephone numbers, e-mail addresses, physical locations, and mailing addresses, as applicable, of:

(A) workforce offices, housing options, places of worship, support groups, peer-to-peer counseling groups, and other relevant organizations or agencies as determined by the department and the collaborating organization;

(B) agencies and organizations that offer emergency assistance, such as food and clothing banks, temporary bus passes, low-cost medical assistance, and overnight and temporary housing; and

(C) agencies and organizations that offer mental health counseling; and
(2) information necessary for the inmate to apply for governmental assistance or benefits, including Medicaid, social security benefits, or nutritional assistance programs under Chapter 33, Human Resources Code.

Floor Amendment No. 10

Amend **CSSB 213** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 501.008, Government Code, is amended by adding Subsection (g) to read as follows:

(g) Not later than December 1 of each year, the department shall submit a report to the legislature that includes:

(1) the number of inmate grievances filed or appealed during the preceding fiscal year at each facility operated by the department or under contract with the department;

(2) information regarding the resolution of the inmate grievances; and

(3) information regarding the resources needed at the facility level to enable a facility to mitigate any issues or recurring problems relating to inmate grievances.

Floor Amendment No. 11

Amend **CSSB 213** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 501, Government Code, is amended by adding Section 501.0101 to read as follows:

Sec. 501.0101. STUDY OF VISITATION POLICIES; REPORT. (a) The department shall conduct a study of the state jail division's visitation policies under Section 507.030(b) and the institutional division's visitation policies under Section 501.010(b). The study may include a review and consideration of policies to strengthen family relations, including:

(1) expanding child-friendly areas; and

(2) notifying individuals who are eligible to visit an offender when visitation has been canceled or rescheduled.

(b) Not later than December 31, 2014, the department shall report the results of the study to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over the department.

(c) This section expires February 1, 2015.

Floor Amendment No. 14

Amend **CSSB 213** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Subchapter E, Chapter 499, Government Code, is amended by adding Section 499.1091 to read as follows:

Sec. 499.1091. CLOSURE OF UNIT. The board may close one or more units and transfer the inmates housed in a unit being closed to another unit if the board determines that the total capacity of the units that will remain in operation after the closure will exceed the projected needs of the department. The board shall prioritize the closure of the units that are the least cost-effective for the department to operate, based on the Legislative Budget Board's most recent edition of the Criminal Justice Uniform Cost Report, relative to units of similar capacity that house inmates of the same classification.

Floor Amendment No. 15

Amend **CSSB 213** Amendment No. 14 by P. King/Keffer on page 1 by striking lines 6-15, and substituting the following:

Sec. 499.1091. CLOSURE OF UNIT. (a) The board may close one or more privately operated units and transfer the inmates housed in a unit being closed to another unit only if state funding needed for the operations of a unit has not been appropriated.

(b) If state funding for the operations of a unit has not been appropriated, the board shall determine whether to close a unit based on the level of community support, or lack thereof, for a unit as evidenced by a letter or resolution of the commissioners court or city council of the locality in which the unit is located.

(c) If the board does not receive documented community support for a unit, the board shall make its determination of which unit to close based on consideration of the cost-effectiveness of a unit, including all costs to department; safety and security issues; staffing needs; and any other information the board and department consider relevant.

Floor Amendment No. 1 on Third Reading

Amend **CSSB 213** on third reading as follows:

(1) In the SECTION of the bill that amends Section 501.131, Government Code (house committee printing, page 10, line 10), strike added Subdivision (1) and substitute the following:

(1) "Committee" [~~,"committee"~~] means the Correctional [~~Managed~~] Health Care Committee.

(2) Strike Subsections (a) and (b) of the SECTION of the bill that adds transition language pertaining to the appointment of members to the Correctional Managed Health Care Committee under amended Section 501.133(a), Government Code (house committee printing, page 34, lines 8-18), and substitute the following:

(a) Not later than January 31, 2014, the governor shall appoint to the Correctional Health Care Committee one member from each of the first two medical schools, so as to comply with the membership requirements of Section 501.133(a), Government Code, as amended by this Act, based on an alphabetical listing of the names of the medical schools.

(b) Not later than January 31, 2014, the governor shall appoint to the Correctional Health Care Committee two members who are licensed mental health professionals, so as to comply with the membership requirements of Section 501.133(a), Government Code, as added by this Act.

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

SECTION _____. Section 15(i), Article 42.12, Code of Criminal Procedure, as added by Chapter 1308 (SB 909), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(i) If a defendant is convicted of a state jail felony and the sentence is executed, the judge sentencing the defendant may release the defendant to a medically suitable placement if the judge determines that the defendant does not constitute a threat to public safety and the Texas Correctional Office on Offenders with Medical or Mental Impairments:

(1) in coordination with the Correctional [Managed] Health Care Committee prepares a case summary and medical report that identifies the defendant as being elderly, physically disabled, mentally ill, terminally ill, or mentally retarded or having a condition requiring long-term care; and

(2) in cooperation with the community supervision and corrections department serving the sentencing court, prepares for the defendant a medically recommended intensive supervision and continuity of care plan that:

(A) ensures appropriate supervision of the defendant by the community supervision and corrections department; and

(B) requires the defendant to remain under the care of a physician at and reside in a medically suitable placement.

SECTION _____. Section 501.132, Government Code, is amended to read as follows:

Sec. 501.132. APPLICATION OF SUNSET ACT. The Correctional [Managed] Health Care Committee is subject to review under Chapter 325 (Texas Sunset Act) regarding the committee's role and responsibilities. The committee shall be reviewed during the period in which the Texas Department of Criminal Justice is reviewed.

SECTION _____. Section 508.146(a), Government Code, is amended to read as follows:

(a) An inmate other than an inmate who is serving a sentence of death or life without parole may be released on medically recommended intensive supervision on a date designated by a parole panel described by Subsection (e), except that an inmate with an instant offense that is an offense described in Section 3g, Article 42.12, Code of Criminal Procedure, or an inmate who has a reportable conviction or adjudication under Chapter 62, Code of Criminal Procedure, may only be considered if a medical condition of terminal illness or long-term care has been diagnosed by a physician, if:

(1) the Texas Correctional Office on Offenders with Medical or Mental Impairments, in cooperation with the Correctional [Managed] Health Care Committee, identifies the inmate as being:

(A) elderly, physically disabled, mentally ill, terminally ill, or mentally retarded or having a condition requiring long-term care, if the inmate is an inmate with an instant offense that is described in Section 3g, Article 42.12, Code of Criminal Procedure; or

(B) in a persistent vegetative state or being a person with an organic brain syndrome with significant to total mobility impairment, if the inmate is an inmate who has a reportable conviction or adjudication under Chapter 62, Code of Criminal Procedure;

(2) the parole panel determines that, based on the inmate's condition and a medical evaluation, the inmate does not constitute a threat to public safety; and

(3) the Texas Correctional Office on Offenders with Medical or Mental Impairments, in cooperation with the pardons and paroles division, has prepared for the inmate a medically recommended intensive supervision plan that requires the inmate to submit to electronic monitoring, places the inmate on super-intensive supervision, or otherwise ensures appropriate supervision of the inmate.

SECTION _____. Section 614.002(e), Health and Safety Code, is amended to read as follows:

(e) The executive head of each of the following agencies, divisions of agencies, or associations, or that person's designated representative, shall serve as a member of the committee:

(1) the correctional institutions division of the Texas Department of Criminal Justice;

(2) the Department of State Health Services;

(3) the parole division of the Texas Department of Criminal Justice;

(4) the community justice assistance division of the Texas Department of Criminal Justice;

(5) the Texas Juvenile Justice Department [~~Probation Commission~~];

(6) [~~the Texas Youth Commission~~];

[(7)] the Department of Assistive and Rehabilitative Services;

(7) [(8)] the Correctional [~~Managed~~] Health Care Committee;

(8) [(9)] the Mental Health Association in Texas;

(9) [(10)] the Board of Pardons and Paroles;

(10) [(11)] the Commission on Law Enforcement Officer Standards and Education;

(11) [(12)] the Texas Council of Community Mental Health and Mental Retardation Centers;

(12) [(13)] the Commission on Jail Standards;

(13) [(14)] the Texas Council for Developmental Disabilities;

(14) [(15)] the Texas Association for Retarded Citizens;

(15) [(16)] the National Alliance for the Mentally Ill of Texas;

(16) [(17)] the Parent Association for the Retarded of Texas, Inc.;

(17) [(18)] the Health and Human Services Commission; and

(18) [(19)] the Department of Aging and Disability Services.

SECTION _____. Section 614.017(c)(1), Health and Safety Code, is amended to read as follows:

(1) "Agency" includes any of the following entities and individuals, a person with an agency relationship with one of the following entities or individuals, and a person who contracts with one or more of the following entities or individuals:

- (A) the Texas Department of Criminal Justice and the Correctional [Managed] Health Care Committee;
- (B) the Board of Pardons and Paroles;
- (C) the Department of State Health Services;
- (D) the Texas Juvenile Justice Department;
- (E) the Department of Assistive and Rehabilitative Services;
- (F) the Texas Education Agency;
- (G) the Commission on Jail Standards;
- (H) the Department of Aging and Disability Services;
- (I) the Texas School for the Blind and Visually Impaired;
- (J) community supervision and corrections departments and local juvenile probation departments;
- (K) personal bond pretrial release offices established under Article 17.42, Code of Criminal Procedure;
- (L) local jails regulated by the Commission on Jail Standards;
- (M) a municipal or county health department;
- (N) a hospital district;
- (O) a judge of this state with jurisdiction over juvenile or criminal cases;
- (P) an attorney who is appointed or retained to represent a special needs offender or a juvenile with a mental impairment;
- (Q) the Health and Human Services Commission;
- (R) the Department of Information Resources;
- (S) the bureau of identification and records of the Department of Public Safety, for the sole purpose of providing real-time, contemporaneous identification of individuals in the Department of State Health Services client data base; and
- (T) the Department of Family and Protective Services.

Floor Amendment No. 2 on Third Reading

Amend **CSSB 213** on third reading, in proposed Section 499.1091, Government Code, as added by the King amendment as amended by the Anchia amendment, by striking all of the text of the section after "CLOSURE OF UNIT." and substituting the following:

If the board determines that the bed space capacity of the correctional institutions division exceeds the projected needs of the division, the board may close one or more units and transfer the inmate population from the units designated for closure to other units within the division. The board shall make its determination of which unit or units to close based on:

- (1) the level of community support for the continued operation of a unit as evidenced by a letter or resolution of the commissioners court or city council of the locality in which the unit is located;

(2) the cost-effectiveness of unit, including all costs to the department, utilizing the Legislative Budget Board's most recent edition of the Criminal Justice Uniform Cost Report, relative to units of similar capacity that house inmates of the same classification;

(3) the level of appropriation for unit;

(4) safety and security issues;

(5) staffing needs; and

(6) any other information the board considers relevant.

The amendments were read.

Senator Whitmire moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 213** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Whitmire, Chair; Huffman, Hinojosa, Duncan, and Nichols.

SENATE BILL 1730 WITH HOUSE AMENDMENTS (Motion In Writing)

Senator Nichols called **SB 1730** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 1730** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to comprehensive development agreements of the Texas Department of Transportation or a regional mobility authority.

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

SECTION 1. Section 223.201, Transportation Code, is amended by amending Subsections (a), (b), (f), (g), (i), (j), (k), and (l) and adding Subsection (j-1) to read as follows:

(a) Subject to Section 223.202, the department may enter into a comprehensive development agreement with a private entity to design, develop, finance, construct, maintain, repair, operate, extend, or expand a:

(1) toll project;

(2) state highway improvement project that includes both tolled and nontolled lanes and may include nontolled appurtenant facilities;

(3) state highway improvement project in which the private entity has an interest in the project; [✗]

(4) state highway improvement project financed wholly or partly with the proceeds of private activity bonds, as defined by Section 141(a), Internal Revenue Code of 1986; or

(5) nontolled state highway improvement project authorized by the legislature.

(b) In this subchapter, "comprehensive development agreement" means an agreement that, at a minimum, provides for the design and construction, reconstruction, rehabilitation, expansion, or improvement of a project described in Subsection (a) and may also provide for the financing, acquisition, maintenance, or operation of a project described in Subsection (a).

(f) The department may enter into a comprehensive development agreement only for all or part of:

(1) the State Highway 99 (Grand Parkway) project;

(2) the Interstate Highway 35E managed lanes project in Dallas and Denton Counties from Interstate Highway 635 to U.S. Highway 380;

(3) the Interstate Highway 35W project in Tarrant County from Interstate Highway 30 to State Highway 114 [~~North Tarrant Express project in Tarrant and Dallas Counties, including:~~

~~[(A) on State Highway 183 from State Highway 121 to State Highway 161 (Segment 2E);~~

~~[(B) on Interstate Highway 35W from Interstate Highway 30 to State Highway 114 (Segments 3A, 3B, and 3C); and~~

~~[(C) on Interstate Highway 820 from State Highway 183 North to south of Randol Mill Road (Segment 4)];~~

(4) the State Highway 183 managed lanes project in Tarrant and Dallas Counties [~~County~~] from State Highway 121 [~~161~~] to Interstate Highway 35E;

(5) the Interstate Highway 35/U.S. Highway 67 Southern Gateway project in Dallas County, including:

(A) Interstate Highway 35E from 8th Street to Interstate Highway 20;

and

(B) U.S. Highway 67 from Interstate Highway 35E to Farm-to-Market Road 1382 (Belt Line Road) [~~State Highway 249 project in Harris and Montgomery Counties from Spring Cypress Road to Farm to Market Road 1774];~~

(6) the State Highway 288 project from U.S. Highway 59 to south of State Highway 6 in Brazoria County and Harris County; [and]

(7) the U.S. Highway 290 [Hempstead] managed lanes project in Harris County from Interstate Highway 610 to State Highway 99;

(8) the Interstate Highway 820 project from State Highway 183 to Randol Mill Road;

(9) the State Highway 114 project in Dallas County from State Highway 121 to State Highway 183;

(10) the Loop 12 project in Dallas County from State Highway 183 to Interstate Highway 35E;

(11) the Interstate Highway 35E project in Dallas County from State Highway 183 to the Dallas North Tollway;

(12) the Loop 9 project in Dallas and Ellis Counties from Interstate Highway 20 to U.S. Highway 67; and

(13) the U.S. Highway 181 Harbor Bridge project in Nueces County between U.S. Highway 181 at Beach Avenue and Interstate Highway 37.

(g) The department may combine in a comprehensive development agreement under this subchapter:

(1) a toll project and a rail facility as defined by Section 91.001; or

(2) two or more projects described by Subsection (f).

(i) The authority to enter into a comprehensive development agreement under [for a project described by] Subsection (f)[, other than the State Highway 99 (Grand Parkway) project] expires:

(1) August 31, 2017; or

(2) August 31, 2015, for:

(A) the State Highway 183 managed lanes project;

(B) the State Highway 114 project; and

(C) the Loop 12 project.

(j) Before the department may enter into a comprehensive development agreement under Subsection (f), the department must:

(1) obtain[, not later than August 31, 2013,] the appropriate environmental clearance for the project or for the initial or base scope of the project if the project agreement provides for the phased construction of the project:

(A) not later than August 31, 2017; or

(B) not later than January 31, 2014, for a project described by Subsection (i)(2) [for any project other than the State Highway 99 (Grand Parkway) project]; and

(2) present to the commission a full financial plan for the project, including costing methodology and cost proposals.

(j-1) Subsections (i) and (j) do not apply to the State Highway 99 (Grand Parkway) project.

(k) Not later than December 1, 2014 ~~[2012]~~, the department shall provide [present] a report to the commission on the status of a project described by Subsection (f). The report must include:

(1) the status of the project's environmental clearance;

(2) an explanation of any project delays; and

(3) if the procurement is not completed, the anticipated date for the completion of the procurement.

(l) In this section, "environmental clearance" means:

(1) a finding of no significant impact has been issued for the project or, as applicable, for the initial or base scope of the project; or

(2) for a project for which an environmental impact statement is prepared, a record of decision has been issued for that project or, as applicable, for the initial or base scope of the project.

SECTION 2. Sections 223.2011(a), (c), (e), and (f), Transportation Code, are amended to read as follows:

(a) Notwithstanding Sections 223.201(f) and 370.305(c), the department or an authority under Section 370.003 may enter into a comprehensive development agreement relating to improvements to, or construction of all or part of:

(1) the Loop 1 (MoPac Improvement) project from Farm-to-Market Road 734 to Cesar Chavez Street;

(2) the U.S. 183 (Bergstrom Expressway) project from Springdale Road to Patton Avenue; ~~or~~

(3) a project consisting of the construction of:

(A) the Outer Parkway Project in Cameron County from U.S. Highway 77 ~~[77/83]~~ to Farm-to-Market Road 1847; and

(B) the South Padre Island Second Access Causeway Project from State Highway 100 to Park Road 100;

(4) the Loop 49 project from Interstate 20 to U.S. Highway 69 (Lindale Relief Route) and from State Highway 110 to U.S. Highway 259 (Segments 6 and 7);

(5) the Loop 375 Border Highway West project in El Paso County from Race Track Drive to U.S. Highway 54; and

(6) the Northeast Parkway project in El Paso County from Loop 375 east of the Railroad Drive overpass to the Texas-New Mexico border.

(c) Not later than December 1, 2014 ~~[2012]~~, the department or the authority, as applicable, shall provide ~~[present]~~ a report to the commission on the status of a project described by Subsection (a). The report must include:

(1) the status of the project's environmental clearance;

(2) an explanation of any project delays; and

(3) if the procurement is not completed, the anticipated date for the completion of the procurement.

(e) In this section, "environmental clearance" means:

(1) a finding of no significant impact has been issued for the project or, as applicable, for the initial or base scope of the project; or

(2) for a project for which an environmental impact statement is prepared, a record of decision has been issued for that project or, as applicable, for the initial or base scope of the project.

(f) The authority to enter into a comprehensive development agreement under this section expires August 31, 2017 ~~[2015]~~.

SECTION 3. Subchapter G, Chapter 370, Transportation Code, is amended by adding Section 370.3051 to read as follows:

Sec. 370.3051. LIMITED AUTHORITY FOR CERTAIN PROJECTS USING COMPREHENSIVE DEVELOPMENT AGREEMENTS. Notwithstanding Section 370.305(c), an authority formed by a county with a population of more than 700,000 that borders the United Mexican States may enter into a comprehensive development agreement for:

(1) the Hidalgo County Loop Project;

(2) the International Bridge Trade Corridor Project; and

(3) projects associated with commuter rail.

SECTION 4. Section 371.101, Transportation Code, is amended to read as follows:

Sec. 371.101. TERMINATION FOR CONVENIENCE. (a) A comprehensive development agreement under which a private participant receives the right to operate and collect revenue from a toll project must contain a provision authorizing the toll project entity to terminate the agreement for convenience and to purchase, under terms agreed to by the parties:

(1) the interest of the private participant in the comprehensive development agreement; and

(2) related property, including any interest in a highway or other facility designed, developed, financed, constructed, operated, or maintained under the agreement.

(b) A comprehensive development agreement described by Subsection (a) must include a price breakdown stating a specific price for the purchase of the private participant's interest at specified intervals from the date the toll project opens, of not less than two years and not more than five years, over the term of the agreement.

(c) The provision must authorize the toll project entity to terminate the comprehensive development agreement and to purchase the private participant's interest at any time during a specified interval at the lesser of:

(1) the price stated for that interval; or

(2) the greater of:

(A) the then fair market value of the private participant's interest, plus or minus any other amounts specified in the comprehensive development agreement;
or

(B) an amount equal to the amount of outstanding debt specified in the comprehensive development agreement, plus or minus any other amounts specified in the comprehensive development agreement.

(d) A toll project entity shall include in a request for proposals for an agreement described by Subsection (a) a request for the proposed price breakdown described by Subsection (b) and shall assign points to and score each proposer's price breakdown in the evaluation of proposals.

(e) A private participant shall, not later than 12 months before the date that a new price interval takes effect, notify the toll project entity of the beginning of the price interval. The toll project entity must notify the private participant as to whether it will exercise the option to purchase under this section not later than six months after the date it receives notice under this subsection.

(f) A toll project entity must notify the private participant of the toll project entity's intention to purchase the private participant's interest under this section not less than six months before the date of the purchase.

(g) Subsections (b), (c), (d), (e), and (f) do not apply to a project for which a request for proposals was issued before January 1, 2013.

(h) If a project requires expansion or reconstruction in a manner that differs from the manner provided in the original project scope or schedule, the price for terminating the comprehensive development agreement may be adjusted to reflect the changes in the agreement. [A toll project entity having rulemaking authority by rule and a toll project entity without rulemaking authority by official action shall develop a formula for making termination payments to terminate a comprehensive development

~~agreement under which a private participant receives the right to operate and collect revenue from a toll project. A formula must calculate an estimated amount of loss to the private participant as a result of the termination for convenience.~~

~~[(b) The formula shall be based on investments, expenditures, and the internal rate of return on equity under the agreed base case financial model as projected over the original term of the agreement, plus an agreed percentage markup on that amount.~~

~~[(c) A formula under Subsection (b) may not include any estimate of future revenue from the project, if not included in an agreed base case financial model under Subsection (b). Compensation to the private participant upon termination for convenience may not exceed the amount determined using the formula under Subsection (b).]~~

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

Floor Amendment No. 1

Amend **CSSB 1730** (house committee printing) as follows:

- (1) On page 3, strike lines 16-17.
- (2) On page 3, line 18, strike "(12)" and substitute "(11)".
- (3) On page 3, line 20, strike "(13)" and substitute "(12)".

Floor Amendment No. 2

Amend **CSSB 1730** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 223.202, Transportation Code, is amended to read as follows:

Sec. 223.202. **LIMITATION ON DEPARTMENT FINANCIAL PARTICIPATION.** (a) The amount of money disbursed by the department from the state highway fund and the Texas mobility fund during a federal fiscal year to pay the costs under comprehensive development agreements may not exceed 40 percent of the obligation authority under the federal-aid highway program that is distributed to this state for that fiscal year.

(b) The department may not increase the amount of money allocated for a project that is the subject of a comprehensive development agreement above the amount allocated for the project in the department's unified transportation program.

Floor Amendment No. 3

Amend **CSSB 1730** (house committee printing) as follows:

- (1) On page 3, line 19, strike "and".
- (2) On page 3, line 22, between "37" and the period insert:

; and

(14) the State Highway 16 widening project between Fredericksburg and Kerrville in Gillespie and Kerr Counties

Floor Amendment No. 4

Amend **CSSB 1730** (house committee printing) as follows:

- (1) On page 6, line 4, between "54;" and "and" insert:
(6) the Loop 1604 project in Bexar County;
- (2) On page 6, line 5, strike "(6)" and substitute "(7)".

The amendments were read.

Senator Nichols moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1730** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Nichols, Chair; Watson, Patrick, Uresti, and Paxton.

CONFERENCE COMMITTEE ON HOUSE BILL 4

Senator Fraser called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 4** and moved that the request be granted.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 4** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Fraser, Chair; Hegar, Estes, Williams, and Uresti.

SENATE BILL 265 WITH HOUSE AMENDMENT

Senator Huffman called **SB 265** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 265** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to bond requirements for county officers and employees, district attorneys, and criminal district attorneys.

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

SECTION 1. Section 43.002, Government Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Before assuming the duties of the office and except as provided by Subsection (c) or (d), a district attorney must give a bond that:

- (1) is payable to the governor;
- (2) is in the sum of \$5,000;
- (3) has two or more good and sufficient sureties;
- (4) is approved by the district judge; and
- (5) is conditioned that the district attorney will, in the manner prescribed by

law, faithfully pay over all money that he collects or that comes into his hands for the state or a county.

(d) A district attorney is not required to execute the bond required under Subsection (a) and may perform the duties of office if the commissioners court of each county in the district by order authorizes the county to self-insure against losses that would have been covered by the bond. An order adopted by a commissioners court under this subsection shall be kept and recorded by the county clerk.

SECTION 2. Section 44.002, Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (b) or (c), a criminal district attorney must meet the qualifications and give the bond required of a district attorney by the constitution and general law.

(c) A criminal district attorney is not required to execute the bond required under Subsection (a) and may perform the duties of office if the commissioners court of the county the attorney serves by order authorizes the county to self-insure against losses that would have been covered by the bond. An order adopted by a commissioners court under this subsection shall be kept and recorded by the county clerk.

SECTION 3. Chapter 88, Local Government Code, is amended by adding Section 88.008 to read as follows:

Sec. 88.008. SELF-INSURANCE INSTEAD OF BOND. (a) Notwithstanding any other law requiring a county officer or employee to execute a bond as a condition of office or employment, a county officer or employee is not required to execute the bond and may perform the duties of office or employment if:

(1) the commissioners court by order authorizes the county to self-insure against losses that would have been covered by the bond; and

(2) the county judge approves the order adopted under Subdivision (1), if the county judge was required to approve the bond under the other law.

(b) An order adopted by the commissioners court under Subsection (a) shall be kept and recorded by the county clerk.

SECTION 4. The heading to Chapter 88, Local Government Code, is amended to read as follows:

CHAPTER 88. OFFICIAL BONDS OF ~~CERTAIN~~ COUNTY OFFICERS AND EMPLOYEES

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

The amendment was read.

Senator Huffman moved to concur in the House amendment to **SB 265**.

The motion prevailed by the following vote: Yeas 30; Nays 0.

Absent-excused: Van de Putte.

SENATE BILL 367 WITH HOUSE AMENDMENT

Senator Whitmire called **SB 367** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 367** (house committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Article 18.17, Code of Criminal Procedure, is amended by adding Subsections (d-1) and (d-2) to read as follows:

(d-1) Notwithstanding Subsection (a), (b), (c), or (d), if property described by Subsection (a), other than money, is seized by a peace officer at the time the owner of the property is arrested for an offense punishable as a Class C misdemeanor, the law enforcement agency may provide notice to the owner at the time the owner is taken into or released from custody. On receiving the notice, the owner must sign the notice and attach a thumbprint to the notice. The notice must include:

(1) a description of the property being held;

(2) the address where the property is being held; and

(3) a statement that if the owner does not claim the property before the 31st day after the date the owner is released from custody, the property will be disposed of and the proceeds of the property, after deducting the reasonable expense of keeping and disposing of the property, will be placed in the treasury of the municipality or county providing the notice.

(d-2) If the property for which notice is provided under Subsection (d-1) is not claimed by the owner before the 31st day after the date the owner is released from custody, the law enforcement agency holding the property shall deliver the property for disposition to a person designated by the municipality or to the purchasing agent or sheriff of the county in which the property was seized, as applicable. The person designated by the municipality, the purchasing agent, or the sheriff may sell or donate the property without mailing or publishing an additional notice as required by Subsection (b), (c), or (d). The sale proceeds, after deducting the reasonable expense of keeping and disposing of the property, must be deposited in the treasury of the municipality or county disposing of the property.

SECTION 2. Article 18.17, Code of Criminal Procedure, as amended by this Act, applies to personal property seized or taken into custody on or after the effective date of this Act. Personal property seized or taken into custody before the effective date of this Act is governed by the law in effect on the date the property is seized or taken into custody, and the former law is continued in effect for that purpose.

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

The amendment was read.

Senator Whitmire moved to concur in the House amendment to **SB 367**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read first time and referred to the committees indicated:

- HB 431** to Committee on Criminal Justice.
- HB 432** to Committee on Government Organization.
- HB 655** to Committee on Economic Development.
- HB 764** to Committee on Health and Human Services.
- HB 777** to Committee on Transportation.
- HB 801** to Committee on Agriculture, Rural Affairs and Homeland Security.
- HB 833** to Committee on Jurisprudence.
- HB 860** to Committee on Veteran Affairs and Military Installations.
- HB 1245** to Committee on Jurisprudence.
- HB 1358** to Committee on State Affairs.
- HB 1724** to Committee on Economic Development.
- HB 1824** to Committee on Intergovernmental Relations.
- HB 1869** to Committee on State Affairs.
- HB 2000** to Committee on Economic Development.
- HB 2020** to Committee on State Affairs.
- HB 2025** to Committee on Jurisprudence.
- HB 2094** to Committee on Intergovernmental Relations.
- HB 2152** to Committee on Natural Resources.
- HB 2290** to Committee on Natural Resources.
- HB 2388** to Committee on Veteran Affairs and Military Installations.
- HB 2482** to Committee on Economic Development.
- HB 2485** to Committee on Transportation.
- HB 2501** to Committee on Jurisprudence.
- HB 2610** to Committee on Education.
- HB 2772** to Committee on State Affairs.
- HB 2873** to Committee on Government Organization.
- HB 2877** to Committee on Criminal Justice.
- HB 2883** to Committee on Higher Education.
- HB 3028** to Committee on Economic Development.
- HB 3093** to Committee on Government Organization.
- HB 3178** to Committee on Agriculture, Rural Affairs and Homeland Security.
- HB 3296** to Committee on Economic Development.
- HB 3355** to Committee on Business and Commerce.
- HB 3397** to Committee on Finance.
- HB 3407** to Committee on Criminal Justice.
- HB 3412** to Committee on Criminal Justice.
- HB 3436** to Committee on Economic Development.

HB 3511 to Committee on Natural Resources.
HB 3523 to Committee on Transportation.
HB 3578 to Committee on Economic Development.
HB 3640 to Committee on Higher Education.
HB 3662 to Committee on Education.
HB 3761 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 3762 to Committee on Intergovernmental Relations.
HB 3764 to Committee on Intergovernmental Relations.
HB 3795 to Committee on Intergovernmental Relations.
HB 3798 to Committee on Intergovernmental Relations.
HCR 40 to Committee on Administration.
HJR 86 to Committee on Finance.
HJR 147 to Committee on Intergovernmental Relations.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, May 8, 2013 - 2

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 112 Gonzales, Larry
Designating April 2013 as Civitan International Awareness Month.

HCR 116 Giddings
Honoring Ambassador Ron Kirk for his service as United States Trade Representative.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Patrick was recognized and introduced to the Senate a Charter School Movement of Texas delegation.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Lucio was recognized and introduced to the Senate Antonio Martinez, Brownsville Mayor.

The Senate welcomed its guest.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The Presiding Officer, Senator Eltife in Chair, announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Hegar.

Senator Hegar moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The Presiding Officer asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

Judge, 113th Judicial District Court, Harris County: Michael Lee Landrum, Harris County.

Members, Automobile Burglary and Theft Prevention Authority: Ashley Maurene Hunter, Travis County; Linda Walters Kinney, Hays County.

Members, Board of Trustees, Employees Retirement System of Texas: Cydney C. Donnell, Gillespie County; Frederick Rowe, Dallas County.

Member, Board of Directors, Evergreen Underground Water Conservation District: Jason Byron Peeler, Wilson County.

Member, Finance Commission of Texas: William M. Lucas, Shelby County.

Commissioner, Public Utility Commission of Texas: Kenneth Ward Anderson, Dallas County.

Members, Texas Board of Chiropractic Examiners: Elaine Anne Boatright, Bastrop County; John Henry Riggs, Midland County; John W. Steinberg, Guadalupe County; Cynthia L. Tays, Travis County.

Members, Texas Board of Criminal Justice: John Eric Gambrell, Dallas County; Thomas P. Wingate, Hidalgo County.

Members, Texas Board of Physical Therapy Examiners: Karen Lynn Gordon, Calhoun County; Jeffrey Arron Tout, Hood County; Philip Avery Vickers, Tarrant County; Shari Cathryn Waldie, Travis County.

Members, Texas Diabetes Council: Carley Gomez-Meade, Travis County; Alicia Gracia, Cameron County; Jason Michael Ryan, Harris County; Curtis Lee Triplitt, Bexar County.

Members, Board of Directors, Texas Public Finance Authority: Gerald Byron Alley, Tarrant County; Walker Nelson Moody, Harris County; Ruth Corry Schiermeyer, Lubbock County.

Members, Board of Regents, Texas Southern University: Glenn Oliver Lewis, Tarrant County; Sarah D. Monty, Harris County; Erik Daniel Salwen, Harris County.

Members, Board of Regents, University of North Texas System: Milton B. Lee, Bexar County; Donald Cullen Potts, Dallas County; Alfredo Silva, Bexar County.

**NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Uresti announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at the conclusion of the Senate session tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Nelson and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet and consider the following bills tomorrow:

SB 1912, HB 33, HB 376, HB 908, HB 1018, HB 1191, HB 1376, HB 1803, HB 1971, HB 2111, HB 3201, HB 3556.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Seliger and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Higher Education might meet today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Patrick and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider **HB 1926** tomorrow.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Hegar and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Finance Subcommittee on Fiscal Matters might meet and consider **HB 826** tomorrow.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Criminal Justice might meet today.

**HOUSE BILL 3813 REREFERRED
(Motion In Writing)**

Senator Watson submitted a Motion In Writing requesting that **HB 3813** be withdrawn from the Committee on Intergovernmental Relations and rereferred to the Committee on Natural Resources.

The Motion In Writing prevailed without objection.

CO-AUTHOR OF SENATE BILL 191

On motion of Senator Birdwell, Senator Campbell will be shown as Co-author of **SB 191**.

CO-AUTHORS OF SENATE BILL 1458

On motion of Senator Duncan, Senators Campbell, Davis, Watson, and West will be shown as Co-authors of **SB 1458**.

CO-AUTHOR OF SENATE BILL 1720

On motion of Senator Patrick, Senator Campbell will be shown as Co-author of **SB 1720**.

CO-SPONSOR OF HOUSE BILL 1000

On motion of Senator Hinojosa, Senator West will be shown as Co-sponsor of **HB 1000**.

CO-SPONSOR OF HOUSE BILL 1227

On motion of Senator Williams, Senator West will be shown as Co-sponsor of **HB 1227**.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1600**

Senator Nichols submitted the following Conference Committee Report:

Austin, Texas
May 6, 2013

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1600** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

NICHOLS

WATSON

ELTIFE

WHITMIRE

CARONA

On the part of the Senate

COOK

RITTER

HARLESS

MENÉNDEZ

PRICE

On the part of the House

The Conference Committee Report on **HB 1600** was filed with the Secretary of the Senate.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 850 by Nichols, In memory of Bannister Luther DeBerry.

Congratulatory Resolutions

SCR 35 by Taylor, Recognizing George Mitchell for his support of the Texas Capitol Vietnam Veterans Monument.

SR 848 by Ellis, Recognizing members of the Thierry family on the occasion of their family reunion.

SR 849 by Hinojosa, Recognizing Brian L. Owsley on the occasion of his retirement.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:05 p.m. adjourned, in memory of George Masso and James Raguet Irion III, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 8, 2013

ADMINISTRATION — **CSHB 3559**

EDUCATION — **HB 525, HB 1264, HB 1952, HB 2016, HB 2058, HB 2137**

STATE AFFAIRS — **CSHB 1711**

BUSINESS AND COMMERCE — **CSHB 944, CSHB 1917, CSHB 2462, CSSB 1506**

ADMINISTRATION — **HCR 54, HB 1271, HB 2623, HB 2311**

BUSINESS AND COMMERCE — **CSHB 86**

FINANCE — **CSSB 14, CSSB 1648**

NATURAL RESOURCES — **HB 115, HB 622, HB 752, HB 839, HB 2571, HB 2105, SB 1915, SCR 27**

EDUCATION — **CSSB 1304, CSSB 1310**

NATURAL RESOURCES — **HCR 55, HB 878, HB 1106, HB 1718, HB 1768, HB 1973, HB 3163, HB 3900**

BILLS ENGROSSEDMay 7, 2013**SB 482, SB 628, SB 807, SB 930, SB 1563, SB 1635, SB 1873, SB 1899, SB 1910, SB 1913****BILLS AND RESOLUTIONS ENROLLED**May 7, 2013**SB 120, SB 202, SB 307, SB 412, SB 447, SB 900, SB 945, SB 1110, SB 1286, SB 1815, SR 149, SR 846, SR 847****SENT TO GOVERNOR**May 8, 2013**SB 120, SB 202, SB 307, SB 412, SB 447, SB 900, SB 945, SB 1110, SB 1286, SB 1815**

In Memory
of
James Raguet Irion III
Senate Resolution 760

WHEREAS, The Senate of the State of Texas joins the citizens of Austin in mourning the loss of James Raguet Irion III, who died April 8, 2013, at the age of 81; and

WHEREAS, Jim Irion was born February 2, 1932, in Wichita Falls into a pioneering Texas family; his great-grandfather served as Sam Houston's secretary of state and was ambassador to England and France for the Republic of Texas, and his great-grandmother designed the official seal for the Republic of Texas, which is still used today by the state; and

WHEREAS, He was married for 41 years to Veneice Matlock Irion, and the couple was blessed with four children and seven grandchildren; and

WHEREAS, Jim graduated from Texas Christian University and earned a degree from The University of Texas School of Law; he enjoyed a long and fulfilling career in the practice of law, and he spent his entire life in the State of Texas; and

WHEREAS, He was known for his engaging sense of humor and his radiant smile, and he had a unique ability to make everyone he met feel at home; and

WHEREAS, A man of courage, compassion, and exceptional kindness, he gave unselfishly to others, and his wisdom, warmth, and valued counsel will not be forgotten; and

WHEREAS, He was a loving and devoted husband, father, and grandfather, and he leaves behind memories that will be treasured forever by his family and countless friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby extend sincere condolences to the bereaved family of James Raguet Irion III; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of James Raguet Irion III.

WATSON





