

# SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FORTY-FOURTH DAY**

(Friday, April 24, 2009)

The Senate met at 9:13 a.m. pursuant to adjournment and was called to order by the President.

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

Absent-excused: Harris.

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

The Very Reverend Albert Laforet, Saint Mary Cathedral, Austin, offered the invocation as follows:

Almighty God, source of all love and truth, we come seeking Your knowledge, understanding, and counsel. May You grant us these gifts so that the work of this assembly might benefit all the people of our state. We entrust to Your mercy and goodness all of our needs. May Your blessings come to all who work here and to all the people of the State of Texas. Amen.

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

The motion prevailed without objection.

## **LEAVE OF ABSENCE**

On motion of Senator Whitmire, Senator Harris was granted leave of absence for today on account of illness.

## **CO-AUTHOR OF SENATE BILL 11**

On motion of Senator Carona, Senator Patrick will be shown as Co-author of **SB 11**.

## **CO-AUTHOR OF SENATE BILL 12**

On motion of Senator Carona, Senator Patrick will be shown as Co-author of **SB 12**.

**CO-AUTHOR OF SENATE BILL 388**

On motion of Senator Carona, Senator Zaffirini will be shown as Co-author of **SB 388**.

**CO-AUTHOR OF SENATE BILL 472**

On motion of Senator Estes, Senator West will be shown as Co-author of **SB 472**.

**CO-AUTHOR OF SENATE BILL 700**

On motion of Senator Patrick, Senator Williams will be shown as Co-author of **SB 700**.

**CO-AUTHOR OF SENATE BILL 1064**

On motion of Senator Watson, Senator Zaffirini will be shown as Co-author of **SB 1064**.

**CO-AUTHOR OF SENATE BILL 1543**

On motion of Senator Uresti, Senator Zaffirini will be shown as Co-author of **SB 1543**.

**CO-AUTHOR OF SENATE BILL 1848**

On motion of Senator West, Senator Hinojosa will be shown as Co-author of **SB 1848**.

**CO-AUTHORS OF SENATE BILL 2468**

On motion of Senator Gallegos, Senators Ellis, Jackson, and Patrick will be shown as Co-authors of **SB 2468**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 48**

On motion of Senator Williams, Senator Patrick will be shown as Co-author of **SJR 48**.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

April 24, 2009

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 1881**, Relating to the creation of the Texas Equine Incentive Program.

**HB 1965**, Relating to permits to control protected wildlife; providing a penalty.

**HB 1990**, Relating to a diabetes self-management training pilot program under the state Medicaid program.

**HB 1998**, Relating to temporary housing and emergency shelters provided by a political subdivision for disaster victims.

**HB 2018**, Relating to the inclusion of a student representative on a district-level planning and decision-making committee.

**HB 2027**, Relating to adoption of the Revised Uniform Anatomical Gift Act; providing criminal penalties.

**HB 2527**, Relating to the regulation of commercial fertilizer.

**HB 4471**, Relating to the professional nursing shortage reduction program.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 41**.

### SENATE RESOLUTION 712

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas joins citizens across our country who are observing World Meningitis Day by recognizing April 25, 2009, as Texas Meningitis Awareness Day; and

WHEREAS, The two types of meningitis are bacterial meningitis and viral meningitis; bacterial meningitis is a serious, potentially deadly disease that can progress very quickly; a person may die in a period of only eight to 24 hours after contracting infection; and

WHEREAS, Bacterial meningitis is an inflammation of the membranes that surround the brain and spinal cord; the disease strikes 2,000 to 3,000 Americans each year, and 10 to 12 percent of those infected die; and

WHEREAS, The rate of the invasive disease among persons 17 to 20 years of age is twice that of the rate of the general United States population, which leads to five to 15 deaths among college students every year; among those who survive meningococcal disease, 20 percent live with severe health problems; and

WHEREAS, Adolescent vaccination would reduce direct costs of the disease by \$18 million and decrease productivity losses by \$50 million; vaccination would save lives and prevent the health problems and disabilities caused by the bacterium, such as brain damage, kidney failure, and epilepsy; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby urge all Texans to observe April 25 as Texas Meningitis Awareness Day and encourage public enlightenment regarding vaccination that would reduce the occurrence of this deadly disease; and, be it further

RESOLVED, That a copy of this Resolution be prepared in recognition of Texas Meningitis Awareness Day.

**SR 712** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate Patsy Silva Schanbaum, Nicholas Schanbaum, Nancy Day, and Maureen Moore, representing Texas Meningitis Awareness Day.

The Senate welcomed its guests.

### **SENATE CONCURRENT RESOLUTION 62**

The President laid before the Senate the following resolution:

**SCR 62**, In memory of the Honorable Lena Guerrero of Austin.

HINOJOSA

The resolution was again read.

**SCR 62** was previously adopted on Tuesday, April 21, 2009.

In honor of the memory of Lena Guerrero of Austin, the text of the resolution is printed at the end of today's *Senate Journal*.

### **GUESTS PRESENTED**

Senator Hinojosa was recognized and introduced to the Senate family members of Lena Guerrero: her husband, Leo Aguirre; her mother, Adela Guerrero; and her sister, Mary Guerrero McDonald.

The Senate welcomed its guests and extended its sympathy.

### **PHYSICIAN OF THE DAY**

Senator Carona was recognized and presented Dr. John Richmond of Dallas as the Physician of the Day.

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

### **BILL AND RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled bill and resolutions in the presence of the Senate after the caption had been read:

**HB 2594, HCR 40, HCR 43, HCR 44, HCR 45, HCR 68, HCR 69, HCR 99, HCR 100, HCR 102, HCR 103, HCR 105, HCR 106, HCR 132.**

### **INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED**

The President 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 President at 9:42 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1214 ON SECOND READING**

Senator Deuell moved to suspend the regular order of business to take up for consideration **CSSB 1214** at this time on its second reading:

**CSSB 1214**, Relating to consumption advisories for mercury contamination in fish, crustaceans, molluscan shellfish, and other aquatic and terrestrial animals.

The motion prevailed.

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

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

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

Nays: Nichols.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1214 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1214** be placed on its third reading and final passage.

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

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

Nays: Nichols, Wentworth.

Absent-excused: Harris.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1214**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1214** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Nichols.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 2308 ON SECOND READING**

Senator Gallegos moved to suspend the regular order of business to take up for consideration **CSSB 2308** at this time on its second reading:

**CSSB 2308**, Relating to the use of discretionary funds raised by public school campuses.

The motion prevailed.

Senator Williams 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: Williams.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 2308 ON THIRD READING**

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2308** be placed on its third reading and final passage.

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

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

Nays: Wentworth, Williams.

Absent-excused: Harris.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 2308**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 2308** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Williams.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 2146 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 2146** at this time on its second reading:

**CSSB 2146**, Relating to the annual allocation of certain constitutional funds to eligible agencies and institutions of higher education.

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: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 2146 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 2146** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

### Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 2146**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 2146** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

### COMMITTEE SUBSTITUTE SENATE BILL 819 ON SECOND READING

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 819** at this time on its second reading:

**CSSB 819**, Relating to the vaccination against bacterial meningitis of certain first-time students at public and private or independent institutions of higher education.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **CSSB 819** (committee printing page 1, line 14) immediately following the enacting clause by adding the following new SECTION 1 and renumbering subsequent SECTIONS of the bill accordingly:

SECTION 1. This Act shall be known as the Jamie Schanbaum Act.

The amendment to **CSSB 819** 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: Harris.



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

**CSSB 819** as amended was passed to engrossment by a viva voce vote.

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

Nays: Hegar.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 819 ON THIRD READING**

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 819** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 819**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 819** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Hegar.

Absent-excused: Harris.

**SENATE BILL 1754 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1754** at this time on its second reading:

**SB 1754**, Relating to filing fees for civil actions or proceedings in a district, county, justice, or small claims court.

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

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

Nays: Hegar.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 388 ON SECOND READING**

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 388** at this time on its second reading:

**CSSB 388**, Relating to the creation of a law enforcement integrity unit in the Department of Public Safety of the State of Texas.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 388** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 411.0207(b), Government Code (page 1, line 18), strike "law enforcement integrity unit" and substitute "public corruption unit".

(2) In SECTION 1 of the bill, in added Section 411.0207(e), Government Code (page 1, lines 52-53), strike "law enforcement integrity unit" and substitute "public corruption unit".

(3) In SECTION 2 of the bill (page 1, lines 58-59), strike "law enforcement integrity unit" and substitute "public corruption unit".

The amendment to **CSSB 388** 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: Harris.

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

**CSSB 388** 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: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 388 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 388** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 388**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 388** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

**(Senator Eltife in Chair)**

**SENATE BILL 2325 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2325** at this time on its second reading:

**SB 2325**, Relating to the confidentiality of certain information pertaining to the State Commission on Judicial Conduct.

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: Harris.

### **SENATE BILL 2325 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 **SB 2325** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 2325**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 2325** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

### **SENATE BILL 1237 ON SECOND READING**

Senator Estes moved to suspend the regular order of business to take up for consideration **SB 1237** at this time on its second reading:

**SB 1237**, Relating to the authority of certain juvenile probation officers to carry firearms.

The motion prevailed.

Senator Zaffirini 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: Zaffirini.

Absent-excused: Harris.

### **SENATE BILL 1237 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1237** be placed on its third reading and final passage.

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

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

Nays: Wentworth, Zaffirini.

Absent-excused: Harris.

### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1237**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1237** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Zaffirini.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1022 ON SECOND READING**

Senator Ellis moved to suspend the regular order of business to take up for consideration **CSSB 1022** at this time on its second reading:

**CSSB 1022**, Relating to death benefits for the survivors of certain members of the Texas National Guard.

The motion prevailed.

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

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1022** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. This Act does not make an appropriation. A provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

The amendment to **CSSB 1022** 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:

Nays: Nichols.

Absent-excused: Harris.

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

**CSSB 1022** as amended was passed to engrossment by a viva voce vote.

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

Nays: Nichols.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1022 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1022** be placed on its third reading and final passage.

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

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

Nays: Nichols, Wentworth.

Absent-excused: Harris.

### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1022**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1022** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Nichols.

Absent-excused: Harris.

### **COMMITTEE SUBSTITUTE SENATE BILL 1693 ON SECOND READING**

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1693** at this time on its second reading:

**CSSB 1693**, Relating to the regulation of poultry facilities and poultry litter.

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: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1693 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1693** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1693**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1693** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1064 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1064** at this time on its second reading:

**CSSB 1064**, Relating to the investigation of child abuse or neglect.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1064** (committee printing) on page 2, between lines 55 and 56 by inserting the following:



"(o) Nothing in this section shall prevent a court from requiring notice and a hearing prior to issuance of an order under this section if the court determines that notice and a hearing are necessary to determine whether the requested access to persons, records, or places is necessary to aid in the investigation."

The amendment to **CSSB 1064** 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: Harris.

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

**CSSB 1064** 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: Harris.

### COMMITTEE SUBSTITUTE SENATE BILL 1064 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1064** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

### Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1064**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1064** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

### **SENATE BILL 2274 ON SECOND READING**

Senator Seliger moved to suspend the regular order of business to take up for consideration **SB 2274** at this time on its second reading:

**SB 2274**, Relating to the authority of a school district to impose ad valorem taxes.

The motion prevailed.

Senator 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 the passage to engrossment except as follows:

Nays: Patrick.

Absent-excused: Harris.

### **SENATE BILL 2274 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2274** be placed on its third reading and final passage.

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

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

Nays: Patrick, Wentworth.

Absent-excused: Harris.

### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 2274**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 2274** would

have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Patrick.

Absent-excused: Harris.

### **COMMITTEE SUBSTITUTE SENATE BILL 867 ON THIRD READING**

The Presiding Officer, Senator Eltife in Chair, laid before the Senate **CSSB 867** by Senator Lucio on its third reading and final passage. The bill had been read third time, amended, an amendment offered, and further consideration postponed until today:

**CSSB 867**, Relating to summer nutrition programs provided for by school districts.

Question — Shall Floor Amendment No. 3 on Third Reading to **CSSB 867** be adopted?

Senator Nichols withdrew Floor Amendment No. 3 on Third Reading.

Senator Nichols offered the following amendment to the bill:

#### **Floor Amendment No. 4 on Third Reading**

Amend **CSSB 867** on third reading in SECTION 1 of the bill, in added Section 12.0026(f)(2)(D), Agriculture Code (committee printing, page 2, line 21), between "circumstance" and "and the unavailability" by inserting ", such as the fact that the district does not offer a summer school program,".

The amendment to **CSSB 867** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4 on Third Reading except as follows:

Absent-excused: Harris.

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

**CSSB 867** as amended was finally passed by the following vote: Yeas 29, Nays 1.

Nays: Ogden.

Absent-excused: Harris.

**(President in Chair)**

**(Senator Eltife in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 1954 ON SECOND READING**

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1954** at this time on its second reading:

**CSSB 1954**, Relating to a temporary faculty license for chiropractic faculty.

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: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1954 ON THIRD READING**

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1954** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1954**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1954** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

**SENATE BILL 2503 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2503** at this time on its second reading:

**SB 2503**, Relating to the powers and duties of the Lake View Management and Development District; providing authority to impose a tax and issue bonds; granting certain powers relating to navigation improvements; and granting powers of a road district.

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

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

Absent-excused: Harris.

**SENATE BILL 2503 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2503** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 2503**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 2503** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

**SENATE BILL 858 ON SECOND READING**

Senator Seliger moved to suspend the regular order of business to take up for consideration **SB 858** at this time on its second reading:

**SB 858**, Relating to offering the classroom portion of a driver education course through an alternative method of instruction.

The motion prevailed.

Senator Zaffirini 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: Zaffirini.

Absent-excused: Harris.

**SENATE BILL 858 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 858** be placed on its third reading and final passage.

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

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

Nays: Wentworth, Zaffirini.

Absent-excused: Harris.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 858**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 858** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Zaffirini.

Absent-excused: Harris.

### **SENATE BILL 1837 ON SECOND READING**

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1837** at this time on its second reading:

**SB 1837**, Relating to the continuation of the Texas Bleeding Disorders Advisory Council.

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: Harris.

### **SENATE BILL 1837 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 **SB 1837** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1837**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1837** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 2017 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2017** at this time on its second reading:

**CSSB 2017**, Relating to public participation in the development of transportation projects by the Texas Department of Transportation.

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: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 2017 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2017** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 2017**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 2017** would have occurred on the next legislative day, allowing for Texans to have learned through



news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

### **SENATE BILL 2154 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2154** at this time on its second reading:

**SB 2154**, Relating to the confidentiality of certain travel vouchers submitted by certain peace officers.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

#### **Floor Amendment No. 1**

Amend **SB 2154** (Senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter H, Chapter 660, Government Code, is amended by adding Section 660.2035 to read as follows:

Sec. 660.2035. CONFIDENTIALITY OF CERTAIN PEACE OFFICER VOUCHERS. (a) A voucher submitted or to be submitted under Section 660.027 is confidential and may not be disclosed under Chapter 552 if:

(1) the voucher is submitted or is to be submitted for payment or reimbursement of a travel expense incurred by a peace officer who is assigned to provide protection for an elected official of this state or a member of the elected official's family; and

(2) the travel expense was incurred by the peace officer in providing protection for the elected official or family.

(b) A state agency that submits a voucher described by Subsection (a) shall provide to a person, on request, a summary of the amounts paid or reimbursed by the comptroller in response to the voucher and a summary of any goods and services acquired for which a travel expense is claimed under the voucher.

SECTION 2. Section 660.2035, Government Code, as added by this Act, applies according to its terms in relation to travel vouchers that have not been released before the effective date of this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

The amendment to **SB 2154** 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: Harris.

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

**SB 2154** 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: Harris.

### **COMMITTEE SUBSTITUTE SENATE BILL 1612 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1612** at this time on its second reading:

**CSSB 1612**, Relating to the provision of information by health and human services agencies to assist children with velocardiofacial syndrome.

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: Harris.

### **COMMITTEE SUBSTITUTE SENATE BILL 1612 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 1612** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1612**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has

already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1612** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

### **SENATE BILL 563 ON SECOND READING**

Senator Jackson moved to suspend the regular order of business to take up for consideration **SB 563** at this time on its second reading:

**SB 563**, Relating to the designation of a candidate as an incumbent on a primary ballot.

The motion prevailed.

Senators Ellis, Van de Putte, Williams, and Zaffirini 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: Ellis, Van de Putte, Williams, Zaffirini.

Absent-excused: Harris.

### **SENATE BILL 563 ON THIRD READING**

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 563** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Watson, West, Whitmire.

Nays: Ellis, Van de Putte, Wentworth, Williams, Zaffirini.

Absent-excused: Harris.

### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 563**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 563** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Watson, Wentworth, West, Whitmire.

Nays: Ellis, Van de Putte, Williams, Zaffirini.

Absent-excused: Harris.

#### **SENATE BILL 2504 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2504** at this time on its second reading:

**SB 2504**, Relating to the creation of the Montgomery County Municipal Utility Districts Nos. 128 and 129; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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: Harris.

#### **SENATE BILL 2504 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2504** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

### Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 2504**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 2504** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

### SENATE BILL 1520 ON SECOND READING

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1520** at this time on its second reading:

**SB 1520**, Relating to the protection and care of individuals with mental retardation residing in certain residential care facilities.

The bill was read second time.

Senator Shapleigh offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **SB 1520** (Senate committee printing), SUBCHAPTER F, as follows:

1. In Sec. 592.152, Subsection 3, page 6, line 8, strike "or as part of a behavior plan." and insert the following:  
"; and

(4) a mechanical or physical restraint is not administered as part of a behavior plan to change behavior but only to provide immediate protection from imminent harm."

2. On page 6, lines 9-11, strike Sec. 592.153 and insert the following:

"Sec. 592.153. RESTRAINTS PROHIBITED. (a) A person may not use a straitjacket to restrain a resident of a state school.

(b) A papoose board or restraint board may not be used to restrain a resident of a state school unless:

(1) the device is used as a medical restraint as part of a health-related protection that is prescribed by a physician;

(2) use of the restraint is necessary for protection during the time a medical or dental condition exists for the purpose of preventing an individual from inhibiting or undoing medical or dental treatment; and

(3) medication is not a viable alternative for the individual."

The amendment to **SB 1520** 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: Harris.

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

**SB 1520** 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: Harris.

### **SENATE BILL 1520 ON THIRD READING**

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1520** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1520**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1520** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 350 ON SECOND READING**

Senator Shapleigh moved to suspend the regular order of business to take up for consideration **CSSB 350** at this time on its second reading:

**CSSB 350**, Relating to the application for and continuation of certain health benefit plan coverage; providing a civil penalty.

The motion prevailed.

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

The bill was read second time.

Senator Shapleigh offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 350** (Senate committee printing) as follows:

1. In SECTION 1, strike Sec. 1217.001, page 1, lines 17-54, and insert:

"Sec. 1217.001. DEFINITION OF INDIVIDUAL HEALTH BENEFIT PLAN. (a) Except as provided by this section, in this chapter, "individual health benefit plan" means:

(1) an individual accident and health insurance policy to which Chapter 1201 applies; or

(2) individual health maintenance organization coverage.

(b) The term does not include:

(1) disability income insurance coverage; or

(2) long-term care insurance coverage or benefits, nursing home care coverage or benefits, home health care coverage or benefits, community-based care coverage or benefits, or any combination of those coverages or benefits."

2. In SECTION 1, Sec. 1218.001, page 2, line 37, strike "long-term care coverage" and insert "long-term care insurance coverage".

The amendment to **CSSB 350** 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:

Nays: Patrick.

Absent-excused: Harris.

Senator Shapleigh offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 350** (Senate committee printing), SECTION 1, Sec. 1218.051, page 2, as follows:

1. On line 46, insert "shall" after "contract" and before ":".

2. On line 47, strike "shall".
3. On line 50, strike "and" and insert "or".
4. On line 51, strike "may"
4. On line 61, strike "this section" and insert "Subsection (a)(1)".

The amendment to **CSSB 350** 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:

Nays: Patrick.

Absent-excused: Harris.

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

**CSSB 350** as amended was passed to engrossment by a viva voce vote.

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

Nays: Patrick.

Absent-excused: Harris.

### **COMMITTEE SUBSTITUTE SENATE BILL 350 ON THIRD READING**

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 350** be placed on its third reading and final passage.

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

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

Nays: Patrick, Wentworth.

Absent-excused: Harris.

#### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 350**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 350** would have occurred on the next legislative day, allowing for Texans to have learned through



news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Patrick.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 2470 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2470** at this time on its second reading:

**CSSB 2470**, Relating to the creation of the Maverick Improvement District of Palo Pinto County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 2470 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2470** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 2470**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has

already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 2470** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1063 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1063** at this time on its second reading:

**CSSB 1063**, Relating to the powers of certain hospital districts and to the retirement benefits of employees of the districts and related entities.

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: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1063 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1063** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1063**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying

the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1063** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

#### **SENATE BILL 2047 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2047** at this time on its second reading:

**SB 2047**, Relating to the interception or the collection of information from certain communications in an investigation of criminal conduct.

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: Harris.

#### **SENATE BILL 2047 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2047** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

#### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 2047**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has

already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 2047** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 2379 ON SECOND READING**

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2379** at this time on its second reading:

**CSSB 2379**, Relating to responsibility and criminal penalties for certain violations committed by commercial oyster boat crews.

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: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 2379 ON THIRD READING**

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2379** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 2379**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying

the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 2379** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

#### **SENATE JOINT RESOLUTION 48 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **SJR 48** at this time on its second reading:

**SJR 48**, Proposing a constitutional amendment authorizing the legislature to provide for the ad valorem taxation of a residence homestead solely on the basis of the property's value as a residence homestead; and authorizing the legislature to authorize a single board of equalization for two or more adjoining appraisal entities that elect to provide for consolidated equalizations.

The resolution 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: Harris.

#### **SENATE JOINT RESOLUTION 48 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 48** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

#### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SJR 48**, because in my judgment no circumstance exists in this case to justify the

extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SJR 48** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The resolution was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1173 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1173** at this time on its second reading:

**CSSB 1173**, Relating to certain procedures for delivery of a warrant of execution and modifications or withdrawals of a warrant of execution.

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: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1173 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1173** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1173**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1173** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

#### **COMMITTEE SUBSTITUTE SENATE BILL 1666 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1666** at this time on its second reading:

**CSSB 1666**, Relating to the establishment of the Texas Bioenergy Policy Council and the Texas Bioenergy Research Committee.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

#### **Floor Amendment No. 1**

Amend **CSSB 1666** (Senate committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 50D.013(a), Agriculture Code (page 2, lines 46-50), strike Subdivisions (4) and (5) and substitute:

(4) work to procure federal and other funding to aid this state in becoming a bioenergy leader;

(5) study the feasibility and economic development effect of a blending requirement for biodiesel or cellulosic fuels; and

(6) perform other advisory duties as requested by the commissioner regarding the responsible development of bioenergy resources in this state.

(2) In added Section 50D.023(b), Agriculture Code (page 4, lines 4-9), strike Subdivisions (4) and (5) and substitute:

(4) explore regions of this state, including coastal areas, that may contain available marginal land for use in growing bioenergy feedstocks;

(5) study the potential for producing oil from algae; and

(6) perform other research duties as requested by the commissioner relating to the responsible development of bioenergy resources in this state.

The amendment to **CSSB 1666** 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: Harris.

Senator Ogden offered the following amendment to the bill:

### **Floor Amendment No. 2**

Amend **CSSB 1666** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. This Act does not make an appropriation. A provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

The amendment to **CSSB 1666** 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: Harris.

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

**CSSB 1666** 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: Harris.

### **COMMITTEE SUBSTITUTE SENATE BILL 1666 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1666** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1666**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The



suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1666** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

#### **SENATE BILL 2244 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2244** at this time on its second reading:

**SB 2244**, Relating to the eligibility of employees of certain businesses or organizations established as part of the state's economic development program and of dependents of those employees to pay resident tuition at public institutions of higher education.

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: Harris.

#### **SENATE BILL 2244 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2244** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

#### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 2244**, because in my judgment no circumstance exists in this case to justify the

extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 2244** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

#### **SENATE BILL 2465 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2465** at this time on its second reading:

**SB 2465**, Relating to the payment of certain costs associated with educational programs of the John Ben Shepperd Public Leadership Institute of The University of Texas of the Permian Basin.

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: Harris.

#### **SENATE BILL 2465 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2465** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

#### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 2465**, because in my judgment no circumstance exists in this case to justify the

extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 2465** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

### COMMITTEE SUBSTITUTE SENATE BILL 472 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 472** at this time on its second reading:

**CSSB 472**, Relating to notice required before and period to vacate after foreclosure sale of real property.

The bill was read second time.

Senator Estes offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **CSSB 472** (committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 24.005(b-1), Property Code, in the first sentence (page 1, line 18), strike "to vacate the property".

(2) In SECTION 2 of the bill, in added Subsection (d-1)(2), Section 51.002, Property Code (page 1, line 53), strike "mortgage" and substitute "contract lien".

(3) In SECTION 2 of the bill, in added Subsection (d-1)(6), Section 51.002, Property Code, after the semicolon (page 1, line 62), strike "and".

(4) In SECTION 2 of the bill, in added Subsection (d-1)(7), Section 51.002, Property Code (page 2, line 1), between "Section 51.0022" and the period insert:

; and

(8) the name, telephone number, facsimile number, and e-mail address of a person authorized to act for the servicer of the debt relating to the debt

(5) In SECTION 2 of the bill, in the recital (page 1, line 26), strike "(d-2), (i)," and substitute "(i),".

(6) In SECTION 2 of the bill, in added Section 51.002, Property Code, strike Subsection (d-2) (page 2, lines 2-8).

The amendment to **CSSB 472** 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: Harris.

Senator Lucio offered the following amendment to the bill:

### **Floor Amendment No. 2**

Amend **CSSB 472** (committee printing) as follows:

- 1) On page 1, line 31, after "by" insert "regular mail and".
- 2) On page 1, line 44, after "notice" insert "by regular and certified mail".
- 3) On page 1, line 26, after "Subsection" insert "(b) and".
- 4) On page 1, line 28, before "(d)" insert the following:

"(b) Except as provided by Subsection (b-1), notice of the sale, which must include a statement of the earliest time at which the sale will begin, must be given at least 21 days before the date of the sale by:

- (1) posting at the courthouse door of each county in which the property is located a written notice designating the county in which the property will be sold;
- (2) filing in the office of the county clerk of each county in which the property is located a copy of the notice posted under Subdivision (1); and
- (3) serving written notice of the sale by certified mail and regular mail on each debtor who, according to the records of the mortgage servicer of the debt, is obligated to pay the debt."

The amendment to **CSSB 472** 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: Harris.

### **AT EASE**

The Presiding Officer, Senator Eltife in Chair, at 11:22 a.m. announced the Senate would stand At Ease subject to the call of the Chair.

### **IN LEGISLATIVE SESSION**

Senator Eltife at 11:38 a.m. called the Senate to order as In Legislative Session.

Senator West offered the following amendment to the bill:

### **Floor Amendment No. 3**

Amend **CSSB 472** as follows:

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

"(b) If the occupant is a tenant at will or by sufferance, the landlord must give the tenant at least three days' written notice to vacate before the landlord files a forcible detainer suit unless the parties have contracted for a shorter or longer notice period in a written lease or agreement. If a building is purchased at a tax foreclosure sale or a trustee's foreclosure sale under a lien superior to the tenant's lease and the tenant timely pays rent and is not otherwise in default under the tenant's lease after foreclosure, the purchaser must give a residential tenant of the building at least 60 [~~30~~] days' written notice to vacate if the purchaser chooses not to continue the lease. The

tenant is considered to timely pay the rent under this subsection if, during the month of the foreclosure sale, the tenant pays the rent for that month to the landlord before receiving any notice that a foreclosure sale is scheduled during the month or pays the rent for that month to the foreclosing lienholder or the purchaser at foreclosure not later than the fifth day after the date of receipt of a written notice of the name and address of the purchaser that requests payment. Before a foreclosure sale, a foreclosing lienholder may give written notice to a tenant stating that a foreclosure notice has been given to the landlord or owner of the property and specifying the date of the foreclosure.";

(2) On page 2, lines 9-13, strike proposed subsection (i)(1) and substitute the following:

"(i)(1) If a sale of property occurs, notwithstanding Chapter 24:

(1) the tenant of the debtor is not required to vacate the property before the 61st day after the date of the sale, provided that the tenant:

(a) timely pays rent to the new property owner;

(b) maintains the property in good order; and

(c) maintains a liability insurance policy during the term of the holdover period.";

(3) On page 2, between lines 42 and 43, insert new SECTION 5 and renumber subsequent SECTIONS accordingly:

"SECTION 5. (a) Effective September 1, 2011, Section 51.002(i)(1) is amended to read as follows:

"If a sale of property occurs, notwithstanding Chapter 24:

(1) the tenant of the debtor is not required to vacate the property before the ~~61~~31st day after the date of the sale, provided that the tenant:

(a) timely pays rent to the new property owner;

(b) maintains the property in good order; and

(c) maintains a liability insurance policy during the term of the holdover period.

(b) Effective September 1, 2011, Section 24.005(b) is amended to read as follows:

"(b) If the occupant is a tenant at will or by sufferance, the landlord must give the tenant at least three days' written notice to vacate before the landlord files a forcible detainer suit unless the parties have contracted for a shorter or longer notice period in a written lease or agreement. If a building is purchased at a tax foreclosure sale or a trustee's foreclosure sale under a lien superior to the tenant's lease and the tenant timely pays rent and is not otherwise in default under the tenant's lease after foreclosure, the purchaser must give a residential tenant of the building at least ~~60~~ 30 days' written notice to vacate if the purchaser chooses not to continue the lease. The tenant is considered to timely pay the rent under this subsection if, during the month of the foreclosure sale, the tenant pays the rent for that month to the landlord before receiving any notice that a foreclosure sale is scheduled during the month or pays the rent for that month to the foreclosing lienholder or the purchaser at foreclosure not later than the fifth day after the date of receipt of a written notice of the name and address of the purchaser that requests payment. Before a foreclosure sale, a

foreclosing lienholder may give written notice to a tenant stating that a foreclosure notice has been given to the landlord or owner of the property and specifying the date of the foreclosure."

The amendment to **CSSB 472** 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. 3 except as follows:

Absent-excused: Harris.

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

**CSSB 472** 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: Harris.

### **COMMITTEE SUBSTITUTE SENATE BILL 472 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 472** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

#### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 472**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 472** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1296 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 1296** at this time on its second reading:

**CSSB 1296**, Relating to the certification of a county jailer as a special officer for offenders with mental impairments.

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: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1296 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 1296** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1296**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1296** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

### **SENATE BILL 2230 ON SECOND READING**

On motion of Senator Averitt and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2230** at this time on its second reading:

**SB 2230**, Relating to the jurisdiction and operation of the district courts in McLennan County.

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: Harris.

### **SENATE BILL 2230 ON THIRD READING**

Senator Averitt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2230** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 2230**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 2230** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25



The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1609 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 1609** at this time on its second reading:

**CSSB 1609**, Relating to the control of access to state highways by the Texas Department of Transportation.

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: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1609 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 1609** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1609**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1609** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 2481 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 2481** at this time on its second reading:

**CSSB 2481**, Relating to certain fees for future transfer of real property.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 2481** (Senate committee printing), in SECTION 1 of the bill, by striking amended Section 5.017(c), Property Code (page 1, lines 14 through 27), and substituting the following:

(c) This section does not apply to a deed restriction or other covenant running with the land that requires a fee associated with the conveyance of property [~~in a subdivision~~] that is payable:

(1) to:

(A) [~~(+)~~] a property owners' association that manages or regulates the subdivision or the association's managing agent if the subdivision contains more than one platted lot;

(B) [~~(2)~~] an entity organized under Section 501(c)(3), Internal Revenue Code of 1986; [~~or~~]

(C) [~~(3)~~] a governmental entity; or

(D) an entity other than a property owners' association that operates a golf course and country club in or adjacent to the subdivision if property owners in the subdivision are required by deed restriction to obtain and maintain a membership in the golf course and country club; or

(2) for the benefit or in consideration of a conservation easement created under Chapter 183, Natural Resources Code, located in a county with a population of at least 500,000 and not more than one million.

The amendment to **CSSB 2481** 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: Harris.

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

**CSSB 2481** 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: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 2481 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 2481** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 2481**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 2481** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1553 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1553** at this time on its second reading:

**CSSB 1553**, Relating to the creation of district courts in certain counties.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1553** (Senate committee report) as follows:

(1) In the recital to Subsection (a), SECTION 4, of the bill (page 1, line 36), strike "January 1, 2010" and substitute "December 15, 2009".

(2) In Subsection (b), SECTION 4, of the bill (page 1, lines 43-44), strike "January 1, 2010" and substitute "December 15, 2009".

The amendment to **CSSB 1553** 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: Harris.

Senator Wentworth offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 1553** (Senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. This Act does not make an appropriation. A provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

The amendment to **CSSB 1553** 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: Harris.

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

**CSSB 1553** 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: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 11 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 11** at this time on its second reading:

**CSSB 11**, Relating to the prevention, investigation, prosecution, and punishment for certain gang-related and other criminal offenses and to the consequences and costs of engaging in certain activities of a criminal street gang or certain other criminal activity; providing penalties.

The motion prevailed.

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

The bill was read second time.

Senator Carona offered the following amendment to the bill:

### **Floor Amendment No. 1**

Amend **CSSB 11** (Senate committee printing) in ARTICLE 4 of the bill as follows:

(1) In SECTION 4.09 of the ARTICLE, strike added Section 250.006, Local Government Code (page 12, lines 39-51), and substitute:

Sec. 250.006. SURCHARGE ON SALE OF AEROSOL PAINT. (a) A county by order or a municipality by ordinance may require a person who sells aerosol paint to impose a surcharge not to exceed \$1 on each sale of aerosol paint.

(b) Money collected under this section may be used only for purposes related to graffiti abatement.

(2) In SECTION 4.09 of the ARTICLE, in added Section 250.007(a), Local Government Code (page 12, line 52), strike "A county" and substitute "Except as provided by Subsection (g), a county".

(3) In SECTION 4.09 of the ARTICLE, immediately following added Section 250.007(f), Local Government Code (page 13, between lines 32 and 33), insert:

(g) An order or ordinance described by this section must include an exception from the requirement that an owner of property remove graffiti from the owner's property if:

(1) the graffiti is located on transportation infrastructure; and

(2) the removal of the graffiti would create a hazard for the person performing the removal.

The amendment to **CSSB 11** 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:

Nays: Duncan, Fraser.

Absent-excused: Harris.

Senator Carona offered the following amendment to the bill:

### **Floor Amendment No. 2**

Amend **CSSB 11** (Senate committee printing) in ARTICLE 9 of the bill by adding the following appropriately numbered SECTION to ARTICLE 9 and renumbering subsequent SECTIONS of ARTICLE 9 accordingly:

SECTION 9.\_\_\_\_. Chapter 772, Government Code, is amended by adding Section 772.007 to read as follows:

Sec. 772.007. TEXAS ANTI-GANG GRANT PROGRAM. (a) The criminal justice division established under Section 772.006 shall administer a competitive grant program to support regional, multidisciplinary approaches to combat gang violence through the coordination of gang prevention, intervention, and suppression activities.

(b) The grant program administered under this section must be directed toward regions of this state that have demonstrably high levels of gang violence.

(c) The criminal justice division shall award grants to qualified applicants, as determined by the division, that demonstrate a comprehensive approach that balances gang prevention, intervention, and suppression activities to reduce gang violence.

(d) The criminal justice division shall include in the biennial report required by Section 772.006(a)(9) detailed reporting of the results and performance of the grant program administered under this section.

(e) The criminal justice division may use any revenue available for purposes of this section.

The amendment to **CSSB 11** 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:

Nays: Duncan, Fraser.

Absent-excused: Harris.

Senator Carona offered the following amendment to the bill:

### **Floor Amendment No. 3**

Amend **CSSB 11** (Senate committee printing) in ARTICLE 9 of the bill as follows:

(1) In SECTION 9.02 of the bill, strike the heading to added Section 411.0207, Government Code (page 17, line 51), and substitute "PUBLIC CORRUPTION UNIT".

(2) In SECTION 9.02 of the bill, in added Section 411.0207(b), Government Code (page 17, line 54), strike "law enforcement integrity unit" and substitute "public corruption unit".

(3) In SECTION 9.02 of the bill, in added Section 411.0207(e), Government Code (page 18, lines 19-20), strike "law enforcement integrity unit" and substitute "public corruption unit".

(4) In SECTION 9.05 of the bill (page 19, lines 3-4), strike "law enforcement integrity unit" and substitute "public corruption unit".

The amendment to **CSSB 11** 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. 3 except as follows:

Nays: Duncan, Fraser.

Absent-excused: Harris.

Senator Hinojosa offered the following amendment to the bill:

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

Amend **CSSB 11** (Senate committee printing) as follows:

(1) In ARTICLE 1 of the bill, in SECTION 1.01 of the ARTICLE, in added Section 15.031(e)(1), Penal Code, between "offense" and "a member" (page 1, line 24), insert "17 years of age or older and".

(2) In ARTICLE 1 of the bill, in SECTION 1.04 of the ARTICLE, in added Section 33.06(c), Penal Code (page 2, line 7), strike "state jail felony" and substitute "Class B misdemeanor, except that the offense is a Class A misdemeanor if the actor has previously been convicted of an offense under this section".

(3) In ARTICLE 1 of the bill, in SECTION 1.06 of the ARTICLE, in added Section 71.028(b), Penal Code, immediately preceding "it is shown beyond a reasonable doubt" (page 3, line 23), insert "the actor is 17 years of age or older and".

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

SECTION 1. \_\_. Subchapter D, Chapter 37, Education Code, is amended by adding Section 37.110 to read as follows:

Sec. 37.110. INFORMATION REGARDING GANG-FREE ZONES. The superintendent of each public school district and the administrator of each private elementary or secondary school located in the public school district shall ensure that the student handbook for each campus in the public school district includes information on gang-free zones and the consequences of engaging in organized criminal activity within those zones.

SECTION 1. \_\_. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.973 to read as follows:

Sec. 51.973. INFORMATION REGARDING GANG-FREE ZONES. The governing board of each institution of higher education shall ensure that any student handbook or similar publication for the institution includes information on gang-free zones and the consequences of engaging in organized criminal activity within those zones.

SECTION 1. \_\_. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.064 to read as follows:

Sec. 42.064. INFORMATION REGARDING GANG-FREE ZONES. Each day-care center shall, in accordance with rules adopted by the executive commissioner, distribute to parents and guardians of children who attend the center information on gang-free zones and the consequences of engaging in organized criminal activity within those zones.

SECTION 1. \_\_. Section 37.110, Education Code, as added by this Act, applies beginning with the public school district's 2009-2010 school year.

SECTION 1. \_\_. Section 51.973, Education Code, as added by this Act, applies beginning with the 2009 fall semester.

(5) In ARTICLE 10 of the bill, strike SECTION 10.02 of the ARTICLE (page 19, line 16) and substitute the following:

SECTION 10.02. This Act takes effect September 1, 2009, except that Sections 37.110 and 51.973, Education Code, and Section 42.064, Human Resources Code, as added by this Act, take effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, those sections of the Education Code and Human Resources Code take effect September 1, 2009.

The amendment to **CSSB 11** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4 except as follows:

Nays: Duncan, Fraser.

Absent-excused: Harris.

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

**CSSB 11** as amended was passed to engrossment by a viva voce vote.

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

Nays: Duncan, Fraser.

Absent-excused: Harris.

### **COMMITTEE SUBSTITUTE SENATE BILL 11 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 11** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Averitt, Carona, Davis, Deuell, Ellis, Eltife, Estes, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Duncan, Fraser, Wentworth.

Absent-excused: Harris.

#### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 11**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 11** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25



The bill was read third time and was passed by the following vote: Yeas 28, Nays 2.

Yeas: Averitt, Carona, Davis, Deuell, Ellis, Eltife, Estes, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Duncan, Fraser.

Absent-excused: Harris.

### GUESTS PRESENTED

Senator Huffman was recognized and introduced to the Senate fourth-grade students and their sponsors from West University Elementary School in West University Place.

The Senate welcomed its guests.

### SENATE BILL 1021 ON SECOND READING

Senator Gallegos moved to suspend the regular order of business to take up for consideration **SB 1021** at this time on its second reading:

**SB 1021**, Relating to a prohibition on parking a commercial motor vehicle in certain residential subdivisions.

The motion prevailed.

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

The bill was read second time.

Senator Gallegos offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **SB 1021** (Senate committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 545.307(b)(1), Transportation Code (page 1, line 17), between "subdivision" and the semicolon, insert "in a county with a population of 3.3 million or more".

(2) In amended Section 545.307(b-1), Transportation Code (page 1, line 28), between "subdivision" and the comma, insert "in a county with a population of 3.3 million or more".

The amendment to **SB 1021** was read and was adopted by the following vote: Yeas 18, Nays 11.

Yeas: Carona, Davis, Duncan, Eltife, Gallegos, Hinojosa, Lucio, Nelson, Nichols, Ogden, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, Zaffirini.

Nays: Averitt, Deuell, Ellis, Fraser, Hegar, Huffman, Jackson, Patrick, West, Whitmire, Williams.

Absent: Estes.

Absent-excused: Harris.

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

**SB 1021** as amended failed to pass to engrossment by the following vote: Yeas 13, Nays 16.

Yeas: Carona, Davis, Deuell, Eltife, Gallegos, Hinojosa, Lucio, Shapiro, Shapleigh, Uresti, Van de Putte, Williams, Zaffirini.

Nays: Averitt, Duncan, Ellis, Fraser, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Watson, Wentworth, West, Whitmire.

Absent: Estes.

Absent-excused: Harris.

### **COMMITTEE SUBSTITUTE SENATE BILL 12 ON SECOND READING**

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 12** at this time on its second reading:

**CSSB 12**, Relating to disaster preparedness and emergency management and to certain vehicles used in emergencies; providing a penalty.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

#### **Floor Amendment No. 1**

Amend **CSSB 12** (Senate committee report) as follows:

(1) In the recital to SECTION 1.01 of the bill (page 1, line 15), strike "Subsection (c-1)" and substitute "Subsections (c-1) and (c-2)".

(2) In SECTION 1.01 of the bill, in added Section 37.108(c-1), Education Code (page 1, line 16), strike "Any" and substitute "Except as provided by Subsection (c-2), any".

(3) In SECTION 1.01 of the bill, following added Section 37.108(c-1), Education Code (page 1, between lines 18 and 19), insert the following:

(c-2) A document relating to a school district's multihazard emergency operation plan is subject to disclosure if the document enables a person to:

(1) verify that the district has established a plan and determine the agencies involved in the development of the plan and the agencies coordinating with the district to respond to an emergency, including local emergency services agencies, law enforcement agencies, and fire departments;

(2) verify that the district's plan was reviewed within the last 12 months and determine the specific review dates;

(3) verify that the plan addresses the four phases of emergency management under Subsection (a);

(4) verify that district employees have been trained to respond to an emergency and determine the types of training, the number of employees trained, and the person conducting the training;

(5) verify that each campus in the district has conducted mandatory emergency drills and exercises in accordance with the plan and determine the frequency of the drills;

(6) verify that the district has established a plan for responding to a train derailment if required under Subsection (d);

(7) verify that the district has completed a security audit under Subsection (b) and determine the date the audit was conducted, the person conducting the audit, and the date the district presented the results of the audit to the school board;

(8) verify that the district has addressed any recommendations by the district's board of trustees for improvement of the plan and determine the district's progress within the last 12 months; and

(9) verify that the district has established a visitor policy and identify the provisions governing access to a district building or other district property.

(4) In SECTION 1.24 of the bill (page 8, line 64), strike "Subsection (c-1)" and substitute "Subsections (c-1) and (c-2)".

(5) In SECTION 1.24 of the bill (page 8, line 65), strike "applies" and substitute "apply".

The amendment to **CSSB 12** 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: Harris.

Senator Carona offered the following amendment to the bill:

### **Floor Amendment No. 2**

Amend **CSSB 12** (Senate committee report) as follows:

(1) In SECTION 1.03 of the bill, in amended Section 418.005(a), Government Code (page 1, lines 32 and 33), strike "or appointed public officer of the state or of a political subdivision" and substitute "law enforcement officer or county judge, or an appointed public officer of the state or of a political subdivision,".

(2) In SECTION 1.16 of the bill, in added Section 418.188, Government Code (page 6, line 54), strike "30th" and substitute "90th".

(3) In SECTION 1.23 of the bill (page 8, lines 59 and 60), strike "public officer elected or" both times it appears in the SECTION and substitute "law enforcement officer or county judge elected or public officer".

The amendment to **CSSB 12** 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: Harris.

Senator Carona offered the following amendment to the bill:

### **Floor Amendment No. 3**

Amend **CSSB 12** (Senate committee printing) as follows:

(1) In SECTION 1.10 of the bill, in added Section 418.050(e), Government Code (page 5, line 9), strike "may" and substitute "shall".

(2) In SECTION 1.10 of the bill, in added Section 418.050(e), Government Code (page 5, lines 10 and 11), strike "or administer the credentialing process separately".

The amendment to **CSSB 12** 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. 3 except as follows:

Absent-excused: Harris.

Senator Carona offered the following amendment to the bill:

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

Amend **CSSB 12** (Senate committee printing) in SECTION 1.11 of the bill, by striking added Section 418.051(c), Government Code (page 5, lines 24 through 51), and substituting the following:

(c) The communications coordination group consists of members selected by the division, including representatives of:

(1) the Texas military forces;  
(2) the Department of Public Safety of the State of Texas;  
(3) the Federal Emergency Management Agency;  
(4) federal agencies that comprise Emergency Support Function No. 2;  
(5) the telecommunications industry, including cable service providers, as defined by Section 66.002, Utilities Code;

(6) electric utilities, as defined by Section 31.002, Utilities Code;  
(7) gas utilities, as defined by Sections 101.003 and 121.001, Utilities Code;  
(8) the National Guard's Joint Continental United States Communications

Support Environment;

(9) the National Guard Bureau;  
(10) amateur radio operator groups;  
(11) the Texas Forest Service;  
(12) the Texas Department of Transportation;  
(13) the General Land Office;  
(14) the Texas Engineering Extension Service of The Texas A&M

University System;

(15) the Public Utility Commission of Texas;  
(16) the Railroad Commission of Texas;  
(17) the Department of State Health Services;  
(18) the judicial branch of state government;  
(19) the Texas Association of Regional Councils;  
(20) the United States Air Force Auxiliary Civil Air Patrol, Texas Wing;  
(21) state agencies, counties, and municipalities affected by the emergency;

and

(22) other agencies as determined by the division.

The amendment to **CSSB 12** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4 except as follows:

Absent-excused: Harris.

Senator Huffman offered the following amendment to the bill:

### Floor Amendment No. 5

Amend **CSSB 12** (Senate committee report) as follows:

(1) On page 6, line 69, between the period and "With", insert (a).

(2) On page 7, between lines 8 and 9, add the following new subsection:

(b) Entities developing regional plans for personnel surge capacity with regard to lodging shall consult with representatives of emergency responders, infrastructure and utility repair personnel, and other representatives of agencies, entities, or businesses determined by the division to be essential to the planning process.

The amendment to **CSSB 12** 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. 5 except as follows:

Absent-excused: Harris.

Senator Patrick offered the following amendment to the bill:

### Floor Amendment No. 6

Amend **CSSB 12** (Senate committee report) as follows:

(1) In SECTION 1.19 of the bill, in amended Section 541.201(1)(F), Transportation Code (page 8, line 27), strike "or".

(2) In SECTION 1.19 of the bill, in added Section 541.201(1)(G), Transportation Code (page 8, line 29), strike the period and insert "; or".

(3) In SECTION 1.19 of the bill, following added Section 541.201(1)(G), Transportation Code (page 8, between lines 29 and 30), insert the following:

(H) a vehicle operated by an employee of a district attorney's office, county attorney's office, or medical examiner's office that:

(i) is registered to the appropriate office and authorized by that office for use in performing the official duties of the office; or

(ii) is a private vehicle of an employee of the appropriate office for which the person has received written authority from that office to use the vehicle in performing official duties.

The amendment to **CSSB 12** 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. 6 except as follows:

Absent-excused: Harris.

Senator Huffman offered the following amendment to the bill:

### Floor Amendment No. 7

Amend **CSSB 12** (Senate committee report) in SECTION 5.03 of the bill, in added Section 418.016(b), Government Code (page 14, line 13), by striking "or without".

The amendment to **CSSB 12** 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. 7 except as follows:

Absent-excused: Harris.

Senator Seliger offered the following amendment to the bill:

**Floor Amendment No. 8**

Amend **CSSB 12** (Senate committee printing) in SECTION 1.19 of the bill, in added Section 541.201(13-a)(C)(ii), Transportation Code (page 8, line 43), between "person's designee" and the period, by inserting the following:  
, provided that use of the private vehicle must, if applicable, comply with any rule adopted by the commissioners court of a county under Section 170.001, Local Government Code

The amendment to **CSSB 12** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 8 except as follows:

Absent-excused: Harris.

Senator Nichols offered the following amendment to the bill:

**Floor Amendment No. 9**

Amend **CSSB 12** (Senate committee report) in SECTION 2.02 of the bill by striking added Subchapter E, Chapter 38, Utilities Code (page 10, line 1, through page 11, line 37), and substituting the following:

SUBCHAPTER E. INFRASTRUCTURE IMPROVEMENT AND MAINTENANCE  
 REPORT

Sec. 38.101. REPORT ON INFRASTRUCTURE IMPROVEMENT AND MAINTENANCE. (a) Not later than May 1 of each year, each electric utility shall submit to the commission a report describing the utility's activities related to:

(1) identifying areas that are susceptible to damage during severe weather and hardening transmission and distribution facilities in those areas;

(2) vegetation management; and

(3) inspecting wooden distribution poles.

(b) Each electric utility shall include in a report required under Subsection (a) a summary of the utility's activities related to preparing for emergency operations.

The amendment to **CSSB 12** 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. 9 except as follows:

Absent-excused: Harris.

Senator Ellis offered the following amendment to the bill:

**Floor Amendment No. 10**

Amend **CSSB 12** (Senate committee report) as follows:

(1) In SECTION 1.10 of the bill, in added Section 418.050(d), Government Code (page 5, line 3), between "professionals," and "judges", insert "health care delivery staff including contractors necessary to restore health care facilities,".

(2) In SECTION 1.11 of the bill, strike added Sections 418.051(c)(18) and (19), Government Code (page 5, lines 49-51), and substitute the following:

(18) each trauma service area regional advisory council;

(19) state agencies, counties, and municipalities affected by the emergency;

and

(20) other agencies as determined by the division.

(3) In SECTION 1.16 of the bill, in added Section 418.1882, Government Code (page 7, line 3), between "officials," and "and other,", insert "trauma service area regional advisory councils,".

The amendment to **CSSB 12** 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. 10 except as follows:

Absent-excused: Harris.

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

**CSSB 12** 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: Harris.

### COMMITTEE SUBSTITUTE SENATE BILL 12 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 12** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

#### Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 12**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 12** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

### **PERMISSION TO INTRODUCE BILLS**

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bills:

**SB 8, SB 10, SB 2557, SB 2558, SB 2559.**

### **SENATE BILLS ON FIRST READING**

The following bills were introduced, read first time, and referred to the committees indicated:

**SB 8** by Nelson

Relating to the administration, powers, and duties of the Texas Health Services Authority.

To Committee on Health and Human Services.

**SB 10** by Duncan

Relating to adoption of alternative payment method pilot programs for the provision of health care services to certain state employees and certain active and retired public school employees.

To Committee on State Affairs.

**SB 2557** by Uresti

Relating to the appraisal for ad valorem tax purposes of a real property interest in oil or gas in place.

To Committee on Finance.

**SB 2558** by Gallegos

Relating to the promotion and marketing of alcoholic beverages.

To Committee on Business and Commerce.

**SB 2559** by Uresti

Relating to the imposition and rate of the county hotel occupancy tax in certain counties.

To Committee on International Relations and Trade.

### **HOUSE BILLS ON FIRST READING**

The following bills received from the House were read first time and referred to the committees indicated:

**HB 19** to Committee on Health and Human Services.

**HB 72** to Committee on Jurisprudence.

**HB 161** to Committee on Economic Development.

**HB 271** to Committee on Economic Development.

**HB 559** to Committee on State Affairs.

**HB 693** to Committee on Agriculture and Rural Affairs.

**HB 752** to Committee on Economic Development.

**HB 773** to Committee on Administration.



**HB 865** to Committee on Agriculture and Rural Affairs.  
**HB 867** to Committee on Criminal Justice.  
**HB 1067** to Committee on Health and Human Services.  
**HB 1148** to Committee on Criminal Justice.  
**HB 1203** to Committee on Finance.  
**HB 1332** to Committee on Education.  
**HB 1346** to Committee on State Affairs.  
**HB 1492** to Committee on Criminal Justice.  
**HB 1513** to Committee on Business and Commerce.  
**HB 1574** to Committee on Health and Human Services.  
**HB 1998** to Committee on Intergovernmental Relations.  
**HB 2027** to Committee on Health and Human Services.  
**HB 2042** to Committee on Agriculture and Rural Affairs.  
**HB 2449** to Committee on Business and Commerce.  
**HB 2527** to Committee on Agriculture and Rural Affairs.  
**HB 2546** to Committee on Government Organization.  
**HB 2726** to Committee on Intergovernmental Relations.  
**HB 2796** to Committee on State Affairs.  
**HB 3094** to Committee on Criminal Justice.  
**HB 3108** to Committee on Administration.  
**HB 3129** to Committee on Business and Commerce.  
**HB 3303** to Committee on Jurisprudence.  
**HB 3347** to Committee on State Affairs.  
**HB 3413** to Committee on Business and Commerce.  
**HB 3456** to Committee on Higher Education.  
**HB 3643** to Committee on Education.  
**HB 3661** to Committee on Natural Resources.  
**HB 3854** to Committee on Intergovernmental Relations.  
**HB 4139** to Committee on Intergovernmental Relations.

#### **VOTE RECONSIDERED ON SENATE BILL 1021**

Senator Ogden moved to reconsider the vote by which **SB 1021** failed to pass to engrossment:

**SB 1021**, Relating to a prohibition on parking a commercial motor vehicle in certain residential subdivisions.

The motion prevailed by the following vote: Yeas 16, Nays 13.

Yeas: Carona, Davis, Duncan, Eltife, Gallegos, Hinojosa, Lucio, Ogden, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, West, Williams, Zaffirini.

Nays: Averitt, Deuell, Ellis, Fraser, Hegar, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Wentworth, Whitmire.

Absent: Estes.

Absent-excused: Harris.

Question — Shall **SB 1021** as amended be passed to engrossment?

**SB 1021** as amended was passed to engrossment by the following vote: Yeas 16, Nays 13.

Yeas: Carona, Davis, Duncan, Eltife, Gallegos, Hinojosa, Lucio, Ogden, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, West, Williams, Zaffirini.

Nays: Averitt, Deuell, Ellis, Fraser, Hegar, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Wentworth, Whitmire.

Absent: Estes.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 992 ON SECOND READING**

Senator Duncan moved to suspend the regular order of business to take up for consideration **CSSB 992** at this time on its second reading:

**CSSB 992**, Relating to the jurisdiction and administration of, and procedures relating to, certain courts in this state, including procedures for appeals.

The motion prevailed.

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

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 992** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. This Act does not make an appropriation. A provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

The amendment to **CSSB 992** 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: Harris.

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

**CSSB 992** as amended was passed to engrossment by a viva voce vote.

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

Nays: Ellis, Hinojosa, Shapleigh, West, Zaffirini.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 992 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 992** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

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

Nays: Hinojosa, Shapleigh, Wentworth, Zaffirini.

Absent-excused: Harris.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 992**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 992** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 25, Nays 5.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Hegar, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, Whitmire, Williams.

Nays: Ellis, Hinojosa, Shapleigh, West, Zaffirini.

Absent-excused: Harris.

**SENATE BILL 296 REREFERRED**

Senator West submitted a Motion In Writing requesting that **SB 296** be withdrawn from the Committee on State Affairs and rereferred to the Committee on Health and Human Services.

The Motion In Writing prevailed without objection.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

April 24, 2009

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 176**, Expressing continued support for the establishment of a Juneteenth memorial monument on the grounds of the State Capitol at the location previously approved by the State Preservation Board.

**SB 346**, Relating to information submitted to and maintained in the immunization registry after an individual becomes an adult.

**SCR 62**, In memory of the Honorable Lena Guerrero of Austin.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**MOTION TO PLACE****SENATE BILL 315 ON SECOND READING**

Senator Wentworth moved to suspend the regular order of business to take up for consideration **SB 315** at this time on its second reading:

**SB 315**, Relating to the reapportionment of congressional districts and the creation, function, and duties of the Texas Congressional Redistricting Commission.

The motion was lost by the following vote: Yeas 15, Nays 11. (Not receiving two-thirds vote of Members present)

Yeas: Averitt, Carona, Duncan, Ellis, Eltife, Gallegos, Hinojosa, Lucio, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Deuell, Fraser, Hegar, Huffman, Jackson, Nichols, Ogden, Patrick, Seliger, Shapiro, Williams.

Absent: Davis, Estes, Nelson, Shapleigh.

Absent-excused: Harris.

**(President in Chair)****SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Zaffirini and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Higher Education might meet and consider **SB 1443** today.

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator West and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Intergovernmental Relations might meet and consider **SB 2501** today.

**SENATE RULE 11.10(a) SUSPENDED  
(Public Notice of Committee Meetings)**

On motion of Senator Duncan and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on State Affairs might meet today.

**SENATE BILL 1 WITH HOUSE AMENDMENTS**

Senator Ogden called **SB 1** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

**Floor Amendment No. 1**

Amend **CSSB 1**, as follows by making technical corrections:

(1) Under Article III, on Pages III-21 and III-22, by amending the following rider:

84. Funding Contingent on a PSF Distribution. Distributions from the Permanent School Fund (PSF) to the Available School Fund (ASF) in the 2010-11 biennium are hereby appropriated in the following manner:

a. Foundation School Program. In addition to the amounts appropriated above to the Foundation School Program in Strategy A.1.1, FSP – Equalized Operations, distributions from the PSF to the ASF in the 2010-2011 biennium are appropriated to Strategy A.1.1, FSP – Equalized Operations, for the purpose of funding the Foundation School Program. Amounts appropriated for this purpose shall not exceed \$267,191,144 for the 2010-11 biennium.

b. Technology Allotment. Any PSF distributions to the ASF in excess of the amounts appropriated by this rider for the Foundation School Program are appropriated to the Technology Allotment and shall not exceed ~~\$134,226,540 in fiscal year 2010 and \$136,710,120~~ \$50,021,083 in fiscal year 2011.

~~e. Instructional Materials. Any PSF distributions to the ASF in excess of amounts appropriated by this rider to the Foundation School Program and the Technology Allotment shall be transferred to the State Textbook Fund and are appropriated to Strategy B.2.1, Technology and Instructional Materials, for the purchase of continuing contracts and textbooks listed under Proclamation 2010, in~~

~~amounts not to exceed \$173,189,984 in fiscal year 2010 and \$584,894,439 in fiscal year 2011. Such appropriations are in addition to ASF and State Textbook Fund appropriations made above.~~

~~d. The Texas Education Agency is hereby appropriated in the 2010-11 biennium federal funds received under the American Recovery and Reinvestment Act of 2009 (ARRA), in the amount of the difference between \$1,296,212,227 and the amount of Available School Fund funds available for the purposes identified in sections a, b, and c above in the 2010-11 biennium~~

(2) Under Article III, on Page III-51 by striking rider 35, Professional Nursing Shortage Reduction Program, and substituting the following text:

35. Professional Nursing Shortage Reduction Program. The funds appropriated under Strategy D.1.12 for the Professional Nursing Shortage Reduction Program (§ 61.9621-61.9628, Education Code) are trusted to the Texas Higher Education Coordinating Board (THECB) to achieve the following outcomes: 1) increasing the number of graduates from professional nursing programs, 2) increasing the percentage of students in professional nursing programs that graduate within a reasonable time as determined by the board, and 3) increasing the number of graduates from master's and doctoral programs in nursing that join the faculty of a professional nursing program. Funds shall only be used to: 1) create additional nurse faculty positions, 2) provide temporary salary supplements for professional nursing faculty, 3) engage qualified preceptors to expand faculty capacity and 4) provide stipends to graduate nursing students enrolled in nurse educator certificate and degree programs and PhD nursing programs. "Professional nursing program" has the meaning assigned by § 61.9621, Education Code. After allocating up to \$12.35 million each year consistent with subsections (a) and (b), the balance of appropriations in strategy D.1.12 each fiscal year shall be allocated consistent with subsection (c) and (d) below.

The THECB shall allocate the funds as follows: (a) The THECB may use up to \$617,500 each year from the funds appropriated under Strategy D.1.12. for administrative expenses as authorized by § 61.9628, Education Code.

(b) The funds appropriated shall be distributed in an equitable manner to institutions, including institutions graduating their first nursing class, based on increases in numbers of nursing students graduating. The Coordinating Board shall apply a weight of 1.5 for increased graduates in nursing educator programs identified with a Classification of Instructional Program code of 51.1608 and 51.1699.6. Out of funds appropriated above in Strategy D.1.12, the Coordinating Board shall allocate up to 50 percent in each year of the biennium to community colleges. If the board is unable to allocate the balance of the funds up to \$12.35 million in fiscal year 2010, to general academic and health-related institutions, it may allocate any unused funds to community colleges.

An institution is eligible to receive funds appropriated for fiscal year 2010 only if it commits for fiscal year 2010 to spend funds on its professional nursing program at least equal to the funds spent in fiscal year 2009 and for funds appropriated for fiscal year 2011 only if it commits for fiscal year 2011 to spend funds equal at least to the funds spent in fiscal year 2010. Funds received under Strategy D.1.12 shall not be included in these calculations.

The board shall have the authority to transfer funds from Strategy D.1.9, Professional Nursing Financial Aid, to Strategy D.1.12, Professional Nursing Shortage Reduction Program, for the purposes set out in this rider.

Any funds within the limit of \$12.35 million not expended in fiscal year 2010 may be expended in fiscal year 2011.

The board shall distribute awards to qualifying institutions within 60 days of the start of the fiscal year or by November 1.

(c) The Coordinating Board is hereby directed to distribute at the beginning of the respective fiscal year \$5,677,150 in fiscal year 2010 and \$9,300,508 in fiscal year 2011 to institutions with nursing programs based on the following criteria: (1) programs with a graduation rate of 70% or above as reflected in the March 2009 Coordinating Board survey of graduation rates; (2) in fiscal year 2010 the institutions increase new enrollees by 8.5% over data reported in the March 2009 survey; (3) the institutions increase the number of new enrollees by an additional 5% in fiscal year 2011; and (4) the amount is based on \$10,000 per year for each additional nursing student in a program leading to initial licensure as a registered nurse.

The funds shall be expended by the institutions only for purposes to expand the number of nursing students enrolled in fiscal year 2010 and again in fiscal year 2011. An institution shall use the funds received under this Nursing Shortage Initiative only for expenses related to the nursing programs at the respective institution. An institution is limited to expending an amount equal to what it generates based on the actual increase in entry level nursing enrollment in initial licensure programs at the institution. To the extent that the institution does not meet the enrollment targets which are the basis of this appropriation, these funds will return to the State Treasury at the end of the 2010-11 biennium.

(d) With the remaining appropriation in strategy D.1.12 after implementing subsections (a), (b), and (c), the THECB may use five percent for administrative expenses related to the allocation of funds as follows. Public and private institutions of higher education as defined in Education Code § 61.003 with nursing graduation rates below 70%, hospital based diploma programs or new programs whose graduation rates which have not been determined by the THECB can submit applications to increase the number of nursing graduates from programs leading to initial licensure as registered nurses. The funds shall be expended only for purposes to expand the number of entry level nurses graduating by fiscal year 2013. Institutions shall receive \$20,000 for each graduate. The THECB may use the committee established under Education Code § 61.96231(d) to review proposals and make recommendations.

THECB shall enter a memorandum of understanding (MOU) with respective institutions to increase the number of nursing graduates. The MOU would indicate the number of nursing graduates for initial licensure the institution would produce; the number of payments and the timeframe for allocation of funds to the institution; identify benchmarks an institution must meet to receive payments; and the consequences of failing to meet the benchmarks.

(3) Under Article V, on Page V-12 of the bill pattern for the Department of Criminal Justice by increasing Interagency Contracts (Other Funds) appropriations in Strategy C.2.3, Project RIO, by \$1,300,000 in each fiscal year.

(4) Under Article V, on Page V-19 and V-20 of the bill pattern for the Department of Criminal Justice by amending the following rider text:

Rider 32. Project RIO. The Texas Workforce Commission, the Texas Department of Criminal Justice, and the Texas Youth Commission shall together enhance the effectiveness of Project RIO by improving cohesive program delivery among the three agencies. The agencies shall together develop and implement a biennial strategic plan for the implementation of a more cohesive and effective Project RIO program which will emphasize necessary skill development, rehabilitation, and appropriate assessment of the offender prior to release. Not later than March 1, 2010, the biennial strategic plan, jointly prepared by the three agencies, and including specific strategies, measures, timeframes for program improvement, and a methodology for program evaluation, shall be submitted to the Legislative Budget Board and the Governor. The Texas Workforce Commission shall maintain interagency contracts at ~~\$3,259,735~~ \$4,559,735 in each fiscal year of the biennium to the Texas Department of Criminal Justice to fund Project RIO. The agencies shall enter into interagency contracts, to include the reporting of performance levels, for the 2010-11 biennium.

(5) Under Article VIII on page VIII-15, Rider 3, Contingency Appropriation: Regulatory Response, in section b. striking "Finance Commission" and substituting "Credit Union Commission."

(6) Under Article VIII, on page VIII-77, Rider 3, Appropriation of Unexpended Balances Within the Biennium, by striking "September 1, 2011" and substituting "August 31, 2011."

(7) Under Article XI, on Page XI-3, for the Department of State Health Services by striking "Rider: Contingency for House Bill 3309, Hospital Medical Errors" and substituting "Rider: Contingency for House Bill 3099, Hospital Medical Errors".

(8) Under Article XI, on Page XI-3, for the Department of State Health Services by striking "Rider: Contingency for House Bill 3309, Collection Hospital Medical Errors" and substituting "Rider: Contingency for House Bill 3099, Collection Hospital Medical Errors".

(9) Under Article XII, on Pages XII-7 through XII-9 by amending Sections 5, 9, 10, 11, 12, 13, 14, and 16 to read as follow:

Sec. 5. Reporting Requirements.

(a) Each state agency or ~~and~~ institution of higher education receiving funds as a result of the American Recovery and Reinvestment Act (ARRA) ~~[appropriations under this article]~~ shall develop and submit a plan to the Legislative Budget Board and the Governor providing details on the entity's intended use of ~~[their]~~ these appropriations. ~~[from the American Recovery and Reinvestment Act (ARRA).]~~ The plan shall include a summary of any ARRA funds spent, allocated or encumbered prior to August 31, 2009. The report shall be delivered by September 30, 2009. For definitional purposes in this Article only, the phrase "funds as a result of the American Recovery and Reinvestment Act" means any federal funds received as a result of the ARRA and any General Revenue received for exceptional items or General Revenue received above the amount found in any strategy in the General Appropriations Act for the 2008-2009 biennium. The Legislative Budget Board may adopt rules related to the definition for a specific agency or institution as necessary."



(b) Each agency or institution ~~[of the agencies]~~ receiving ~~[appropriations under this Article]~~ funds as a result of the ARRA shall submit quarterly reports, in a form determined by the Legislative Budget Board, on expenditure of funds appropriated from the American Recovery and Reinvestment Act Fund. Reports shall be submitted no later than the following dates each year: December 31, March 31, June 30, and September 30. The reports shall be submitted to the Governor, Legislative Budget Board, State Auditor's Office, and Comptroller of Public Accounts.

Sec. 9. Prohibition of Expansion of State Government. It is the intent of the legislature that, to the extent allowed by federal and state law in regard to American Recovery and Reinvestment Act funding, an agency or institution ~~[appropriated funds under this Act]~~ not adopt a plan, policy, procedure, strategy, or rule to facilitate expenditure of funds received as a result of the American Recovery and Reinvestment Act ~~[funding]~~ during this or future biennia for expansion of a program, strategy, policy, expenses, or employment which:

(1) cannot be reasonably and proportionately reduced or eliminated after American Recovery and Reinvestment Act funding is reduced or eliminated; or

(2) creates liability on behalf of the State of Texas to make:

(A) repayment to the United States treasury (i.e. "clawback") in the event of a future discontinuation of payments to the direct or indirect beneficiaries from those American Recovery and Reinvestment Act funds already expended; or

(B) payments to direct or indirect beneficiaries of a program or strategy in excess of those funds actually received by the State of Texas from the United States treasury.

Sec. 10. Discontinued Funding Plan. Each agency or institution receiving funds as a result of the American Recovery and Reinvestment Act ~~[funding appropriated in this Article]~~ shall prepare a written Discontinued Funding Plan ("plan") which addresses the fact that funds received as a result of the American Recovery and Reinvestment Act ~~[funding is]~~ are temporary in nature and that programs authorized and federal funds provided by the American Recovery and Reinvestment Act will be eliminated or reduced or might reasonably be viewed as likely to be eliminated or reduced during this or future biennia. According to requirements of the Legislative Budget Board and the Governor the plan must:

(1) identify funds received as a result of American Recovery and Reinvestment Act;

(2) forecast the amount of reduction of American Recovery and Reinvestment Act funds in future budgets compared to the current budget of the agency or institution;

(3) be filed initially with the Legislative Budget Board and Governor no later than September 30, 2009;

(4) be updated quarterly;

(5) be supplemented as requested by the Legislative Budget Board or Governor;

(6) indicate how services or benefits will be provided by the agency or institution after elimination or reduction of American Recovery and Reinvestment Act funding;

(7) state how a reduction in force employed by the agency or institution will be executed;

(8) state whether staff hired by an agency or institution as a result of American Recovery and Reinvestment Act was notified that the positions of employment are temporarily because they are funded by American Recovery and Reinvestment Act;

(9) state the manner in which the agency or institution will reduce services and benefits when American Recovery and Reinvestment Act funding are eliminated or reduced;

(10) provide such other information as may be required for an agency or institution by the Legislative Budget Board or the Governor;

(11) provide for avoidance of liability or any commitment by the State of Texas to future financial obligations or responsibilities not approved by this Legislature; and

(12) be available for public inspection and review.

Sec. 11. Exceptions provided for use of appropriations. As a specific exception to the requirement of Article IX, Sec. 8.02, of this Act, that all federal funds appropriated by this Act be deposited to and expended from an appropriation item identified in this Act and not be expended for a purpose other than those a purpose reviewed by the Eighty-first Legislature and authorized by specific language in this Act or encompassed by an agency's or institution's budget structure as established by this Act, all American Recovery and Reinvestment Act funds appropriated by this Article may be expended for other items and purposes with the written permission of the Legislative Budget Board and the Governor.

Sec. 12. Discontinuance of position associated with American Recovery and Reinvestment Act. It is the intent of the legislature that a position of employment created as a result of the receipt of funds received as a result of the American Recovery and Reinvestment Act [~~funding~~] shall be eliminated by an agency or institution upon exhaustion or discontinued availability of funds received as a result of the American Recovery and Reinvestment Act [~~funding~~] for that position.

Sec. 13. Maximization of American Recovery and Reinvestment Act funds. In order to maximize the amount of American Recovery and Reinvestment Act federal funds that might become available to the State of Texas, state funds from any source used by a state agency or institution to provide services or benefits may be counted in any manner consistent with then existing laws towards any required state matching contribution for such American Recovery and Reinvestment Act funds.

Sec. 14. State Energy Projects Funding. From Funds appropriated to the Comptroller of Public Accounts in this Article for the State Energy Program ~~and to the extent allowed by federal law and regulations,~~ the Comptroller of Public Accounts shall grant to the Texas Facilities Commission ~~funds at least \$22,000,000~~ in fiscal year 2010 funds to the fullest extent allowed by federal law and regulations for energy efficiency upgrades on the following state-owned buildings: Disaster Recovery Operations Computer Center, James E. Rudder, Lyndon B. Johnson, Sam Houston, E. O. Thompson, Brown Heatly, John H. Winters, William P. Clements, Robert E. Johnson, State Records Center, Insurance Annex, Thomas J. Rusk, Department of Assistive Rehabilitation Services, and Price Daniels.

Sec. 16. Reporting of Federal Economic Stabilization Funding under the American Recovery and Reinvestment Act of 2009. Each state agency or institution that receives funds as a result of ~~pursuant to~~ the American Recovery and Reinvestment Act ~~of 2009 (ARRA)~~ and that provides reports to the Legislative Budget Board and federal agencies regarding funding received under ARRA shall post on the agency's or institution's internet website, the agency's or institution's ARRA report and provide a link to the State Auditor's Office fraud hotline.

### **Floor Amendment No. 2**

Amend Amendment No. 1 by Pitts to **CSSB 1** (prefiled amendment packet pages 128-132) as follows:

(1) In item (2) of the amendment, in the introductory paragraph to rider 35, strike "After allocating up to \$12.35 million" and substitute "After allocating up to \$7.35 million".

(2) In item (2) of the amendment, in Subsection (b) of rider 35, strike "allocate the balance of the funds up to \$12.35 million" and substitute "allocate the balance of the funds up to \$7.35 million".

(3) In item (2) of the amendment, in Subsection (b) of rider 35, strike "Any funds within the limit of \$12.35 million not expended in fiscal year 2010 may be expended in fiscal year 2011." and substitute "Any funds not expended under Subsection (a) in fiscal year 2010 may be expended in fiscal year 2011."

(4) In item (2) of the amendment, in Subsection (c) of rider 35, strike "fiscal year \$5,677,150 in fiscal year 2010 and \$9,300,508 in fiscal year 2011" and substitute "fiscal year \$8,014,800 in fiscal year 2010 and \$12,503,088 in fiscal year 2011".

(5) In item (2) of the amendment, in Subsection (c) of rider 35, strike "increase new enrollees by 8.5%" and substitute "increase new enrollees by 12%".

(6) In item (2) of the amendment, in Subsection (c) of rider 35, strike "new enrollees by an additional 5%" and substitute "new enrollees by an additional 6%".

(7) In item (2) of the amendment, in the second sentence of Subsection (d) of rider 35, between "graduation rates below 70%" and ", hospital based diploma programs" insert "according to the March 2009 Coordinating Board survey".

(8) In item (2) of the amendment, at the end of Subsection (d) of rider 35, add "Any funds not expended under Subsection (d) in fiscal year 2010 may be expended in fiscal year 2011."

### **Floor Amendment No. 3**

Amend the Pitts amendment to **CSSB 1** (beginning on page 128 of the prefiled amendment packet) in item (1) of the amendment by inserting the following as Subsection c. of Rider 84:

c. In the event funds are available from the Available School Fund for the purposes identified in Subsections a and b of this rider in the 2010-2011 biennium, the Texas Education Agency shall distribute any American Recovery and Reinvestment Act of 2009 funds appropriated for these purposes to local educational agencies based on their relative shares of funding under Part A of Title I of the Elementary and Secondary Education Act of 1965.

**Floor Amendment No. 5**

Amend **CSSB 1**, Article I on page I-4 to add a new Sec. \_\_\_\_ to read as follows:

Sec. \_\_\_\_ Contingent upon the enactment of SB 855, HB 9, or similar legislation by the Eighty-first Legislature, Regular Session, relating to the Texas Local Option Transportation Act, the Comptroller of Public Accounts is hereby appropriated \$15 million for the 2010-2011 biennium from monies received by the Comptroller pursuant to an interlocal agreement under Chapter 791, Government Code between the Comptroller of Public Accounts and the Metropolitan Planning Organization for the Dallas-Fort Worth Metropolitan Area. These receipts are appropriated to the Comptroller of Public Accounts for development and implementation costs incurred by the Comptroller's office relating to the collection, administration and enforcement of the local option motor fuels taxes as established in such legislation. Any unexpended balances remaining as of August 31, 2010 are hereby reappropriated for the fiscal year beginning September 1, 2010 for the same purpose. The "Number of Full-Time Equivalent (FTE)" figure indicated elsewhere in this Act for the Comptroller of Public Accounts is hereby increased by 42 FTEs for each fiscal year of the biennium.

**Floor Amendment No. 6**

Amend **CSSB 1**, Article I, Comptroller of Public Accounts, by adding the following appropriately numbered section to read as follows:

Sec. \_\_\_\_ . Historical Use of General Revenue Dedicated Funds. Out of the funds appropriated above, the Comptroller of Public Accounts shall prepare a report on the historical use of General Revenue Dedicated Funds. The report shall cover the period beginning with the 2000-2001 biennium through the 2010-2011 biennium. For each biennium, the report shall include the following information itemized by General Revenue Dedicated Fund: the amount of revenue collected or estimated to be collected, the amount expended or appropriated, the actual or estimated ending balance, and the amount of revenue and balances that were available for certification of General Revenue appropriations. A copy of the report shall be placed on the agency's website.

**Floor Amendment No. 7**

Amend **CSSB 1** in Article I of the bill by adding the following appropriately numbered rider following the appropriations to the Texas Comptroller of Public Accounts:

\_\_\_\_. **FOUR-DAY WORK WEEK STUDY.** (a) From funds appropriated above the comptroller of public accounts shall conduct a study on the establishment of a four-day work week for state employees.

In conducting the study, the comptroller shall consider:

- (1) the experience of other jurisdictions that have instituted a four-day work week;
- (2) expansion of existing variable work schedule options for state employees;
- (3) potential environmental, financial, and health benefits of establishing a four-day work week; and

(4) any other information that the comptroller determines is necessary.

At the comptroller's request, a state agency shall provide information and assistance in conducting the study.

Not later than December 10, 2010, the comptroller shall report the results of the study to the members and members-elect of the 82nd Legislature.

#### **Floor Amendment No. 8**

Amend Amendment No. 7 by Guillen to **CSSB 1** (page 8 of the prefiled amendments packet) in the first paragraph of the amendment after the introductory language, by striking "a study on the establishment of a four-day work week" and substituting "a study on the establishment of a four-day, forty-hour work week".

#### **Floor Amendment No. 10**

Amend **CSSB 1**, as follows:

(1) On page I-25 of the Commission on State Emergency Communications' bill pattern, increase General Revenue-Dedicated Account No. 5007 appropriations to Strategy B.1.1, Poison Call Center Operations, by \$695,089 in fiscal year 2010 and by \$913,489 in fiscal year 2011.

(2) On page I-26 of the Commission on State Emergency Communications' bill pattern, add the following rider:

\_\_\_\_\_. Contingent Revenue: General Revenue-Dedicated Advisory Commission on State Emergency Communications Account No. 5007. Contingent on the collection of fees in the General Revenue-Dedicated Advisory Commission on State Emergency Communications Account No. 5007 in excess of \$38,329,000 (Object Code 3563), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011, the amounts of \$695,089 in fiscal year 2010 and \$913,489 in fiscal year 2011 are included above for the Commission on State Emergency Communications in Strategy B.1.1, Poison Call Center Operations, for the purposes of poison control center call taker salary increases, additional call takers, poison center administration and public education.

If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

#### **Floor Amendment No. 12**

Amend **CSSB 1** on page I-31 (Texas Ethics Commission) by inserting the appropriately-numbered rider and renumbering any subsequent riders accordingly:

\_\_\_\_\_. Requiring the Texas Ethics Commission to post Personal Financial Statements on the Internet. The Commission may use the funds appropriated above to post the personal financial statements of officeholders and candidates on the commission's website in an easily accessible and searchable form.

#### **Floor Amendment No. 17**

Amend **CSSB 1** on page I-51 (Trusteed Programs Within the Office of the Governor) by inserting the appropriately-numbered rider and renumbering any subsequent riders accordingly:

#\_\_\_\_. Anti-Drug Trafficking Funding. Out of the funds appropriated above in Strategy A.1.3 is \$17,604,319 for the biennium for the prevention and prosecution of drug trafficking.

#### **Floor Amendment No. 25**

Amend **CSSB 1** (House committee printing) by adding the following rider under Article I, Department of Information Resources:

Data Center Efficiencies. It is the intent of the Legislature that out of funds appropriated above for Strategy B.2.1, Data Center Services, the Department of Information Resources shall utilize energy efficient multi-core servers wherever possible.

#### **Floor Amendment No. 28**

Amend **CSSB 1** as follows:

(1) Reduce funding in Article I, page 43, Strategy A.1.1., Support Governor & State, by \$2,000,000 in FY2010 and by \$2,000,000 in FY2011.

(2) Increase funding in Article I, page 78, Strategy A.1.1, Claims Representation & Counseling, by \$2,000,000 in FY2010 and by \$2,000,000 in FY2011.

(3) Add the following rider to the Veterans Commission bill pattern:

\_\_\_\_. Claims Representation & Counseling. From the funds appropriated above (Strategy A.1.1), the Veterans Commission shall use no less than 2,000,000 in FY 2010 and 2,000,000 in FY 2011 to provide claims representation and counseling services to veterans and their families.

#### **Floor Amendment No. 29**

Amend Floor Amendment No. 28 to **CSSB 1** (page 29, prefiled amendment packet) by adding the following items, numbered appropriately:

(\_\_\_) Under the Article I appropriations to the Office of the Governor (page I-43), reduce general revenue funding proportionately for strategies under A. Goal: GOVERN THE STATE by \$9,874,727 in FY2010 and by \$8,774,726 in FY2011.

(\_\_\_) Increase the Article II general revenue funding appropriation to the Department of State Health Services under Strategy B.2.3. Community Mental Health Crisis Svcs. (page II-45) by \$9,874,727 in FY2010 and by \$8,774,726 in FY2011.

#### **Floor Amendment No. 30**

Amend **CSSB 1** in Article I of the bill, in Rider No. 15 following the appropriations to the Trusteed Programs within the Office of the Governor, by adding the following to the end of the rider (House committee printing, page I-49):

It is the intent of the Legislature that not less than 70 percent of the research superiority grants awarded from the Texas Emerging Technology Fund Account No. 5124 during the fiscal biennium beginning September 1, 2009, be for clean energy research and development.

#### **Floor Amendment No. 31**

Amend the Strama amendment to **CSSB 1** (page 15 of the prefiled amendment packet) by striking lines 5 - 9 and substituting the following:

It is the intent of the Legislature that the highest priority in awarding research superiority grants from the Texas Emerging Technology Fund Account No. 5124 during the fiscal biennium beginning September 1, 2009, shall be to award grants in the area of clean energy research and development.

### **Floor Amendment No. 32**

Amend **CSSB 1** by adding the following appropriately numbered rider following appropriations to the Cancer Prevention and Research Institute of Texas:

\_\_\_\_ Salaries. The executive director and other senior institute staff members may receive in addition to salary amounts appropriated above a supplement from a foundation established to benefit the Cancer Prevention and Research Institute of Texas.

### **Floor Amendment No. 33**

Amend Amendment No. 32 by Keffer to **CSSB 1** (prefiled amendment packet page 3) on line 8 by striking "Institute of Texas." and substituting the following:

Institute of Texas. Money received by the executive director and other senior institute staff members under this section is not included in the person's salary for purposes of Article IX, Section 3.05 of this Act. It is the intent of the legislature that contributions and expenditures of the foundation established to benefit the Cancer Prevention and Research Institute of Texas be annually reported to the Legislative Budget Board, the Senate Finance Committee, and the House Appropriations Committee not later than December 31. An individual, an organization, or an employee, officer, or director of an organization that makes a contribution to the foundation is not eligible to receive grants from the institute.

### **Floor Amendment No. 34**

Amend Amendment No. 32 to **CSSB 1** by Keffer as follows:

(1) On page 1, lines 4-5 of the amendment, strike "other senior institute staff member" and substitute "other senior staff member of the institute".

(2) On page 1, line 8 of the amendment, add the following after "Texas.":

The combined total of the salary amount appropriated above of the executive director or another senior staff member of the institute and the supplement for that person may not exceed the highest salary paid to a chief administrative officer of a state agency.

### **Floor Amendment No. 38**

Amend **CSSB 1** by adding the following appropriately numbered rider in Article I after the appropriations to the Employees Retirement System of Texas:

\_\_\_\_. Minority Investment Fund Managers. From money appropriated under Goal A, Administer Retirement Program, the Employees Retirement System shall make a good faith effort to hire minority investment fund managers.

### **Floor Amendment No. 39**

Amend Amendment No. 38 to **CSSB 1** by Martinez Fischer (on page 11 of the prefiled amendment packet) as follows:

(1) In the title to the rider, strike "Minority Investment" and substitute "Emerging".

(2) On the second to the last line of the rider through the last line of the rider, strike "hire minority investment" and substitute "hire qualified emerging".

(3) Add the following at the end of the amendment:

The Employees Retirement System shall report back to the 82nd legislature on the methods and results of the system's efforts to hire emerging fund managers, including data disaggregated by race, ethnicity, gender, and fund size.

#### **Floor Amendment No. 41**

Amend **CSSB 1**, in Article II of the bill, by adding the following appropriately numbered rider following the appropriations to the Department of Aging and Disability Services:

\_\_\_\_\_. Pilot Program for Adults with Autism. (a) It is the intent of the legislature that, out of the funds appropriated in Strategy A.4.3., Promoting Independence Plan, the Department of State Health Services shall allocate an appropriate amount in fiscal year 2010 to conduct a study to determine the costs and benefits of a pilot program based on a program designed to:

(1) encourage sustainable employment and community integration through specialized supports coordination, case management, vocational assessment, training, and support to increase job skills and competitive employment opportunities;

(2) develop meaningful community-based activities for persons for whom competitive employment is not a goal;

(3) promote continued individual development and avoid regression;

(4) promote self-determination and independence;

(5) coordinate services and behavioral supports across all areas of need; and

(6) allow for flexible funding and for a flexible array of services to meet individual needs.

(b) In conducting the study the Department of State Health Services must:

(1) define and describe a pilot program with a seamless system of supports to provide:

(A) options for independent living, if appropriate;

(B) community-based housing, if needed; and

(C) individualized supports, including:

(i) prevocational training;

(ii) employment training;

(iii) leisure and recreational activities;

(2) research and analyze best practices and programs from other states that may serve as pilot program models;

(3) consult with and solicit feedback from key stakeholders, including advocacy organizations, potential service recipients, and parents;

(4) address the barriers that may prevent adults with autism or other related disabilities with similar support needs from living in their local community including:

(A) housing needs and living arrangements;

(B) behavioral services;

(C) social and communication services and supports;

(D) transportation issues; and

(E) health and medical care;

(5) identify the existence and cause of service gaps in this state;



(6) develop recommendations and determine costs associated with eliminating service gaps;

(7) identify the potential benefit to persons who would receive services from the pilot program; and

(8) identify potential federal sources of funding for a pilot program.

(c) On or before September 1, 2010, the executive commissioner of the Health and Human Services Commission shall submit the findings and conclusions of the study to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of the senate and house of representatives with primary jurisdiction over the provision of services to persons with disabilities, in a report that must include:

(1) a recommendation for the structure of a pilot program;

(2) a recommendation on the choice of an appropriate agency to design and administer a pilot program;

(3) an estimation of the number of persons who may benefit from a pilot program if a program similar to the pilot program were instituted statewide;

(4) an estimation of the potential costs of the pilot program and whether the pilot program may lead to savings;

(5) a method of determining which persons would be eligible to participate in the pilot program; and

(6) which Medicaid waiver programs are appropriate to the pilot program and whether new Medicaid waiver programs may be required.

#### **Floor Amendment No. 42**

Amend Amendment No. 41 by Representative Guillen to **CSSB 1** (page 41, amendment packet) as follows:

(1) On page 1, lines 3 through 4, strike "Department of Aging and Disability Services" and substitute "Health and Human Services Commission".

(2) On page 1, lines 7 through 8, strike "Strategy A.4.3., Promoting Independence Plan, the Department of State Health Services" and substitute "Strategy A.1.1., Enterprise Oversight & Policy, the Health and Human Services Commission".

(3) On page 1, lines 24 through 25, strike "Department of State Health Services" and substitute "Health and Human Services Commission".

#### **Floor Amendment No. 43**

Amend **CSSB 1** as follows:

(1) In Article II of the bill, following the appropriation to the Texas Department of State Health Services (page II-27), add the following appropriately numbered rider:

"\_\_\_\_. Academic and Applied Public Health Collaborative. From funds appropriated above in Strategy A.1.1., Public Health Preparedness and Coordinated Services, the Texas Department of State Health Services shall use \$1,156,000 in fiscal year 2010 and \$1,190,680 in fiscal year 2011 to make equal interagency contract payments to the three Texas Schools of Public Health (The Texas A&M Health Science Center's School of Rural Public Health, School of Public Health at the Health Science Center at the University of North Texas and the University of Texas Health Science Center School of Public Health) to support the recently developed

collaborative initiative by the Texas Commissioner of Health to address the growing public health workforce shortage and the alarming population health crises facing the U.S. and Texas."

#### **Floor Amendment No. 44**

Amend **CSSB 1** by adding the following appropriately numbered rider in Article II following the appropriations to the Department of Family and Protective Services:

\_\_\_\_. At-risk Programs. Out of funds appropriated in Strategy C.1.5, Other At-Risk Prevention Programs, the Department of Family and Protective Services shall use \$500,000 in the state fiscal year ending August 31, 2010, and \$750,000 in the state fiscal year ending August 31, 2011, for the purpose of contracting with an evidence-based program for the prevention of and early intervention in child abuse and neglect cases. The program must provide early childhood home visitation, parent education, and family support and serve families throughout pregnancy and until the child enters school. The program must be shown to increase school readiness, identify early delays in development, and link families with community resources. The program must have a special curriculum available for military families. The money shall be used to fund new local programs that provide these services and to provide training and technical assistance for existing programs that provide these services.

#### **Floor Amendment No. 45**

Amend **CSSB 1**, as follows:

1. On page II-73 of the Health and Human Services Commission bill pattern, reduce the following strategy by \$15,000,000 in General Revenue Funds in fiscal year 2010 and \$40,000,000 in General Revenue Funds in fiscal year 2011 (\$55,000,000 General Revenue total):

H.1.2. Increase Capacity—Community Services.

2. On page II-45 of the Department of State Health Services bill pattern, increase the following strategy by \$27,500,000 in General Revenue Funds in each fiscal year (\$55,000,000 General Revenue total) for expansion of community mental health crisis services:

B.2.3. Community Mental Health Crisis Services.

3. Adjust performance measures as necessary to reflect funding changes.

#### **Amendment No. 46**

Amendment to Floor Amendment on page 59 by Zerwas

Amend **CSSB 1**, as follows:

1. On page II-73 of the Health and Human Services Commission bill pattern, reduce the following strategy by \$15,000,000 in General Revenue Funds in fiscal year 2010 and \$40,000,000 in General Revenue Funds in fiscal year 2011 (\$55,000,000 General Revenue total):

H.1.2. Increase Capacity—Community Services.

2. On page II-45 of the Department of State Health Services bill pattern, increase the following strategy by ~~\$27,500,000~~ \$25,900,000 in General Revenue Funds in each fiscal year (~~\$55,000,000~~ \$51,800,000 General Revenue total) for expansion of community mental health crisis services:

B.2.3. Community Mental Health Crisis Services.

3. On page II-2 of the Department of State Health Services bill pattern, increase the following strategy by \$1,600,000 in General Revenue funds in each fiscal year (\$3,200,000 General Revenue total) for expansion of all inclusive elderly care:

A.5.1. All Inclusive Care- Elderly.

**Floor Amendment No. 47**

Amend **CSSB 1**, as follows:

1. Strike Department of State Health Services Rider: Prevention and Wellness Pilot (\$3,000,000) on page XI-3 of Article XI; and

2. On p. II-71 of the Department of State Health Services bill pattern add the following rider:

\_\_\_\_\_. Prevention and Wellness Pilot. Contingent upon the receipt of Prevention and Wellness federal stimulus funds in excess of amounts reflected in Article XII of this Act, the Department of State Health Services (DSHS) shall allocate up to \$1,500,000 in federal stimulus funds in each fiscal year of the 2010-11 biennium to develop a pilot project that would create an online medical home targeting obesity and other chronic diseases for selected populations. DSHS shall report annually on the progress of the pilot program as required by the American Reinvestment and Recovery Act of 2009.

**Floor Amendment No. 50**

Amend **CSSB 1** in Article II of the bill by adding the following appropriately numbered rider after the appropriations to the Department of State Health Services:

\_\_\_\_\_. Use of Appropriated Funds for Reports on School-based Health Centers. Money appropriated to the Department of State Health Services may be used by the department to prepare and submit a report to the legislature regarding school-based health centers only if the report:

(1) is submitted not more frequently than once every two years;  
(2) is limited to information relating to school-based health centers that receive funding from the department; and

(3) contains only information that the department determines may be provided:

(A) in compliance with federal law regarding confidentiality of medical information; and

(B) without imposing excessive reporting requirements on school districts.

**Floor Amendment No. 52**

Amend **CSSB 1** (House committee report) in Article II of the bill following the appropriation to the Department of State Health Services by adding the following appropriately numbered rider:

\_\_\_\_\_. Data Collection on the Incidence of Health Care-Associated Infections. Contingent on H.B. No. 1386 or similar legislation increasing the types of health care-associated infections reported to the Texas Health Care-Associated Infection Reporting System being enacted and becoming law, it is the intent of the Legislature that the Department of State Health Services use an appropriate portion of the funds

appropriated to the department by this Act to expand the Texas Health Care-Associated Infection Reporting System to accommodate the additional reporting requirements.

### **Floor Amendment No. 53**

Amend Floor Amendment No. 52 to **CSSB 1** in Article II of the bill following the appropriation to the Department of State Health Services, as follows:

(1) On page 1, delete lines 5 through 14 and insert the following:

\_\_\_\_. Data Collection on the Incidence of Health Care-Associated Infections. It is the intent of the Legislature that the Department of State Health Services:

(1) use funds appropriated to the department for the Texas Health Care-Associated Infection Reporting System to expand the reporting to accommodate information relating to infections resulting in the death of the patient.

### **Floor Amendment No. 54**

Amend **CSSB 1**, as follows:

1. On page II-73 of the Health and Human Services Commission bill pattern, reduce the following strategy by \$5,000,000 in General Revenue Funds in fiscal year 2010 and \$15,000,000 in General Revenue Funds in fiscal year 2011 (\$20,000,000 General Revenue total):

H.1.2. Increase Capacity—Community Services.

2. On page II-72 of the Health and Human Services Commission bill pattern, increase the following strategy by \$10,000,000 in General Revenue Funds in each fiscal year (\$20,000,000 General Revenue total) to implement a Medicaid Buy-In program for children:

B.1.1. Medicare and SSI.

3. Adjust performance measures as necessary to reflect funding changes.

### **Floor Amendment No. 57**

Amend **CSSB 1** (House committee printing) in Article II of the bill, following the appropriations to the Health and Human Services Commission, by striking Rider 48 (Physician-administered Biologics and Drugs Rider, page II-89) and substituting the following:

48. Physician-administered Biologics and Drugs. To the extent compatible with state and federal law, drugs and biological products are deemed covered benefits of Medicaid if those products are approved for sale by the U.S. Food and Drug Administration and satisfy the criteria of the Omnibus Budget Reconciliation Act of 1990 and the Deficit Reduction Act of 2005. The manufacturers of drugs and biological products which are deemed covered benefits under Medicaid shall obtain a unique HCPCS code of C, Q, or J and a National Drug Code that will enable the state Medicaid office to track the product for the purpose of receiving Medicaid rebates.

HHSC shall develop and make available a process to analyze new, "first-in-class," physician-administered drugs and biological products for the purpose of issuing a Medicaid coverage report or opinion.

For new physician-administered drugs and biological products slated for inclusion in an existing class covered by Medicaid, HHSC shall develop and make available an expedited process to analyze fiscal impact and incremental cost over current drug treatment and therapy.

HHSC shall develop and make available a process for approving new FDA-approved indications of physician-administered drugs and biological products covered by Medicaid.

HHSC may apply any reasonable administrative measures, including medical policy development and utilization controls that it deems prudent as the conditions of coverage that apply to each physician-administered drug or biological product.

#### **Floor Amendment No. 58**

Amend **CSSB 1** in Article II of the bill by striking Rider 53 (page II-89) following the appropriations to the Health and Human Services Commission.

#### **Floor Amendment No. 59**

Amend **CSSB 1** in Article II of the bill, at the end of Rider 55 following the appropriations to the Health and Human Services Commission (page II-90), by inserting the following:

Notwithstanding the requirement that the plan must be for the expenditure of 85 percent of the Strategic Initiative funding, the commission shall supplement the projects specified in the plan with other projects that qualify as Frew Strategic Initiatives, or modify the projects specified in the plan as necessary, to ensure that 100 percent of the Strategic Initiative funding is obligated or submitted to the LBB and Governor's Office for approval not later than August 31, 2011.

#### **Floor Amendment No. 60**

Amend **CSSB 1** following the Article II appropriations to the Health and Human Services Commission as follows:

- (1) On page II-91, strike Rider 64.
- (2) Add the following appropriately numbered rider:

\_\_\_\_. Nurse-Family Partnership Competitive Grant Program; Federal Funding. Contingent on the availability of additional federal funding, including federal stimulus funding, for home visitations to families with young children, the Health and Human Services Commission shall allocate those funds to Strategy A.1.1, Enterprise Oversight and Policy (page II-72), for the Nurse-Family Partnership Competitive Grant Program.

#### **Floor Amendment No. 61**

Amend Floor Amendment No. 60 to **CSSB 1** (page 86, prefiled amendments packet) on line 7 by striking ", including federal stimulus funding,".

#### **Floor Amendment No. 66**

Amend **CSSB 1**, as follows:

Contingency Authorization for Twelve Months Continuous Eligibility for Medicaid Children.

a. The Health and Human Services Commission is hereby authorized to expend funds appropriated below to provide for a period of twelve months continuous eligibility for Medicaid children contingent upon the following two conditions:

(1) Enactment of legislation by the Eighty-first Legislature providing the authority to expand this health care coverage to Medicaid children, and

(2) The federal medical assistance percentage (FMAP) match rate associated with the American Recovery and Reinvestment Act for the period September 1, 2009 and December 31, 2010 increases to a Tier Two level or higher at any time during this 15 month period.

(i) The Tier Two estimated federal match rate would be 69.85 percent.

(ii) This additional federal match received would free up an amount of general revenue equal to the additional federal funds received.

(iii) As an exception to the requirement of obtaining prior approval in Article II, Special Provisions, Section 7, the Health and Human Services Commission is hereby authorized to expend any general revenue freed up in any Article II agency as a result of an increasing stimulus FMAP rate for the purpose of providing 12 months continuous eligibility in Goal B. Medicaid.

b. The Health and Human Services Commission is required to notify the Legislative Budget Board and the Governor within 30 days of an FMAP increase and provide the following information:

(1) The implementation date of providing the 12 months continuous eligibility period.

(2) An estimate of the stimulus FMAP gain by agency and strategy by federal quarter.

(3) An updated estimate of caseload and costs associated with providing 12 months continuous eligibility for each year of the 2010-11 biennium.

(4) An updated estimate of the caseload and costs associated with providing 12 months continuous eligibility for each year of the 2012-13 biennium.

c. The Health and Human Services Commission is authorized to obtain any necessary federal approval to implement this coverage.

d. The authorization for expenditure of funds for 12 months continuous eligibility provided by this section shall be in effect only for the time period the funding source described in paragraph a.(2) above remains in effect

### **Floor Amendment No. 67**

Amend Floor Amendment No. 66 to **CSSB 1** (page 93 of the prefiled amendments packet) as follows:

(1) On the third line of Subsection a., strike "upon the following two conditions" and substitute "upon the following three conditions".

(2) At the end of Subsection a.(1), strike "and".

(3) At the end of Subsection a.(2), strike the period and substitute ", and".

(2) Add the following new Subdivision (3) to Subsection a.:

(3) The Health and Human Services Commission first institutes a program to electronically verify the income and assets of all recipients of benefits under the CHIP and Medicaid programs other than Aged, Blind, or Disabled (ABD) recipients.

**Floor Amendment No. 69**

Amend **CSSB 1** in Article II of the bill by adding the following appropriately numbered rider following the appropriations to the Health and Human Services Commission (page II-91):

\_\_\_\_. Study Regarding the Need for Community Support and Residential Services for Individuals Suffering from Acquired Brain Injury. (a) It is the intent of the legislature that, out of general revenue funds appropriated above, the executive commissioner of the Health and Human Services Commission conduct a study, not later than September 1, 2010, regarding the need for a system of community support and residential services for individuals suffering from acquired brain injury. The study must, at a minimum:

(1) evaluate current services and supports provided by the state to persons suffering from acquired brain injury;

(2) assess the need in this state for community support and residential services to persons suffering from acquired brain injury;

(3) ascertain opportunities available to this state to draw down federal funds for individuals with acquired brain injury for whom the state currently provides services and supports through general revenue funds; and

(4) determine the feasibility and cost-effectiveness of implementing a system of community support and residential services through either a Medicaid state plan amendment or medical assistance waiver for persons with acquired brain injury.

(b) The executive commissioner of the Health and Human Services Commission shall submit the results of the study described above to the governor, lieutenant governor, speaker of the house of representatives, and the chairs of the Senate Committee on Health and Human Services and the House Committee on Public Health.

**Floor Amendment No. 70**

Amend **CSSB 1** in Article II of the bill by adding the following appropriately numbered rider following the appropriations to the Health and Human Services Commission:

\_\_\_\_. Medical Transportation. The Health and Human Services Commission shall use funds appropriated in Strategy B.2.4, Medical Transportation (page II-73), in a manner that ensures the provision of timely and appropriate nonemergency transportation services, supports access to health care, optimizes federal funding, and incorporates cost containment strategies and budget predictability. The commission shall evaluate and determine, by service delivery area, the most appropriate service delivery model for that area. The commission shall consider a full-risk brokerage service delivery model in conducting the evaluation and making the determination for a service delivery area.

**Floor Amendment No. 71**

Amend Amendment No. 70 to **CSSB 1** by Zerwas (page 98, Prefiled Amendment Packet), as follows:

(1) On page 1, line 12, strike "shall consider" and substitute "may consider."

(2) On page 1, line 14 of the amendment, insert the following between "area" and the period:

, but may not implement that model unless the legislature, through another legislative Act that is enacted and becomes law, specifically authorizes the commission to implement that model

#### **Floor Amendment No. 72**

Amend **CSSB 1** by adding the following rider after the Article II appropriations to the Health and Human Services Commission:

\_\_\_\_\_. Fiscal Accountability for Programs for Persons With Mental Retardation. It is the intent of the legislature that the executive commissioner of the Health and Human Services Commission adopt rules that prohibit the commission from enforcing minimum spending thresholds currently contained in the fiscal accountability requirements beginning with the 2008 cost reports for the intermediate care facilities for persons with mental retardation and home and community-based services waiver programs. The 2007 cost reports will continue to have minimum spending thresholds currently contained in the fiscal accountability spending requirements applied. If before implementing this provision the commission determines that a waiver or authorization from a federal agency is necessary for implementation of the provision, the commission shall request the waiver or authorization and may delay implementing the provision until the waiver or authorization is granted.

#### **Floor Amendment No. 73**

Amend **CSSB 1** in Article II of the bill by adding the following appropriately numbered rider following the appropriations to the Health and Human Services Commission:

\_\_\_\_\_. Contingent Appropriation for House Bill 1398. Contingent on House Bill 1398, Acts of the 81st Legislature, Regular Session, 2009, relating to a pilot project to establish a comprehensive single point of entry for long-term services and supports provided to the aged and physically disabled individuals, or similar legislation being enacted and becoming law, from funds appropriated to the Health and Human Services Commission in Goal A, HHS Enterprise Oversight & Policy (page II-72), \$440,000 for the state fiscal year beginning September 1, 2009, and \$440,000 for the state fiscal year beginning September 1, 2010, are appropriated to the Health and Human Services Commission to implement provisions of that legislation. The Health and Human Services Commission may transfer amounts from this appropriation as necessary to the Department of Aging and Disability Services to assist with implementation of the pilot project or to directly fund the pilot project sites.

#### **Floor Amendment No. 74**

Amend Amendment No. 73 to **CSSB 1** by Zerwas (page 100 of the prefiled amendments packet) by striking the text of the amendment and substituting the following:

Amend **CSSB 1** in the Article XI appropriations to the Health and Human Services Commission (page XI-4) by inserting the following:

Rider: Contingency for House Bill 1398, Single Point of Entry for Long-Term Services and Supports Pilot Project \$2,200,000



**Floor Amendment No. 75**

Amend **CSSB 1** in Article II of the bill by adding the following appropriately numbered rider following the appropriations to the Health and Human Services Commission:

\_\_\_\_. Human Resources Functions. The Health and Human Services Commission may not use funds appropriated by this Act to fund a contract entered into or renewed during the 2009-2011 state fiscal biennium for the performance by a private entity of human resources functions for the commission, a health and human services agency, as defined by Section 531.001, Government Code, or a state school, or to purchase those services for that state fiscal biennium from a private entity in a manner other than by contract. The commission shall use funds appropriated for Goal A, HHS Enterprise Oversight & Policy (page II-72), to establish separate human resources divisions in the commission and in each health and human services agency to perform human resources functions for the applicable agency. The division established in the Department of Aging and Disability Services shall also perform human resources functions for the state schools and employees of state schools.

**Floor Amendment No. 79**

Amend **CSSB 1** as follows:

In Article II, under Special Provisions Relating To All Health And Human Services Agencies, insert the following appropriately numbered section:

Sec. \_\_\_\_ Standard of Care For Individuals

The Legislature finds that the care and well being of all individuals under the care of the state is a primary responsibility of the state. It is the intent of the Legislature that the Executive Commissioner shall use transferability, rulemaking and administrative authority, and all necessary means to prevent abuse, neglect or exploitation and ensure the protection of all individuals under care of the state, including children, intellectually and developmentally disabled adults, and the elderly. In the event that appropriations are insufficient to ensure appropriate levels of care for individuals, the Executive Commissioner, pursuant to the notification and approval requirements contained in other provisions, shall transfer necessary funds and request additional appropriation authority from the Legislative Budget Board.

**Floor Amendment No. 80**

Amend **CSSB 1** in Article II of the bill, following the appropriations to the Health and Human Services Commission, by adding the following appropriately numbered rider:

\_\_\_\_. Medicaid Reimbursement Rates for Primary Care and Nursing Home Services. The Health and Human Services Commission shall annually adjust fees, charges, and rates paid for Medicaid primary care and nursing home services to, at a minimum, account for inflation, and shall use funds appropriated to the commission in Goal B, Medicaid (page II-72), to pay reimbursements at those rates, subject to the other provisions of this Act.

**Floor Amendment No. 81**

Amend Amendment No. 80 by Coleman to **CSSB 1** (page 92, Prefiled Amendment Packet) by striking the text of the amendment and substituting the following:

Amend **CSSB 1** in Article II of the bill, following the appropriations to the Health and Human Services Commission, by adding the following appropriately numbered rider:

\_\_\_\_\_. Medicaid Reimbursement Rates for Primary Care and Nursing Home Services. It is the intent of the legislature that the Health and Human Services Commission annually adjust fees, charges, and rates paid for Medicaid primary care and nursing home services to, at a minimum, account for inflation, and use funds appropriated to the commission by this Act to pay reimbursements at those rates, subject to the other provisions of this Act.

**Floor Amendment No. 82**

Amend **CSSB 1**, Article III (Texas Education Agency) as follows:

(1) Under Method of Financing, General Revenue Fund, Foundation School Fund No. 193, for the Fiscal Year ending August 31, 2010, strike "12,180,464,992" and insert "9,180,464,992".

(2) Under Method of Financing, Other Funds, Property Tax Relief Fund, for the Fiscal Year ending August 31, 2010, strike the number "2,748,200,000" and insert the number "5,748,200,000".

(3) Under Section 3, Foundation School Program Funding, strike paragraph 5.

**Floor Amendment No. 83**

Amend **CSSB 1** (House committee printing) in Article III, following appropriations to the Texas Education Agency, by amending Rider 6 (page III-7) as follows:

6. Windham Schools. The funds appropriated above in Strategy B.2.4, Windham School District, are to be expended only for academic and vocational educational programs approved by the Texas Education Agency. The Commissioner of Education shall allocate funds to the Windham Schools based on contact hours for the best 180 of 210 school days in each year of the biennium. The contact hour rates for the 2010-11 biennium are the following: \$3.88349 for academic education, \$2.95885 for vocational education.

The Windham School District shall use funds appropriated above to serve those students whose participation will help achieve the goals of reduced recidivism and the increased success of former inmates in obtaining and maintaining employment. To achieve these goals, younger offenders with the lowest educational levels and the earliest projected release or parole eligibility dates should receive high priority. This policy shall not preclude the Windham School District from serving other populations according to needs and resources. The Windham School District will report to the Eighty-second Legislature regarding its effort and success in implementing this prioritization. The Windham School District will also report to the Eighty-second Legislature regarding the recidivism rates and employment rates during the 2010-11 biennium of district students who successfully complete the district's program.

**Floor Amendment No. 84**

Amend **CSSB 1** in Article III of the bill, in Rider 46 following the appropriation to the Texas Education Agency (page III-15), by striking the first sentence and substituting the following:

In the expenditure of adult education funds appropriated above, priority shall be given to adult literacy programs that include training in financial literacy and occupational foundation skills.

**Floor Amendment No. 85**

Amend Amendment No. 84 to **CSSB 1** by Hancock (on page 116 of the prefiled amendment packet) by striking the text of the amendment and substituting:

Amend **CSSB 1** in Article III of the bill, in Rider 46 following the appropriation to the Texas Education Agency (page III-15), in the first sentence of the amendment between "programs" and "in" by inserting "and may be given to adult literacy programs that include training in financial literacy and occupational foundation skills".

**Floor Amendment No. 86**

Amend **CSSB 1** in Article III of the bill, following the appropriations to the Texas Education Agency, by adding the following paragraph to Rider 46 (page III-15):

The agency shall allocate the increase in state and federal adult basic education funds, other than federal funds set aside for state administration, special projects, and staff development, based on need. For purposes of this paragraph, the "increase in state and federal adult basic education funds" is the amount of state and federal adult basic education funds, other than federal funds set aside for state administration, special projects, and staff development, available for the 2009-2010 or 2010-2011 school year that exceeds the amount of state and federal adult basic education funds, other than federal funds set aside for state administration, special projects, and staff development, allocated in the 2008-2009 school year.

**Floor Amendment No. 87**

Amend Amendment No. 86 by Guillen to **CSSB 1** (page 117 of the amendment packet) by striking on page 1, lines 4-15 of the amendment and substituting the following:

It is the intent of the legislature that the agency shall allocate state and federal adult basic education funds, other than federal funds set aside for state administration, special projects, and staff development, based on need for persons 18 years of age or older who have not received a high school diploma. Funds available to a service area in which there is no eligible service provider providing student contact hours shall be distributed proportionally by the agency to other eligible service providers in the county. If there are no other eligible service providers in the county, the funds allocated for that county shall be distributed proportionally by the agency throughout the state to eligible service providers by service area. Service providers providing student contact hours for the 2008-2009 school year are entitled to at least the same level of student contact hours in the 2009-2010 and 2010-2011 school years as the service provider provided in the 2008-2009 school year. It is the intent of the

legislature that the agency by rule or the legislature by enactment of an Act of the 81st Legislature, Regular Session, shall establish that service providers of adult education shall be paid on a student contact hour and student performance basis and shall require that the total number of eligible student contact hours must be based on the student's level of performance on a designated literacy or basic skills test so that the number of eligible student contact hours funded is increased for a student with a lower performance level.

### **Floor Amendment No. 88**

Amend **CSSB 1** in Article III of the bill, in Rider 51(a) following the appropriation to the Texas Education Agency (page III-16), between "school" and "and", by inserting ", conduct a study to be reported to the legislature regarding the high dropout rates of students with limited English proficiency and students with parents with limited English proficiency,".

### **Floor Amendment No. 89**

Amend **CSSB 1** as follows:

On page III-18, Student and Educator Excellence Awards Programs, decrease the amount from Strategy B.3.1 by \$171,390,728 in fiscal year 2010 and by \$171,390,729 in fiscal year 2011.

On page III-18, strike rider 65, Student and Educator Excellence Awards Programs.

On page III-2, increase the appropriation to Strategy A.1.1 by \$342,781,457.

On page III-21, increase the appropriation made to rider 83, Foundation School Program Funds for Improving Equity, Reducing Recapture, and Providing Educator Salary Increases from Strategy A.1.1 by \$171,390,728 in fiscal year 2010 and by \$171,390,729 in fiscal year 2011.

On page III-21, amend rider 83, Foundation School Program Funds for Improving Equity, Reducing Recapture, and Providing Educator Salary Increases as follows:

Contingent on passage and enactment of legislation by the Eighty-first Legislature, Regular Session, relating to the return to a formula-driven public school finance system that improves equity, reduces recapture, ~~and that may~~ provides for increases to educator salary, improves educator effectiveness, and directs districts to make improvements in the equitable distribution of highly qualified teachers, out of the Foundation School Funds appropriated above in Strategy A.1.1., FSP – Equalized Operations and A.1.2., FSP Equalized Facilities, ~~\$933,000,000~~ \$1,104,390,728 in each fiscal year 2010 of the 2010-11 biennium and \$1,104,390,729 in fiscal year 2011 is allocated for the purposes of the legislation.

Should legislation relating to the return to a formula-driven public school finance system that improves equity and reduces recapture fail to pass, appropriations of Foundation School Funds to Strategy A.1.1., FSP – Equalized Operations and A.1.1., FSP – Equalized Facilities, are hereby reduced by \$933,000,000 in each year of the 2010-11 biennium and Strategy B.3.1 shall be increased by \$342,781,457.

**Floor Amendment No. 90**

Amend Amendment No. 89 by Villarreal to **CSSB 1** (page 127 of the amendment packet) by striking the text of the amendment and substituting the following:

Amend **CSSB 1** as follows:

(1) On page III-2, in the appropriations to the Texas Education Agency, increase Strategy A.1.1, FSP – Equalized Operations, by \$171,390,728 in fiscal year 2010 and \$171,390,729 in fiscal year 2011.

(2) On page III-2, in the appropriations to the Texas Education Agency, decrease Strategy B.3.1, Improving Educator Quality/LDRSP, by \$171,390,728 in fiscal year 2010 and \$171,390,729 in fiscal year 2011.

(3) On pages III-18 and III-19, following the appropriations to the Texas Education Agency, strike Rider 65, Student Achievement and Educator Excellence Awards Programs.

(4) On page III-21, following the appropriations to the Texas Education Agency, amend Rider 83, Foundation School Program Funds for Improving Equity, Reducing Recapture, and Providing Educator Salary Increases, to read as follows:

83. Foundation School Program Funds for Improving Equity, Reducing Recapture, and Providing Educator Salary Increases. Contingent on passage and enactment of legislation by the Eighty-first Legislature, Regular Session, relating to the return to a formula-driven public school finance system that improves equity, reduces recapture, and provides [that may provide] for increases to educator salaries ~~[salary]~~, out of the Foundation School Funds appropriated above in Strategy A.1.1., FSP – Equalized Operations and A.1.2, FSP – Equalized Facilities, \$1,104,390,728 ~~[\$933,000,000]~~ in ~~[each]~~ fiscal year 2010 and \$1,104,390,729 in fiscal year 2011 ~~[of the 2010-11 biennium]~~ is allocated for the purposes of the legislation. Consistent with this allocation, \$171,390,728 in fiscal year 2010 and \$171,390,729 in fiscal year 2011 is further allocated for the following purposes:

(1) recruiting and retaining highly qualified teachers for campuses serving a disproportionately high number of economically disadvantaged students;

(2) recruiting and retaining teachers certified in mathematics, science, special education, bilingual education, or English as a second language;

(3) providing teacher induction and mentoring support; or

(4) previously developed incentive programs.

The Texas Education Agency shall notify school districts of the amount of formula funding that is intended for the purposes identified by Subdivisions (1), (2), and (3) of this rider.

Should legislation relating to the return to a formula-driven public school finance system that improves equity and reduces recapture fail to pass, appropriations of Foundation School Funds to Strategy A.1.1, FSP – Equalized Operations and A.1.2, FSP – Equalized Facilities, are hereby reduced by \$933,000,000 in each year of the 2010-11 biennium, and Strategy B.3.1, Improving Educator Quality/LDRSP, is hereby increased by \$171,390,728 in fiscal year 2010 and \$171,390,729 in fiscal year 2011.

(5) Adjust totals and methods of finance appropriately.

**Floor Amendment No. 91**

Amend **CSSB 1** in Article III of the bill, following the appropriations to the Texas Education Agency (page III-14), as follows:

(1) Strike the last sentence of the first paragraph in Rider 42 (Student Success Initiative) and substitute the following:

The Commissioner shall expend these funds for allocations to schools for the purpose of implementation of scientific, research-based programs for students who have been identified as unlikely to achieve the third grade TAKS reading standard by the end of the third grade, including those students with dyslexia and related disorders, students unlikely to achieve the TAKS reading or math standards by the end of the fifth grade, students unlikely to achieve the TAKS reading or math standards in the eighth grade assessments administered in 2008, and students unlikely to achieve college readiness by the end of the 11th grade.

(2) Add the following subparagraph to Rider 42:

d. From funds appropriated above, the Commissioner shall allocate \$25 million for the biennium for targeted assistance to promote student success and close achievement gaps at campuses with disproportionately high numbers of students who have been identified as unlikely to achieve college readiness standards by the end of the 11th grade, including technical assistance from individuals with demonstrated expertise in improving student college readiness and innovative partnerships with institutions of higher education.

**Floor Amendment No. 92**

Amend Amendment No. 91 by Dutton to **CSSB 1** (page 115 of the amendment packet) as follows:

(1) On page 1, line 16 of the amendment, strike "subparagraph" and substitute "subparagraphs".

(2) On page 1, following line 25 of the amendment, insert the following:

e. From funds appropriated above, the Commissioner shall allocate \$2 million in fiscal year 2010 and \$2 million in fiscal year 2011 to reimburse school districts that extend Supplemental Education Services under the No Child Left Behind Act of 2001 (Pub. L. No. 107-110) by providing tutoring during the summer to improve reading and vocabulary acquisition to eligible students.

**Floor Amendment No. 93**

(1) Amend **CSSB 1** on page III-2, increase General Revenue, Fund 193, appropriations in Strategy A.1.1, FSP – Equalized Operations by \$337,117 in each fiscal year of the 2010-11 biennium.

(2) Amend **CSSB 1** on page III-2, decrease General Revenue, Fund 1, appropriations in Strategy A.2.1, Statewide Educational Programs by \$337,117 in each fiscal year of the 2010-11 biennium.

(3) Amend **CSSB 1** on page III-20, by striking Rider 86, Educator Salary Increase, and substituting the following:

86. Educator Salary Increase. Out of General Revenue funds appropriated above in Strategy A.1.1., FSP – Equalized Operations, the Commissioner shall allocate \$141,400,000 in General Revenue funds in fiscal year 2010 and

\$141,400,000 in General Revenue funds in fiscal year 2011 to school districts and charter schools for the purpose of providing increased educator salary. The Commissioner shall allocate funds to each school district and charter school so that the amounts received in each fiscal year of the 2010-11 biennium are equal to the amounts received in fiscal year 2009 in association with similar provisions contained in Texas Education Agency, Rider 86. Educator Salary Increase in the 2008-09 General Appropriations Act, 80th Legislature, Regular Session, 2007. Each district and charter school shall annually report to the Texas Education Agency information on the use of the educator salary funds identified by this rider. The Commissioner may adopt rules to implement the provisions of this rider.

Out of General Revenue funds appropriated above in Strategy A.1.1, FSP – Equalized Operations, the Commissioner shall allocate \$337,117 in General Revenue funds in fiscal year 2010 and \$337,117 in General Revenue funds in fiscal year 2011 to the Windham School District for the purpose of providing increased educator salary.

(4) Amend **CSSB 1** on page III-14, by striking Rider 42, Student Success Initiative, and substituting the following:

42. Student Success Initiative. Out of the funds appropriated above in Strategy A.2.1, Statewide Educational Programs, \$154,159,650 in fiscal year 2010 and \$154,159,650 in fiscal year 2011 are allocated for the Student Success Initiative. The Commissioner shall expend these funds for allocations to schools for the purpose of implementation of scientific, research-based programs for students who have been identified as unlikely to achieve the third grade TAKS reading standard by the end of the third grade, including those students with dyslexia and related disorders, students unlikely to achieve the TAKS reading or math standards by the end of the fifth grade, and/or students unlikely to achieve TAKS reading or math standards in the eighth grade assessments administered in 2008.

a. From funds appropriated above, the Commissioner may allocate funding to continue teacher reading academies for previously untrained teachers in grades 6, 7 and 8, and training in teaching reading across content areas for grades 6-8 math, science and social studies teachers. Where applicable, the academies shall include training in the use of the diagnostic instruments and intensive reading instruction programs developed under the Adolescent Literacy Initiative.

b. From funds appropriated for the Student Success Initiative, and from any available Federal Funds, the Commissioner shall distribute the supplemental diagnostic screening instruments and intensive reading instruction programs developed under the Adolescent Literacy Initiative to school districts and charter schools.

c. Any balances as of August 31, 2010, are appropriated for fiscal year 2011 for the same purposes.

Notwithstanding the purposes described above by this rider, the Commissioner shall allocate \$154,159,650 in fiscal year 2010 and \$154,159,650 in fiscal year 2011 to implement programs that promote student success, minimize assessment failure, and close student achievement gaps consistent with the goals and provisions of the Texas Education Code as amended by any legislation enacted by the Eighty-first Legislature, Regular Session.

**Floor Amendment No. 94**

Amend Amendment No. 93 to **CSSB 1** by Kolkhorst (on page 134 of the prefiled amendment packet) as follows:

(1) On the first line of Item (3) of the amendment, strike "Rider 86" and substitute "Rider 76".

(2) On the third line of Item (3) of the amendment, strike "86. Educator Salary Increase" and substitute "76. Educator Salary Increase".

**Floor Amendment No. 96**

Amend **CSSB 1** in Article III of the bill by adding the following appropriately numbered rider following the appropriations to the Texas Education Agency:

\_\_\_\_. Child Nutrition Outreach Plan. Out of funds appropriated in Strategy B.2.3, Child Nutrition Programs (page III-2), the Commissioner of Education shall create a plan to increase enrollment in the Child Nutrition Program. The Texas Education Agency shall include the annual percentage of increase or decrease of enrollment in the Child Nutrition Program in an annual report to the legislature.

**Floor Amendment No. 97**

Amend Amendment No. 96 by Walle to **CSSB 1** (packet page 137) on page 1 of the amendment, line 6, between "Education" and "shall", by inserting ", in consultation with the Commissioner of Agriculture,".

**Floor Amendment No. 100**

Amend **CSSB 1** (House committee printing) as follows:

(1) Add the following appropriately numbered rider under the Article III appropriations to the Texas Education Agency (page III-22):

\_\_\_\_. Best Practices for Public School Dropout Prevention and Recovery. The amount of \$160,000 is appropriated out of the General Revenue Fund to the Texas Education Agency for the state fiscal year ending August 31, 2010, and the additional amount of \$160,000 is appropriated out of the General Revenue Fund to the Texas Education Agency for the state fiscal year ending August 31, 2011, for the purpose of collecting and making available best practices information concerning public school dropout prevention and recovery through the online clearinghouse of best practices information established under Section 7.009, Education Code.

(2) Reduce the Article I appropriations to the Office of State-Federal Relations for Strategy A.1.1, Action Plans (page I-76) by \$160,000 for the state fiscal year ending August 31, 2010, and by \$160,000 for the state fiscal year ending August 31, 2011.

(3) Adjust totals and methods of financing appropriately.

**Floor Amendment No. 101**

Amend Amendment No. 100 by Olivo to **CSSB 1** (amendment packet page 145) by striking the text of the amendment and substituting the following:

Add the following appropriately numbered rider under the Article III appropriations to the Texas Education Agency:



\_\_\_\_\_. Best Practices for Public School Dropout Prevention and Recovery. Out of the funds appropriated above in Strategy A.2.1, Statewide Educational Programs: Student Success Initiative, the Texas Education Agency shall allocate the amount of \$160,000 for the fiscal year ending August 31, 2010, and \$160,000 for the state fiscal year ending August 31, 2011, for the purpose of collecting and making available best practices information concerning public school dropout prevention and recovery through the online clearinghouse of best practices information established under Section 7.009, Education Code.

#### **Floor Amendment No. 102**

Amend **CSSB 1** by adding the following appropriately numbered rider in Article III after the appropriations to the Teacher Retirement System of Texas:

\_\_\_\_\_. Minority Investment Fund Managers. From money appropriated under Goal A, To Administer the System as an Employee Benefit Trust, the Teacher Retirement System shall make a good faith effort to hire minority investment fund managers.

#### **Floor Amendment No. 103**

Amend Amendment No. 102 to **CSSB 1** by Martinez Fischer (on page 149 of the prefiled amendment packet) as follows:

(1) On line 4, strike "Minority Investment" and substitute "Emerging".

(2) On line 7, strike "hire minority investment fund managers." and substitute the following:

expand its program to hire qualified emerging fund managers. The Teachers Retirement System of Texas shall report back to the 82nd Legislature on the methods and results of the system's efforts to hire emerging fund managers, including data disaggregated by race, ethnicity, gender, and fund size.

#### **Floor Amendment No. 104**

Amend **CSSB 1** (House committee printing) as follows:

(1) In Article III of the bill, following the appropriation to the Higher Education Coordinating Board, amend Subsection d, Rider 29 (page III-49), by striking the first sentence of Subsection d and substituting the following:

Out of the funds appropriated above in Strategy B.1.9, Student Financial Aid Programs, the Higher Education Coordinating Board shall allocate not less than \$340,841,871 in fiscal year 2010 and \$330,026,148 in fiscal year 2011 to the Texas Grant Program.

(2) In Article III of the bill, following the appropriation to the Higher Education Coordinating Board, amend Subsection e, Rider 29 (page III-49), by striking the first sentence of Subsection e and substituting the following:

Out of the funds appropriated above in Strategy B.1.9, Student Financial Aid Programs, the Higher Education Coordinating Board shall allocate an amount not less than \$9,250,000 in General Revenue and \$10,750,111 in General Revenue-Dedicated B-on-Time Set Asides Fund No. 5103 in each year of the biennium to the B-on-Time Program.

**Floor Amendment No. 105**

Amend Floor Amendment No. 104 to **CSSB 1** (Prefiled Amendment Packet, page 159), by striking the text of the amendment and substituting the following:

Amend **CSSB 1** in Article III of the bill, following the appropriations to the Higher Education Coordinating Board, by adding a new subsection to Rider 29 (page III-50) as follows:

h. Notwithstanding any other provisions of this Act, out of money appropriated above in Strategy B.1.9, Student Financial Aid Programs, an amount equal to any amount of general revenue-dedicated greater than the \$20,000,112 that is appropriated to the B-On-Time Program, shall be subtracted from the \$18,500,000 of general revenue that is appropriated to the B-On-Time Program and shall be allocated to the Higher Education Coordination Board for academic-based financial assistance to postsecondary, undergraduate students from middle-income families. It is the intent of the legislature that the Higher Education Coordinating Board develop uniform standards by which to award that academic-based financial assistance to students from middle-income families. The Higher Education Coordinating Board may allocate additional money from the strategy to the program.

**Floor Amendment No. 106**

Amend **CSSB 1** in Article III of the bill, following the appropriations to the Texas Higher Education Coordinating Board (page III-39), by adding the following appropriately numbered rider:

\_\_\_\_. Tuition Report. Of the amount appropriated in Strategy B.1.9, Student Financial Aid Programs (page III-41), for the state fiscal biennium beginning September 1, 2009, to the Texas Higher Education Coordinating Board, the coordinating board shall use an appropriate and reasonable amount for each year of the biennium to conduct a study and submit a report on the financial impact of tuition and fees on students enrolled at Texas public institutions of higher education and on the families of those students. The coordinating board shall submit the report to the governor, the lieutenant governor, and each member of the legislature not later than January 1, 2011.

**Floor Amendment No. 107**

Amend **CSSB 1** by adding the following appropriately numbered SECTION under the special provisions relating only to state agencies of higher education in Article III of the bill (page III-208), and renumbering existing SECTIONS of that article accordingly:

Sec. \_\_\_\_\_. Mexican American Studies Program or Other Course Work. It is the intent of the legislature that the governing board of each general academic institution or public community or junior college located in one or more counties with a substantial and growing Mexican American population establish a Mexican American studies program or other course work in Mexican American studies at the institution or college or at another institution or college under the supervision of the same governing board within that county or counties. For that purpose, the governing board

of an institution or college described by this section may use a portion of the available general revenue funds otherwise appropriated to the institution or college by this Act for the purpose of:

(1) evaluating the demand for and feasibility of establishing a Mexican American studies program or other course work in Mexican American studies at the institution or college or at another institution or college under the supervision of the same governing board; and

(2) establishing and operating such a program or other course work at the institution or college.

### **Floor Amendment No. 108**

Amend Floor Amendment No. 107 to **CSSB 1** (page 167, prefiled amendment packet) as follows:

(1) On page 1, lines 8 and 9, strike "or public community or junior college".

(2) On page 1, line 10, between "population" and "establish", insert "may".

(3) On page 1, lines 12-14, strike "or college or at another institution of college under the supervision of the same governing board within that county or counties".

(4) On page 1, line 15, strike "or college".

(5) On page 1, line 17, strike "or college".

(6) On page 1, line 17, strike the colon.

(7) Strike page 1, lines 18-24, and substitute "evaluating the demand for and feasibility of establishing a Mexican American studies program or other course work in Mexican American studies in connection with establishing and operating such a program or other course work at the institution."

### **Floor Amendment No. 109**

Amend **CSSB 1**, Article III, as follows:

On page III-216 and III-217 of the bill pattern for the Special Provisions Relating Only to State Agencies of Higher Education" amend the following text:

Sec. 22. ~~Un-sponsored Charity~~ Uncompensated Care Reporting Requirement. The public health-related institutions ~~listed in Sec. 22, 1.~~ Financially Indigent, shall use the appropriations in this Act to include in their biennial legislative appropriations request information including the actual amount of uncompensated ~~charity~~ care provided through each institution's respective physician practice plan, and if applicable, hospital or clinic using the ~~definition of un-sponsored charity care set forth in the following sub-sections.~~ uncompensated care reporting requirements established by the Health & Human Services Commission.

Uncompensated care includes the unreimbursed costs for the uninsured (those with no source of third party insurance) and the underinsured (those with insurance who after contractual adjustments and third party payments have a responsibility to pay for an amount they are unable to pay). Uncompensated care also includes the unreimbursed costs from government sponsored health programs. To calculate uncompensated care, charges will be converted to costs by application of a standard, auditable ratio of cost to charge and providers will recognize appropriate patient specific funding and lump sum funding available to offset costs.

~~1. Financially Indigent. Un-sponsored charity care shall include unreimbursed services to the financially indigent. Financially indigent shall mean uninsured or underinsured patients accepted for care with no obligation or a discounted obligation to pay for services rendered based on a teaching hospital's or clinic's formal eligibility system which may include: (a) income levels and means testing or other criteria for determining a patient's inability to pay; or (b) other criteria for determining a patient's inability to pay that are consistent with the hospital's or clinic's mission and established policy. The federal poverty level shall serve as an index for the threshold below which patients receiving care at The University of Texas Southwestern Medical Center at Dallas, The University of Texas Medical Branch at Galveston, The University of Texas Health Science Center at Houston, The University of Texas Health Science Center at San Antonio, The University of Texas M.D. Anderson Cancer Center, The University of Texas Health Science Center at Tyler, Texas A&M University System Health Science Center, The Texas Tech University Health Sciences Center, and The University of North Texas Health Science Center are deemed financially indigent. Financially indigent services include both noncovered services and contractual allowances for patients eligible for the Medicaid program and for the Children with Special Health Care Needs program, services provided under county indigent care contracts (Sec. 23), and services provided under other state or local government programs with eligibility indexed to the federal poverty level.~~

~~2. Medically Indigent. Un-sponsored charity care shall include unreimbursed services to the medically indigent. Medically indigent shall mean patients who are responsible for their living expenses, but whose medical and hospital bills, after payment by third party payers, where applicable, exceed: (a) a specified percentage of the patient's annual gross income (i.e., catastrophic medical expenses) in accordance with a teaching hospital or clinic's formal eligibility system in such instances where payment would require liquidation of assets critical to living or earning a living; or (b) the criteria for determining a patient's inability to pay as established by the public health related institutions listed in Sec. 22, 1. Financially Indigent.~~

~~3. Charity Care Determination. The determination that a patient is financially or medically indigent shall occur within 120 days of the patient's discharge from the hospital or clinic setting or within 120 days of the third party payor settlement.~~

~~4. Contractual Adjustments. The contractual adjustments to commercial contracts, managed care contracts, and Medicare for the public health related institutions listed in Sec. 22, 1. Financially Indigent, shall not be counted as un-sponsored charity care.~~

~~5. Bad Debt. Bad debts shall not be counted as un-sponsored charity costs. Bad debts shall include the uncollected billed charges for services rendered to patients who do not qualify under the definition of un-sponsored charity care.~~

~~6. Patient Income Eligibility Guidelines. The University of Texas Medical Branch at Galveston, The University of Texas M.D. Anderson Cancer Center, and The University of Texas Health Science Center at Tyler shall use the federal poverty level indexed at an agreed upon level as the guideline for determining indigent patients status, and those institutions' eligibility guidelines regarding copayment by patients deemed financially or medically indigent shall be the same.~~

~~The University of Texas Southwestern Medical Center at Dallas, The University of Texas Health Science Center at Houston, The University of Texas Health Science Center at San Antonio, Texas A&M University System Health Science Center, the Texas Tech University Health Sciences Center, and The University of North Texas Health Science Center may use as a basis for reporting indigent care statistical samples derived from indigent care determinations made by their affiliated teaching hospitals and designed to estimate the amounts of charity care provided using the definitions established by The University of Texas hospitals noted above.~~

~~7. Physician Practice Plan Upper Payment Limit.~~ Any amounts received by the Physician Practice Plan from Upper Payment Limit shall be counted as payments received for unsponsored charity uncompensated care.

### **Floor Amendment No. 110**

Amend Amendment No. 109 by Zerwas to **CSSB 1** (page 170 of the amendment packet) as follows:

In the second line of amended Section 22, Special Provisions Relating Only to State Agencies of Higher Education, strike "Financially Indigent,".

### **Floor Amendment No. 113**

Amend **CSSB 1** in Article III of the bill following the appropriations to the Texas Education Agency by adding the following appropriately numbered rider:

\_\_\_\_\_. Prohibition on Vouchers. It is the intent of the Legislature that none of the funds appropriated above may be spent to pay for a public education voucher program or a public education voucher pilot program if the program uses federal funds or state tax dollars to pay tuition for children in any grades between grade 1 through grade 12 to attend a private school. This prohibition includes the paying of any federal funds or state tax dollars, either directly or indirectly, for grants or programs for children to attend private schools or private educational programs that substitutes for a regular education program provided by a school district or open-enrollment charter school.

### **Floor Amendment No. 114**

Amendment to Floor Amendment No. 113 to **CSSB 1**

Strike the amendment on page 138 of the **SB 1** pre-filed amendment packet and substitute the following to amend **CSSB 1** in Article III of the bill for the appropriations to the Texas Education Agency by adding the following appropriately numbered rider:

\_\_\_\_\_. Prohibition on Vouchers. (a) It is the intent of the Legislature that none of the funds appropriated above may be spent to pay for a public education voucher program or a public education voucher pilot program if the program uses federal funds or state tax dollars to pay tuition for children in any grades between grade 1 through grade 12 to attend a private school. Appropriated state or federal funds may not be used, directly or indirectly, for grants or programs for children to attend private schools or private educational programs that substitute for a regular education program provided by a school district or open-enrollment charter school.

(b) This section does not prohibit:

1. payments for services to a private or nonprofit entity so long as students receiving the services remain enrolled in public school; or

2. payments, including tuition, for students with disabilities placed in a private school by a local admission, review and dismissal committee to the extent required under federal law.

### **Floor Amendment No. 117**

Amend **CSSB 1**, under Article V as follows:

(1) On Page V-11 of the bill pattern for the Department of Criminal Justice reduce General Revenue appropriations in Strategy C.1.5, Institutional Services, by \$5,000,000 in each fiscal year.

(2) On Page V-11 of the bill pattern for the Department of Criminal Justice increase General Revenue appropriations in Strategy A.1.2, Diversion Programs, by \$5,000,000 in fiscal year 2010 and \$5,000,000 in fiscal year 2011.

(3) On Page V-25 and V-26 of the bill pattern for the Department of Criminal Justice, amend the following text:

Rider 75. Diversion Initiatives. The Department of Criminal Justice shall use funds appropriated above for various diversion initiatives in the strategies and General Revenue amounts specified below:

a. Strategy A.1.2, Diversion Programs. Funding for probation outpatient substance abuse treatment appropriated in the amount of ~~\$5,000,000~~ \$10,000,000 in fiscal year 2010 and ~~\$5,000,000~~ \$10,000,000 in fiscal year 2011;

b. Strategy A.1.2, Diversion Programs. Funding for probation residential treatment beds (800) appropriated in the amount of \$18,004,723 in fiscal year 2010 and \$18,004,723 in fiscal year 2011;

c. Strategy B.1.1, Special Needs Projects. Funding for the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) to provide mental health services, medications, and continuity of care to juvenile and adult offenders with mental impairments appropriated in the amount of \$5,000,000 in fiscal year 2010 and \$5,000,000 in fiscal year 2011;

d. Strategy C.2.5, Substance Abuse Treatment. Funding for Substance Abuse Felony Punishment Facility treatment beds (1,184 additional beds in contracted capacity) appropriated in the amount of \$31,555,025 in fiscal year 2010 and \$31,555,026 in fiscal year 2011. The funding includes aftercare in transitional treatment centers and outpatient counseling;

e. Strategy C.2.5, Substance Abuse Treatment. Funding for In-Prison Therapeutic Community Program expansion (1,000 additional treatment slots in existing capacity) appropriated in the amount of \$12,054,125 in fiscal year 2010 and \$12,054,125 in fiscal year 2011. The funding includes aftercare in transitional treatment centers and outpatient counseling;

f. Strategy C.2.5, Substance Abuse Treatment. Funding for Driving While Intoxicated (DWI) treatment beds (500 additional treatment beds in contracted capacity) appropriated in the amount of \$6,027,063 in fiscal year 2010 and \$6,027,063 in fiscal year 2011. The funding includes aftercare in transitional treatment centers and outpatient counseling;

g. Strategy C.2.5, Substance Abuse Treatment. Funding for additional treatment slots in State Jails (1,200 beds in existing capacity) appropriated in the amount of \$2,900,000 in fiscal year 2010 and \$2,900,000 in fiscal year 2011;

h. Strategy F.2.2, Halfway House Facilities. Funding for parole halfway houses (300 additional beds) appropriated in the amount of \$3,542,324 in fiscal year 2010 and \$3,542,324 in fiscal year 2011; and

i. Strategy F.2.3, Intermediate Sanction Facilities. Funding for 992 additional probation and parole beds appropriated in the amount of \$14,375,891 in fiscal year 2010 and \$14,375,892 in fiscal year 2011.

Payment for the services provided above in Strategy A.1.2, Diversion Programs, Strategy C.2.5, Substance Abuse Treatment, Strategy F.2.2, Halfway House Facilities, and Strategy F.2.3, Intermediate Sanction Facilities, shall be provided on a per diem or reimbursement basis for services actually provided to offenders or for beds actually occupied by offenders. Any surplus funding from services directly provided by local community supervision and corrections departments (CSCDs) shall be returned to the state at the end of the biennium in accordance with applicable statutes and rules of this state.

### **Floor Amendment No. 118**

Amend Amendment No. 117 by S. Turner to **CSSB 1** (prefiled packet page 182) by adding an appropriately numbered item to read as follows:

( ) Following the appropriations to the Texas Department of Criminal Justice, insert the following appropriately numbered rider:

\_\_\_\_. **SALARY INCREASE FOR CERTAIN DEPARTMENT EMPLOYEES.** Out of funds appropriated to the Texas Department of Criminal Justice above, the department shall increase the annual compensation of department employees employed in the following areas or categories in an amount equal to five percent of the employee's annual compensation as of August 31, 2009:

- TCI Industrial Specialists
- Agricultural Unit Operations
- Unit Maintenance Operations
- Unit Clerical Staff
- Mailroom Operations
- Countroom Operations
- Commissary Operations
- Intake Operations / Photo and ID
- Property and Supply Officers
- Unit Classification Operations
- Unit Human Resource Assistants
- Chaplaincy
- Unit Project RIO
- Counsel Substitute
- Substance Abuse Treatment Program
- Grievance Investigators
- Risk Management
- Law Librarians
- Sex Offender Treatment Program
- TCI Accountants
- Health Care / Diagnostics & Evaluation
- Treatment Services - Unit Staff
- Truck Drivers and Correctional Transportation Officers

**Floor Amendment No. 119**

Amend **CSSB 1**, under Article V as follows:

(1) On Page V-12 of the bill pattern for the Department of Criminal Justice reduce General Revenue appropriations in Strategy G.1.5, Information Resources, by \$3,679,346 in fiscal year 2010 and \$3,679,346 in fiscal year 2011.

(2) On Page V-42 of the bill pattern for the Department of Public Safety reduce General Revenue appropriations in Strategy F.1.2, Information Resources, by \$1,815,324 in fiscal year 2010.

(3) On Page V-12 of the bill pattern for the Department of Criminal Justice increase General Revenue appropriations in Strategy C.2.4, Treatment Services, by \$4,587,008 in fiscal year 2010 and \$4,587,008 in fiscal year 2011.

(4) On Page V-11 of the bill pattern for the Department of Criminal Justice increase the number of full-time-equivalents by 112 in each fiscal year.

**Floor Amendment No. 120**

Amend **CSSB 1**, under Article V as follows:

(1) On Page V-11 of the bill pattern for the Department of Criminal Justice reduce General Revenue appropriations in Strategy C.1.5, Institutional Services, by \$10,000,000 in each fiscal year.

(2) On Page V-12 of the bill pattern for the Department of Criminal Justice increase General Revenue appropriations in Strategy C.2.5, Substance Abuse Treatment, by \$5,671,300 in fiscal year 2010 and \$8,425,557 in fiscal year 2011 and increase General Revenue appropriations in Strategy F.2.3, Intermediate Sanction Facilities, by \$5,903,143 in fiscal year 2011.

(3) On Page V-25 and V-26 of the bill pattern for the Department of Criminal Justice, amend the following text:

Rider 75. Diversion Initiatives. The Department of Criminal Justice shall use funds appropriated above for various diversion initiatives in the strategies and General Revenue amounts specified below:

a. Strategy A.1.2, Diversion Programs. Funding for probation outpatient substance abuse treatment appropriated in the amount of \$5,000,000 in fiscal year 2010 and \$5,000,000 in fiscal year 2011;

b. Strategy A.1.2, Diversion Programs. Funding for probation residential treatment beds (800) appropriated in the amount of \$18,004,723 in fiscal year 2010 and \$18,004,723 in fiscal year 2011;

c. Strategy B.1.1, Special Needs Projects. Funding for the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) to provide mental health services, medications, and continuity of care to juvenile and adult offenders with mental impairments appropriated in the amount of \$5,000,000 in fiscal year 2010 and \$5,000,000 in fiscal year 2011;

d. Strategy C.2.5, Substance Abuse Treatment. Funding for Substance Abuse Felony Punishment Facility treatment beds (~~4,184~~ additional beds in contracted capacity) appropriated in the amount of ~~\$31,555,025~~ \$37,226,325 in fiscal year 2010 (1,399 beds) and ~~\$31,555,026~~ \$39,980,583 in fiscal year 2011 (1,500 beds). The funding includes aftercare in transitional treatment centers and outpatient counseling;



e. Strategy C.2.5, Substance Abuse Treatment. Funding for In-Prison Therapeutic Community Program expansion (1,000 additional treatment slots in existing capacity) appropriated in the amount of \$12,054,125 in fiscal year 2010 and \$12,054,125 in fiscal year 2011. The funding includes aftercare in transitional treatment centers and outpatient counseling;

f. Strategy C.2.5, Substance Abuse Treatment. Funding for Driving While Intoxicated (DWI) treatment beds (500 additional treatment beds in contracted capacity) appropriated in the amount of \$6,027,063 in fiscal year 2010 and \$6,027,063 in fiscal year 2011. The funding includes aftercare in transitional treatment centers and outpatient counseling;

g. Strategy C.2.5, Substance Abuse Treatment. Funding for additional treatment slots in State Jails (1,200 beds in existing capacity) appropriated in the amount of \$2,900,000 in fiscal year 2010 and \$2,900,000 in fiscal year 2011;

h. Strategy F.2.2, Halfway House Facilities. Funding for parole halfway houses (300 additional beds) appropriated in the amount of \$3,542,324 in fiscal year 2010 and \$3,542,324 in fiscal year 2011; and

i. Strategy F.2.3, Intermediate Sanction Facilities. Funding for ~~992~~ additional probation and parole beds appropriated in the amount of \$14,375,891 in fiscal year 2010 (992 beds) and ~~\$14,375,892~~ \$20,279,035 in fiscal year 2011 (1,400 beds).

Payment for the services provided above in Strategy A.1.2, Diversion Programs, Strategy C.2.5, Substance Abuse Treatment, Strategy F.2.2, Halfway House Facilities, and Strategy F.2.3, Intermediate Sanction Facilities, shall be provided on a per diem or reimbursement basis for services actually provided to offenders or for beds actually occupied by offenders. Any surplus funding from services directly provided by local community supervision and corrections departments (CSCDs) shall be returned to the state at the end of the biennium in accordance with applicable statutes and rules of this state.

### **Floor Amendment No. 121**

Amend Floor Amendment No. 120 to **CSSB 1** on page 187 of the pre-filed amendment packet as follows:

(1) Strike "\$10,000,000" in section (1), replacing with "\$7,500,000".

(2) In section (2) strike "\$5,671,300", replacing with "\$671,300".

(3) In section (3), under letter d., strike "\$37,226,325", replacing with "\$32,226,325". Also, strike "1,399 beds", replacing with "1,209 beds".

### **Floor Amendment No. 123**

Amend **CSSB 1** (House committee printing) in Article V of the bill, after the appropriations to the Department of Criminal Justice (page V-11), by adding the following appropriately numbered item:

\_\_\_\_. PILOT PROJECT FOR INMATES WITH MENTAL ILLNESS. From funds appropriated above to the Department of Criminal Justice that may lawfully be used for this purpose, the department shall use not less that \$500,000 in the state fiscal biennium ending August 31, 2011, to conduct a pilot project to reduce incarceration stays by individuals under the supervision or custody of the department who suffer from mental illness. The department shall contract with Texas Southern University for administration and oversight of the pilot project, which shall operate at two sites in the

City of Houston and one site in the City of San Antonio, each of which must be certified as meeting the Clubhouse standards for organizations serving persons with a history of mental illness. Not later than February 1, 2011, the department shall submit a report to the legislature describing the operation of the pilot project and providing an analysis of the effectiveness of the project, including an analysis of cost savings to the state.

#### **Floor Amendment No. 125**

Amend **CSSB 1** to read as follows:

On page V-27 of the Department of Criminal Justice's bill pattern, add the following new rider:

\_\_\_\_\_. Evaluation of Services Required. Out of the funds appropriated above, the Department and the Managed Care Advisory Committee shall identify, evaluate, and may pilot, mechanisms to lower the cost of, or increase the quality of care in health or pharmacy services.

#### **Floor Amendment No. 126**

Amend **CSSB 1** (House committee printing), in Article V of the bill, under the appropriations to the Texas Department of Criminal Justice (page V-11), by adding the following appropriately numbered rider:

\_\_\_\_\_. Managed Health Care Staff Loan Repayment. From the amounts appropriated above in Strategy C.1.7, Psychiatric Care, and Strategy C.1.8, Managed Healthcare, the Correctional Managed Health Care Committee established under Subchapter E, Chapter 501, Government Code, may use not more than a total of \$500,000 for fiscal year 2010 and \$500,000 for fiscal year 2011 for loan repayment assistance for medical and mental health care staff in accordance with guidelines established by the committee. Not later than December 1, 2011, the committee shall submit to the Legislative Budget Board and the Office of the Governor a report detailing the use and disposition of those funds.

#### **Floor Amendment No. 127**

Amend **CSSB 1** by adding the following appropriately numbered rider following the Article V appropriations for the Department of Criminal Justice (page V-27):

\_\_\_\_\_. Permian Basin Mental Health Deputy Program. Out of the funds appropriated above in Strategy B.1.1, Special Needs Projects, up to \$280,000 per fiscal year shall be used to provide grants to counties in the Permian Basin to establish the Permian Basin Mental Health Deputy Program. The Permian Basin Mental Health Deputy Program shall provide funding for two deputies in both Ector and Midland Counties. The deputies shall promote the diversion of mentally ill individuals from incarceration and facilitate assessments for appropriate treatment.

#### **Floor Amendment No. 130**

Amend **CSSB 1**, in Article V of the bill, at the end of subsection (c) of Rider 53 following the appropriations to the Department of Public Safety (page V-53), by inserting the following immediately after "for training, Equipment, and technology acquisition.":

Eligible activities for overtime, per diem and related travel expenses are limited to criminal investigations, arrests and prosecutions of the following activities: (1) Drug transportation or smuggling; (2) Stolen vehicles used for arms smuggling, drug transportation or smuggling; (3) Currency seizures connected to organized crime arrests; (4) Drug interdictions in drug trafficking quantities; (5) Alien smuggling; (6) Arms smuggling; (7) Kidnapping or extortion."

#### **Floor Amendment No. 131**

Amend **CSSB 1**, in Article V of the bill, at the end of Subsection (c) of Rider 53 following the appropriations to the Department of Public Safety (page V-53), by inserting the following immediately after "for training, Equipment, and technology acquisition.":

The grants must be allocated using a funding formula that fully considers the needs of the applicants for the grants and that gives emphasis to:

(1) the quality of homeland security or border security information collected by the applicants;

(2) the number of suspects with authority in a criminal enterprise apprehended by the applicants; and

(3) the amount of illegal substances, contraband currency, firearms, ammunition, and stolen vehicles seized by the applicants.

#### **Floor Amendment No. 134**

Amend **CSSB 1** as follows:

(1) Add the following appropriately numbered rider under the Article V appropriations to the Department of Public Safety of the State of Texas:

\_\_\_\_. Helicopter. (a) Out of the amounts collected under federal forfeiture programs that are appropriated in Rider 8, the amount of \$4,284,032 is appropriated to the Department of Public Safety of the State of Texas for the state fiscal year beginning September 1, 2009, for the purpose of purchasing one helicopter to be stationed in Longview.

(b) The amount of \$521,198 for the state fiscal year beginning September 1, 2009, and \$355,375 for the state fiscal year beginning September 1, 2010, is appropriated out of the state highway fund to the Department of Public Safety of the State of Texas for two additional pilot investigator positions and one tactical flight officer position, related equipment and expenses, and operating costs for the helicopter.

(2) In Article V of the bill, following the appropriations to the Department of Public Safety of the State of Texas, in Rider 50 (page V-52), make the following changes in Subsection (f):

(A) Strike "\$3,622,980" and substitute "\$3,101,782".

(B) Strike "\$3,030,428" and substitute "\$2,675,053".

(3) Adjust totals, method of financing, and Full Time Equivalents (FTEs) accordingly.

#### **Floor Amendment No. 135**

Amend Amendment No. 134 by Merritt to **CSSB 1** (page 207 of the amendment packet) as follows:

(1) On line 7, strike "appropriated to the Department" and substitute "allocated to the Department".

(2) Strike Subsection (b) of Item (1) of the amendment.

(3) Strike Items (2) and (3) of the amendment.

### **Floor Amendment No. 136**

Amend **CSSB 1** on page VI-8 of the Department of Agriculture's bill pattern as follows:

No later than December 31st, 2009, the Texas Department of Agriculture shall implement a Fleet Planning and Optimization Pilot Program designed to manage the Department's fleet operations. In order to implement the Pilot Program, the Department shall contract with a vendor whose qualifications include at least ten years of experience in planning, routing, scheduling, and dispatching for fleets to maximize operational performance, and the ability to enable the Department to utilize leading-edge model-based artificial intelligence for fleet planning and optimization. Contract payments to the selected vendor shall be made solely out of savings to the Department that are realized out of the implementation of the Program, and such payments shall not commence until such time as the Program has achieved at least a five percent reduction in the total cost of the Department's vehicle fleet management operations. The Department shall complete a report to the Office of Vehicle Fleet Management in the Office of the Comptroller of Public Accounts regarding the results of the Program.

### **Floor Amendment No. 137**

Amend Floor Amendment No. 136 on page 213 of the pre-filed amendment packet to **CSSB 1**, on line 2, between "follows:" and "no", insert "out of the funds appropriated".

### **Floor Amendment No. 138**

Amend **CSSB 1** (House committee printing), in Article VI of the bill, in Rider 27 following the appropriation to the Texas Commission on Environmental Quality (page VI-21), in the last sentence of the first paragraph of the rider, by striking "Development Program." and substituting "Development Program, and of which \$9,788,703 in each fiscal year shall be awarded to a public institution of higher education located in the City of Houston for the New Technology Research Development Program and diesel testing facility and \$4,074,460 in each fiscal year shall be awarded to a nonprofit organization located in the City of Houston for implementation of an air quality research program."

### **Floor Amendment No. 139**

Amend Floor Amendment No. 138 to **CSSB 1** as follows:

(1) On lines six and seven strike the words "a public institution of higher education located in the City of Houston" and insert the words "the University of Houston"

(2) On line nine insert a period after the word facility

(3) Strike the words "and \$4,074,460 in each fiscal year shall be awarded to" and insert the words "The university shall also coordinate and contract with"

**Floor Amendment No. 140**

Amend **CSSB 1** in Article VI of the bill by adding the following appropriately numbered rider following the appropriations to the Texas Commission on Environmental Quality:

\_\_\_\_\_. GasFind IR Infrared Cameras for the Texas Commission on Environmental Quality. Out of the amounts appropriated above in Strategy A.1.1, Air Quality Assessment and Planning, the Texas Commission on Environmental Quality shall purchase, operate and maintain no less than two GasFind IR infrared cameras for the purpose of detecting volatile organic compounds.

**Floor Amendment No. 141**

Amend Floor Amendment No. 140 on ~~page 218~~ of the prefiled amendments to **CSSB 1**, by Solomons, to strike the language of the amendment and substitute the following:

\_\_\_\_\_. Stationary Sulphur Monitoring Camera for the Texas Commission on Environmental Quality. Out of the amounts appropriated above in Strategy A.1.1, Air Quality Assessment and Planning, the Texas Commission on Environmental Quality shall purchase, operate, maintain, and deploy no less than seven Stationary Sulphur Monitoring Cameras for the purpose of monitoring and responding to methane gas odor complaints.

**Floor Amendment No. 142**

Amend **CSSB 1** by adding the following appropriately numbered rider in Article VI after the appropriations to the Parks and Wildlife Department (page VI-38):

\_\_\_\_\_. Game Warden Academy. Cadets participating in the Texas Game Warden Academy of the Parks and Wildlife Department shall not be counted toward the limit on the number of full-time equivalent positions (FTEs) for the department until their graduation. On graduation, the additional officers shall not cause the department to exceed the department's limit on FTEs. The number of participants in the Game Warden Academy must be included in all required reports concerning FTEs and vacancies, but the cadets shall be reported as a separate total from the other FTEs of the department.

**Floor Amendment No. 143**

Amend **CSSB 1** in Article VI of the bill by adding the following appropriately numbered rider following the appropriations to the Texas Water Development Board:

\_\_\_\_\_. FINANCING OF WATER AND WASTEWATER CONNECTIONS AND PLUMBING IMPROVEMENTS IN ECONOMICALLY DISTRESSED AREAS. It is the intent of the legislature that, to the extent permitted by law, a political subdivision be permitted to use money from financial assistance under Subchapter K, Chapter 17, Water Code, to pay:

(1) costs to connect a residence to a water distribution system constructed under that subchapter;

(2) costs to provide yard service connections;

(3) costs of connecting a residence to a sewer collection system constructed under that subchapter;

(4) necessary connection fees and permit fees; and

(5) necessary costs of design related to plumbing improvements described in Subdivisions (1) through (4) of this section.

#### **Floor Amendment No. 144**

Amend **CSSB 1** as follows:

(1) In Article VII of the bill, in the Article VII appropriations to the Department of Housing Community Affairs, Goal A, Affordable Housing, increase the appropriation for Strategy A.1.3., Housing Trust Fund - Single Family (page VII-1), by \$6,500,000 for the state fiscal year ending August 31, 2010, and \$6,500,000 for the state fiscal year ending August 31, 2011.

(2) In Article VII of the bill, in the Article VII appropriations to the Department of Housing Community Affairs, Goal A, Affordable Housing, decrease the appropriation for Strategy A.1.2., HOME Program - Single Family (page VII-1), by \$6,500,000 for the state fiscal year ending August 31, 2010, and \$6,500,000 for the state fiscal year ending August 31, 2011.

(3) Conform totals and methods of financing appropriately.

#### **Floor Amendment No. 145**

Amend Floor Amendment No. 144 to **CSSB 1** by deleting lines 2 - 14 and replace with the following:

(1) In Article VII of the bill, in the Article VII appropriations to the Department of Housing Community Affairs, Goal A, Affordable Housing, increase the appropriation for Strategy A.1.3., Housing Trust Fund - Single Family (page VII(1)), by \$10,000,000 for state fiscal year ending August 31, 2010, and \$10,000,000 for the state fiscal year ending August 31, 2011.

(2) In Article I of the bill, in the Article I appropriations to the Department of Information Resources, decrease the general appropriation for Department of Information Resources, by \$10,000,000 for state fiscal year ending August 31, 2010, and \$10,000,000 for the state fiscal year ending August 31, 2011.

(3) Conform totals and methods of financing appropriately.

#### **Floor Amendment No. 146**

Amend **CSSB 1**, in Article VII of the bill (page VII-3), by adding the following appropriately numbered rider following the appropriations to the Department of Housing and Community Affairs:

\_\_\_\_. Report to United States Census Bureau. (a) It is the intent of the legislature that the Department of Housing and Community Affairs use an appropriate portion of the funds appropriated to the department by this Act to determine the occupancy of multiunit residential properties in this state.

(b) It is the intent of the legislature that, in determining the occupancy of multiunit residential properties, the Department of Housing and Community Affairs collect the following information for each census tract in this state:

- (1) the number of units in each multiunit residential property; and
- (2) the number of occupants in each unit of a multiunit residential property.

(c) It is the intent of the legislature that the Department of Housing and Community Affairs send to the United States Census Bureau the information described by Subsections (a) and (b) and, if determined appropriate by the department, any other statistical information that will assist the bureau in conducting a census.

(d) It is the intent of the legislature that the Department of Housing and Community Affairs by rule may require an applicant to provide information relating to the number of units and the occupancy of each unit in a housing development as a condition of receiving or retaining a housing tax credit under Chapter 2306, Government Code.

(e) It is the intent of the legislature that the Texas Department of Housing and Community Affairs develop a method for collecting information relating to the occupancy of multiunit residential properties not later than January 1, 2010.

#### **Floor Amendment No. 148**

Amend **CSSB 1** in Article VII of the bill by adding the following appropriately numbered rider following the appropriations to the Department of Housing and Community Affairs:

\_\_\_\_. **LONG-RANGE STATE LOW INCOME HOUSING PLAN.** (a) It is the intent of the legislature that, not later than March 18, 2010, the executive director of the Department of Housing and Community Affairs prepare and submit to the governing board of the department an integrated long-range state low income housing plan that covers at least six years and that establishes policy goals for meeting low income housing needs on a statewide and regional basis and prescribes strategies to meet those goals. It is the intent of the legislature that the plan include:

(1) an estimate and analysis of the housing needs of the following populations in each uniform state service region:

(A) individuals and families of moderate, low, very low, and extremely low income;

(B) individuals with special needs, with specific emphasis on the needs of elderly individuals and individuals with disabilities; and

(C) homeless individuals;

(2) a proposal to use all available housing resources to address the housing needs of the populations described by Subdivision (1) by establishing funding levels for all housing-related programs;

(3) an estimate of the number of federally assisted housing units available for individuals and families of low and very low income and individuals with special needs in each uniform state service region;

(4) a description of state programs that govern the use of all available housing resources;

(5) a resource allocation plan that targets all available housing resources to individuals and families of low and very low income and individuals with special needs in each uniform state service region;

(6) a description of the department's efforts to monitor and analyze the unused or underused federal resources of other state agencies for housing-related services and services for homeless individuals and the department's recommendations to ensure the full use by the state of all available federal resources for those services in each uniform state service region;

(7) strategies to provide housing for individuals and families with special needs in each uniform state service region;

(8) a description of the department's efforts to encourage in each uniform state service region the construction of housing units that incorporate energy efficient construction and appliances;

(9) an estimate and analysis of the housing supply in each uniform state service region;

(10) an inventory of all publicly and, where possible, privately funded housing resources, including public housing authorities, housing finance corporations, community housing development organizations, and community action agencies;

(11) strategies for meeting rural housing needs;

(12) an action plan for colonias that addresses current policy goals for colonia programs, strategies to meet the policy goals, and the projected outcomes with respect to the policy goals; and

(13) strategies for eliminating redundant and inefficient practices.

(b) It is the intent of the legislature that the priorities and policies in each housing plan adopted by the department be consistent to the extent practical with the priorities and policies established in the long-range state low income housing plan described by Subsection (a).

#### **Floor Amendment No. 149**

Amend **CSSB 1** in Article VII of the bill by adding the following appropriately numbered rider following the appropriations to the Department of Housing and Community Affairs:

\_\_\_\_. Financial Assistance for Local Initiatives Regarding the Homeless. It is the intent of the legislature that the Department of Housing and Community Affairs:

(1) use funds appropriated to the department under this Act to provide financial assistance to political subdivisions, housing finance corporations, for-profit corporations, and nonprofit organizations to support local initiatives regarding homeless individuals and families; and

(2) seek any federal funding available for the purpose of providing financial assistance described by Subdivision (1).

#### **Floor Amendment No. 150**

Amend **CSSB 1** in Article VII of the bill by adding the following appropriately numbered rider following the appropriations to the Department of Housing and Community Affairs:

\_\_\_\_. Administration of Programs by Department of Housing and Community Affairs. It is the intent of the legislature that the Department of Housing and Community Affairs, using funds appropriated to the department under this Act, shall:

(1) develop and implement procedures to improve the efficiency of, and maximize the federal funding for, the programs administered by the department;

(2) develop and implement procedures to ensure that all programs administered by the department comply with applicable state and federal laws; and

(3) conduct a study to determine whether the creation of new programs or expansion of existing services would improve the department's ability to perform its assigned duties.



**Amendment No. 151**

Amend **CSSB 1** under Article VII:

On page VII-8, by adding the following appropriate number rider in Article VII of the bill pattern for the Department of Housing and Community Affairs

\_\_\_\_. Travel Expenditures. Out of the funds appropriated to the Department of Housing and Community Affairs authorized for out-of-state travel. This limitation shall not apply to out-of-state travel associated with federal programs if the cost of such travel is paid for or reimbursed by the federal government.

**Floor Amendment No. 154**

Amend **CSSB 1** in Article VII, Department of Transportation, by striking Rider 57 and inserting in lieu thereof the following:

57. Engineering and Project Delivery Staff. The department shall initiate a hiring freeze on all positions paid out of Strategy A.1.1 Plan/Design/Manage until a staffing plan is approved by the Legislative Budget Board pursuant to this rider.

Prior to January 1, 2010, the Texas State Comptroller shall submit a report produced in conjunction with the Department of Transportation, the Texas Board of Professional Engineers, the Association of General Contractors, and the Texas Council of Engineering Companies, to the Legislative Budget Board and the Governor which details:

a. the number of professionally licensed engineers and graduate engineers by work function and by strategy employed at the Department of Transportation for each of the last five (5) fiscal years and total staffing for work associated with the planning, design, and delivery of construction projects for this period for the department;

b. numbers of licensed engineers and graduate engineers and total staffing associated with the planning, design and delivery of construction projects for other major public works owners and providers in Texas;

c. measures of overall staffing and productivity used by private sector providers of engineering and project delivery services;

d. the dollar volume of highway and bridge projects awarded by the department in each of the last five years, and the percentage of those projects for which plan/design/manage activities were conducted exclusively by department personnel, exclusively by private sector personnel, or jointly;

e. the type and complexity of highway and bridge projects typically planned, designed, and managed by department personnel, private sector personnel or jointly;

f. the cost, including all direct and indirect costs, of all planning, design, and management activities by type of project per \$100 million of highway and bridge projects awarded by the Department of Transportation in each of the last five (5) years for which planning, design, and management activities were performed by department personnel, private sector personnel, or jointly; this analysis will be conducted by an independent contract cost accounting firm knowledgeable of governmental and private sector accounting practices with the same rules for allocation of indirect costs, employee benefits, and other practices applied in all instances;

g. the total cost of the department's plan/design/manage activities as a percentage of its construction program compared to the cost that other public entities incur for comprehensive engineering and project delivery services for large-scale construction projects;

h. recommendations regarding engineering management practices used by other public entities that could improve the efficiency of the department's project delivery system; and

i. a recommended staffing and private sector usage plan for the Department of Transportation to plan, design, and manage the construction of highways and bridges in Texas for the next ten years based on projected funding levels.

At the direction of the Legislative Budget Board, beginning on April 1, 2010 the Department of Transportation shall initiate an attrition plan prescribed by the Legislative Budget Board based on the findings of the report.

In the event that H.B. 300, 81st Legislature, Regular Session, or another bill creating a legislative transportation oversight committee, passes and becomes law, the duties of the Legislative Budget Board under this rider are transferred to the legislative transportation oversight committee.

#### **Floor Amendment No. 155**

Amend Floor Amendment No. 154 to **CSSB 1** (beginning on page 238, prefiled amendments packet) by striking the text of the amendment and substituting:

Amend **CSSB 1** in Article VII of the bill, Rider No. 57, under the appropriations to the Texas Department of Transportation (pages VII-35 and VII-36), as follows:

(1) Strike "Engineering Staff. Prior to March 1, 2010, the Texas State Comptroller" and substitute:

Engineering and Project Delivery Staff. The Texas Department of Transportation shall initiate a freeze on external hiring for all positions paid out of A.1.1. Strategy: Plan/Design/Manage, until a staffing plan is approved by the Legislative Budget Board.

Before January 1, 2010, the comptroller of public accounts

(2) In item c. of the rider, strike "this analysis will be performed by an independent contracted cost accounting firm knowledgeable of governmental accounting practices;"

(3) In the final paragraph of the rider, strike "beginning on August 31, 2010, the Department" and substitute "beginning on April 1, 2010, the Department".

#### **Floor Amendment No. 156**

Amend **CSSB 1** by adding the following appropriately numbered rider in Article VII of the bill after the appropriations to the Texas Department of Transportation:

\_\_\_\_\_. Use of Appropriated Funds for Certain Contracts Prohibited. No money appropriated to the Texas Department of Transportation by this Act may be used to award a contract with a value of \$50,000 or more and a term of longer than two years to a vendor, contractor, or subcontractor unless the contract is awarded using a competitive bidding process.

**Floor Amendment No. 157**

Amend **CSSB 1** on page VII-36 (Department of Transportation) by inserting the following appropriately numbered rider and renumbering any subsequent riders accordingly:

# \_\_\_\_\_. Limitation on Expenditures: Prohibition on Lobbyists. The Department of Transportation shall not expend any funds appropriated above for the purpose of selecting, hiring or retaining a person required to register under Chapter 305, Government Code, or the Lobbying Disclose Act of 1995 (2 U.S.C. Section 1601 et seq).

**Floor Amendment No. 158**

Amend **CSSB 1** (House committee printing) as follows:

Add the following appropriately numbered rider in Article VII following the appropriations to the Department of Transportation:

\_\_\_\_\_ Appropriations for Projects Authorized by Section 222.104, Transportation Code. Unless there is an insufficient number of proposals for projects to be developed under agreements authorized under section 222.104, Transportation Code, during the 2010-2011 biennium the Department of Transportation shall, for purposes of reimbursing project costs for new projects developed pursuant to agreements under section 222.104, Transportation Code, encumber an amount not less than the total of reimbursements committed under agreements entered into during the 2008-2009 biennium between the Department of Transportation and qualified local sponsors.

**Floor Amendment No. 161**

Amend **CSSB 1**, on page VII-36 (Department of Transportation) by inserting the following appropriately-numbered rider and renumbering any subsequent riders accordingly:

# \_\_\_\_\_. Limitation on Expenditures: Prohibition on Using TxDOT Funds to Pre-Existing Roads. The Department of Transportation shall not expend any funds appropriated above on the construction, operation or maintenance of any toll-related project on a pre-existing road, including toll roads and managed lanes.

**Floor Amendment No. 162**

Amend Amendment No. 161 to **CSSB 1** by Miklos (page 245 of the prefiled amendment packet) by striking lines 9 and 10 and substituting the following:

project, including managed lanes, on a pre-existing non-tolled road, except for a project that has been approved by and for which funds have been allocated by the metropolitan planning organization for a region and authorized or assigned by the Texas Transportation Commission under Section 228.012, Transportation Code, on or before December 2008.

**Floor Amendment No. 163**

Amend **CSSB 1** by adding the following appropriately numbered rider in Article VII of the bill after the appropriations to the Texas Department of Transportation:

\_\_\_\_\_. Use of Appropriated Funds for Certain Contracts Prohibited. No money appropriated to the Texas Department of Transportation by this Act may be used to contract with a vendor, contractor, or subcontractor if the contract includes a non-compete clause.

### **Floor Amendment No. 165**

Amend **CSSB 1** as follows:

(1) In Article VII of the bill, following the appropriations to the Texas Department of Transportation, add the following appropriately numbered rider:

\_\_\_\_\_. Texas Rail Relocation and Improvement Fund. (a) The amount of \$91 million is appropriated out of the state highway fund for the state fiscal year ending August 31, 2010, and \$91 million is appropriated out of the state highway fund for the state fiscal year ending August 31, 2011, for transfer to the Texas rail relocation and improvement fund. The amounts are appropriated for expenditure out of the Texas rail relocation and improvement fund to the Texas Department of Transportation to be used for the purposes described by Section 49-o, Texas Constitution.

(b) Any unexpended balance on August 31, 2010, of amounts appropriated by this rider are appropriated to the Texas Department of Transportation for the purposes of this rider for the state fiscal year beginning September 1, 2010.

(2) Reduce by a total amount equal to \$91 million for the state fiscal year ending August 31, 2010, and \$91 million for the state fiscal year ending August 31, 2011, amounts appropriated in Article VII to the Texas Department of Transportation under Goal A, Transportation Planning, Goal B, Transportation Construction, Goal C, Maintenance and Preservation, Goal D, Optimize Services and Systems, and Goal E, Indirect Administration, the reduction to be divided on a pro rata basis.

(3) Adjust totals and methods of financing appropriately.

### **Floor Amendment No. 166**

Amend the amendment to **CSSB 1** by Representative McClendon (page 252 of the amendment packet) by striking lines 1-28 of the amendment and substituting:

Amend **CSSB 1** in Article VII of the bill, at the end of the appropriations to the Texas Department of Transportation by adding the appropriately numbered rider:

\_\_\_\_\_. ALLOCATION FOR RAIL RELOCATION AND IMPROVEMENT FUND. (a) Out of the funds appropriated above, and on a finding by the comptroller under Subsection (b) of this rider, an amount of \$91 million is allocated out of the state highway fund for state fiscal year 2010 and an amount of \$91 million is allocated out of the state highway fund for state fiscal year 2011 for transfer to the Texas rail relocation and improvement fund. The amounts are allocated for expenditure out of the Texas rail relocation and improvement fund to the Texas Department of Transportation for the purposes described by Section 49-o, Article III, Texas Constitution.

(b) The allocations under Subsection (a) of this rider may be made only if the comptroller issues a finding of fact that the following items total an increase for the 2010-2011 state fiscal biennium of at least \$182 million over the 2008-2009 state fiscal biennium:

(1) the net impact of enacted revenue measures on incoming revenue of the state highway fund;

(2) the amount of any reduction in appropriations made from the state highway fund to state agencies other than the Texas Department of Transportation; and

(3) any increase in appropriations made to the Texas Department of Transportation from the general revenue fund.

(c) The allocation of money under Subsection (a) of this rider does not include money in the state highway fund that is dedicated for particular purposes by the constitution of this state.

(d) Any unexpended balance on August 31, 2010, of amounts allocated by this rider in fiscal year 2010 is allocated for the purposes of this rider for the state fiscal year beginning September 1, 2010.

#### **Floor Amendment No. 170**

Amend **CSSB 1** on page I-51 (Trusteed Programs Within the Office of the Governor) by inserting the following appropriately-numbered rider and renumbering any subsequent riders accordingly:

\_\_\_\_. REDEPOSIT OF ENTERPRISE FUNDS. The amounts appropriated for Strategy A.1.8 (Texas Enterprise Fund) of \$136,000,000 shall not be expended during the 2010-2011 biennium and the Comptroller of Public Accounts is directed to redeposit \$136,000,000 to the Employment and Training Investment Holding Fund.

#### **Floor Amendment No. 171**

Amend Amendment No. 170 to **CSSB 1** by Davis (on page 2 of the supplemental prefiled amendment packet) by striking the text of the amendment and substituting the following rider:

\_\_\_\_. CONTINGENCY FOR TEXAS ENTERPRISE FUND APPROPRIATION. (a) The amounts of \$128,000,000 and \$8,000,000 appropriated above for Strategy A.1.8., Texas Enterprise Fund, for the state fiscal years ending August 31, 2010 and August 31, 2011, respectively, are contingent on the enactment by the 81st Legislature and becoming law of H.B. 162 or similar legislation, H.B. 1197 or similar legislation, H.B. 1778 or similar legislation, H.B. 2429 or similar legislation, H.B. 2623 or similar legislation, and H.B. 4398 or similar legislation. If one or more of those items of legislation does not become law, the amount of \$136,000,000 shall be re-deposited in the Employment and Training Investment Holding Fund No. 5128.

#### **Floor Amendment No. 172**

Amend **CSSB 1** in Article VII of the bill by adding the following appropriately numbered rider following the appropriations to the Texas Department of Transportation:

\_\_\_\_. ALLOCATION OF FUNDS. The Texas Department of Transportation shall adopt rules to allocate funds in such a manner that less than 90 percent of the total amount allocated under the formula program provided by Chapter 456, Subchapter B of the Transportation Code, and shall not distribute more than 10 percent of the total amount allocated under the discretionary program provided by Chapter 456, Subchapter C of the Transportation Code.

The rules established by the commission under this section must include a provision ensuring that no recipient of state funding under Subchapter B or C receives an amount of funding allocated under those subchapters that is less than the total amount of state funding received under those subchapters in the state fiscal year beginning September 1, 2004.

#### **Floor Amendment No. 173**

Amend Amendment No. 172 to **CSSB 1** by Guillen (page 256 of the prefiled amendments packet) by striking the text following the recital and substituting the following:

\_\_\_\_\_. Allocation of Funds. (a) It is the intent of the legislature that, subject to Subsection (b) of this rider, of the total amount of money distributed to designated recipients under Chapter 456, Transportation Code, from amounts appropriated above in Strategy D.1.1, Public Transportation (page VII-18), to the Texas Department of Transportation, the Texas Transportation Commission may not distribute:

(1) less than 90 percent of the total amount allocated under the formula program provided by Subchapter B, Chapter 456, Transportation Code; and

(2) more than 10 percent of the total amount allocated under the discretionary program provided by Subchapter C, Chapter 456, Transportation Code.

(b) It is the intent of the legislature that no recipient of state funding under Subchapter B or C, Chapter 456, Transportation Code, receive an amount of funding under those subchapters in a fiscal year of the biennium that is less than the total amount of state funding received under those subchapters in the state fiscal year that began September 1, 2004.

#### **Floor Amendment No. 174**

Amend **CSSB 1** by adding the following appropriately numbered rider in Article VII of the bill after the appropriations to the Texas Department of Transportation:

\_\_\_\_\_. It is the intent of the legislature that the Texas Transportation Commission's approval of funds for projects recommended from the Metropolitan Planning Organizations for transportation-related enhancement projects be geographically balanced throughout the state.

#### **Floor Amendment No. 176**

Amend **CSSB 1** on page VII-36 (Department of Transportation) by adding the following appropriately-numbered rider and renumbering any subsequent riders accordingly:

\_\_\_\_\_. NOTICE AND APPROVAL OF CERTAIN WAIVERS. The department shall notify the Legislative Budget Board and each Member of the Legislature of each waiver the department intends to make under an agreement that permits the commission or department to waive any requirement that a toll-road entity to compensate property owners for land or other property. The notice shall be delivered to the board and each Member not later than the 30th day before the waiver would take effect. The Legislative Budget Board shall consider the waiver and notify the department if it disagrees with the department's action.

**Floor Amendment No. 177**

Amend Floor Amendment No. 176 to **CSSB 1** as follows:

- (1) On line 7 strike "make" and substitute "issue".
- (2) On line 8 strike "to".
- (3) On line 9 strike "property owners for land or other property" and substitute "the department or commission".

**Amendment No. 178**

Amend **CSSB 1**, under Article VII as follows:

On page VII-40 of the bill pattern for the Texas Workforce Commission, under Rider 2 Capital Budget, amend the following:

- 1) Decrease General Revenue Dedicated authority by \$3,443,800 in fiscal year 2010 and by \$2,405,179 in FY 2011; and
- 2) Increase Federal Funds authority in Workforce Commission Federal Account No. 5026 by \$3,443,800 in fiscal year 2010 and by \$2,405,179 in FY 2011; and
- 3) Amend Rider 2 Capital Budget text to read as follows:

|  | <u>FY 2010</u>        | <u>FY 2011</u>        | <u>FY 2010</u>    | <u>FY 2011</u>    |
|--|-----------------------|-----------------------|-------------------|-------------------|
| GR Dedicated –<br>Unemployment<br>Compensation Special<br>Administration<br>Account No. 165 in FY<br>Workforce Commission<br>Federal Account No.<br>5026 | <del>3,711,857</del>  | <del>2,648,825</del>  | <u>268,057</u>    | <u>243,646</u>    |
|  | <del>24,253,055</del> | <del>21,396,304</del> | <u>27,696,855</u> | <u>23,801,483</u> |

**Floor Amendment No. 180**

Amend **CSSB 1** by adding the following appropriately numbered rider in Article VII of the bill after the appropriations to the Texas Department of Transportation:

\_\_\_\_\_. Use of Appropriated Funds for Certain Contracts Prohibited. No money appropriated to the Texas Department of Transportation by this Act may be used to contract with a vendor, contractor, or subcontractor organized or formed outside the United States of America if the term of the contract is longer than 25 years.

**Floor Amendment No. 181**

Amend Floor Amendment No. 180 by Y. Davis to **CSSB 1** (page 250, prefiled amendments packet) on line 8 of the amendment by striking "25" and substituting "40".

**Floor Amendment No. 182**

Amend **CSSB 1** by amending Rider 27 following the Article VII appropriations to the Texas Workforce Commission (School Readiness Models rider, page VII-45) to read as follows:

27. School Readiness Models. Out of federal funds appropriated to the Texas Workforce Commission in Strategies A.3.1, TANF Choices Child Care; A.3.2, Transitional Child Care; and A.3.3, At-Risk Child Care, up to \$50 million for the biennium shall be made available to child care providers participating in integrated school readiness models developed by the State Center for Early Childhood

Development at the University of Texas Health Science Center at Houston. The Commission shall make its best effort to implement this provision in a way that avoids ~~[The initiative shall be implemented in a way to avoid]~~ any decline in the number of children receiving child care during the 2010-2011 biennium. Not later than December 1st of each even-numbered year, the State Center for Early Childhood Development shall report to the Legislature Budget Board and the Office of the Governor the detailed use of all state funds expended by the center for early childhood education services.

### **Floor Amendment No. 183**

Amend Floor Amendment No. 182 to **CSSB 1** by Strama (page 263, prefiled amendments packet) by striking the text of Rider 27 and substituting the following:

27. School Readiness Models. Out of federal funds appropriated to the Texas Workforce Commission in Strategies A.3.1, TANF Choices Child Care; A.3.2, Transitional Child Care; and A.3.3, At-Risk Child Care, the commission shall match the amount of available general revenue for the Early Childhood School Readiness Programs funded in Rider 41 following the appropriation in Article III to the Texas Education Agency to provide for each year of the 2010-2011 state fiscal biennium a total amount equal to the greater of \$11,700,000 or the maximum amount allowable under the approved match rate for the purpose of providing funds to child care providers participating in integrated school readiness models developed by the State Center for Early Childhood Development at the University of Texas Health Science Center at Houston. Not later than December 1st of each even-numbered year, the State Center for Early Childhood Development shall report to the Legislative Budget Board and the Office of the Governor the detailed use of all state funds expended by the center for early childhood education services.

### **Floor Amendment No. 184**

Amend the Amendment No. 182 to **CSSB 1** by Strama (page 263 of the prefiled amendment packet) as follows:

(1) On line 1, page 1, of the amendment strike "by amending" and substitute the following:  
as follows:

(1) Amend

(2) Add the following to the end of the amendment:

(2) In Article VII of the bill, in the appropriations to the Texas Workforce Commission, add the following appropriately numbered rider:

\_\_\_\_. (a) The Texas Workforce Commission shall use its \$214 million in federal stimulus funds to avoid any decline in the number of children receiving child care during the 2010-11 biennium.

(3) In Article XII of the bill, add the following appropriately numbered section in the Special Provisions American Recovery and Reinvestment Act:

Sec. \_\_\_\_\_. Child Care Funding. From amounts made available to the Texas Workforce Commission under the federal American Recovery and Reinvestment Act of 2009, the commission shall distribute \$20,664,232 during the fiscal year ending August 31, 2010, and \$20,664,232 during the fiscal year ending August 31, 2011, to



the local workforce development boards in the state that rank in the bottom half of local workforce development boards in the per capita amount of money received. Each local workforce development board receiving money under this section shall:

(1) use the money to increase child-care reimbursement rates and amounts paid to child-care providers in the local workforce development area; and

(2) report to the legislature not later than August 31 each year the manner in which the money was used.

#### **Floor Amendment No. 186**

Amend **CSSB 1** by adding the following appropriately numbered rider after the Article VII appropriations to the Texas Workforce Commission:

\_\_\_\_. Job Skills Pilot Program. The Texas Workforce Commission shall partner with a nonprofit organization to establish a pilot program in at least one area of this state affected by a natural disaster to provide job skills training to individuals displaced from employment because of the natural disaster. The job skills training must include training in areas of employment that are in demand in the pilot program area. The Texas Workforce Commission shall seek federal funding to fund the pilot program.

#### **Floor Amendment No. 187**

Amend **CSSB 1** by adding the following appropriately numbered rider in Article VII of the bill after the appropriations to the Texas Department of Transportation:

\_\_\_\_. It is the intent of the legislature that before Metropolitan Planning Organizations can expend funds allocated from the Texas Department of Transportation for transportation-related improvement projects, the Metropolitan Planning Organizations must consult with their area state representative and state senator.

#### **Floor Amendment No. 188**

Amend **CSSB 1** (House committee report) by adding the following appropriately numbered rider in Article VII of the bill after the appropriations to the Department of Housing and Community Affairs (page VII-1):

\_\_\_\_. Contingent Appropriation for H.B. 3168. Contingent on the enactment and becoming law of House Bill No. 3168 or similar legislation by the 81st Legislature, Regular Session, 2009, relating to the creation of a natural disaster reconstruction demonstration initiative, the Department of Housing and Community Affairs shall implement the provisions of that Act from amounts appropriated to the department under this article and from any federal funding that the department is able to identify and obtain to implement the provisions of that Act. It is the intent of the legislature that the department seek any federal funding available for that purpose.

#### **Floor Amendment No. 189**

Amend **CSSB 1** (Senate committee printing) as follows:

In Article VIII, in the appropriations for the Texas Department of Banking, under Schedule of Exempt Positions (page VIII-5):

(1) After "Banking Commissioner," strike "Group V" and substitute "Group VI".

(2) Strike "\$136,191" and substitute "\$165,000" for each fiscal year of the biennium.

(3) And place this item in Article XI (page XI-17).

### **Floor Amendment No. 190**

Amend Floor Amendment No. 189 to **CSSB 1** (page 269, prefiled amendments packet) by striking the text of the amendment and substituting the following:

Amend **CSSB 1** (House committee printing) as follows:

In Article XI, in the provisions for Article VIII agencies (page XI-17), add the following items:

Department of Banking - Schedule of Exempt Positions: Banking Commissioner, Group 6; For the state fiscal year ending August 31, 2010: \$165,000. For the state fiscal year ending August 31, 2011: \$165,000. This provision supersedes the schedule of exempt positions for the agency in Article VIII to the extent of any conflict.

Office of Consumer Credit Commissioner - Schedule of Exempt Positions: Commissioner, Group 6; For the state fiscal year ending August 31, 2010: \$140,000. For the state fiscal year ending August 31, 2011: \$140,000. This provision supersedes the schedule of exempt positions for the agency in Article VIII to the extent of any conflict.

Credit Union Department - Schedule of Exempt Positions: Credit Union Commissioner, Group 6; For the state fiscal year ending August 31, 2010: \$130,000. For the state fiscal year ending August 31, 2011: \$130,000. This provision supersedes the schedule of exempt positions for the agency in Article VIII to the extent of any conflict.

Department of Savings and Mortgage Lending - Schedule of Exempt Positions: Commissioner, Group 6; For the state fiscal year ending August 31, 2010: \$140,000. For the state fiscal year ending August 31, 2011: \$140,000. This provision supersedes the schedule of exempt positions for the agency in Article VIII to the extent of any conflict.

### **Floor Amendment No. 191**

Amend Amendment No. 189 by Giddings to **CSSB 1**, (page 269 of the prefiled amendments) by adding the following to read as follows:

On Page VIII-65 (House committee printing), in the appropriations for the Texas Real Estate Commission, under the Schedule of Exempt Positions, strike "\$100,000" for FY 2010 and FY 2011 and replace with "\$125,000".

On Page VIII-66 (House committee printing), in the appropriations for the Texas Real Estate Commission, under E.1.1. Strategy, strike "\$1,713,634" for FY 2010 and replace with "\$1,688,634".

On Page VIII-66 (House committee printing), in the appropriations for the Texas Real Estate Commission, under E.1.1. Strategy, strike "\$1,460,037" for FY 2011 and replace with "\$1,435,037".

**Floor Amendment No. 193**

Amend **CSSB 1** on page VIII-34 (Department of Insurance) by inserting the following appropriately-numbered rider and renumbering any subsequent riders accordingly.

# \_\_\_\_\_. Health Insurance Premiums. The agency shall conduct a review of health insurance premiums and the affordability of premiums for families earning less than 200% of the federal poverty level. The department shall report to the 82nd Legislature about the impact of premium costs on accessibility and affordability of insurance coverage.

**Floor Amendment No. 194**

Amend Amendment No. 193 by Martinez (packet page 271) to **CSSB 1** as follows:

(1) On page 1, lines 4-7, strike "The agency shall conduct a review of health insurance premiums and the affordability of premiums for families earning less than 200% of the federal poverty level." and substitute:

"(a) It is the intent of the legislature that, out of funds appropriated under Strategy A.1.1, Consumer Ed. and Mkt. Analyses, the Texas Department of Insurance conduct reviews of the accessibility of health benefit plan coverage for and the affordability of health benefit plan premiums for:

(1) families with annual household incomes that are less than 200% of the federal poverty level for the applicable household size;

(2) families with annual household incomes that are \$100,000 or less and the members of which are not eligible for coverage under a health benefit plan issued by, paid for, or sponsored by an employer of a member of the family; and

(3) individuals with annual incomes that are \$55,000 or less and who are not eligible for coverage under a health benefit plan issued by, paid for, or sponsored by an employer."

(2) On page 1, line 7, strike "The" and substitute "(b) The".

(3) On page 1, line 7, strike "report to the 82nd Legislature about the impact of premium costs on accessibility and affordability of insurance coverage." and substitute "include the results of those reviews in the biennial report submitted under Section 32.022, Insurance Code, to the appropriate committees of each house of the legislature immediately preceding the 82nd Regular Legislative Session."

**Floor Amendment No. 195**

Amend **CSSB 1** on page VIII-34 (Department of Insurance) by inserting the following appropriately-numbered rider and renumbering any subsequent riders accordingly.

# \_\_\_\_\_. Data Mining. The agency shall conduct a review of insurance industry practices with regard to the use of data mining and pattern recognition practices and technologies that are used to predict difference in expected losses of covered persons or applicants for auto, health and residential property insurance and the manner in which insurers use these technologies in underwriting and rate-setting. The

department shall report to the 82nd Legislature about the use of data mining and pattern recognition practices and technologies by insurers, including the impact on accessibility and affordability of insurance coverage.

**Floor Amendment No. 196**

Amend Amendment No. 195 to **CSSB 1** by Martinez (page 272 of the prefiled amendments packet) by striking the text on page 1, lines 4-14, and substituting the following:

\_\_\_\_. Study of Data Mining. It is the intent of the legislature that, out of funds appropriated under Strategy A.1.1, Consumer Ed. and Mkt. Analyses, the Texas Department of Insurance, using data collected under Chapters 38 and 2151, Insurance Code:

(1) conduct a review of insurance industry practices regarding:

(A) the use of data mining and pattern recognition practices and technologies that are used to predict difference in expected losses of covered persons or applicants for personal automobile or residential property insurance coverage or health benefit plan coverage; and

(B) the manner in which insurers use these technologies in underwriting and setting rates for personal automobile or residential property insurance or health benefit plans; and

(2) include the that review in the biennial report submitted under Section 32.033, Insurance Code, to the appropriate committees of each house of the legislature on or before December 31, 2010.

**Floor Amendment No. 197**

Amend **CSSB 1** on page VIII-34 (Department of Insurance) by inserting the appropriately numbered rider and renumbering any subsequent riders accordingly.

#\_\_\_\_. Coverage Reductions. The department shall conduct a review of levels of coverage to determine what, if any, changes have occurred in the level of protection offered by homeowners insurance policies since the department's adoption of approved national forms in 2002. The department shall prepare a report for the 82nd Legislature quantifying effect of the change to national forms on the level of coverage for the average homeowner in this state.

**Floor Amendment No. 198**

Amend Amendment No. 197 to **CSSB 1** as follows:

#\_\_\_\_. Coverage Reductions. Out of the funds appropriated above to the Department of Insurance, the department shall conduct a review of levels of coverage to determine what, if any, changes have occurred in the level of protection offered by homeowners insurance policies since the department's adoption of approved national forms in 2002. The department shall prepare a report for the 82nd Legislature quantifying effect of the change to national forms on the level of coverage for the average homeowner in this state.

**Floor Amendment No. 199**

Amend **CSSB 1**, under Article VIII as follows:

(1) On page VIII-81, C.1.1. Strategy: Energy Assistance, strike "\$114,000,000" in 2010 and substitute "\$104,875,000", and strike "\$117,000,000" in 2011 and substitute "\$107,875,000".

(2) On page VIII-81, C.1.2. Strategy: Consumer Education, strike "\$2,875,000" in both years and substitute "\$12,000,000".

(3) On page VIII-83, Rider 7, Allocation of System Benefit Fund, on the Low Income Discount line item, strike "\$114,000,000" in 2010 and substitute "\$104,875,000", and strike "\$117,000,000" in 2011 and substitute "\$107,875,000".

(4) On page VIII-83, Rider 7, Allocation of System Benefit Fund, on the Customer Education line item, strike "\$2,875,000" in both years and substitute "\$12,000,000".

(5) On page VIII-83, Rider 8, Low Income Discount, strike "for 12 months" and substitute "during the months of May through October in".

**Floor Amendment No. 200**

Amend Floor Amendment No. 199 to **CSSB 1** on page 277 of the pre-filed amendment packet as follows:

1. Strike items (1), (2), (3) and (4).

2. On page VIII-80, under C.1.1. Strategy: Energy Assistance, strike "Nontransferable."

3. On page VIII-82, amend Rider 3, Transfer Authority, by adding at the end of the rider, "Except when amounts appropriated above in strategy C.1.1, Energy Assistance, are not expended completely for purposes of the Low Income Discount program, they may be transferred to strategy C.1.2, Consumer Education, for the purposes of the Consumer Education programs. Including the amounts transferred from strategy C.1.1, the total amount appropriated in strategy C.1.2 shall not exceed \$12,000,000 each fiscal year."

4. On page VIII-83, Add a new rider number 10. Energy Assistance. Under C.1.1 Strategy Energy Assistance, the PUC may allow up to \$1,500,000 per year to be used for Residential Critical Care Bill Payment Assistance, if there is additional money after Customer education has been fully funded at the \$12,000,000 level.

5. Renumber the original amendment as appropriate.

**Floor Amendment No. 203**

Amend **CSSB 1** in Article VIII by adding the appropriately numbered rider and renumbering accordingly.

Rider \_\_\_\_\_

Out of the funds appropriated above, the Public Utility Commission shall conduct a comprehensive and objective study to determine the extent to which any video service providers currently offering video services in Texas engage in the discriminatory practice of redlining. The commission shall report any and all objective and verifiable data at its disposal, including but not limited to average home value, median household income, race of household occupants, and whether or not video service consumers own or rent their residences, of areas served per county

compared to these same statistics for areas not served areas within the same county. The commission shall provide a copy of its finding to every member of the Texas Legislature, and the Texas Sunset Commission, by December 31, 2009.

#### **Amendment No. 204**

Amend Amendment No. 203 by Dunnam to **CSSB 1** (page 282 of the prefiled amendments packet) as follows:

- (1) On line 6, between "any" and "video", insert "cable service providers or".
- (2) On line 7, between "offering" and "video", insert "cable services or".
- (3) On line 12, between "not" and "video", insert "the cable service or".
- (4) On line 15, before "The commission", insert "The commission shall include in its study an analysis, for all cable service providers or video service providers that have been granted a state-issued certificate of franchise authority, of workforce diversity and ways to increase opportunities for historically underutilized businesses."
- (5) On line 15, strike "finding" and substitute "study".

#### **Floor Amendment No. 207**

Amend **CSSB 1**, on page IX-37, Section 8.02(a) as follows:

(a) (1) All funds received from the United States government by a state agency or institution named in this Act are hereby appropriated to the agency or institution for the purposes for which the federal grant, allocation, aid, payment, or reimbursement was made subject to the provisions of this section.

(2) Funds appropriated above in Subdivision (1) may not be spent without the prior written approval of the Legislative Budget Board if the amount of federal funds received by the agency under this subsection exceeds 10% of the amount of the federal funds appropriated to the agency elsewhere in this Act.

#### **Floor Amendment No. 208**

Amend **CSSB 1** in Part 11, Article IX, of the bill by adding the following appropriately numbered section:

Sec. 11. \_\_\_\_\_. Name of El Paso State Office Building. The state office building in El Paso located at 401 East Franklin Avenue shall be known as the Paul Moreno State Office Building.

#### **Floor Amendment No. 209**

Amend **CSSB 1** in Section 8.02, Article IX, by amending subsection (a) and adding subsection (i) to read as follows:

(a) Except as provided in Subsection (i), all [~~AH~~] funds received from the United States government by a state agency or institution named in this Act are hereby appropriated to the agency for the purposes for which the federal grant, allocation, aid, payment or reimbursement was made subject to the provisions of this section.

(i) Prior to obligating or expending funds received from the United States Government under the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) or any subsequent federal stimulus legislation, an agency or institution of higher education must provide the following information to the Legislative Budget Board, Governor's Office, and each Member of the Legislature:

- (1) the amount of money awarded or received;

- (2) the purposes for which the funds may be spent;
- (3) specific performance measures tied to each expenditure;
- (4) the estimated number of jobs to be created or retained;
- (5) the number of any new full-time equivalent positions; and
- (6) a list of all capital items to be purchased with the funds.

**Floor Amendment No. 210**

Amend **CSSB 1** as follows:

- (1) In Article IX of the bill, strike Section 13.05 (page IX-53).
- (2) Renumber subsequent sections of Article IX appropriately.

**Floor Amendment No. 211**

Amend Floor Amendment No. 210 to **CSSB 1** on page 294 of the pre-filed amendment package to read as follows:

Amend **CSSB 1**, on page IX-53 by striking Article IX, Sec. 13.05 and substituting the following text:

Sec. 13.05. Funding for Acts Adopted by the Legislature.

(a) It is the intent of the Legislature that agencies and institutions use funds appropriated by this Act for purposes and programs as provided by this Act.

(b) It is the intent of the Legislature that agencies and institutions use funds appropriated by this Act for purposes and programs as provided by specific contingency appropriation riders under this Act.

(c) It is the intent of the Legislature that agencies and institutions implement legislation adopted by the Eighty-first Legislature only to the extent that funds are available to the agency or institution for that use. Nevertheless, except for the funding of grants, this subsection does not permit an agency or institution to fail to implement specific acts or legislation adopted by the Eighty-first Legislature for which there is not a specific appropriation when funding has been provided by this Act to the agency or institution for general purposes inclusive of the specific acts or legislation.

**Floor Amendment No. 212**

Amend **CSSB 1** by adding the following appropriately numbered rider to Part 13 of Article IX of the bill:

\_\_\_\_. Dedicated Funds. The legislature finds that it is in the public interest to ensure that revenues collected and dedicated for a specific purpose are used exclusively for that purpose. It is the intent of the legislature that the Legislative Budget Board undertake a study of dedicated funds used for purposes other than those for which the funds are dedicated between the years 1995 and 2010. The Legislative Budget Board shall issue recommendations arising from the study to the legislature, the governor, and the lieutenant governor not later than January 1, 2011.

**Floor Amendment No. 213**

Amend **CSSB 1** in Part 13, Article IX, of the bill by adding a new section to read as follows:

Sec. 13.\_\_\_\_. Study on Spending Limitation. It is the intent of the legislature that the Legislative Budget Board using funds appropriated by this Act shall conduct a study to evaluate the effect of changing the constitutional and statutory spending limit

based on the rate of growth of the economy to a spending limit based on the sum of the rate of population growth and the rate of monetary inflation. Not later than January 1, 2011, the Legislative Budget Board shall make recommendations from the conclusions of the study to the governor and lieutenant governor.

### **Floor Amendment No. 216**

Amend **CSSB 1** by adding the following appropriately numbered rider under Part 17 of the Article IX appropriations:

\_\_\_\_\_. Eligibility for Teacher Retirement System Supplemental Annuity Payment. (a) To be eligible for the supplemental payment provided for above in Section 17.03, a person must be, disregarding any forfeiture of benefits under Section 824.601, Government Code, an annuitant eligible to receive:

(1) a standard retirement annuity payment, based on an effective date of retirement on or before December 31, 2008;

(2) an optional retirement annuity payment as either a retiree or beneficiary, based on an effective date of retirement on or before December 31, 2008;

(3) a life annuity payment under Section 824.402(a)(4), Government Code, based on a date of death of a member of the system on or before December 31, 2008;

(4) an annuity for a guaranteed period of 60 months under Section 824.402(a)(3), Government Code, based on a date of death of a member of the system on or before December 31, 2008; or

(5) an alternative payee annuity payment under Section 804.005, Government Code, based on a date of commencement of the annuity payment to the alternative payee on or before December 31, 2008.

(b) The supplemental payment does not apply to payments under:

(1) Section 824.304(a), Government Code, relating to disability retirees with less than 10 years of service credit;

(2) Section 824.804(b), Government Code, relating to participants in the deferred retirement option plan with regard to payments from their deferred retirement option plan accounts; or

(3) Section 824.404(a) or 824.501(a), Government Code, relating to active member or retiree survivor beneficiaries who receive a survivor annuity in an amount fixed by statute.

### **Floor Amendment No. 217**

Amend **CSSB 1**, under Article IX by adding the following appropriately numbered rider:

Contingency Appropriation for Senate Bill 1388. Contingent upon passage of Senate Bill 1388, or similar legislation relating to process server certification and the establishment of a certification division within the Office of Court Administration, by the Eighty-first Legislature, Regular Session, and in addition to the amounts included in the agency bill pattern, the Office of Court Administration is appropriated \$265,466 in FY 2010 and \$246,300 in FY 2011 for the establishment and operation of a certification division. This appropriation is also contingent upon the Office of Court Administration collecting sufficient revenue from fees recommended by the Process Server Review Board and approved by the Supreme Court to cover the cost of this appropriation. Any unexpended balances from amounts appropriated in FY 2010 are



hereby appropriated in FY 2011 for the same purposes. The "Number of Full-Time Equivalents" in the agency bill pattern is increased by 4.0 FTEs in both fiscal years for the operation of the certification division.

#### **Floor Amendment No. 218**

Amend **CSSB 1**, under Article IX by adding the following appropriately numbered rider:

\_\_\_\_\_. Contingency for HB 3594. Contingent on the enactment of HB 3594, or similar legislation, relating to the preservation of biological evidence and allowing use of the Private Sector Prison Industry Expansion Account for this purpose, by the Eighty-first Legislature, Regular Session, 2009, the Department of Criminal Justice shall transfer \$500,000 in fiscal year 2010 and \$500,000 in fiscal year 2011 from the General Revenue Fund – Dedicated Account No. 5060, Private Sector Prison Industry Expansion, to the Department of Public Safety for the purpose of repairs, renovation, or construction of crime laboratory facilities. The Department of Public Safety is hereby authorized to transfer these funds to the appropriate strategies. Funds transferred under this provision may be expended for capital budget purposes notwithstanding limitations on capital budget expenditures elsewhere in this Act.

#### **Floor Amendment No. 219**

Amend **CSSB 1**, Article IX, by inserting the following appropriately numbered Rider:

\_\_\_\_\_. Reservoir site acquisition. It is the intent of the Legislature that, during the fiscal year 2010-11 biennium, no appropriation may be used to fund the acquisition of a reservoir site that is under study by a committee established by the Eightieth Legislature.

#### **Floor Amendment No. 221**

Amend **CSSB 1** by adding the following appropriately numbered rider following the Article X appropriations to the Legislative Council:

\_\_\_\_\_. State Demographer Support. Out of the funds appropriated above, the Legislative Council shall transfer \$277,855 during the state fiscal year beginning September 1, 2009, and \$277,855 during the state fiscal year beginning September 1, 2010, to The University of Texas at San Antonio for use by the university in support of the activities of the state demographer.

#### **Floor Amendment No. 222**

Amend Amendment No. 221 by Villarreal to **CSSB 1** (prefiled amendment packet page 312) by striking the text of the amendment and substituting the following:

Amend **CSSB 1** as follows:

(1) On page III-75, in the appropriations to the University of Texas at San Antonio, increase Strategy C.4.3. Texas State Data Center, by \$277,855 in the fiscal year beginning September 1, 2009 and by \$277,855 in the fiscal year beginning September 1, 2010.

(2) On page X-3, in the appropriations to the Texas Legislative Council, decrease Strategy A.1.1. Legislative Council, by \$277,855 in the fiscal year beginning September 1, 2009 and by \$277,855 in the fiscal year beginning September 1, 2010.

**Floor Amendment No. 225**

Amend **CSSB 1** on page X-4 (Legislative Council) by inserting the following appropriately numbered rider and renumbering subsequent riders accordingly:

\_\_\_\_. Condition for Certain Salaries. The appropriation made herein for the salary for an executive director shall not be paid to an executive director who is not an attorney licensed to practice law in this state.

**Floor Amendment No. 228**

Amend **CSSB 1** (House committee printing) as follows:

(1) Under the Article XI provisions for General Academic Institutions, System Offices (page XI-10), add the following appropriately numbered rider:

Texas State Technical College–Waco-Rider: Contingency for Senate Bill 995 or Senate Bill 996; Research and Technology Commercialization Discovery Park. Contingent on the enactment and becoming law of S.B. 995 or similar legislation of the 81st Legislature, Regular Session, relating to the imposition of the motor vehicle sales tax on motor vehicles transferred as the result of a gift, or of S.B. 996 or similar legislation relating to the imposition of the motor vehicle sales tax on leased motor vehicles, \$25 million is appropriated from the general revenue fund to Texas State Technical College–Waco for the state fiscal year ending August 31, 2010, for the purpose of matching local contributions for the funding of the Research and Technology Commercialization Discovery Park in McLennan County.

(2) Adjust the Article XI totals (pages XI-12 and XI-19) accordingly.

**Floor Amendment No. 229**

(1) Amend **CSSB 1**, on page III-172 in the bill pattern for Public Community/Junior Colleges, by adding \$100,000 in General Revenue, Fund 1, in fiscal year 2010 to Strategy F.1.1., Star of the Republic Museum.

(2) Amend **CSSB 1** on page III-2, by decreasing General Revenue, Fund 1, appropriations in Strategy A.2.1, Statewide Educational Programs by \$100,000 in fiscal year 2010.

(3) Amend **CSSB 1**, on page III-180 of the bill pattern for Public Community/Junior Colleges by adding the following new, appropriately numbered rider:

\_\_\_\_. Star of the Republic Museum Website Design Project. Included in the amount appropriated above for Blinn College in Strategy F.1.1, Star of the Republic Museum, is \$100,000 in General Revenue funds in fiscal year 2010 to provide one-time funding for a website design project contingent on the provision of an equal amount of matching funds from any source available to Blinn College for this purpose.

(4) Amend **CSSB 1** on page III-14, by striking Rider 42, Student Success Initiative, and substituting the following:

42. Student Success Initiative. Out of the funds appropriated above in Strategy A.2.1, Statewide Educational Programs, \$154,396,767 in fiscal year 2010 and \$154,496,767 in fiscal year 2011 are allocated for the Student Success Initiative. The Commissioner shall expend these funds for allocations to schools for the purpose of implementation of scientific, research-based programs for students who have been

identified as unlikely to achieve the third grade TAKS reading standard by the end of the third grade, including those students with dyslexia and related disorders, students unlikely to achieve the TAKS reading or math standards by the end of the fifth grade, and/or students unlikely to achieve TAKS reading or math standards in the eighth grade assessments administered in 2008.

a. From funds appropriated above, the Commissioner may allocate funding to continue teacher reading academies for previously untrained teachers in grades 6,7 and 8, and training in teaching reading across content areas for grades 6-8 math, science and social studies teachers. Where applicable, the academies shall include training in the use of the diagnostic instruments and intensive reading instruction programs developed under the Adolescent Literacy Initiative.

b. From funds appropriated for the Student Success Initiative, and from any available Federal Funds, the Commissioner shall distribute the supplemental diagnostic screening instruments and intensive reading instruction programs developed under the Adolescent Literacy Initiative to school districts and charter schools.

c. Any balances as of August 31, 2010, are appropriated for fiscal year 2011 for the same purposes.

Notwithstanding the purposes described above by this rider, the Commissioner shall allocate \$154,396,767 in fiscal year 2010 and \$154,496,767 in fiscal year 2011 to implement programs that promote student success, minimize assessment failure, and close student achievement gaps consistent with the goals and provisions of the Texas Education Code as amended by any legislation enacted by the Eighty-first Legislature, Regular Session.

### **Floor Amendment No. 230**

Amend **CSSB 1**, by adding the following appropriately numbered rider to Article IX of the bill:

Sec. 17. \_\_\_\_\_. Contingency for House Bill 1093. Contingent on enactment of House Bill 1093 by the Eighty-first Legislature, Regular Session, 2009, or similar legislation relating to the oversight of regional poison control centers, in the Commission on State Emergency Communications' bill pattern \$52,336 in fiscal year 2010 and \$158,593 in fiscal year 2011 in General Revenue-Dedicated Account No. 5007 appropriated in Strategy B.1.1, Poison Call Center Operations, is hereby transferred to Strategy B.1.3, CSEC Poison Program Management, for the purpose of administration and oversight of regional poison control centers. In addition, the "Number of Full-time-Equivalents (FTE)" indicated in the Commission on State Emergency Communications' bill pattern shall be increased by 0.3 FTE in fiscal year 2010 and by 1 FTE in fiscal year 2011.

Also contingent on enactment of House Bill 1093 by the Eighty-first Legislature, Regular Session, 2009, or similar legislation relating to the oversight of regional poison control centers, appropriations to the Department of State Health Services are hereby reduced by \$2,230,930 in fiscal year 2010 and \$6,761,000 in fiscal year 2011 in Interagency Contracts in Strategy A.1.2, Health Registries, Information and Vital Records, for the transfer of oversight and administrative responsibilities of regional poison control centers from the Department of State Health Services to the Commission on State Emergency Communications. In addition, the "Number of

Full-time-Equivalents (FTE)" indicated in the Department of State Health Services' bill pattern shall be reduced by 0.3 FTE in fiscal year 2010 and by 1 FTE in fiscal year 2011.

**Floor Amendment No. 231**

Amend **CSSB 1**, Article IX, add the following appropriately numbered rider to the bill:

Sec. 17. \_\_\_\_\_. Contingency for House Bill 89. Contingent on passage of House Bill 89, or similar legislation relating to the transportation of certain mental health patients, by the Eighty-first Legislature, Regular Session, the Department of State Health Services is hereby appropriated \$125,000 in General Revenue Funds in fiscal year 2010 and \$125,000 in General Revenue Funds in fiscal year 2011 from Strategy B.2.1, Mental Health Services for Adults, to implement the provisions of the legislation.

**Floor Amendment No. 232**

Amend **CSSB 1** as follows:

On page IX-40 under Other Appropriation Authority, add the following new rider:

\_\_\_\_\_. ARRA Administrative Costs. State agencies, including the Comptroller, State Auditor, Legislative Budget Board and the Governor's Office are expected to incur additional expenses as a cost of compliance with the Federal ARRA Legislation. Amounts appropriated elsewhere in this Act from the Fiscal Stabilization Fund, Section 14002(b) Other Governmental Services in an amount not to exceed \$14 million for the biennium, may be transferred to the entities listed above to assist with those costs.

**Floor Amendment No. 233**

Amend **CSSB 1** by adding the following to Workforce Commission:  
Contingent Appropriation

In addition to the funds appropriated above, there is hereby appropriated \$600,000 for the 2010-2011 fiscal biennium for the purpose of providing state implementation costs and matching funds required for AmeriCorps grants and other federal grants totaling not less than \$6 million per year. This appropriation of General Revenue is contingent upon a qualified Texas entity receiving AmeriCorps and other federal grants in amounts totaling not less than \$6 million annually.

Appropriations to the Automobile Theft Prevention Authority are reduced by \$600,000.

**Floor Amendment No. 234**

Amend **CSSB 1**, on page VII-37 of the Texas Department of Transportation bill pattern by adding the following rider:

Recycled Road Material. The Texas Department of Transportation (TxDOT) may consider the substitution of recycled materials which meet the department's standard, material and special specifications for construction and maintenance of

highways, streets and bridges, in place of traditional road materials, if such recycled materials are commercially available, economically feasible and have received the necessary approval from TxDOT.

### **Floor Amendment No. 235**

Amend **CSSB 1** as follows:

(1) Add the following appropriately numbered rider under the Article VII appropriations to the Department of Transportation:

\_\_\_\_\_. Out of the appropriation made in this Article for the Department of Transportation for the administration of a program as defined in Section 201.805. Accident Reports, Transportation Code, the Department of Transportation shall transfer those funds to the Texas Department of Public Safety to administer a program as defined in Section 201.805, Transportation Code.

(2) Add the following appropriately numbered rider under the Article V appropriations to the Department of Public Safety:

\_\_\_\_\_. Out of the appropriation made in this Article for the Department of Public Safety, the Department of Public Safety shall expend funds to administer the data entry portion of a program as defined in Section 201.805. Accident Reports, Transportation Code and shall not exceed \$3,500,000.

### **Floor Amendment No. 237**

Amend **CSSB 1** as follows:

(1) Add the following appropriately numbered rider following the Article II appropriations to the Department of Aging and Disability Services:

\_\_\_\_\_. LifeSpan Respite Services Program. In addition to the amounts appropriated above in Strategy A.1.1, Intake, Access, and Eligibility (page II-1), the amounts of \$700,000 for the state fiscal year ending August 31, 2010, and \$700,000 for the state fiscal year ending August 31, 2011, are appropriated out of the general revenue fund to the Department of Aging and Disability Services for that strategy to provide respite services to certain persons who do not qualify for respite services under other programs. The department shall use the funds to contract with at least three community-based organizations or local governmental entities that will provide respite services to informal caregivers who provide long-term care at home for persons with chronic serious health conditions or disabilities. Not later than September 30, 2010, the department shall report to the legislature, in a format specified by the Legislative Budget Board, data regarding persons served through this appropriation, including the types of respite care provided and the number of persons with chronic serious health conditions or disabilities whose caregivers received respite care.

(2) Reduce the Article II appropriations to the Health and Human Services Commission for Strategy H.1.2, Increase Capacity - Community Services (page II-73), by \$700,000 for the state fiscal year ending August 31, 2010, and by \$700,000 for the state fiscal year ending August 31, 2011.

(3) In Article XI of the bill, in the Article II items relating to the Department of Aging and Disability Services (page XI-3), strike the item entitled "Rider: LifeSpan Respite Care" and the associated amount of \$1.4 million.

(4) Adjust totals and methods of financing appropriately.

**Floor Amendment No. 238**

Amend **CSSB 1** as follows:

(1) Add the following appropriately numbered rider in Article II of the bill following the appropriations to the Department of Aging and Disability Services:

\_\_\_\_\_. Service Conversion Opportunity Grant Program. Contingent on House Bill No. 3232, Acts of the 81st Legislature, Regular Session, 2009, or similar legislation relating to the establishment of a service conversion opportunity grant program, being enacted and becoming law:

(1) the amount of \$873,932 is appropriated out of the general revenue fund to the Department of Aging and Disability Services for the state fiscal year ending August 31, 2010, and the additional amount of \$852,332 is appropriated out of the general revenue fund to the Department of Aging and Disability Services for the state fiscal year ending August 31, 2011, for the purpose of implementing the service conversion opportunity grant program; and

(2) in Article II of the bill, in the appropriations to the Health and Human Services Commission in Goal H, Enterprise Exceptional Items, the appropriation for Strategy H.1.2, Increase Capacity-Community Svcs (page II-73), is reduced by \$873,932 for the state fiscal year ending August 31, 2010, and by \$852,332 for the state fiscal year ending August 31, 2011.

(2) Adjust totals and methods of financing appropriately.

**Floor Amendment No. 239**

Amend **CSSB 1**, on page I-26 of the Commission on State Emergency Communications' bill pattern, add the following new rider:

\_\_\_\_\_. Statewide Interoperable Radio Infrastructure. Contingent on the passage of House Bill 2507 or similar legislation relating to the development of an interoperable statewide emergency radio infrastructure, and in addition to the amounts appropriated elsewhere in this Act, the Commission on State Emergency Communications is hereby appropriated \$60,000,000 in fiscal year 2010 and \$60,000,000 in fiscal year 2011 from General Revenue – Dedicated Emergency Radio Infrastructure account for the purpose of creating and maintaining the infrastructure.

**Floor Amendment No. 240**

Amend **CSSB 1** on page I-69, Preservation Board, by amending Rider No. 8, Restoration of the Governor's Mansion Project, to read as follows:

8. Contingency Rider for House Bill 3578 and Restoration of the Governor's Mansion Project. Included in amounts appropriated above in Strategy A.1.2, Building Maintenance, in fiscal year 2010 is \$16,900,000 in General Revenue Funds. Contingent on enactment of House Bill 3578, or similar legislation, the Preservation Board is appropriated out of those funds the amount necessary to purchase Woodlawn and restore it for use by the Governor as the Governor's principal residence in Austin. Out of any remaining funds, the Preservation Board shall restore the Governor's Mansion for use as a museum as directed by House Bill 3578 or similar legislation. If House Bill 3578, or similar legislation, is not enacted, those funds shall be used for the sole purpose of the capital budget project Restoration of the Governor's Mansion.

**Floor Amendment No. 241**

Amend **CSSB 1**, in Article II of the bill, by adding the following appropriately numbered rider following the appropriations to the Department of State Health Services:

\_\_\_\_\_. Residential Treatment Center. Out of funds appropriated in Strategy B.2.3, Community Mental Health Crisis SVCS, the Department of State Health Services shall allocate \$1,500,000 in the state fiscal year ending August 31, 2010, and \$2,000,000 in the state fiscal year ending August 31, 2011, for the development of a 16-bed residential treatment center for individuals with mental illness in Harris County. A private nonprofit mental health organization in Harris County shall administer this program. The department may not reduce the allocation of new or existing funds to the Mental Health and Mental Retardation Authority of Harris County based on the allocation of funds under this rider.

**Floor Amendment No. 242**

Amend **CSSB 1** in Article II, following the appropriations to the Department of State Health Services, by inserting the following rider, appropriately numbered:

\_\_\_\_\_. Contingent Rider: Undiagnosed Disease Registry. Contingent on H.B. No. 2294, or similar legislation of the 81st Legislature, Regular Session, establishing an undiagnosed disease registry, being enacted and becoming law, it is the intent of the legislature that, out of the money appropriated above to the Department of State Health Services in Strategy A.1.2, REGISTRIES, INFO, & VITAL RECORDS (page II-45), the department allocate an appropriate amount to implement the undiagnosed disease registry.

**Floor Amendment No. 243**

Amend **CSSB 1** by adding the following rider following the Article II appropriations to the Department of State Health Services (page II-71):

\_\_\_\_\_. Contingent Appropriation: Transportation of Mental Health Patients. Contingent on H.B. No. 89 or similar legislation of the 81st Legislature relating to the transportation of certain mental health patients being enacted and becoming law, of the amounts appropriated to the Department of State Health Services under Strategy B.2.1, Mental Health Services - Adults (page II-45), the department shall allocate \$125,000 for the state fiscal year ending August 31, 2010, and \$125,000 for the state fiscal year ending August 31, 2011, to the transportation of mental health patients in accordance with that Act.

**Floor Amendment No. 244**

Amend **CSSB 1** as follows:

(1) On page II-73, Strategy B.2.3, Medicare Federal Give Back, strike \$380,236,786 for the fiscal year ending August 31, 2011; and

(2) Add a new appropriately numbered rider to read as follows:

\_\_\_\_\_. For the fiscal biennium beginning September 1, 2009, the Commission is appropriated the following amounts out of the general revenue fund contingent upon the enactment of legislation or the adoption of agency rules:

(1) \$296,000,000 for the purpose of providing 12 months of continuous Medicaid coverage for children; and

(2) \$44,000,000 for the purpose of providing a Medically Needy program for adults.

#### **Floor Amendment No. 245**

Amend Floor Amendment No. 244 to **CSSB 1** (page 73, prefiled amendment packet) by striking all text from line 1 down and inserting the following text:

Amend **CSSB 1** in Article II on page II-91 by adding a new appropriately-numbered rider to read as follows:

\_\_\_\_\_. 12 MONTH CHILDREN'S MEDICAID CONTINUOUS ELIGIBILITY, MEDICALLY NEEDED PROGRAM AND TUITION MITIGATION. Out of funds appropriated above in Goal B. Medicaid, for the fiscal biennium beginning September 1, 2009, the Commission shall allocate the following amounts contingent upon the enactment of legislation or the adoption of agency rules:

(1) \$296,000,000 for the purpose of providing 12 months of continuous Medicaid coverage for children; and

(2) \$44,000,000 for the purpose of providing a Medically Needy Program for adults.

(3) Any general revenue funds made available under this rider that are remaining after fully funding Subsection (1) and (2) are appropriated to the Texas Higher Education Coordinating Board for distribution through formula funding for the purpose of mitigating tuition increases at nursing schools, medical schools and other health related programs.

#### **Floor Amendment No. 246**

Amend **CSSB 1** as follows:

(1) In the Article II appropriations to the Health and Human Services Commission (II-91), add the following appropriately numbered rider:

\_\_\_\_\_. Contingent Transfer of Appropriated Amounts: Chris Kyker Endowment for Seniors Fund. Contingent on H.B. No. 610, Acts of the 81st Legislature, Regular Session, 2009, or similar legislation creating a special fund to be used by the executive commissioner of the Health and Human Services Commission to contract with a Texas nonprofit organization to provide outreach and input relating to the aging population being enacted and becoming law, out of general revenue funds appropriated by this Act to the Health and Human Services Commission in Goal B, Medicaid, for Strategy B.1.4., Children & Medically Needy (page II-72), for the state fiscal year beginning September 1, 2009, \$4,000,000 is transferred to the Chris Kyker Endowment for Seniors Fund. Notwithstanding any other provision in this Act and excluding the \$4,000,000 transfer required by this provision, grants, gifts, and donations contributed from any public or private source and income and interest earned on money in the Chris Kyker Endowment for Seniors Fund are appropriated out of the Chris Kyker Endowment for Seniors Fund to the Health and Human Services Commission for the state fiscal years ending August 31, 2010, and August 31, 2011, for the purposes authorized by the legislation establishing the Chris Kyker Endowment for Seniors Fund.

(2) Adjust totals and methods of financing appropriately.



**Amendment No. 247**

Amend **CSSB 1** as follows:

Add the following appropriately numbered rider to Article II of the bill after the appropriations to the Health and Human Services Commission:

\_\_\_\_\_ CONTINGENCY APPROPRIATION FOR SB 345. Contingent upon the enactment of SB 345 or similar legislation by the 81st Legislature, Regular Session, 2009, that becomes law, \$4,365,270 (Year 1: \$2,719,080, Year 2: \$1,646,190) shall be appropriated to the Health and Human Services Commission for provider rate increases. These funds shall be used only to provide for tuberculosis screening for home health personnel in the following programs at the Department of Aging and Disability Services – Community Based Alternatives (CBA), Home and Community Based Services (HCS), and Community Living and Support Services (CLASS) for the state fiscal biennium beginning September 1, 2009.

**Amendment No. 248**

Amend the Isett amendment to **CSSB 1** on page 87 in the second to last line of the amendment between "(HCS)," and "and" by inserting "Primary Home Care, Community Attendant Services,".

**Floor Amendment No. 249**

Amend the Isett Amendment to **CSSB 1** on page 87 by adding the following:

Contingency Appropriation for HB 1736. Contingent upon the enactment of House Bill 1736, or similar legislation relating to compensation of persons wrongly convicted, out of funds appropriated to the Fiscal Programs of the Comptroller of Public Accounts in Strategy A.1.2, Miscellaneous Claims, the Comptroller shall use \$680,000 to make annual payments to claimants.

**Floor Amendment No. 250**

Amend **CSSB 1** as follows:

(1) Amend Rider 22 following the Article II appropriations to the Department of State Health Services (Family Planning rider, page II-58) to read as follows:

22. Family Planning. Of funds appropriated under Strategy B.1.3, Family Planning Services, no state funds may be used to dispense prescription drugs to minors without parental consent. Contingent on H.B. No. 891, S.B. No. 592, or similar legislation being enacted by the 81st Legislature, Regular Session, 2009, and becoming law, an exemption shall be allowed for 16- and 17-year old mothers who consent to medical treatment related to contraception.

(2) Amend Rider 32 following the Article II appropriations to the Health and Human Services Commission (Family Planning rider, page II-85) to read as follows:

32. Family Planning. Of funds appropriated for Medicaid Family Planning, no state funds may be used to dispense prescription drugs to minors without parental consent. An exemption shall be allowed for emancipated 16- and 17-year old parents. Contingent on H.B. No. 891, S.B. No. 592, or similar legislation being enacted by the 81st Legislature, Regular Session, 2009, and becoming law, an exemption shall be allowed for 16- and 17-year old mothers who consent to medical treatment related to contraception.

**Floor Amendment No. 251**

Amend **CSSB 1**, under Article II by adding the following appropriately numbered rider to the bill pattern of the Texas Health and Human Services Commission.

\_\_\_\_. Air Ambulance. Within available revenue appropriated for Medicaid ambulance services the Texas Health and Human Services Commission shall give priority to setting reimbursement rates for fixed and rotary wing air ambulances as near as possible, yet not to exceed, 85% of the rural Medicare reimbursement rate for SFY 2010 and 95% for SFY 2011.

**Floor Amendment No. 253**

Amend **CSSB 1** in Article II (Special Provisions) by adding the following appropriately numbered rider to read as follows and renumbering any subsequent riders accordingly:

\_\_\_\_. USE OF REVENUE FROM FREED-UP GENERAL REVENUE. Contingent upon the state qualifying for additional federal relief under the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) because of an increase in unemployment rates, the amount of general revenue appropriated to each Article II agency under "General Revenue Match for Medicaid" shall be reduced by the same amount of additional federal relief received under Title V, State Fiscal Relief (estimated to total \$600,000,000). The estimated amount of general revenue reduced is hereby appropriated in the following order: (1) Contingent upon the enactment of legislation or the adoption of agency rules to provide 12 months of continuous Medicaid coverage to children, the amount of \$294,000,000 is appropriated to the Health and Human Services Commission out of the general revenue fund for the fiscal biennium beginning on September 1, 2009, for that purpose; (2) Contingent upon the enactment of legislation or the adoption of agency rules to provide a Medically Needy program for adults, the amount of \$44.3 million is appropriated to the Health and Human Services Commission out of the general revenue fund for the fiscal biennium beginning September 1, 2009, for that purpose; and (3) Any general revenue funds made available under this rider that are remaining after fully funding Subdivisions (1) and (2) are appropriated to the Texas Higher Education Coordinating Board for distribution through formula funding for the purpose of mitigating tuition increases.

**Floor Amendment No. 254**

Amend **CSSB 1** as follows:

(1) Add the following appropriately numbered subsection to rider 38 in Article III, Education following the appropriations for the Texas Education Agency:

Out of the funds identified above, the Commissioner shall allocate an amount not to exceed \$300,000 in fiscal year 2010 and \$150,000 in fiscal year 2011 for the development, piloting, and evaluation of pre-Algebra, Algebra I, Geometry, and Algebra II courses using digital media technologies as the primary instructional delivery platform.

Funds shall be distributed by the Commissioner on a competitive grant basis to a single government, nonprofit, or community-based entity no later than September 30, 2009. To be eligible for funding, organizations must: (1) demonstrate the existence

for at least two years of a partnership between education and digital media industries; (2) document previous experience in the development and implementation digital media-based curricula; (3) agree to pilot the four courses in school districts on campuses representative of ethnic, economic status, and academic achievement diversity; (4) present no later than December 1, 2010 a preliminary evaluation report to the Commissioner and House and Senate Committees with oversight responsibility for public education; and (5) confer to the State of Texas all licensing rights associated with the courses.

### **Floor Amendment No. 255**

Amend **CSSB 1** (House committee printing) in the Article III appropriations to the Texas Education Agency (page III-18) by striking Rider 62 and substituting the following:

62. Student Success Initiative. Out of the funds appropriated above in Strategy A.2.1, Statewide Educational Programs: Student Success Initiative, \$20,000,000 in each fiscal year of the 2010-11 biennium shall be set aside from the Compensatory Education allotment and allocated for the purpose of funding intensive programs of instruction for students of limited English proficiency and teacher training resources specific to instruction of students of limited English proficiency, pursuant to Section 39.024(e), Education Code.

a. From funds appropriated above, the Commissioner shall set aside \$15 million per year for school district reading improvement programs to benefit students of limited English proficiency. Each school district program must include: a research-based curriculum; assessments that are approved by the Texas Education Agency, are designed to measure growth in student vocabulary and reading comprehension, and are accessible through the Internet to appropriate teachers and administrators and, in both English and Spanish, to the parent of a student participating in the program; computer-based instruction; and a system for teacher support that includes in-person training, online professional development, and teacher training materials and resource guides to assist teachers in enabling students of limited English proficiency to meet state performance expectations.

School districts shall begin providing instruction under the reading improvement program to students within six weeks of a student's initial enrollment in school in the district. Not later than January 31 and June 1 each school year, a school district shall provide to the Texas Education Agency a report on the progress in reading of students participating in the district's program. The Commissioner may specify the format and information to be provided in the report. The Texas Education Agency may also collect data and information from school districts participating in the program to evaluate the effectiveness of the reading improvement program.

b. Out of any state or federal funds available to the agency for this purpose, the Commissioner may set aside an amount not to exceed \$3 million to implement a competitive procurement system to award two-year contracts to government organizations, public nonprofit agencies, or community-based organizations to implement multi-age programs serving 3-, 4-, and 5-year-olds that assure that English language learning children receive appropriate activities to enter school prepared to succeed. The pilot programs must provide many opportunities for the acquisition of English, while supporting the child's first language, including social services,

appropriate training and modeling, and research-based curricula and supplies to enhance the development of both languages. Instruction must be in both languages so children can learn concepts in the language they understand while developing their English skills. Programs must include bilingual education specialists and continued professional education to support the teachers. Priority shall be given to entities that serve a high percentage of children of limited English proficiency.

A portion of the funds received by entities participating in this pilot program shall be used to perform an evaluation and review of student performance and improvement. These results shall be reported to the Legislature by the Texas Education Agency not later than January 1, 2011.

#### **Floor Amendment No. 256**

Amend **CSSB 1** (House committee printing) in Article III, following the appropriations to the Texas Education Agency, by amending Rider 62 (page III-18) as follows:

(1) Immediately preceding current Paragraph a of the rider, insert the following:

a. From funds appropriated above, the Commissioner shall set aside \$8,000,000 per year for school district reading improvement programs to benefit students of limited English proficiency. Each school district program shall include: a research-based curriculum; assessments that are approved by the Texas Education Agency, are designed to measure growth in student vocabulary and reading comprehension, and are accessible through the Internet to appropriate teachers and administrators and, in both English and Spanish, to the parent of a student participating in the program; computer-based instruction; and a system for teacher support that includes in-person training, online professional development, and teacher training materials and resource guides to assist teachers in enabling students of limited English proficiency to meet state performance expectations.

School districts shall begin providing instruction under the reading improvement program to students within six weeks of a student's initial enrollment in school in the district. Not later than January 31 and June 1 each school year, each school district shall provide to the Texas Education Agency a report on the progress in reading of students participating in the district's program. The Commissioner may specify the format and information to be provided in the report. The Texas Education Agency may also collect data and information from school districts participating in the program to evaluate the effectiveness of the reading improvement program.

(2) In current Paragraph a of the rider, at the beginning of the paragraph, strike "a." and substitute "b."

(3) In current Paragraph b of the rider, at the beginning of the paragraph, strike "b."

#### **Floor Amendment No. 259**

Amend **CSSB 1** in Article III of the bill, in Rider 72 following the appropriation to the Texas Education Agency (page III-20), by striking "\$2,500,000" and substituting "\$5,000,000".

**Floor Amendment No. 260**

Amend **CSSB 1** (House committee printing) as follows:

(1) In Rider 79 following the appropriations to the Texas Education Agency (page III-21), between the first and second paragraphs, insert the following:

Contingent on enactment of H.B. 1479, S.B. 955, or similar legislation by the 81st Legislature, Regular Session, 2009, relating to the state virtual school network, that becomes law, of the amount appropriated to the Texas Education Agency in Strategy B.2.1, Technology and Instructional Materials, the commissioner of education shall allocate an additional amount of \$18,000,000 for the biennium to the state virtual school network.

(2) In Article XI of the bill, in the supplemental appropriations to the Texas Education Agency (page XI-4), strike the appropriation for the Texas Virtual School Network.

(3) Adjust the subtotals and totals in Article XI of the bill accordingly.

**Floor Amendment No. 261**

Amend **CSSB 1** (House committee printing) in Article III of the bill, following the appropriation to the Texas Education Agency (page III-22), by adding the following appropriately numbered rider:

\_\_\_\_\_. School Bus Seat Belt Program. From funds appropriated above in Strategy A.2.4, School Improvement and Support Programs, the Texas Education Agency shall allocate \$31,000,000 in fiscal year 2011 for the purpose of implementing a school bus seat belt program.

**Floor Amendment No. 262**

Amend **CSSB 1** in Article III of the bill, following the appropriation to the Texas Education Agency (page III-22), by adding the following appropriately numbered rider:

\_\_\_\_\_. Reports Regarding Discrimination. Out of the funds appropriated above in Strategy B.1.1, Assessment and Accountability System, the Texas Education Agency shall allocate the amount necessary each fiscal year to implement a reporting mechanism under which school districts are required to report to the agency any incident of alleged discrimination or harassment of a school district employee or student on the basis of the actual or perceived ethnicity, color, gender, gender identity or expression, sexual orientation, disability, religion, or national origin of the employee or student. The agency shall include the information obtained under the reporting mechanism in the comprehensive annual report required by Section 39.182, Education Code.

**Floor Amendment No. 263**

Amend **CSSB 1** as follows:

(1) Add the following appropriately numbered rider in Article III, Education following the appropriations for the Texas Education Agency:

\_\_\_\_\_. Out of the Title II, Part D (Education Technology) supplemental ARRA funds, the Texas Education Agency shall provide a competitive grant in the amount of \$15 million per year for the 2010-2011 biennium for school districts to fund online-delivered reading assessment and intervention programs using differentiated

instruction for Pre-K through Grade 5. The reading assessment must be delivered online to the student at least eight (8) times per year and be part of an online-delivered research-based curriculum. The online assessment must deliver and report results immediately to the teacher, principal and school district and provide recommendations for intervention. The grant will be eligible for the assessment and intervention of all Texas students. Eligible assessments must be on the Commissioner of Education's approved list. Grant funds may also be used to replace aging or obsolete computers provided that the computer expense of the grant is no more than twenty-five percent (25%) of the total amount of the grant.

**Floor Amendment No. 264**

Amend **CSSB 1** (House committee printing) in Article III of the bill, after the appropriations to the Higher Education Coordinating Board, by adding the following to Rider 13 (page III-46):

Of the amounts appropriated above for Strategy E.1.2, priority shall be given to funding contact hours generated from the growth of a new campus at Northwest Lakeview College in the Alamo Community College District.

**Floor Amendment No. 266**

Amend **CSSB 1**, on page III-55 of the Higher Education Coordinating Board's bill pattern, Add the following new rider:

\_\_\_\_\_. Health Care Access Fund. Contingent on passage and enactment of House Bill 1876, or similar legislation establishing the health care access fund, by the Eighty-First Legislature, Regular Session, 75 percent of the total amount available in the health care access fund under Section 403.1056, Government Code shall be appropriated to the Texas Higher Education Coordinating Board to enable the repayment of health care provider education loans under Subchapter FF, Chapter 61, Education Code. In addition, 25 percent of the total amount available in the health care access fund under Section 403.1056, Government Code shall be appropriated to the Department of State Health Services to enable the Primary Care Program to increase funding to FQHCs

a. The Texas Higher Education Coordinating Board shall have the agency's limit on full-time equivalents increased by 1 in each year of the 2010-11 biennium;

b. The Texas Higher Education Coordinating Board may expend funds under this rider for salaries, wages, equipment, technology, capital outlay and other necessary operating expenses, and

c. The Texas Higher Education Coordinating Board shall enter into a memorandum of understanding with the Department of State Health Services for the transfer of 25 percent of appropriations from the Texas Higher Education Coordinating Board to the Department of State Health Services to implement the provisions of Subchapter FF, Chapter 61, Education Code for which the Department of State Health Services is responsible.

d. The Department of State Health Services shall have the agency's limit on full-time equivalents increased by 1 in each year of the 2010-11 biennium; and

Any unexpended balances as of August 31, 2010 are hereby appropriated to fiscal year 2011 for the same purposes.

**Floor Amendment No. 267**

Amend **CSSB 1** (the general appropriations act), in the Special Provisions Relating Only to State Agencies of Higher Education in Article III of the bill (page III-208), by adding the following appropriately numbered section:

Sec. \_\_\_\_\_. Contingency Appropriation: Tuition for Noncitizens Not Lawfully Present in United States. Contingent on the enactment and becoming law of House Bill No. 50, 266, or 4482, Senate Bill No. 850, or similar legislation by the 81st Legislature, Regular Session, 2009, relating to eliminating the provision authorizing aliens not lawfully authorized to be present in the United States to pay resident tuition at an institution of higher education, as defined by Section 61.003, Education Code, revenue generated from increased tuition paid by an alien that the alien would not have paid if the legislation had not become law is appropriated to the institution in which the alien is enrolled for general educational purposes.

**Floor Amendment No. 268**

Amend **CSSB 1** as follows:

Add the following appropriately numbered rider in Article IV following the appropriations to the Supreme Court of Texas:

\_\_\_\_\_. Contingency Appropriation: Basic Civil Legal Services. Contingent on the enactment of House Bill 2517, Senate Bill 2279, or similar legislation of the 81st Legislature relating to the dedication of certain civil penalties for violations of the Business & Commerce Code to provide civil legal services to the indigent, all fees, fines, or penalties deposited into the Basic Civil Legal Services Account of the Judicial Fund under Section 118.011, Local Government Code, is appropriated for Strategy B.1.1, Basic Civil Legal Services.

**Floor Amendment No. 269**

Amend **CSSB 1** in Article IV of the bill by adding the following appropriately numbered rider following the appropriations to the Office of Court Administration, Texas Judicial Council:

\_\_\_\_\_. Contingency Appropriation for H.B. No. 3892. (a) This rider is contingent on the enactment of H.B. No. 3892 or similar legislation by the 81st Legislature, Regular Session, 2009, that becomes law, providing compensation and benefits to a retired judge appointed as a multidistrict litigation pretrial judge.

(b) Out of amounts appropriated above in Strategy A.1.1, Court Administration, \$158,500 for each fiscal year of the biennium is transferred to the Article IV, Strategy A.1.1 (District Judges), appropriation for the Judiciary Section, Comptroller's Department, for the purpose of paying salary and benefits for a district judge presiding over certain multidistrict litigation cases in accordance with H.B. No. 3892.

**Floor Amendment No. 271**

Amend **CSSB 1** on page IV-3 (Supreme Court of Texas) by adding the following appropriately numbered rider and renumbering accordingly.

Rider \_\_\_\_\_

Contingency Appropriation: Basic Civil Legal Services. Contingent on the enactment of House Bill 3776, Senate Bill 2214, or similar legislation of the 81st Legislature relating to a fee imposed on foreclosure filings to fund civil legal services

to indigent Texans, all fees, fines, or penalties deposited into the Basic Civil Legal Services Account of the Judicial Fund under Section 118.011, Local Government Code, is appropriated for Strategy B.1.1, Basic Civil Legal Services.

**Amendment No. 272**

Amend **CSSB 1** as follows:

On page IV-\_\_\_\_, Special Provisions Relating only to the Judiciary, add the following new rider:

\_\_\_\_. Contingency Appropriation for House Bill 3580: Contingent upon passage of House Bill 3580, or similar legislation relating to the establishment of the capital writs committee and the office of capital writs, by the Eighty-first Legislature, Regular Session, the Office of Capital Writs is appropriated, in FY 2011, \$500,000 from the General Revenue Fund and \$494,520 from the Fair Defense Account for the operation of the office. The "Number of Full-Time Equivalents" shall be 9.5 FTEs in FY 2011 for the operation of the program. Further, the General Revenue appropriation contained in Article IV of this bill for the Judiciary Section, Comptroller's Department, Strategy D.1.6, Death Penalty Representation, shall be reduced by \$500,000 in FY 2011.

**Floor Amendment No. 273**

Amend **CSSB 1**, as follows:

(1) On page I-76 of the bill pattern for the Office of State-Federal Relations, reduce General Revenue appropriations to Strategy A.1.1, Action Plans, by \$114,000 in each fiscal year.

(2) On page V-2 of the bill pattern for the Adjutant General's Department, increase General Revenue appropriations to Strategy D.1.1, Indirect Administration, by \$114,000 in each fiscal year.

(3) On page V-6 of the bill pattern for the Adjutant General's Department, add the following appropriately numbered rider:

\_\_\_\_. Deputy Assistant Adjutant General - Army. From funds appropriated above in Strategy D.1.1, Indirect Administration, \$114,000 in General Revenue for each fiscal year of the biennium may only be used to pay the salary of the Deputy Assistant Adjutant General - Army. This position is authorized by Government Code, Section 431.026 (a). Notwithstanding the Position Classification Plan in Section 2.01, Article IX of this Act, the Deputy Assistant Adjutant General - Army is to be designated salary group B20.

**Floor Amendment No. 274**

Amend **CSSB 1**, under Article V as follows:

(1) On page V-42 of the bill pattern for the Department of Public Safety reduce General Revenue appropriations in Strategy F.1.2, Information Resources, by \$12,000,000 in fiscal year 2010.

(2) On page V-11 of the bill pattern for the Department of Criminal Justice increase General Revenue appropriations in Strategy B.1.1, Special Needs Projects, by \$6,000,000 in fiscal year 2010 and \$6,000,000 in fiscal year 2011.



**Floor Amendment No. 275**

Amend **CSSB 1**, under Article V as follows:

(1) On page V-42 of the bill pattern for the Department of Public Safety, reduce General Revenue appropriations to Strategy F.1.2, Information Resources by \$2,000,000 in fiscal year 2010.

(2) On page V-27 of the bill pattern for the Department of Criminal Justice, add the following appropriately numbered rider:

\_\_\_\_. Contingency Appropriation for House Bill 2161. Contingent on the enactment of House Bill 2161, or similar legislation, relating to the issuance of a personal identification certificate to present or former inmates of the Texas Department of Criminal Justice, by the Eighty-first Legislature, Regular Session, 2009, the Department of Criminal Justice is appropriated \$1,000,000 in fiscal year 2010 and \$1,000,000 in fiscal year 2011 from the General Revenue Fund in Strategy C.2.4, Treatment Services, to pay fees associated with obtaining and issuing the personal identification certificates. These funds may only be used to pay for the personal identification certificates and are not available for other purposes.

**Floor Amendment No. 276**

Amend **CSSB 1** (House committee printing), in Article V of the bill, under the appropriations to the Texas Department of Criminal Justice (page V-11), by adding the following appropriately numbered rider:

\_\_\_\_. Contingent Appropriation: Hazardous Duty Pay for Certain Employees. Contingent on the enactment and becoming law of House Bill 3106 or similar legislation of the 81st Legislature, Regular Session, the department shall expend, from funds otherwise appropriated to the department by this Act, an amount not to exceed \$1,661,856 each fiscal year for hazardous duty pay for full-time state employees employed by the department.

**Floor Amendment No. 277**

Amend **CSSB 1**, as follows:

(1) On page I-58 of the bill pattern for the Department of Information Resources, reduce General Revenue Appropriations to Strategy C.2.1, Network Services, by \$1,375,712 in each fiscal year.

Contingent on passage of Senate Bill 12, Senate Bill 1408, or similar legislation, relating to compensation and employment benefits for members of the Texas State Guard called to state active duty, by the Eighty-first Legislature, Regular Session, 2009, amounts appropriated above in Strategy C.2.1, Network Services for Department of Information Resources are hereby reduced by \$1,375,712 in fiscal year 2010 and \$1,375,712 in fiscal year 2011 in General Revenue funds.

(2) On page V-53 of the bill pattern for the Department of Public Safety, add the following appropriately numbered rider:

\_\_\_\_. Contingency Appropriation for Senate Bill 12/Senate Bill 1408. Contingent on the enactment of Senate Bill 12, Senate Bill 1408, or similar legislation, relating to compensation and employment benefits for members of the Texas State Guard called to state active duty, by the Eighty-first Legislature, Regular Session, 2009, the Department of Public Safety is appropriated \$1,375,712 in fiscal

year 2010 and \$1,375,712 in fiscal year 2011 from the General Revenue Fund in Strategy D.1.5, Local Border Security, to pay members of the Texas State Guard called to state active duty. These funds may only be used to pay members of the Texas State Guard that are temporary employees of the State while on state active duty and are not available for other purposes.

**Floor Amendment No. 278**

Amend **CSSB 1**, under Article IX, Department of Public Safety by adding the following appropriately numbered rider:

\_\_\_\_. State Disaster Resource Support & Staging Sites. Out of the funds appropriated above in Goal D. Emergency Management, The Emergency Management Division is authorized to spend no more than \$3,687,250 during the biennium on the creation and operation of no more than two State Disaster Resource Support and Staging Sites. These sites must be located in places that served as temporary Disaster Resource Support and Staging Sites during the 2008 hurricane season. Funds used under this provision may be expended for capitol budget purposes notwithstanding limitations on capital budget expenditures elsewhere in this Act.

**Floor Amendment No. 279**

Amend **CSSB 1**, on page VI-8 of the Department of Agriculture's bill pattern, add the following new rider:

\_\_\_\_. Fuel Quality Inspection Program. Contingent on the passage of House Bill 4448, or similar legislation relating to the development of a fuel quality inspection program at the Department of Agriculture, and in addition to the amounts appropriated elsewhere in this Act, the Department of Agriculture is appropriated \$\_\_\_\_ from fees and penalties for the purpose of administering the program.

**Floor Amendment No. 280**

Amend **CSSB 1**, on page VI-11 in the TCEQ's bill pattern, increase appropriations out of the Low-Level Waste Account No. 88 by \$500,000 in each fiscal year of the 2010-11 biennium.

Amend **CSSB 1**, on page VI-12 of the TCEQ's bill pattern, increase appropriations in Strategy A.3.1, Radioactive Materials Management by \$500,000 in each fiscal year of the 2010-11 biennium.

Amend **CSSB 1**, on page VI-13 of the TCEQ's bill pattern, increase the Number of Full-Time-Equivalents (FTE) by 5.0 in each fiscal year of the 2010-11 biennium.

Amend **CSSB 1**, on page VI-13 of the TCEQ's bill pattern, add a position to the "Schedule of Exempt Positions" for "Low-Level Radioactive Waste Compact Commission Executive Director," include in Group 4, and list the salary for that position at \$125,000 each fiscal year of the 2010-11 biennium.

Amend **CSSB 1**, on page VI-22 of the TCEQ's bill pattern, add the following new rider:

Appropriation: Low-Level Radioactive Waste Compact Commission. Included in amounts appropriated above out of the Low-Level Waste Account No. 88 in Strategy A.3.1, Radioactive Materials Management, is \$500,000 in each fiscal year of the 2010-11 biennium to be used for operations of the Texas Low-Level Radioactive

Waste Compact Commission (LLRWC), including funding for up to 5.0 FTEs, and to reimburse for expenses related to travel in performance of their duties as commissioners of the LLRWC.

### Floor Amendment No. 281

Amend **CSSB 1**, in Article VI of the bill, following the appropriations to the Texas Commission on Environmental Quality, by adding the following appropriately numbered rider:

\_\_\_\_\_. Contingent upon the passage of House Bill 2811, Senate Bill 2111, 81st Legislature, Regular Session, or similar legislation creating the advanced clean energy project grant and loan program, the comptroller shall transfer out of amounts appropriated above out of the Texas Emissions Reduction Plan Account No. 5071, the sum of \$30 million into the advanced clean energy project account in order to accelerate the commercialization of technologies for the control of air contaminant emissions by electrical power generating facilities.

### Floor Amendment No. 282

Amend **CSSB 1** following the Article VI appropriations to the Texas Commission on Environmental Quality (House committee printing, page VI-22) by adding the following rider, numbered appropriately:

\_\_\_\_\_. Contingency for House Bill No. 3838. Contingent on the enactment and becoming law of House Bill No. 3838 or similar legislation of the 81st Legislature, Regular Session, 2009, relating to the powers and duties of the Office of Public Utility Counsel:

(1) the general revenue fund appropriation to the Texas Commission on Environmental Quality is reduced by:

(A) \$80,847 for fiscal year 2010; and

(B) \$80,847 for fiscal year 2011; and

(2) the amount of \$80,847 for fiscal year 2010 and the amount of \$80,847 for fiscal year 2011 are appropriated to the Office of Public Utility Counsel for the purpose of implementing that legislation.

### Floor Amendment No. 283

Amend Article VII, page VII-18 of **CSSB 1** as follows:

D. Goal: OPTIMIZE SERVICES AND SYSTEMS

D.1.1. Strategy: PUBLIC TRANSPORTATION

\$99,368,251 ~~\$89,368,251~~

\$99,214,894 ~~\$89,214,894~~

Support and Promote Public Transportation.

### Floor Amendment No. 284

Amend Amendment No. 283 to **CSSB 1** by Guillen (page 235, prefiled amendments packet) on page 1, by striking the text of the amendment and substituting the following:

Amend Article XI of the bill (page XI-17) by adding the following appropriately numbered rider following the appropriations to the Texas Department of Transportation:

\_\_\_\_. Appropriation. Texas Department of Transportation. In addition to amounts otherwise appropriated by this Act to the Texas Department of Transportation under Article VII, \$10,000,000 is appropriated for the state fiscal year ending August 31, 2010, and \$10,000,000 is appropriated to that department for the state fiscal year ending August 31, 2011, for the support and promotion of public transportation.

#### **Floor Amendment No. 285**

Amend **CSSB 1**, Article VII, Department of Transportation, by adding a new appropriately numbered section to read as follows:

Sec \_\_\_\_\_. Out of funds appropriated above in Goals A and B, the Department shall conduct an economic impact study of a proposed highway construction project upon the receipt of a written request of a legislator who represents the area affected by the project. At a minimum, the study must include: 1) the average gross annual income of residents living within 5 miles adjacent to the proposed project; 2) for a toll-related project, the average annual cost to each licensed driver residing within 5 miles adjacent to the proposed project; 3) the number of permanent jobs that will be created or lost by the development and proposed use of the project; 4) the number of businesses existing within 5 miles adjacent to the proposed project that will be affected by the development and proposed use of the project; 5) the projected total loss or gain in revenue of the businesses identified in Subdivision 4; and 6) other pertinent data as determined by the Department.

#### **Floor Amendment No. 286**

Amend **CSSB 1** as follows:

(1) Under the Article XI appropriations to the Office of the Attorney General (page XI-1), add the following contingent rider:

\_\_\_\_\_. Contingency Appropriation for House Bill 2731, Representation in Certain Contested Case Hearings. (a) This rider is contingent on the enactment and becoming law of H.B. No. 2731 or similar legislation by the 81st Legislature, Regular Session, 2009, authorizing the attorney general to provide representation in a contested case hearing of persons licensed or regulated by certain state agencies.

(b) In addition to other amounts appropriated to the Office of the Attorney General by this Act that may be used for this purpose, an additional amount of \$920,764 is appropriated from the general revenue fund for the fiscal year beginning September 1, 2009, and an additional amount of \$862,544 is appropriated for the fiscal year beginning September 1, 2010, for the purpose of providing representation in a contested case hearing of persons licensed or regulated by certain state agencies.

(2) Adjust the article subtotal and grand total (pages XI-3 and XI-19) accordingly.

#### **Floor Amendment No. 287**

Amend **CSSB 1** in the Article XI appropriations to the Ethics Commission (page XI-1) by inserting the following:

Rider: Contingency for House Bill 3146, Public Financing of Campaigns for Certain Judicial Offices

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**Floor Amendment No. 288**

Amend **CSSB 1** in Article XI of the bill by adding the following appropriately numbered rider following the provisions for the Comptroller of Public Accounts (page XI-1):

\_\_\_\_. Four-Day Work Week Study. Out of funds appropriated for similar purposes, the comptroller of public accounts shall conduct a study on the establishment of a four-day work week for state employees, including consideration of:

- (1) the experience of other jurisdictions that have instituted a four-day work week;
- (2) expansion of existing variable work schedule options for state employees;
- (3) potential environmental, financial, and health benefits of establishing a four-day work week; and
- (4) any other information that the comptroller determines is necessary.

**Floor Amendment No. 289**

Amend **CSSB 1** as follows:

(1) Under the Article XI items for the Texas Historical Commission (page XI-2), add the following rider:

\_\_\_\_. Unexpended Balance Appropriation: Tejano Monument. a. Any unexpended balances from the appropriations to the Texas Historical Commission as provided by Rider 17, Tejano Monument, following the appropriations to the Historical Commission in Chapter 1428 (House Bill 1), Acts of the 80th Legislature, Regular Session, 2007, (the General Appropriations Act) remaining as of August 31, 2009 (estimated to be \$\_\_\_\_\_ ), are appropriated to the Texas Historical Commission for the fiscal biennium beginning September 1, 2009, for the same purpose.

b. Appropriations for the Tejano monument are contingent upon the monument being located on the historic south grounds of the Capitol.

(2) Adjust the article subtotal and grand total (pages XI-3 and XI-19) accordingly.

**Floor Amendment No. 290**

Amend **CSSB 1** as follows:

(1) Under the Article XI items for the Texas Historical Commission (page XI-2), add the following rider:

\_\_\_\_. Texas Emancipation Juneteenth Cultural and Historical Commission. In addition to other amounts appropriated to the Texas Historical Commission by this Act that may be used for this purpose, an additional amount of \$1,500,000 is appropriated from the general revenue fund for the fiscal biennium ending August 31, 2011, which shall be spent at the direction of the Texas Emancipation Juneteenth Cultural and Historical Commission for the purpose of developing the Old Spanish Trail Theatre in Houston into a cultural center, which will provide jobs in an economically disadvantaged area.

(2) Adjust the article subtotal and grand total (pages XI-3 and XI-19) accordingly.

### **Floor Amendment No. 291**

Amend **CSSB 1** as follows:

(1) Under the Article XI appropriations to the Department of Family and Protective Services (page XI-3), add the following contingent rider:

\_\_\_\_. Contingency Appropriation for H.B. No. 324: Monetary Assistance for Relative Caregivers. (a) This rider is contingent on the enactment and becoming law of H.B. No. 324 or similar legislation by the 81st Legislature, Regular Session, 2009, relating to monetary assistance provided to relative caregivers providing substitute care for a child.

(b) In addition to other amounts appropriated to the Department of Family and Protective Services by this Act that may be used for this purpose, an additional amount of \$2,786,087 is appropriated from the general revenue fund for the fiscal year beginning September 1, 2009, and an additional amount of \$1,748,256 is appropriated for the fiscal year beginning September 1, 2010, for the purpose of providing monetary assistance to relative caregivers providing substitute care for children.

(2) Adjust the article subtotal and grand total (pages XI-4 and XI-19) accordingly.

### **Amendment No. 292**

Amend **CSSB 1** as follows:

On page XI-3, House, add the following new rider:

XX. Contingency Appropriation for House Bill 785.

a. Contingent on the passage of House Bill 785 by the Eighty-first Legislature, Regular Session, or similar legislation relating to employment services for persons with disabilities, the Department of Aging and Disability Services is appropriated:

1) \$129,770 in General Revenue Funds for fiscal year 2010 and \$260,838 in General Revenue Funds for fiscal year 2011, and

2) \$395,049 in General Revenue Match for Medicaid for fiscal year 2010 and \$649,264 in General Revenue Match for Medicaid for fiscal year 2011 for eliminating barriers to employment services for waiver clients and to provide training and technical assistance regarding the provision of employment services. In addition, contingent on the passage of such legislation, the "Number of Full-Time-Equivalents (FTE)" for the Department of Aging and Disabilities is hereby increased by 2 FTEs in fiscal year 2010 and by 2 FTEs in fiscal year 2011.

b. Also, contingent on the passage of House Bill 785 by the Eighty-first Legislature, Regular Session, or similar legislation relating to employment services for persons with disabilities, the Department of Assistive and Rehabilitative Services is appropriated \$225,531 in General Revenue Funds for fiscal year 2010 and \$114,077 in General Revenue Funds for fiscal year 2011 for system modifications, to process new applications from employment services providers and to approve applications from providers currently contracted with DADS or DARS by September 1, 2011. In addition, contingent on the passage of such legislation, the "Number of

Full-Time-Equivalents (FTE)" for the Department of Assistive and Rehabilitative Services is hereby increased by 2 FTEs in fiscal year 2010 and by 2 FTEs in fiscal year 2011.

### **Floor Amendment No. 293**

Amend **CSSB 1** as follows:

(1) Under the Article XI appropriations to the Department of Family and Protective Services (page XI-3), add the following contingent rider:

\_\_\_\_\_. Contingency Appropriation for H.B. No. 2860 or S.B. No. 1411: Financial Assistance Programs for Children in the Conservatorship of the Department of Family and Protective Services. (a) This rider is contingent on the enactment and becoming law of H.B. No. 2860 or S.B. No. 1411 or similar legislation by the 81st Legislature, Regular Session, 2009, relating to financial assistance programs in connection with certain children in the conservatorship of the Department of Family and Protective Services.

(b) In addition to other amounts appropriated to the Department of Family and Protective Services by this Act that may be used for this purpose, an additional amount of \$ \_\_\_\_\_ is appropriated from the general revenue fund for the fiscal year beginning September 1, 2009, and an additional amount of \$ \_\_\_\_\_ is appropriated for the fiscal year beginning September 1, 2010, for the purpose of funding the financial assistance programs in connection with certain children in the conservatorship of the Department of Family and Protective Services.

(2) Adjust the article subtotal and grand total (pages XI-4 and XI-19) accordingly.

### **Floor Amendment No. 294**

Amend **CSSB 1** in Article XI of the bill by adding the following appropriately numbered rider following the provisions for the Department of Aging and Disability Services (page XI-3):

\_\_\_\_\_. Contingency Appropriation: Service Conversion Opportunity Grant Program. Contingent on House Bill No. 3232, Acts of the 81st Legislature, Regular Session, 2009, or similar legislation relating to the establishment of a service conversion opportunity grant program, being enacted and becoming law, the amount of \$873,932 is appropriated out of the general revenue fund to the Department of Aging and Disability Services for the state fiscal year ending August 31, 2010, and the additional amount of \$852,332 is appropriated out of the general revenue fund to the Department of Aging and Disability Services for the state fiscal year ending August 31, 2011, for the purpose of implementing the service conversion opportunity grant program.

### **Floor Amendment No. 295**

Amend **CSSB 1** (House committee printing) as follows:

(1) Under the Article XI appropriations to the Department of Aging and Disability Services (page XI-3), add the following rider:

\_\_\_\_\_. Reduce the Community-Based Alternatives Interest List. In addition to other amounts appropriated to the Department of Aging and Disability Services by this Act that may be used for this purpose, an additional amount of \$43,525,318 is

appropriated to the department out of the general revenue fund for the state fiscal biennium beginning September 1, 2009, for the purpose of reducing the number of persons on the interest list for the community-based alternatives (CBA) Medicaid waiver program by the same proportion as other large Medicaid waiver programs.

(2) Adjust the article subtotal and grand total (pages XI-4 and XI-19) accordingly.

### **Floor Amendment No. 297**

Amend **CSSB 1** (House committee printing) in Article XI of the bill, in the provisions for the Department of State Health Services (page XI-3), by adding the following item:

Rider: Contingency for House Bill 1876, Federally-Qualified Health Centers. Contingent on the passage of House Bill 1876 or similar legislation relating to the creation of a health care access fund to recruit health care providers in health professional shortage areas and to support federally-qualified health centers and to using for those purposes certain revenue from a tax imposed on certain tobacco products, and in addition to the other amounts appropriated to the Department of State Health Services for the state fiscal biennium ending August 31, 2011:

(1) the following amounts are appropriated for that biennium out of the health care access fund to the Department of State Health Services for the purpose of funding the operational costs of federally-qualified health centers, as defined by 42 U.S.C. Section 1396d(1)(2)(B), through the primary health care services program established by the department under Section 31.003, Health and Safety Code:

(A) 25 percent of the total amount available in the health care access fund for the state fiscal year ending August 31, 2010; and

(B) for the state fiscal year ending August 31, 2011, 25 percent of the total amount available in the health care access fund and all unexpended balances appropriated under Paragraph (A); and

(2) the "Number of Full Time Equivalents" (FTEs) in the Department of State Health Services bill pattern is increased by 1.0 FTE for each year of the state fiscal biennium ending August 31, 2011.

### **Floor Amendment No. 298**

Amend **CSSB 1** by adding the following appropriately numbered rider following the Article XI provisions for the Health and Human Services Commission (page XI-4):

\_\_\_\_\_. Contingent Appropriation: Medical Assistance Buy-in Program for Certain Children. Contingent on H.B. No. 67, Acts of the 81st Legislature, Regular Session, 2009, or similar legislation relating to a medical assistance buy-in program for children with certain developmental disabilities, being enacted and becoming law, in addition to other amounts appropriated by this Act, the amounts of \$233,000 in the state fiscal year ending August 31, 2010, and \$18,921,003 in the state fiscal year ending August 31, 2011, are appropriated from the General Revenue Fund to the Health and Human Services Commission for purposes of implementing the legislation. Any unexpended balances of the amount appropriated under this rider for the state fiscal year ending August 31, 2010, are appropriated for the purpose specified by this rider for the state fiscal year ending August 31, 2011.



**Floor Amendment No. 299**

Amend **CSSB 1** in Article XI of the bill by adding the following rider following the provisions for the Health and Human Services Commission (page XI-4):

\_\_\_\_\_. Faith- and Community-Based Health and Human Services and Social Services Initiatives. Contingent on H.B. No. 492, Acts of the 81st Legislature, Regular Session, 2009, or similar legislation relating to the expansion of faith- and community-based health and human services and social services initiatives, being enacted and becoming law:

(1) \$1 million for the state fiscal year beginning September 1, 2009, and \$1 million for the state fiscal year beginning September 1, 2010, is transferred within the general revenue fund to the renewing our communities account, if that account is established by the Act, and appropriated to the Health and Human Services Commission for the purposes of that account as established by the Act; and

(2) \$100,000 for the state fiscal year beginning September 1, 2009, and \$100,000 for the state fiscal year beginning September 1, 2010, is appropriated from the general revenue fund to the Health and Human Services Commission for the establishment of a volunteer opportunities database as provided by the Act.

**Floor Amendment No. 300**

Amend **CSSB 1** in Article XI of the bill by adding the following appropriately numbered rider following the provisions for the Health and Human Services Commission (page XI-4):

\_\_\_\_\_. Contingency Appropriation for House Bill 497. Contingent on House Bill 497, Acts of the 81st Legislature, Regular Session, 2009, or similar legislation relating to a study to determine the effect on the health care infrastructure in this state if the state Medicaid program is abolished or a severe reduction in federal matching money under the program occurs, being enacted and becoming law, the amount of \$100,000 is appropriated out of the general revenue fund to the Health and Human Services Commission for the state fiscal biennium beginning September 1, 2009, for the purpose of implementing the provisions of the legislation. The Health and Human Services Commission shall transfer funds from this appropriation to the Texas Department of Insurance as necessary to conduct the study required by the legislation.

**Floor Amendment No. 301**

Amend **CSSB 1** in Article XI of the bill by adding the following appropriately numbered rider following the provisions for the Health and Human Services Commission (page XI-4):

\_\_\_\_\_. Contingent Appropriation: House Bill No. 584 or Similar Legislation. Contingent on the enactment and becoming law of House Bill No. 584, Acts of the 81st Legislature, Regular Session, 2009, or similar legislation providing eligibility under the child health plan program for children whose net family income is at or below 300 percent of the federal poverty level, health benefits coverage to certain parents under the child health plan program, minimum benefits under the medically needy program, and a 12-month period of continuous eligibility under the medical assistance program, in addition to other amounts appropriated by this Act, the Health and Human Services Commission is appropriated the amounts of \$124,772,540 for

the state fiscal year ending August 31, 2010, and \$315,533,944 for the state fiscal year ending August 31, 2011, from the general revenue fund for purposes of implementing the legislation described by this provision.

**Floor Amendment No. 302**

Amend **CSSB 1** in Article XI of the bill by adding the following appropriately numbered rider following the provisions for the Health and Human Services Commission (page XI-4):

\_\_\_\_\_. Contingent Appropriation: Medicaid Continuous Eligibility. Contingent on House Bill No. 647, Acts of the 81st Legislature, Regular Session, 2009, or similar legislation providing a 12-month period of continuous eligibility under the medical assistance program, being enacted and becoming law, in addition to other amounts appropriated by this Act, the Health and Human Services Commission is appropriated the amounts of \$90,874,328 for the state fiscal year ending August 31, 2010, and \$205,812,580 for the state fiscal year ending August 31, 2011, from the general revenue fund for purposes of implementing the Act.

**Floor Amendment No. 303**

Amend **CSSB 1** in Article XI of the bill by adding the following appropriately numbered rider following the provisions for the Health and Human Services Commission (page XI-4):

\_\_\_\_\_. Contingent Appropriation: House Bill 743 or Similar Legislation. Contingent on the enactment and becoming law of House Bill No. 743, Acts of the 81st Legislature, Regular Session, 2009, or similar legislation providing eligibility under the child health plan program for children whose net family income is at or below 300 percent of the federal poverty level and health benefits coverage to certain parents under the child health plan program, in addition to other amounts appropriated by this Act, the Health and Human Services Commission is appropriated the amounts of \$32,310,834 for the state fiscal year ending August 31, 2010, and \$64,848,216 for the state fiscal year ending August 31, 2011, from the general revenue fund for purposes of implementing the legislation described by this provision.

**Floor Amendment No. 304**

Amend **CSSB 1** in Article XI of the bill by adding the following appropriately numbered rider following the provisions for the Health and Human Services Commission (page XI-4):

\_\_\_\_\_. Contingent Appropriation: Restoration of the Medically Needy Program. Contingent on House Bill No. 744, Acts of the 81st Legislature, Regular Session, 2009, or similar legislation providing for the restoration of the medically needy program under the medical assistance program, being enacted and becoming law, in addition to other amounts appropriated by this Act, the Health and Human Services Commission is appropriated the amounts of \$844,194 for the state fiscal year ending August 31, 2010, and \$43,467,137 for the state fiscal year ending August 31, 2011, from the general revenue fund for purposes of implementing the Act.

**Floor Amendment No. 305**

Amend **CSSB 1** in Article XI of the bill by adding the following appropriately numbered rider following the provisions for the Health and Human Services Commission (page XI-4):

\_\_\_\_\_. Contingent Appropriation: Strategic Plan for the Child Health Plan and Medical Assistance Programs. Contingent on the enactment and becoming law of House Bill No. 745, Acts of the 81st Legislature, Regular Session, 2009, or similar legislation requiring the development and implementation of a strategic plan to intensify community outreach and education relating to the availability of benefits under the child health plan and medical assistance programs and to reduce the paperwork and other administrative burdens associated with determining eligibility for and enrolling individuals in those programs, in addition to other amounts appropriated by this Act, the Health and Human Services Commission is appropriated the amounts of \$703,184 for the state fiscal year ending August 31, 2010, and \$1,406,011 for the state fiscal year ending August 31, 2011, from the general revenue fund for purposes of implementing the strategic plan.

**Floor Amendment No. 306**

Amend **CSSB 1** as follows:

(1) Under the Article XI appropriations to the Health and Human Services Commission (page XI-4), add the following contingent rider:

\_\_\_\_\_. Contingency Appropriation for H.B. No. 892: Women's Health Program. (a) This rider is contingent on the enactment of H.B. No. 892 or similar legislation by the 81st Legislature, Regular Session, 2009, that becomes law, authorizing the Health and Human Services Commission to increase outreach and to maximize enrollment and continuous utilization by potentially eligible women in the Women's Health Program.

(b) In addition to other amounts appropriated to the Health and Human Services Commission by this Act that may be used for this purpose, an additional amount of \$559,343 is appropriated from the general revenue fund for the state fiscal biennium beginning September 1, 2009, for the purpose of funding the legislation described in this rider.

(2) Adjust the article subtotal and grand total (pages XI-4 and XI-19) accordingly.

**Floor Amendment No. 307**

Amend **CSSB 1** in Article XI of the bill by adding the following appropriately numbered rider following the provisions for the Health and Human Services Commission (page XI-4):

\_\_\_\_\_. Contingent Appropriation: Motor Vehicle Limits for Certain Human Services Programs. Contingent on H.B. No. 1625, Acts of the 81st Legislature, Regular Session, 2009, or similar legislation relating to the exclusion of motor vehicles in determining eligibility for the financial assistance program, being enacted and becoming law, increase the amounts appropriated to the Health and Human Services Commission from the General Revenue Fund for Strategy D.1.1, TANF

(Cash Assistance) Grants (page II-75), by \$1,113,124 for the state fiscal year beginning September 1, 2009, and by \$1,143,032 for the state fiscal year beginning September 1, 2010.

### **Floor Amendment No. 308**

Amend **CSSB 1** as follows:

(1) After the Article XI appropriations to the Department of State Health Services (House committee printing, page XI-4) add the following appropriately numbered rider:

\_\_\_\_\_. Contingency for House Bill No. 1678. Contingent on the enactment and becoming law of House Bill No. 1678 or similar legislation of the 81st Legislature, Regular Session, 2009, relating to requiring the Department of State Health Services to contract with the local mental health authority serving the Hill Country area, including Kerr County, to operate a crisis stabilization unit on the grounds of the Kerrville State Hospital, the amount of \$463,830 is appropriated from the general revenue fund to the Department of State Health Services for the 2010 state fiscal year and \$463,830 is appropriated from the general revenue fund for the 2011 state fiscal year for the purpose of implementing that legislation.

(2) Adjust the article subtotal and grand total (pages XI-4 and XI-19) accordingly.

### **Floor Amendment No. 309**

Amend **CSSB 1** (House committee report) as follows:

(1) Add the following appropriately numbered rider in Article XI of the bill following the appropriations to the Department of State Health Services (page XI-4):

\_\_\_\_\_. Contingent Appropriation for H.B. No. 1795. Contingent on H.B. No. 1795, 81st Legislature, Regular Session, 2009, or similar legislation relating to newborn screening and the creation of the Newborn Screening Advisory Committee being enacted and becoming law:

(1) the amount of \$2,000,000 is appropriated to the Department of State Health Services out of the general revenue fund for the state fiscal year beginning September 1, 2009, for purposes of paying the costs of implementing the provisions of that legislation; and

(2) the amount of \$2,000,000 is appropriated to the Department of State Health Services out of the general revenue fund for the state fiscal year beginning September 1, 2010, for purposes of paying the costs of implementing the provisions of that legislation.

(2) Adjust the article totals appropriately.

### **Floor Amendment No. 310**

Amend **CSSB 1** in Article XI of the bill by adding the following appropriately numbered rider following the provisions for the Health and Human Services Commission (page XI-4):

\_\_\_\_\_. Contingency Appropriation: Pilot Project to Increase Access to Primary Care Services and Simplify Enrollment Procedures. Contingent on House Bill No. 2686, Acts of the 81st Legislature, Regular Session, 2009, or similar legislation relating to a pilot project to increase enrollee access to primary care services and

simplify enrollment procedures under the child health plan program, being enacted and becoming law, the amount of \$4,251,982 is appropriated out of the General Revenue Fund to the Health and Human Services Commission for the state fiscal year beginning September 1, 2009, and the additional amount of \$3,793,632 is appropriated out of the General Revenue Fund for the state fiscal year beginning September 1, 2010, for the purpose of implementing the pilot project to increase enrollee access to primary care services and simplify enrollment procedures under the child health plan program.

### **Floor Amendment No. 311**

Amend **CSSB 1** (House committee printing) as follows:

(1) Add the following appropriately numbered rider after the Article XI appropriations to the Department of State Health Services (page XI-4):

\_\_\_\_\_. Contingency for House Bill No. 2740. (a) This rider is contingent on:

(1) the enactment and becoming law of House Bill No. 2740 or similar legislation by the 81st Legislature, Regular Session, 2009, relating to the licensing and regulation of youth camps; and

(2) a finding by the comptroller, issued to the Legislative Budget Board and the governor, that an increase in licensing fees supports a projection of increased revenues of at least \$206,000 for the 2010-2011 state fiscal biennium.

(b) In addition to other amounts appropriated to the Department of State Health Services for the state fiscal biennium beginning September 1, 2009, the amount of \$103,000 is appropriated for each state fiscal year out of the general revenue fund to the Department of State Health Services for additional licensing inspections.

(c) The "Number of Full-Time Equivalents" (FTEs) in the Department of State Health Services bill pattern is increased by 2.0 FTEs in the fiscal year beginning September 1, 2009, and in the fiscal year beginning September 1, 2010.

(2) Adjust the article totals (page XI-4) accordingly.

### **Floor Amendment No. 312**

Amend **CSSB 1**, under the Article XI appropriations to the Texas Education Agency (pages XI-4 and XI-5), by adding the following appropriately numbered rider:

\_\_\_\_\_. Use of Funds Appropriated under Contingency for House Bill No. 182. Each fiscal year, the Texas Education Agency shall allocate money appropriated above under the contingency rider for H.B. 182 as follows:

(1) \$500,000 for graduate fellowships and scholarships; and

(2) \$2,000,000 evenly divided among undergraduate programs at the following universities:

(A) University of North Texas - Denton;

(B) University of North Texas Dallas campus;

(C) University of Texas at Arlington;

(D) Texas Woman's University;

(E) University of Texas - Pan American; and

(F) University of Houston.

### **Floor Amendment No. 313**

Amend **CSSB 1** in the Article XI appropriations to the Texas Education Agency (pages XI-4 and XI-5) by inserting the following:

Rider: Contingency for House Bill 316, Mandatory Kindergarten Attendance 264,000,000

**Floor Amendment No. 314**

Amend **CSSB 1** in the Article XI appropriations to the Texas Education Agency (pages XI-4 and XI-5) by inserting the following:

Rider: Contingency for House Bill 326 or Senate Bill 156, Limits on the Size of Prekindergarten Classes 445,000,000

**Floor Amendment No. 315**

Amend **CSSB 1** in the Article XI appropriations to the Texas Education Agency (pages XI-4 and XI-5) by inserting the following:

Rider: Contingency for House Bill 327, School District After-School Child-Care Programs 24,070,000

**Floor Amendment No. 316**

Amend **CSSB 1** in the Article XI appropriations to the Texas Education Agency (pages XI-4 and XI-5) by inserting the following:

Rider: Contingency for House Bill 1725, Allotment for Students Who Are Military Dependents 19,800,000

**Floor Amendment No. 317**

Amend **CSSB 1** in the Article XI appropriations for the Texas Education Agency (pages XI-4 and XI-5) by inserting the following:

Rider: Contingency for House Bill 4666, Professional Development Institutes for Public School Teachers and Paraprofessionals \$7,125,495

**Floor Amendment No. 318**

Amend **CSSB 1** (House committee printing) as follows:

(1) Under the Article XI appropriations to the Texas Education Agency (pages XI-4 and XI-5), add the following appropriately numbered rider:

\_\_\_\_. Appropriation: Humanities Texas. In addition to amounts otherwise appropriated by this Act, the sum of \$1,000,000 is appropriated out of the General Revenue Fund to the Texas Education Agency for each year of the 2010-2011 state fiscal biennium to be used for Humanities Texas for the purpose of supporting the teacher institute program targeting public school teachers in their first or second year of service in geographic areas of this state with low student achievement on state assessments.

(2) Adjust the Article III public education subtotal (page XI-6) and the grand total (page XI-19) accordingly.

**Floor Amendment No. 319**

Amend **CSSB 1**, under Article XI. Sec. 1, Article III, on page XI-5 in provisions related to the Texas Education Agency, Rider: High School Counselors for At-Risk Students, by striking "90,000,000" and substituting "175,000,000".

**Floor Amendment No. 320**

Amend **CSSB 1** in Article XI of the bill by adding the following rider following the provisions for the Texas Education Agency (page XI-5):

\_\_\_\_\_. Contingency for H.B. 2944. Contingent on H.B. No. 2944, Acts of the 81st Legislature, Regular Session, 2009, or similar legislation relating to decreasing the rates of the franchise tax by 50 percent, being enacted and becoming law, \$\_\_\_\_\_ for the state fiscal year beginning September 1, 2009, and \$\_\_\_\_\_ for the state fiscal year beginning September 1, 2010, is transferred from the general revenue fund to the property tax relief fund and appropriated to the Texas Education Agency for use in accordance with the law governing that fund.

**Floor Amendment No. 321**

Amend **CSSB 1** under Article XI appropriations to the Texas Education Agency (pages XI-4 to XI-6) by inserting the following:

Rider: Contingency for House Bill No. 136, Providing Notice of Prekindergarten Programs to Parents of Eligible Children 160,000

**Floor Amendment No. 322**

Amend **CSSB 1** in Article XI of the bill by adding the following rider following the provisions for the Texas Education Agency (page XI-6):

\_\_\_\_\_. Contingency for H.B. 832. Contingent on H.B. No. 832, Acts of the 81st Legislature, Regular Session, 2009, or similar legislation relating to allowing a taxable entity to subtract compensation paid to an independent contractor for the purpose of computing taxable margin, being enacted and becoming law, \$700 million for the state fiscal biennium beginning September 1, 2009, is transferred within the general revenue fund to the property tax relief fund and appropriated to the Texas Education Agency for use in accordance with the law governing that fund.

**Floor Amendment No. 323**

Amend **CSSB 1** as follows:

(1) Under the Article XI provisions for the Texas Higher Education Coordinating Board (page XI-6), add the following appropriately numbered rider:

Rider: Contingency for House Bill 3940, State Employee Loan Repayment Assistance Program. Contingent on the enactment and becoming law of H.B. No. 3940 or similar legislation of the 81st Legislature, Regular Session, that establishes a program to provide assistance in the repayment of student loans for full-time state employees who apply and qualify for the assistance, the Texas Higher Education Coordinating Board shall expend, from general revenue funds otherwise appropriated to the Texas Higher Education Coordinating Board by this Act, the sum of \$1 million for the state fiscal biennium beginning September 1, 2009, for the purpose of administering and providing loan repayment assistance under the program.

(2) Adjust the article totals (page XI-12) accordingly.

**Floor Amendment No. 324**

Amend **CSSB 1** in Article XI of the bill by adding the following rider following the provisions for the Texas Education Agency (page XI-6):

\_\_\_\_\_. Contingency for S.B. 19. Contingent on S.B. No. 19, Acts of the 81st Legislature, Regular Session, 2009, or similar legislation relating to increasing to \$1 million the amount of a taxable entity's total revenue from its entire business for which the taxable entity is not required to pay any tax and decreasing the EZ computation rate, being enacted and becoming law, \$402,065,000 for the state fiscal biennium beginning September 1, 2009, is transferred from the general revenue fund to the property tax relief fund and appropriated to the Texas Education Agency for use in accordance with the law governing that fund.

### **Floor Amendment No. 325**

Amend **CSSB 1** as follows:

(1) Under the Article XI appropriations to the Texas Higher Education Coordinating Board (page XI-6), add the following appropriately numbered rider:

\_\_\_\_\_. Contingent Appropriation: Resident Tuition Exemption at Public Institutions of Higher Education for Children of Certain Parents Deployed on Active Military Duty. Contingent on the enactment and becoming law of S.B. No. 297 or similar legislation of the 81st Legislature, Regular Session, that provides a resident tuition exemption at public institutions of higher education for children of certain members of the armed forces who are deployed on active duty for the purpose of engaging in a combative military operation outside the United States, the sum of \$699,229 is appropriated out of the General Revenue Fund to the Texas Higher Education Coordinating Board for the state fiscal biennium beginning September 1, 2009, for the purpose of reimbursing public institutions of higher education that provide those tuition exemptions.

(2) Adjust the article totals (page XI-12) accordingly.

### **Floor Amendment No. 326**

Amend **CSSB 1** (House committee printing) as follows:

(1) Under the Article XI provisions for the Texas Higher Education Coordinating Board (pages XI-6 to XI-7), add the following item:

Rider: Contingency for House Bill 181, Financial Incentives to Certain Students at Institutions of Higher Education Who Agree to Teach Bilingual Education, English as a Second Language, or Spanish in Certain Public Schools. Contingent on the enactment and becoming law of House Bill No. 181 or similar legislation of the 81st Legislature, Regular Session, relating to the establishment of a program to provide financial incentives to certain students at institutions of higher education who agree to teach bilingual education, English as a second language, or Spanish in certain public schools, in addition to other general revenue amounts appropriated for the Texas Higher Education Coordinating Board, the following amounts are appropriated out of the general revenue fund to the Texas Higher Education Coordinating Board for the state fiscal biennium ending August 31, 2011, to be used to provide financial incentives to students under the program:

(1) \$1 million for graduate fellowships and scholarships provided under the program; and

(2) \$4 million to be allocated in equal amounts among the following institutions for the purpose of providing financial incentives under the program to undergraduate students enrolled in the institutions: the University of North Texas; the



University of North Texas at Dallas; The University of Texas at Arlington; Texas Woman's University; the University of Houston; and The University of Texas–Pan American.

(2) Adjust the Article III total (page XI-12) accordingly.

### **Floor Amendment No. 327**

Amend **CSSB 1** as follows:

(1) Under the Article XI provisions for General Academic Institutions, System Offices (page XI-7), add the following item:

University of North Texas System Administration–Rider: Contingency for House Bill 180, Program at University of North Texas at Dallas to Provide Financial Incentives to Certain Students Who Agree to Teach Bilingual Education, English as a Second Language, or Spanish in Certain Public Schools. Contingent on the enactment and becoming law of House Bill No. 180 or similar legislation of the 81st Legislature, Regular Session, relating to the establishment of a program at the University of North Texas at Dallas to provide financial incentives to certain students who agree to teach bilingual education, English as a second language, or Spanish in certain public schools, in addition to other general revenue amounts appropriated for the University of North Texas System, the amount of \$500,000 is appropriated out of the general revenue fund to the University of North Texas System for the state fiscal biennium ending August 31, 2011, to be used to administer and provide financial incentives to students under the program.

(2) Adjust the Article III total (page XI-12) accordingly.

### **Floor Amendment No. 328**

Amend **CSSB 1** (House committee printing) as follows:

(1) Add the following to the community colleges provisions of Article XI (page XI-11):

Houston Community College-Rider: Adult Workforce Readiness and Education Complex. In addition to any other amounts appropriated by this Act to Houston Community College, the amount of \$1,000,000 is appropriated out of the general revenue fund for the fiscal year ending August 31, 2010, to Houston Community College to fund construction and initial operating expenses for an adult workforce readiness and education complex to be established in the Brays Oaks Management District (Harris County Improvement District #5).

(2) Adjust article totals appropriately.

### **Floor Amendment No. 329**

Amend **CSSB 1** (House committee printing) in Article XI of the bill, in the Article III provisions for Community Colleges (page XI-11), after the existing item entitled Fund Enrollment Growth add the following:

Of the amounts appropriated above for enrollment growth, \$2,250,000 in the state fiscal year ending August 31, 2010, and \$1,550,000 in the state fiscal year ending August 31, 2011, shall be used to fund contact hours generated from the growth of a new campus at Northwest Lakeview College in the Alamo Community College District. Any amount remaining of the amount used to fund contact hours in

the state fiscal year ending August 31, 2010, with the approval of the Texas Higher Education Coordinating Board, may be used by the district for the same purpose in the state fiscal year ending August 31, 2011.

### **Floor Amendment No. 331**

Amend **CSSB 1**, under Article XI, as follows:

(1) Under Sec. 1, Article III, on Page XI-12, , under the bill pattern of the Texas Engineering Extension Service, add \$3,500,000 in Fiscal Year 2010 and \$1,500,000 in Fiscal Year 2011 from General Revenue Funds to Strategy C.1.1., Provide Texas Task Force 1 Capability; and

(2) Under Sec. 1, Article III, on Page XI-12, , under the bill pattern of the Texas Engineering Extension Service, add the following appropriately numbered rider:

\_\_\_\_. South Texas Quick Response Force. The Texas Engineering Extension Service in cooperation with the Governor's Trusted Programs within the Office of the Governor and the Commission on State Emergency Communications shall establish a South Texas Quick Response Force as an extension of Texas Task Force 1 in the Lower Rio Grande Valley. Funding shall be used to ensure the response force's operational readiness, which consists of organizing, equipping, training, exercising, and maintaining a search and rescue capability, but will not provide for deployment costs.

### **Floor Amendment No. 333**

Amend **CSSB 1** in Article XI of the bill by adding the following appropriately numbered rider following the special provisions for Article IV (page XI-13):

\_\_\_\_. Appropriation for Salary Increase for Certain State Judges and Justices.

(a) As used in this section, "salary increase" means a three percent increase in annual salary to begin on September 1, 2009.

(b) The Judiciary Section, Comptroller's Department, is appropriated out of the general revenue fund the amount necessary to fund a salary increase described by Subsection (a) of this Section to the judges and justices of the Texas Supreme Court, the Texas Court of Criminal Appeals, the courts of appeals, and the district courts.

(c) Any increase in the employee benefits costs associated with the salary increase described above must be paid only out of the appropriations made above in Subsection (b) of this Section.

(d) The Comptroller of Public Accounts may adopt rules as necessary to administer this Section. Funds appropriated in this Section must be allocated to each agency, and to the appropriate employee benefit appropriation items, in accordance with such rules and may be used only for the purpose of providing a salary increase and paying associated employee benefit costs.

### **Floor Amendment No. 334**

Amend **CSSB 1** (House committee printing) by adding the following to Article XI of the bill, in the special provisions for Article IV (page XI-13):

Administrative Judge for Drug Court Programs—Rider: Contingency for H.B. No. 1118. Contingent on the enactment of H.B. No. 1118 or similar legislation by the 81st Legislature, Regular Session, 2009, relating to the appointment of an administrative judge for drug court programs in this state, in addition to other amounts

appropriated for the state fiscal biennium beginning September 1, 2009, the amount of \$384,131 is appropriated to the comptroller out of the general revenue fund to provide funds for the administration of that legislation during the state fiscal biennium beginning September 1, 2009.

### Floor Amendment No. 335

Amend **CSSB 1**, as follows:

(1) On page XI-14, under the heading of the Department of Public Safety, add the following:

|  |                               |
|--|-------------------------------|
| Rider and Funding: Helicopter in Wise County | 2010-11<br><u>\$5,989,993</u> |
|--|-------------------------------|

Language for Rider and Funding: Helicopter in Wise County

Add the following appropriately numbered rider following the appropriations to the Department of Public Safety of the State of Texas:

\_\_\_\_. Helicopter. (a) In addition to other amounts appropriated by this Act to the Department of Public Safety of the State of Texas:

(1) the amount of \$4,284,032 is appropriated out of the general revenue fund to the Department of Public Safety of the State of Texas for the state fiscal year beginning September 1, 2009, for the purpose of purchasing one helicopter to be stationed in Decatur; and

(2) the amount of \$1,020,251 for the state fiscal year beginning September 1, 2009, and \$685,710 for the state fiscal year beginning September 1, 2010, is appropriated out of the general revenue fund to the Department of Public Safety of the State of Texas for two additional pilot investigator positions and one tactical flight officer position, related equipment and expenses, and operating costs for the helicopter.

(b) The "Number of Full Time Equivalents" (FTEs) in the Department of Public Safety of the State of Texas bill pattern is increased by 3.0 FTE in the fiscal year beginning September 1, 2009, and in the fiscal year beginning September 1, 2010.

### Floor Amendment No. 336

Amend **CSSB 1** as follows:

(1) Under the Article XI appropriations to the Department of Public Safety (page XI-14, House Committee Printing), add the following rider:

Rider: Contingency for House Bill No. 318, Safe Schools Unit. Contingent on the enactment and becoming law of House Bill No. 318 or similar legislation by the 81st Legislature, Regular Session, 2009, that establishes a pilot program establishing a safe schools unit in the Department of Public Safety, and in addition to other amounts appropriated to the Department of Public Safety for the state fiscal biennium beginning September 1, 2009, the following amounts are appropriated from the general revenue fund to the Department of Public Safety for the creation and operation of the safe schools unit pilot program in the department:

(1) \$785,907 for the state fiscal year ending August 31, 2010; and

(2) \$393,371 for the state fiscal year ending August 31, 2011.

(2) Adjust the article totals accordingly.

**Floor Amendment No. 337**

Amend **CSSB 1** in Article XI on the bill, as follows:

On page XI-15, within the bill pattern of the Railroad Commission, strike the original Contingency for House Bill 2853, MOF Swap and add "Rider XX Contingency Appropriation for HB 2853 Drilling Permit Fees. In Addition to amounts appropriated above to the Railroad Commission are revenues from fees assessed for drilling permits and deposited to Revenue Object Code 3313 in the General Revenue Fund pursuant to Texas Natural Resource Code, Section 85.2021 in an amount not to exceed \$4,675,500 in fiscal year 2010 and \$5,522,500 in fiscal year 2011. These funds shall be used to operate programs in Strategy A.1.1, Promote Energy Resources Development Opportunities, Strategy C.1.1, Oil and Gas Monitoring Inspections, Strategy C.2.1, Oil and Gas Remediation and Strategy C.2.2, Oil and Gas Well Plugging.

The Railroad Commission is hereby authorized to transfer appropriations made pursuant to this provision to the appropriate strategy items.

In the event that actual and/or projected revenue collections are insufficient to offset the revenue identified by this provision, the Legislative Budget Board may direct the Comptroller of Public Accounts to reduce the appropriation authority provided above to be within the amount of revenue expected to be available.

In addition to amounts appropriated above to the Railroad Commission, there is hereby appropriated for the biennium beginning on September 1, 2009, any revenues received from drilling permits fee revenues deposited to the credit of Revenue Object Code No. 3313 in the General Revenue Fund in excess of one-half of the Comptroller's Biennial Revenue Estimate for 2010-11 for Revenue Object Code No. 3313."

**Floor Amendment No. 338**

Amend **CSSB 1**, on pages XI-16 and 17, under Article XI, Sec. 1, Article VII, under the Texas Department of Transportation bill pattern add the following rider:

\_\_\_\_ Commuter Rail Study. In addition to amounts appropriated above, the Department of Transportation is appropriated \$500,000 in fiscal year 2010 from General Revenue Fund to commission a commuter rail feasibility study in Hidalgo County to determine whether a commuter rail system is a practical and cost effective transportation alternative.

**Floor Amendment No. 339**

Amend **CSSB 1**, on page XI-17 by adding the following rider for the Texas Department of Transportation:

\_\_\_\_. County Assistance for Road Damage. The Department of Transportation is appropriated \$20,000,000 from State Highway Fund No. 006 for the 2010-11 biennium for the purpose of providing financial assistance to counties located within the area of the Barnett Shale for damage to county roads in unincorporated areas caused by Barnett Shale related truck traffic. Any unexpended balances from this appropriation remaining on August 31, 2010, are hereby appropriated in the fiscal year beginning September 1, 2010, for the same purpose.

**Floor Amendment No. 341**

Amend **CSSB 1**, on page XI-17, by striking "Rider: Contingency for House Bill 2492, Texas YouthBuild Program...\$25,000,000" and substituting "Rider: Contingency for House Bill 2492, Texas YouthBuild Program...\$12,500,000".

**Floor Amendment No. 342**

Amend **CSSB 1**, Article XI, Sec. 1, Article IX, pages XI-18 and 19 add the following appropriately numbered rider to the bill:

Sec. 17. \_\_\_\_\_. Contingency for House Bill 91. Contingent on passage of House Bill 91, or similar legislation relating to the establishment of a law school in the Rio Grande Valley, by the Eighty-first Legislature, Regular Session, there is hereby appropriated \$11,500,000 from General Revenue Funds in fiscal year 2010 and any unexpended balances for fiscal year 2011 to implement the provisions of the legislation.

**Floor Amendment No. 343**

Amend **CSSB 1**, on pages XI-18 and 19, under Article XI, Sec. 1, Article IX add the following appropriately numbered rider to the bill:

Sec. 17. \_\_\_\_\_. Contingency for House Bill 2887. Contingent on enactment of House Bill 2887 by the Eighty-first Legislature, Regular Session, or similar legislation relating to the establishment of a literacy center pilot program, the Higher Education Coordinating Board is hereby appropriated \$125,000 in fiscal year 2010 and \$125,000 in fiscal year 2011 out of General revenue Fund to implement the provisions of the bill.

**Floor Amendment No. 344**

Amend **CSSB 1**, under Article XI, Sec. 1, Article IX, on pages XI-18 and 19 by adding the following appropriately numbered rider:

\_\_\_\_\_. Contingency Appropriation for HB 3598 – SB 1118 or similar legislation. In addition to the amounts in Strategy A.1.1, Basic Supervision, contingent on enactment of SB 1118, or similar legislation, the Texas Department of Criminal Justice (TDCJ) shall expend an additional \$1 Million in fiscal year 2010 and \$1 Million in 2011 as well as the necessary additional FTE's for the purpose of establishing a FRESH START program comprising active GPS monitoring and aftercare treatment program, mandating courts to place offenders meeting the sentencing criteria listed contingent on enactment of SB 1118, or similar legislation, who would have otherwise been sentenced to incarceration, be placed in a FRESH START program as defined in HB 3598 - SB 1118 or similar legislation for a period of not less than 18 months.

**Floor Amendment No. 345**

Amend **CSSB 1**, on page XI – 19 for the House of Representatives item, Rider: Texas CSPAN Project, by striking "\$0" and substituting "\$500,000".

**Floor Amendment No. 346**

Amend **CSSB 1**, on page XI – 19 by adding the following appropriately numbered rider to Article IX of Article XI of the bill:

Contingency for House Joint Resolution 123 and House Bill 2811. Contingent on passage of House Joint Resolution 123 and House Bill 2811, or similar legislation by the Eighty-first Legislature, Regular Session, 2009, relating to the authorization of \$300 million in general obligation bonds and subsequent approval by Texas voters of the proposition, to provide and guarantee loans to encourage advanced clean energy projects, the Texas Commission on Environmental Quality is hereby appropriated \$300,000,000 in fiscal year 2010 out of general obligation bond proceeds to implement the provisions of the bill.

Any unexpended and unobligated balances in general obligation bonds remaining as of August 31, 2010 are hereby appropriated for the fiscal year beginning September 1, 2010 for the same purpose.

Also contingent upon passage of House Joint Resolution 123 and House Bill 2811, or similar legislation by the Eighty-first Legislature, Regular Session, 2009, in addition to amounts appropriated elsewhere in this Act to the Texas Public Finance Authority, there is hereby appropriated \$30,000,000 in fiscal year 2010 out of the Texas Emissions Reduction Plan for debt service payments on the general obligation bond proceeds.

#### **Floor Amendment No. 347**

Amend **CSSB 1**, in Article XI of the bill, by adding the following appropriately numbered rider after the appropriations in General Provisions (page XI-19, House committee printing):

\_\_\_\_. Restriction on Expenditures Relating to Texas Mobility Fund. None of the funds appropriated under this article may be used for any purpose unless at least \$250,000,000 is appropriated to reduce the outstanding bonded indebtedness of the Texas Mobility Fund.

#### **Floor Amendment No. 348**

Amend **CSSB 1** as follows:

(1) Under the Article XI General Provisions (page XI-19), add the following appropriately numbered rider:

\_\_\_\_. Judicial Emergency Data Infrastructure Pilot. The amount of \$4,500,000 is appropriated out of the general revenue fund to the Office of Court Administration to provide a pilot program in Galveston County for the purpose of establishing a judicial emergency data infrastructure with the district courts of Galveston County for the digitization of all district court case records in Galveston County from 1836-2009.

(2) Adjust the article totals accordingly.

#### **Floor Amendment No. 349**

Amend **CSSB 1**, as introduced, as follows:

(1) In ARTICLE 11 of the bill, insert a new Section, appropriately numbered, to read as follows:

Sec. \_\_\_\_\_. Contingency Rider: Contingent upon the passage of House Bill 849, \$631,624 dollars shall be allocated to the Office of the Texas Attorney General for the purpose of complying with the provisions of House Bill 849.

(2) Renumber subsequent Sections of ARTICLE 11 of the bill appropriately.

**Floor Amendment No. 350**

Amend **CSSB 1** under Article XI appropriations to the Comptroller of Public Accounts by inserting the following:

Rider: Contingency for House Bill No. 866, relating to a study regarding ad valorem tax relief through the use of a circuit breaker program \$300,000

**Floor Amendment No. 351**

Amend **CSSB 1** in Article XI of the bill by adding the following appropriately numbered rider following the appropriations to the Texas Department of Housing and Community Affairs:

\_\_\_\_. Contingent Transfer of Appropriated Amounts: Volunteer Income Tax Assistance (VITA) Grant Program. Contingent on House Bill No. 955, Acts of the 81st Legislature, Regular Session, 2009, relating to expanding the capacity of volunteer income tax assistance programs, or similar legislation being enacted and becoming law, the comptroller of public accounts shall transfer to the Texas Department of Housing and Community Affairs from funds appropriated to the Health and Human Services Commission in Goal D, Encourage Self Sufficiency, for Strategy D.1.1, TANF (Cash Assistance) Grants (page II-73), an amount for the state fiscal year beginning September 1, 2009, equal to 0.5 percent of the funds appropriated for that year for that strategy, and an amount for the state fiscal year beginning September 1, 2010, equal to 0.5 percent of the funds appropriated for that year for that strategy. The Texas Department of Housing and Community Affairs shall use the transferred funds to implement House Bill No. 955, Acts of the 81st Legislature, Regular Session, 2009, or similar legislation that is enacted and becomes law.

**Floor Amendment No. 352**

Amend **CSSB 1** under Article XI appropriations to the Department of State Health Services by inserting the following:

Rider: Contingency for House Bill No. 1240, relating to information required to be provided to parents of an infant \$400,000

**Floor Amendment No. 353**

Amend **CSSB 1**, on page XI-\_\_\_\_ to add a new Sec. \_\_\_\_ to read as follows:

Sec. \_\_\_\_ Contingency Appropriation for House Bill 1689. Contingent on passage of House Bill 1689, or similar legislation relating to the creation of additional judicial districts in Bexar County, by the Eighty-first Legislature, Regular Session, the Judiciary Section, Comptroller's Department is appropriated an amount estimated to be \$114,792 for fiscal year 2010 and an amount estimated to be \$217,500 for fiscal year 2011 from the General Revenue Fund and an amount estimated to be \$83,125 for fiscal year 2010 and an amount estimated to be \$157,500 for fiscal year 2011 from Judicial Fund No. 573 to implement provisions of the legislation. Also contingent on passage of House Bill 1689, or similar legislation, the "Number of Full-Time-Equivalent Positions (FTE)" for the Judiciary Section, Comptroller's Department is hereby increased by 2.0 FTEs in fiscal year 2010 and 3.0 FTEs in fiscal year 2011 for the new district courts.

**Floor Amendment No. 354**

Amend **CSSB 1**, as follows:

(1) In Article XI of the bill, insert a new section, appropriately numbered to read as follows:

Sec. \_\_\_\_\_. Contingency Rider for House Bill 1725. Contingent upon the enactment of HB 1725, or similar legislation relating to an allotment under the foundation school program for certain students who are military dependents, out of the amounts appropriated above to the Texas Education Agency, \$9,900,000 in Fiscal Year 2010 and \$9,900,000 in Fiscal Year 2011 shall be used to provide an additional allotment under the Foundation School Program for those students who have a parent or guardian serving on active duty in a combat zone as a member of the United States armed forces or who have transferred to a school district as a result of actions taken under the Defense Base Closure and Realignment Act of 1990.

(2) Renumber subsequent sections of Article XI of the bill appropriately.

**Floor Amendment No. 355**

Amend **CSSB 1** in Article XI of the bill by adding the following rider following the Article I provisions for the Comptroller of Public Accounts:

\_\_\_\_\_. Contingency for House Bill 1935. Contingent on the enactment and becoming law of House Bill No. 1935 or similar legislation of the 81st Legislature, Regular Session, relating to the establishment of the Texas Adult Career Education Grant Program to support community-based initiatives that assist unemployed and underemployed adults in receiving postsecondary education necessary to obtain employment in local, high-demand occupations, the Comptroller of Public Accounts shall expend, from general revenue, funds otherwise appropriated to the Comptroller of Public Accounts by this Act, the following amounts to administer and award grants under the program:

- (1) \$5 million for the state fiscal year ending August 31, 2010; and
- (2) \$5 million for the state fiscal year ending August 31, 2011.

**Floor Amendment No. 356**

Amend **CSSB 1** as follows:

(1) Under the Article XI appropriations to the Department of State Health Services, add the following rider:

\_\_\_\_\_. Contingent Rider: Public Health Extension Service Pilot Program. Contingent on the enactment and becoming law of H.B. No. 1948 or similar legislation of the 81st Legislature, Regular Session, 2009, that creates a public health extension service pilot program in Health Service Region 11 to provide enhanced disease control, medical preparedness, biosecurity and detection of biologic agents, enhanced environmental and toxicologic pathology services, and management of hazardous materials, the Department of State Health Services is appropriated the following amounts from the general revenue fund:

- (1) \$1,500,000 for the state fiscal year ending August 31, 2010; and
- (2) \$1,500,000 for the state fiscal year ending August 31, 2011.

(2) Adjust the article totals (pages XI-3 to XI-4) and agency totals (page XI-19) accordingly.



**Floor Amendment No. 357**

Amend **CSSB 1** (House committee printing) as follows:

Under the Article XI appropriations to the Public Community/Junior Colleges, add the following appropriately numbered rider:

\_\_\_\_. Appropriation: Renewable Energy Training Institute at the Eastern Williamson County Higher Education Center as approved by House Bill 2074 of the 80th Texas Legislative Session. In addition to amounts otherwise appropriated by this Act, the sum of \$805,000 is appropriated out of the General Revenue Fund to the Eastern Williamson County Higher Education Center for training, curriculum, faculty, and administration of the Renewable Energy Training Institute.

**Floor Amendment No. 359**

Amend **CSSB 1** under Article XI appropriations to the Comptroller of Public Accounts by inserting the following:

Rider: Contingency for House Bill No. 2363, relating to the assistance of appraisal districts by the comptroller \$1,000,000

**Floor Amendment No. 360**

Amend **CSSB 1** as follows:

(1) Under the Article XI appropriations to the Department of Aging and Disability Services, add the following rider:

\_\_\_\_. Contingent Rider: Demonstration Project to Reduce Social Isolation Among the Elderly. Contingent on the enactment and becoming law of H.B. No. 2632 or similar legislation of the 81st Legislature, Regular Session, 2009, that creates a demonstration project to reduce social isolation among the elderly, the Department of Aging and Disability Services is appropriated the following amounts from the general revenue fund for the purpose of awarding administrative funds to communities to provide outreach, training, and volunteer recruiting services for the projects:

(1) \$150,000 for the state fiscal year ending August 31, 2010; and

(2) \$150,000 for the fiscal year ending August 31, 2011.

(2) Adjust the article totals (page XI-4) and agency totals (page XI-19) accordingly.

**Floor Amendment No. 361**

Amend **CSSB 1** (House committee printing) in Article XI by adding the following:

\_\_\_\_. Contingency for House Bill 2730. Contingent on the enactment of House Bill 2730 or similar legislation by the 81st Legislature, Regular Session, 2009, establishing a mobile automated fingerprint identification system pilot program, \$1,000,000 is appropriated to the Department of Public Safety for automated fingerprint identification system pilot program during the fiscal biennium beginning September 1, 2009.

**Floor Amendment No. 362**

Amend **CSSB 1** in Article XI on the bill, as follows:

Contingent on the passage of House Bill 2853 or similar legislation, on page VI-42, rider #7 Unexpended Balance and Estimated Appropriation Authority: Oil Field Cleanup Account is changed to read as follows:

Included in amounts appropriated above in fiscal year 2010 is an amount not to exceed \$1,648,770 in Strategy C.2.1, Oil and Gas Remediation, and an amount not to exceed \$6,595,081 in Strategy C.2.2, Oil and Gas Well Plugging, in balances remaining in the Oil Field Cleanup Account No. 145 as of August 31, 2009. The agency shall use these funds to carry out duties authorized by Natural Resources Code, Subchapter D, Chapter 91.

In addition to amounts appropriated above, there is hereby appropriated to the Railroad Commission for the biennium beginning on September 1, 2009, an amount not to exceed \$10,000,000 in revenues received in the Oil Field Cleanup Account No. 145 in excess of the Comptroller's Biennial Revenue Estimate (BRE) for 2010-2011. Of the amounts received in excess of the BRE, after adjusted for the passage of House Bill 2853 or similar legislation, the first \$991,762 in FY 2010 and the first \$917,225 in FY 2011 shall be used to increase staffing in the oil and gas field operations and technical permitting programs in an attempt to reduce permitting times and prevent permitting backlogs.

In addition, the Number of Full-Time Equivalents (FTE) for the Railroad Commission is hereby increased by 21.0 in each fiscal year of the 2010-11 biennium. These positions shall be filled only in the event that revenues exceed the BRE for 2010-11 and shall be used to reduce permitting times and to prevent permitting backlogs.

#### **Floor Amendment No. 363**

Amend **CSSB 1** (House committee printing) in Article XI by adding the following:

\_\_\_\_\_. Contingency for House Bill 3391. Contingent on the enactment of House Bill 3391 or similar legislation by the 81st Legislature, Regular Session, 2009, establishing a mobile automated fingerprint identification system pilot program, \$1,000,000 is appropriated to the Parks and Wildlife Department for automated fingerprint identification system pilot program during the fiscal biennium beginning September 1, 2009.

#### **Floor Amendment No. 364**

Amend **CSSB 1** as follows:

Contingent on passage and enactment of House Bill 3497, or similar legislation, requiring the Texas Department of Criminal Justice to utilize the correctional career ladder for specified agency employees, the Texas Department of Criminal Justice is appropriated an additional \$\_\_\_\_\_ in fiscal year 2010 and \$\_\_\_\_\_ in fiscal year 2011 out of General Revenue for the purposes of implementing this legislation.

#### **Floor Amendment No. 365**

Amend **CSSB 1**, as introduced, as follows:

(1) In ARTICLE 11 of the bill, insert a new Section, appropriately numbered, to read as follows:

Sec.\_\_\_\_\_. Contingent upon the passage of House Bill 4458, the State Energy Conservation Office shall be allocated funds consistent with the recommendation of the Office of the Comptroller in the fiscal note for House Bill 4458.

Sec. \_\_\_\_\_. Contingent upon the passage of House Bill 4458, the Public Utility Commission of Texas shall be allocated funds consistent with the recommendation of the Legislative Budget Board in the fiscal note for House Bill 4458.

(2) Renumber subsequent Sections of ARTICLE 11 of the bill appropriately.

#### **Floor Amendment No. 366**

Amend **CSSB 1**, as follows:

(1) In Article XI of the bill, insert a new section, appropriately numbered to read as follows:

Sec. \_\_\_\_\_. Contingency Rider for House Bill 4532. Contingent upon the enactment of HB 4531, or similar legislation relating to the use and safety of certain types of motorcycles, the establishment of a training requirement for the use of such motorcycles, out of the amounts appropriated above to the Department of Public Safety, XXXXXXXX in Fiscal Year 2010 and XXXXXXXX in Fiscal Year 2011 shall be used to provide additional training as required by the bill.

(2) Renumber subsequent sections of Article XI of the bill appropriately.

#### **Floor Amendment No. 367**

Amend **CSSB 1**, Article XI, by adding a new appropriately numbered section to read as follows:

Sec. \_\_\_\_\_. As required by Title V, Section 5001(e)(3), States Application Toward Rainy Day Fund, to the extent any amounts that would have been transferred to the Economic Stabilization ("Rainy Day") Fund but for the operation of law preventing their deposit in the fund are not transferred said funds are hereby appropriated to the Texas Education Agency for distribution to local school districts based on their relative shares of funding under Part A of Title I of the Elementary and Secondary Education Act of 1965.

#### **Floor Amendment No. 371**

Amend **CSSB 1** as follows:

(1) Under the Article XI appropriations for Trusteed Programs within the Office of the Governor, add the following appropriately numbered rider:

\_\_\_\_\_. Border Security Appropriations. (a) In addition to other amounts appropriated for the state fiscal year ending August 31, 2010, the amount of \$5 million is appropriated for that fiscal year out of the general revenue fund to the office of the governor for the purpose of funding prosecution resources for district attorneys in border regions.

(b) It is the intent of the legislature that, before the execution of a significant border security or homeland security operation, the person with primary responsibility for the operation shall notify the public safety director of the Department of Public Safety of the State of Texas, the director of the division of emergency management in the office of the governor, and the director of the governor's office of homeland security. As soon as practicable after the execution of a significant border security or homeland security operation, the person with primary responsibility for the operation shall provide written notification of the operational plans to the public safety director

of the Department of Public Safety of the State of Texas, the director of the division of emergency management in the office of the governor, and the director of the governor's office of homeland security.

(2) Adjust the article totals and trustee programs totals appropriately.

### **Floor Amendment No. 372**

Amend **CSSB 1** by adding the following rider to Article XI of the bill following the Article XI provisions for the Texas Department of State Health Services:

Seat Management. (a) The following amounts are appropriated to the Texas Department of State Health Services in addition to other appropriations to the department under Article II of this Act for the purpose of contracting for IT seat management services to replace outdated desktop and laptop computers that are not currently under a seat management agreement.

(1) \$1,499,903 in general revenue for the state fiscal year beginning September 1, 2009; and

(2) \$1,504,321 in general revenue for the state fiscal year beginning September 1, 2010.

(3) The department is authorized to employ 3 full-time equivalent employees (FTEs), in addition to those otherwise authorized by the Act, to operate the program.

(4) Adjust the number of FTEs authorized for the Texas Department of State Health Services accordingly and adjust the Article totals and Article II agencies accordingly.

### **Floor Amendment No. 373**

Amend **CSSB 1** in the Special Provisions Relating to All Health and Human Services Agencies in Article XI of the bill by adding the following appropriately numbered section:

Sec. \_\_\_\_\_. Community Care Services Rate Increase. Out of the amounts appropriated elsewhere in this Act, the following agencies shall allocate the following amounts to allow for increases in community care attendant wages in the strategies listed for each agency:

a. Department of Aging and Disability Services: \$34,227,474 in general revenue funds and \$43,262,822 in federal funds for the state fiscal year ending August 31, 2010, and \$84,892,018 in general revenue funds and \$107,301,764 in federal funds for the state fiscal year ending August 31, 2011, in the following strategies:

- (1) A.2.1. Primary Home Care;
- (2) A.2.2. Community Attendant Services;
- (3) A.2.3. Day Activity and Health Services;
- (4) A.3.1. Community-Based Alternatives;
- (5) A.3.3. Community Living Assistance (CLASS);
- (6) A.3.5. Medically Dependent Children Program;
- (7) A.3.6. Consolidated Waiver Program;
- (8) A.4.1. Non-Medicaid Services;
- (9) A.5.1. Program of All-Inclusive Care-Elderly (PACE); and
- (10) A.6.4. Promoting Independence Services.

b. Health and Human Services Commission: \$2,070,159 in general revenue funds and \$2,616,641 in federal funds for the state fiscal year ending August 31, 2010, and \$8,308,592 in general revenue funds and \$10,501,894 in federal funds for the state fiscal year ending August 31, 2011, in the following strategies:

- (1) B.1.6. STAR+PLUS (Integrated Managed Care); and
- (2) B.3.3. Health Steps (EPSDT) Comprehensive Care Program.

c. It is the intent of the legislature that the base attendant care rate reimbursement component of the strategies listed in this section be increased by \$0.80 per unit of service, or the unit's equivalent, to satisfy the requirements of the federal minimum wage increment that takes effect on July 24, 2009. Any remaining general revenue funds are intended to be proportionately allocated to each program's attendant enhancement program as appropriate.

d. The Department of Aging and Disability Services and the Health and Human Services Commission shall submit a joint report by November 1, 2009, and November 1, 2010. The report submitted on November 1, 2009, shall contain a description of the prospective use of the funds allocated under this section for the state fiscal year ending August 31, 2010. The report submitted on November 1, 2010, shall include prospective information for the state fiscal year ending August 31, 2011, and retrospective use of the funds for the state fiscal year ending August 31, 2010. The reports shall be identified by fiscal year, strategy, and method of finance and must include any supporting materials specified by the Legislative Budget Board or the governor.

#### **Floor Amendment No. 374**

Amend **CSSB 1**, as follows:

(1) In Article XI of the bill, insert a new section, appropriately numbered to read as follows:

Sec. \_\_\_\_\_. Article XI Rider. Rider \_\_\_\_ Department of State Health Services. In addition to funds appropriated above, the Department of State Health Services is hereby appropriated the amount of \$100,000 in FY 2010 and \$150,000 in FY 2011 out of funds from the American Recovery and Reinvestment Act for the purpose of conducting, in conjunction with a general academic teaching institution, a comprehensive study of the provision of ground pre-hospital health care across Texas to include availability and appropriate levels of resources in urban, rural and frontier environments, reimbursement methods, staffing availability and longevity, funding methods including uncompensated care issues, and the appropriateness and level of EMS regulation across the state. The department will ensure that there is wide stakeholder input. The department shall submit a report to the Governor and the Legislative Budget Board no later than November 30, 2011.

(2) Renumber subsequent sections of Article XI of the bill appropriately.

#### **Floor Amendment No. 375**

Amend **CSSB 1**, House committee printing, by adding \$260,088,878 to Article XI, Agency Programs and Strategies Not Funded Elsewhere in This Act, Article II, Health and Human Services Commission, Enterprise Exceptional Items to address community based funding needs for the following strategies:

Department of Aging and Disability Services

- A.2.1 Primary Home Care
- A.2.2 Community Attendant Services
- A.3.1 Community Based Alternative (CBA)
- A.3.3 Community Living Assistance and Support Services (CLASS)
- Health and Human Services Commission
  - B.1.6 STAR+PLUS
  - B.3.3 Health Steps (EPSDT) Comprehensive Care

### **Floor Amendment No. 376**

Amend **CSSB 1** in Article XI of the bill following the Article II provisions for the Health and Human Services Commission by adding the following appropriately numbered rider:

\_\_\_\_. Additional Appropriation for Medically Needy Program. In addition to the other amounts appropriated by this Act to the Health and Human Services Commission, the appropriation from the General Revenue Fund for Goal B, Strategy B.1.4, Children & Medically Needy (page II-72), is increased by \$25 million for the state fiscal year beginning September 1, 2009, and by \$25 million for the state fiscal year beginning September 1, 2010. The commission shall use the additional appropriation made by this provision to reimburse Medicaid health care providers for in-patient catastrophic health care services provided to adult Medicaid recipients.

### **Amendment No. 377**

Contingency Appropriation for House **CSSB 1** and Availability of Funds. Contingent on the availability of funds and in addition to the \$30 million General Revenue funds allocated for nursing home rate increases in Article XI of the House Committee Substitute for SB 1:

a. The Department of Aging and Disability Services is hereby appropriated an estimated \$337,792,728 in General Revenue and an estimated \$474,207,724 in Federal Funds for fiscal years 2010 and 2011 in Strategy A.6.1, Nursing Facility Payments to increase funding for Medicaid nursing home care commensurate with the estimates in the Health and Human Services Consolidated Budget (pages 85 and 96) for 2010 and 2011.

### **Amendment No. 378**

Amend **CSSB 1** as follows:

Add the following rider to Article XI.

Contingency Appropriation for Pharmaceutical Countermeasures. From funds appropriated in Article II of this Act and contingent upon the following three outcomes, the Department of State Health Services is hereby appropriated \$20,000,000 in general revenue in fiscal year 2010 to purchase and appropriately store pharmaceutical countermeasures approved by the U.S. Food and Drug Administration to treat individuals who are or may become contaminated with radioactive cesium:

(1) Federal Grant Effort. The department failing to receive \$20,000,000 in federal funds by August 1, 2010 to obtain pharmaceutical countermeasures approved by the U.S. Food and Drug Administration to treat individuals contaminated with

radioactive cesium. If the Department obtains \$20 million in qualified federal funding then the Department is hereby appropriated those funds for the purchase of the pharmaceuticals and shall purchase the pharmaceuticals;

(2) Plan to Support First Responders. The department developing, by August 1, 2010, a plan to support and protect first responders in Texas and a plan for the distribution and storage of pharmaceuticals; submitting that plan to the Office of Governor, Division of Homeland Security; and

(3) Lapsed Salary Appropriation. On or before August 20, 2010 the Comptroller of Public Accounts shall certify to the Legislative Budget Board whether year-end balances of general revenue, in whole or in part, used to support salary costs at Article II agencies are sufficient to cover the costs of the appropriation made above.

If the three contingencies above are not met, this rider has no effect.

It is the intent of the Legislature this rider does not negatively impact general revenue match requirements for federally funded health care programs. Any 2010 balances in Article II agencies or the 911 Commission identified by the Comptroller of Public Accounts pursuant to this rider are hereby appropriated for purposes of this rider in fiscal year 2011.

### **Floor Amendment No. 379**

Amend **CSSB 1** (Senate committee printing) as follows:

(1) Add the following in Article XI following the appropriations to the Texas Education Agency:

Texas Education Agency is hereby appropriated for fiscal year 2010 \$18,711,000 and for fiscal year 2011 \$18,711,000 out of general revenue.

Additional Compensation for certain teachers. In addition to other compensation to which a teacher is entitled, an additional \$9,000 per year must be provided to teachers who:

(1) teaches at a campus at which 85 percent or more of the students are educationally disadvantaged; and

(2) has at least three years of classroom teaching experience; and

(3) teaches a subject that the teacher is certified to teach.

### **Amendment No. 380**

Amend **CSSB 1** as follows:

Add the following appropriately numbered rider in Article 11:

\_\_\_\_. After-school tutoring funding. Out of the funds appropriated in Article 1, Texas Education Agency, to the Teacher Incentive Awards Program, \$342,102,470 for the 2010-2011 biennium, ten percent of those funds shall be directed for the purpose of compensating teachers for providing after school tutoring.

### **Amendment No. 381**

Amend **CSSB 1** as follows:

Add the following appropriately numbered rider in Article 11:

\_\_\_\_\_. Math and science teaching incentives funding. Out of the funds appropriated in Article 1, Texas Education Agency, to the Teacher Incentive Awards Program, \$342,102,470 for the 2010-2011 biennium, ten percent of those funds shall be directed for the purpose of providing incentives for teachers to teach math and science.

#### **Amendment No. 382**

Amend **CSSB 1** as follows:

Add the following appropriately numbered rider in Article 11:

\_\_\_\_\_. Under-served schools incentives funding. Out of the funds appropriated in Article 1, Texas Education Agency, to the Teacher Incentive Awards Program, \$342,102,470 for the 2010-2011 biennium, ten percent of those funds shall be directed for the purpose of providing incentives for teachers to teach at schools that have received a less than acceptable rating by the Texas Education Agency in the previous school year.

#### **Floor Amendment No. 383**

Amend **CSSB 1** as follows:

Add the following appropriately numbered rider in Article XI:

\_\_\_\_\_. Juvenile Pilot Program. The following funds in Strategy B.1.1, Community Corrections Services, \$15,000,000 in General Revenue Funds in fiscal year 2010 and \$15,000,000 in General Revenue Funds in fiscal year 2011, may be expended only for the purpose of providing competitive evidence based model pilot programs through juvenile probation departments that demonstrate a reduction in recidivism and out of home placement and that would also provide for the diversion of youth from the Texas Youth Commission and targeted towards counties with high rates of commitments to the Texas Youth Commission. These funds shall not be used by local juvenile probation departments for salary increases or costs associated with the employment of staff hired prior to September 1, 2009.

#### **Floor Amendment No. 384**

Amend **CSSB 1** as follows:

Add the following appropriately numbered rider in Article XI:

\_\_\_\_\_. Reentry Reporting Centers. Included in the amounts appropriated in Texas Youth Commission Strategy C.1.3, Parole Services is \$800,000 in fiscal year 2010 and \$800,000 in fiscal year 2011 in General Revenue Funds for the purpose of developing Reentry Reporting Centers to assist in the transition of youth from urban communities back to their homes.

#### **Floor Amendment No. 385**

Amend **CSSB 1** as follows:

ARTICLE XI - Contingency Rider

Contingency Rider for TDCJ Academic/Vocational Training. Contingent upon a determination by the Texas Department of Criminal Justice that an increase in general revenue used to expand participation in education programs funded by Strategy C.2.2 Academic/Vocational Training under the department will be offset by savings resulting from a reduction in prison population due to a reduction in the rate of



recidivism, the department may increase the amounts appropriated above to Strategy C.2.2 Academic/Vocational Training under the Texas Department of Criminal Justice by an amount not to exceed \$1,450,000 in Fiscal Year 2010 and \$1,450,000 in Fiscal Year 2011 out of funds otherwise appropriated to the department. Preference for participation in the programs funded by this strategy shall be given to inmates who will be released during the 2010-2011 biennium and who can complete a degree or certificate program prior to release. The department shall conduct a study during FY2010 and FY2011 comparing recidivism of participants in these programs to recidivism in the general prison population and the degree to which the programs can be further expanded in a manner that the savings from reduced demand for prison capacity equal or exceed the costs of the expansion.

#### **Floor Amendment No. 386**

Amend **CSSB 1** as follows:

ARTICLE XI - Contingency Rider

Contingency Rider for TDCJ Academic/Vocational Training. Contingent upon a determination by the comptroller of public accounts that an increase in general revenue used to expand participation in education programs funded by Strategy C.2.2 Academic/Vocational Training under the Texas Department of Criminal Justice will be offset by a reduction in prison population due to a reduction in the rate of recidivism and that such an increase will not affect the comptroller's certification of the general appropriations bill, the amounts appropriated above to Strategy C.2.2 Academic/Vocational Training under the Texas Department of Criminal Justice will be increased to the lesser of \$1,450,000 in Fiscal Year 2010 and \$1,450,000 in Fiscal Year 2011 or the amount for each year that the comptroller determines will be offset. Preference for participation in the programs funded by this strategy shall be given to inmates who will be released during the 2010-2011 biennium and who can complete a degree or certificate program prior to release. The department shall conduct a study during FY2010 and FY2011 comparing recidivism of participants in these programs to recidivism in the general prison population and the degree to which the programs can be further expanded in a manner that the savings from reduced demand for prison capacity equal or exceed the costs of the expansion.

#### **Floor Amendment No. 387**

Amend **CSSB 1**, under Article XI, Sec. 1, Article IX, by adding the following appropriately numbered rider:

Sec. 17. \_\_\_\_\_. Contingency for Juvenile Pilot Program. Contingent on the enactment of \_\_\_\_, or similar legislation relating to the creation of the Texas Juvenile Justice Department and establishment of a juvenile pilot program by the Eighty-first Legislature, Regular Session, the Texas Juvenile Justice Department is appropriated \$12,500,000 in fiscal year 2010 and \$12,500,000 in fiscal year 2011 in General Revenue Funds to implement pilot programs in counties with a population of 350,000 or greater, according to the most recent federal census. These funds may only be used for non-profit or faith-based private providers for innovative juvenile justice and family programs or other specialized programs. These funds shall be awarded through a competitive process and may only be used for providers that demonstrate experience in effective program delivery and the ability to quantify a program's

effectiveness. The pilot program is intended to ensure that counties keep lower-risk offenders eligible for commitment to the Texas Juvenile Justice Department in their home communities and out of state confinement. These funds shall not be used by local juvenile probation departments for salary increases or costs associated with the employment of staff. These funds shall not be used to supplant existing expenditures associated with programs, services, and residential placement of youth within the local juvenile probation departments.

#### **Floor Amendment No. 388**

Amend **CSSB 1** as follows:

(1) Under the Article XI items for General Academic Institutions, System Offices, add the following appropriately numbered rider:

\_\_\_\_. Center for Urban and Structural Entomology. The amount of \$1,211,372 is appropriated out of the general revenue fund to Texas A&M University for the state fiscal year ending August 31, 2010, and the additional amount of \$1,211,372 is appropriated out of the general revenue fund to Texas A&M University for the state fiscal year ending August 31, 2011, for the purpose of establishing a Center for Urban and Structural Entomology at Texas A&M University.

(2) Adjust the article totals accordingly.

#### **Amendment No. 389**

Amend **CSSB 1** as follows:

1. On page [ ] of the bill pattern for the Texas A&M University, add new \_\_\_\_ Strategy: Center for Urban and Structural Entomology and increase the appropriation out of General Revenue to new \_\_\_\_ Strategy by \$1,211,372 for the Fiscal Year 2010 and \$1,211,372 for fiscal year 2011 for the Center for Urban and Structural Entomology at Texas A&M University.

2. On page [ ] of the bill pattern for Texas A&M University, add the following appropriately numbered new riders:

\_\_\_\_. Center for Urban and Structural Entomology. Included in appropriations to the agency in new \_\_\_\_ Strategy: Center for Urban and Structural Entomology, \$1,211,372 for the Fiscal Year 2010 and \$1,211,372 for fiscal year 2011 shall be used for the establishment of the Center for Urban and Structural Entomology at Texas A&M University.

#### **Floor Amendment No. 390**

Amend **CSSB 1** (House committee printing) as follows:

(1) In Article XI of the bill in the Article III provisions for General Academic Institutions, Systems Offices (page XI-7), add the following item after the existing items for Texas State University–San Marcos (page XI-10):

Texas State University - San Marcos - Rider: Contingency for House Bill No. 713, Recital Hall and Theater Center. Contingent on enactment and becoming law of House Bill No. 713 or similar legislation of the 81st Legislature, Regular Session, 2009, that authorizes the issuance of revenue bonds for the construction of a recital hall and theater center at Texas State University–San Marcos, the sum of \$4,211,999 is appropriated for each state fiscal year of the state fiscal biennium beginning

September 1, 2009, out of the general revenue fund to Texas State University–San Marcos for the purpose of reimbursing the university for debt service on bonds issued to finance the construction of the recital hall and theater center at the university.

(2) Adjust the article totals (page XI-12) accordingly.

### **Floor Amendment No. 391**

Amend **CSSB 1** (House committee printing) as follows:

(1) Under the Article XI items, add the following appropriately numbered rider: \_\_\_\_\_. Research Involving Phytomedicine. The National Center for Pharmaceutical Crops at the Arthur Temple College of Forestry and Agriculture, Stephen F. Austin State University, is appropriated \$1,000,000 from the general revenue fund for the state fiscal biennium beginning September 1, 2009, for the purpose of cancer research involving phytomedicine.

(2) Adjust the article totals accordingly.

### **Floor Amendment No. 392**

Amend **CSSB 1**, as introduced, as follows:

(1) In ARTICLE 11 of the bill, insert a new Section, appropriately numbered, to read as follows:

Sec. \_\_\_\_\_. \$100 million dollars shall be allocated to the Texas Higher Education Coordinating Board for the purpose of providing matching grants for renewable energy research and development at institutions of higher education.

(2) Renumber subsequent Sections of ARTICLE 11 of the bill appropriately.

### **Amendment No. 393**

Amend **CSSB 1**, ARTICLE XI, as follows:

On page III-\_\_\_\_ of the Higher Education Coordinating Board's bill pattern, replace rider 12 with the following rider:

12. Family Practice, Rural, ~~and~~ Public Health, and Oncology Rotations. Funds appropriated above for Family Practice Residency Programs, include up to \$363,000 in 2010 and \$363,000 in 2011 for one month rural rotations, one month public health rotations, or one month oncology rotations for family practice residents in accordance with the provisions of Education Code § 51.918.

### **Floor Amendment No. 394**

Amend **CSSB 1** as follows:

1. On page VIII-69, reduce general revenue funding for Strategy D.1.1. Indirect Administration by \$100,000 in Fiscal Year 2010 and by \$100,000 in Fiscal Year 2011;

2. In Article XI, increase general revenue funding for University of Houston-Downtown-Rider: Community Development Project, by \$100,000 in Fiscal Year 2010 and by \$100,000 in Fiscal Year 2011.

### **Floor Amendment No. 395**

Amend **CSSB 1** as follows:

1. In Article XI, increase general revenue funding for University of Houston-Downtown-Rider: Community Development Project, by \$100,000 in Fiscal Year 2010 and by \$100,000 in Fiscal Year 2011.

**Floor Amendment No. 396**

Amend **CSSB 1** in Article XI by adding the appropriately numbered rider and renumbering accordingly.

Rider \_\_\_\_ Out of the funds appropriated in this Act, not less than \$100,000 per year shall be appropriated to the Center for Big Bend Studies at Sul Ross State University.

**Floor Amendment No. 397**

Amend **CSSB 1** in Article XI by adding the appropriately numbered rider and renumbering accordingly.

Rider \_\_\_\_ Out of the funds appropriated in this Act, not less than \$100,000 per year shall be appropriated to the Equine Science Program at Sul Ross State University for the development of an International Studies Program.

**Floor Amendment No. 398**

Amend **CSSB 1** in Article XI by adding the appropriately numbered rider and renumbering accordingly.

Rider \_\_\_\_ Out of the funds appropriated in this Act, not less than \$100,000 per year shall be appropriated to the Museum of the Big Bend at Sul Ross State University.

**Floor Amendment No. 400**

Amend **CSSB 1** (House committee printing) as follows:

Under the Article XI appropriations to the Texas Higher Education Coordinating Board, Health Related Institutions, add the following appropriately numbered rider:

\_\_\_\_. Appropriation: Texas State University, Round Rock Higher Education Center Health Professions Building #1. In addition to amounts otherwise appropriated by this Act, the sum of \$73,366,997 is appropriated out of the General Revenue Fund to the Texas Higher Education Coordinating Board for 2010 of the state fiscal biennium to be used for building construction of the Health Professions and Laboratory facilities at the Texas State University, Round Rock Higher Education Center.

**Floor Amendment No. 401**

Amend **CSSB 1** in Article XI by adding the appropriately numbered rider and renumbering accordingly.

Rider \_\_\_\_ Out of the funds appropriated in this Act, not less than \$3 million shall be appropriated for the construction of a new Texas Department of Transportation facility in Alpine, Texas.

**Floor Amendment No. 402**

Amend **CSSB 1** in Article XI by adding the appropriately numbered rider and renumbering accordingly.

Rider \_\_\_\_ Out of the funds appropriated in this Act, not less than \$1 million shall be appropriated to Texas Parks and Wildlife Department for improvements to Garner State Park.

**Floor Amendment No. 403**

Amend **CSSB 1** in Article XI by adding the appropriately numbered rider and renumbering accordingly.

Rider \_\_\_\_\_. Out of the funds appropriated in this Act, not less than \$6 million shall be appropriated to Texas Parks and Wildlife Department for the construction of a recreational facility and pool in Presidio County.

**Floor Amendment No. 404**

Amend **CSSB 1** in Article XI by adding the appropriately numbered rider and renumbering accordingly.

Rider \_\_\_\_\_. Out of the funds appropriated in this Act, not less than \$1 million shall be appropriated to Texas Parks and Wildlife Department for improvements to Monahans Sandhills State Park.

**Floor Amendment No. 405**

Amend **CSSB 1** in Article XI by adding the appropriately numbered rider and renumbering accordingly.

Rider \_\_\_\_\_. Out of the funds appropriated in this Act, not less than \$3 million per year shall be appropriated for the construction of a combined Department of Public Safety, Texas parks and Wildlife Department, and Texas Department of Transportation facility in Marfa, Texas.

**Floor Amendment No. 406**

Amend **CSSB 1** in Article XI by adding the appropriately numbered rider and renumbering accordingly.

Rider \_\_\_\_\_. Out of the funds appropriated in this Act, not less than \$100,000 per year shall be appropriated to establish the Laboratory of Heritage Genetics at Sul Ross State University.

**Floor Amendment No. 407**

Amend **CSSB 1**, under Article XI, under bill pattern for the Commission on State Emergency Commission add the following appropriately numbered rider:

\_\_\_\_\_ Construction of Dispatch Center in Hidalgo County. To the extent provided by law, out of funds appropriated above, the Commission on State Emergency Communications shall provide a grant of \$1,250,000 in fiscal year 2010 to the Lower Rio Grande Valley Development Council for the construction of an emergency dispatch center in Hidalgo County and procurement of 9-1-1 and emergency dispatch equipment, pursuant to Health and Safety Code, Section 771.0751.

**Floor Amendment No. 409**

Amend **CSSB 1**, under Article XI as follows:

(1) On page XI-2 for the Historical Commission, increase General Revenue appropriations to Strategy A.1.4, Evaluate/Interpret Resources, by \$100,000 in fiscal year 2010; and

(2) On page XI-2 for the Historical Commission, add the following rider:

\_\_\_\_\_. Grant Funding for the Renovation of the Weslaco Bi-Cultural Museum. Included in amounts appropriated above in Strategy A.1.4, Evaluate/Interpret Resources, is \$100,000 in General Revenue funds in fiscal year 2010 to provide grants for the renovation of the Weslaco Bi-Cultural Museum, located in Weslaco, Texas, pursuant to Government Code §442.0145(a)(1). Any unexpended balances as of August 31, 2010, out of the appropriations made herein are hereby appropriated to the Texas Historical Commission for the fiscal year beginning September 1, 2010.

#### **Floor Amendment No. 410**

Amend **CSSB 1**, under Article XI as follows:

(1) Under Article XI, Sec. 1, Article I, on page XI-2 of the bill pattern for the Historical Commission, increase General Revenue appropriations to Strategy A.1.4, Evaluate/Interpret Resources, by \$100,000 in fiscal year 2010.

(2) Under Article XI, Sec. 1, Article I, on page XI-2 of the bill pattern for the Historical Commission, add the following rider:

\_\_\_\_\_. Grant Funding for the Renovation of the Donna Hooks Fletcher Museum. Included in amounts appropriated above in Strategy A.1.4, Evaluate/Interpret Resources, is \$100,000 in General Revenue funds in fiscal year 2010 to provide grants for the renovation of the Donna Hooks Fletcher Museum, located in Donna, Texas, pursuant to Government Code §442.0145(a)(1). Any unexpended balances as of August 31, 2010, out of the appropriations made herein are hereby appropriated to the Texas Historical Commission for the fiscal year beginning September 1, 2010.

#### **Floor Amendment No. 411**

Amend **CSSB 1** as follows:

(1) Add an appropriately numbered rider on Page XI-2, under Article XI, Sec. 1, Article I, to the appropriation for the Trusteed Programs within the Office of the Governor, to read as follows:

Sec. \_\_\_\_\_. Emergency Response Center. Out of funds appropriated above to the Trusteed Programs within the Office of the Governor, the amount of \$1,250,000 may be used only for the purpose of constructing an emergency response center in or near Weslaco.

(2) On Page XI-13, under Article XI, Sec. 1, Article V, strike the line in the appropriation to the Adjutant General's Department, "Rider and Funding: Emergency Response Center 1,250,000".

#### **Floor Amendment No. 412**

Amend **CSSB 1** in Article XI by adding the appropriately numbered rider and renumbering accordingly.

Rider \_\_\_\_\_. Out of the funds appropriated above, not less than \$10 million, and not more than \$15 million, shall be appropriated for an economic development project that benefits a city or community that is located within a 10-mile radius of a major military hospital, military base or military installation. The economic development project must include the following:

1) Construction of a facility for police, law enforcement, fire, and/or emergency responder personnel,

2) Construction of a facility that can be used as a technology incubator that also compliments and/or helps maximize a previous grant made from the Texas Enterprise Fund or the Texas Emerging Technology Fund, and

3) Some form of renewable energy in its design.

### **Floor Amendment No. 413**

Amend **CSSB 1** in Article XI of the bill, at the end of the appropriations to the Texas Department of Transportation by adding the following appropriately numbered rider:

\_\_\_\_. APPROPRIATION FOR RAIL RELOCATION AND IMPROVEMENT FUND. (a) On a finding by the comptroller under Subsection (b) of this rider, an amount not to exceed \$91 million is appropriated out of the state highway for state fiscal year 2010 and \$91 million is appropriated out of the state highway fund for state fiscal year 2011 for transfer to the Texas rail relocation and improvement fund. The amounts are appropriated for expenditure out of the Texas rail relocation and improvement fund to the Texas Department of Transportation for the purposes described by Section 49-o, Article III, Texas Constitution.

(b) The appropriations under Subsection (a) of this rider may be made only if the comptroller issues a finding of fact that the following items total in increase for the 2010-2011 state fiscal biennium of at least \$182 million over the 2008-2009 state fiscal biennium:

(1) the net impact of enacted revenue measures on incoming revenue of the state highway fund;

(2) the amount of any reduction in appropriations made from the state highway fund to state agencies other than the Texas Department of Transportation; and

(3) any increase in appropriations made to the Texas Department of Transportation from the general revenue fund.

(c) The appropriation of money under Subsection (a) of this rider does not include money in the state highway fund that is dedicated for particular purposes by the constitution of this state.

(d) Any unexpended balance on August 31, 2010, of amounts appropriated by this rider is appropriated for the purposes of this rider for the state fiscal year beginning September 1, 2010.

### **Floor Amendment No. 414**

Amend **CSSB 1** in Article XI by adding the appropriately numbered rider and renumbering accordingly.

Rider \_\_\_\_\_. Out of the funds appropriated in this Act, not less \$5 million shall be appropriated to the City of Uvalde for the purpose of implementing a Safe Way to School Program. These funds shall be used for the improvement of sidewalks along major roadways, a trail system connecting schools, and the overall improvement of routes for students walking to and from schools located in the community.

**Floor Amendment No. 415**

Amend **CSSB 1** by adding the following new rider to Article XI:

(1) \_\_\_\_\_. Low Income Discount. In addition to amounts appropriated above, the Public Utility Commission shall be appropriated \$30,000,000 in fiscal year 2010 and \$30,000,000 in fiscal year 2011 from the GR Dedicated - System Benefit Account No. 5100 in Strategy C.1.1, Energy Assistance, for purposes of funding the Low Income Discount Program.

**Floor Amendment No. 416**

Amend **CSSB 1** in Article XI by adding the appropriately numbered rider and renumbering accordingly.

Rider \_\_\_\_\_. Flood Protection: In addition to amounts appropriated above there is hereby appropriated to the Water Development Board out of the General Revenue Fund \$5 million for the 2010-11 biennium in Strategy A2.2., Water Resources Planning to be transferred to the Water Assistance Fund (WAF) No. 480 for a grant to construct flood protection measures on creeks flowing into the Rio Grande which have experienced flooding above the 500 year level and whereby such flooding has caused loss of life.

**Floor Amendment No. 417**

Amend **CSSB 1**, Article XI, by adding the following:

Appropriation: Edwards Aquifer Recovery Implementation Program. Out of funds appropriated above in Strategy A.2.2, Water Resources Planning, the Water Development Board shall allocate \$1,692,500 in fiscal year 2010 out of the Water Assistance Fund No. 480 to be used for grants and studies related to the Edwards Aquifer Recovery Implementation Program.

Any unexpended balances as of August 31, 2010 out of appropriations made herein are appropriated to the Water Development Board for the same purpose for the fiscal year beginning September 1, 2010.

**Floor Amendment No. 418**

Amend **CSSB 1** in Article XI by adding the following appropriately numbered rider:

\_\_\_\_\_. In addition to the amounts appropriated above in strategy A.1.1, Air Quality Assessment and Planning, there is hereby appropriated to the Texas Commission on Environmental Quality for the biennium beginning September 1, 2009 all fee revenues collected pursuant to Section 185 of the federal Clean Air Act. The first \$12,500,000 of these funds collected each fiscal year shall be used according to the following formula for projects to be implemented within the nonattainment area in which the fees are collected: 20% for grants under the Clean School Bus Initiative established in Health and Safety Code, Chapter 390; up to 30% for grants to fund the acquisition and deployment of the latest monitoring technologies, including, but not limited to differential absorption LIDAR (DIAL) and the portable infrared camera; up to 20% for the new technology implementation program established in Health and Safety Code, Chapter 387; and the balance for incentive payments for the Diesel Emissions Reduction Programs established in Health and Safety Code, Chapter 386, Subchapter C. Amounts collected in excess of \$12,500,000 each fiscal year shall be



used for projects to be implemented anywhere within the state that are authorized by Health and Safety Code Section 386.051, with a priority given to maximize the number of buses in the state that are cleaned up under the Clean School Bus Initiative established in Health and Safety Code, Chapter 390.

#### **Floor Amendment No. 419**

Amend **CSSB 1**, on page XI, under Texas Commission on Environmental Quality, add the following new rider:

Appropriation: Prostate Cancer and Breast Cancer Screening. In addition to amounts appropriated above in Strategy C.1.3, Pollution Prevention and Recycling, is \$250,000 out of the Hazardous and Solid Waste Remediation Fee Account No. 550 to be used during the biennium beginning on September 1, 2009 to contract with the Julie Rogers Gift of Life Program to conduct prostate and breast cancer screening on individuals living in close proximity to Superfund sites.

#### **Floor Amendment No. 420**

Amend **CSSB 1**, on page XI-\_\_\_\_ to add a new Sec. \_\_\_\_ to read as follows:

Sec. \_\_\_\_ Texas Outdoor Family Program. In addition to amounts appropriated elsewhere in this Act, the Texas Parks and Wildlife Department (TPWD) is appropriated \$358,191 each fiscal year (or \$716,382 for the biennium) in Strategy B.1.1, State Park Operations from the General Revenue-Dedicated State Parks Account No. 64 to expand the Texas Outdoor Family program and to improve park management, services and programs. Also, the "Number of Full-Time-Equivalent Positions (FTE)" for TPWD is hereby increased by 10.0 FTEs in each fiscal year in Strategy B.1.1, State Park Operations to expand the program and improve park operations.

#### **Floor Amendment No. 421**

Amend **CSSB 1**, as introduced, as follows:

Add the following appropriately numbered rider in Article XI:

\_\_\_\_. Judicial Emergency Data Infrastructure pilot: The following 4.5 million dollars are appropriated out of the economic stabilization fund to enter into a pilot project for the creation of a Judicial Emergency Data Infrastructure with the District Courts of Galveston County. Galveston County must use 4.5 million dollars for digitization of all district court case records from 1836 thru 2009. Funding for the pilot project begins in the fiscal year beginning September 1, 2009. Any unexpended balances as of August 31, 2010 in the appropriations made herein to the Office of Court Administration are appropriated for the same purpose and costs related to creation of the pilot project for a Judicial Emergency Data Infrastructure for the fiscal year beginning September 1, 2010.

#### **Floor Amendment No. 422**

Amend **CSSB 1** on page XII-1 (Trusted Programs Within the Office of the Governor) by inserting the following appropriately numbered rider and renumbering any subsequent riders accordingly:

#\_\_\_\_. Weapons Trafficking. Out of the funds appropriated above in Item 1: Byrne Justice Assistance Grants (JAG) is \$9,030,000 for the biennium for the prevention, detection, and prosecution of international weapons trafficking.

**Floor Amendment No. 426**

Amend **CSSB 1** by adding the following new subsection to Sec. 5 of Article XII on page XII-7.

\_\_\_\_. Reporting Requirements. Each state agency and institution of higher education receiving appropriations under this article shall include in the reports required by Subsection (b) the country of origin from which any purchases of goods, services and capitol or infrastructure materials were purchased.

**Floor Amendment No. 427**

Amend **CSSB 1** in Article XII as follows:

(1) On page XII-7, Section 5(a), strike "a summary of any" and substitute "a detailed accounting of all".

(2) On page XII-7, Section 5(b), between the comma and "Legislative Budget Board", insert "each Member of the Legislature,".

(3) On page XII-8, Section 10:

(A) between the period and "Each", insert "(a)".

(B) strike "According to requirements of the Legislative Budget Board and the Governor the plan" and substitute "The plan shall be in the format prescribed by the Legislative Budget Board and".

(C) in Subdivision (3), strike "and Governor".

(D) in Subdivision (5), strike "or Governor".

(E) in Subdivision (10), strike "or the Governor".

(F) add Subsections (b) and (c) to read as follows:

(b) The plan, including any revisions, shall also be submitted to each Member of the Legislature, the State Auditor, the Comptroller of Public Accounts, and the Governor.

(c) The Governor may request that an agency supplement its plan under this section or provide such other information as the Governor may require. The Governor shall provide the supplements or information to the Legislative Budget Board for distribution to other persons entitled to receive the plan filed with the board.

(4) Strike Section 11.

(5) Insert the following appropriately-numbered riders and renumber any subsequent riders accordingly:

\_\_\_\_. FILING AND POSTING OF RECOVERY ACT DOCUMENTS. (a) Each state agency and institution of higher education shall file with the Legislative Reference Library all documents and information pertaining to the receipt and expenditure of money received under the Recovery Act and any subsequent Federal economic stimulus legislation, including but not limited to correspondence, notice of availability of funding and awarding of grants or contracts, signed contracts, project description, progress toward project completion, and audit reports. The library shall make all documents and information filed with it available for public inspection and use and shall the documents and information on the Library's Website.

(b) Each state agency and institution of higher education shall post in a prominent position on the home page of the agency's or institution's website all information pertaining to Federal economic stimulus funding received or disbursed by the agency or institution, including but not limited to notices of the availability of stimulus funding, the process for applying for or obtaining a grant or contract, and a contact address and phone number to receive more information, and information on how to file a complaint with the agency or institution about the use of that funding.

\_\_\_\_\_. COOPERATION OF AGENCY AUDIT AND INVESTIGATION PERSONNEL WITH STATE AUDITOR. All inspectors general, internal auditors, external contracted auditors, and all other personnel at state agencies and institutions of higher education shall cooperate with any and all requests by the State Auditor's Office related to funds received under the Recovery Act or any subsequent Federal economic stimulus legislation.

\_\_\_\_\_. DESIGNATION OF LEAD AGENCIES. The Governor shall designate specific state agencies to serve as the lead agency to coordinate and maximize the state's efforts to apply for and obtain funding in areas where states and/or other entities must apply for and/or compete for funding, including broadband expansion and mapping; renewable energy, and health information technology.

\_\_\_\_\_. CONTINGENCY RELATED TO ACCOUNTABILITY LEGISLATION. In the event that the Texas Government Accountability and Transparency Act of 2009 or similar legislation is not enacted, the following details, limitations, and restrictions apply to each state agency and institution of higher education receiving Federal economic stimulus funds:

(1) Each agency and institution must provide 30-days written notice to each Member of the Legislature prior to obligating or expending Federal economic stimulus funds that exceed the amount appropriated in this Act.

(2) The notice required under Subdivision (1) shall be posted on the agency's or institution's website and in the Texas Register.

(3) The agency or institution must hold a public hearing on the intended use of the additional funds.

(4) The Legislative Budget Board must consent in writing before any additional funds are obligated or expended.

\_\_\_\_\_. PERFORMANCE MEASURES. The Legislative Budget Board shall prescribe performance measures for the use of Federal economic stimulus funds and shall publish those performance measures not later than September 30, 2009, and those performance measures shall have the same effect as performance measures contained in this Act.

#### **Floor Amendment No. 429**

Amend **CSSB 1**, in Article XII of the bill, at the end of Section 15 (Border Security Projects Funding) (page XII-9), by inserting the following:

Eligible activities for overtime, per diem and related travel expenses are limited to criminal investigations, arrests and prosecutions of the following activities: (1) Drug transportation or smuggling; (2) Stolen vehicles used for arms smuggling, drug transportation or smuggling; (3) Currency seizures connected to organized crime arrests; (4) Drug interdictions in drug trafficking quantities; (5) Alien smuggling; (6) Arms smuggling; (7) Kidnapping or extortion.

**Floor Amendment No. 430**

Amend **CSSB 1**, in Article XII of the bill, at the end of Section 15 (Border Security Projects Funding) (page XII-9), by inserting the following:

Allocations for Byrne Justice Assistance Grants related to border security projects must be made using a funding formula that fully considers the needs of the communities or other entities applying for the grants and that gives emphasis to:

(1) the quality of homeland security or border security information collected by the applicants;

(2) the number of suspects with authority in a criminal enterprise apprehended by the applicants; and

(3) the amount of illegal substances, contraband currency, firearms, ammunition, and stolen vehicles seized by the applicants.

**Floor Amendment No. 432**

Amend **CSSB 1**, on page XII-9 of the Special Provisions American Recovery and Reinvestment Act bill pattern, Add the following new rider:

\_\_\_\_. Use of Funds. (a) None of the funds appropriated in this Article may be expended for any purpose other than those identified above.

(b) Prior to the expenditure of any funds appropriated in this Article, each agency shall report to the Legislative Budget Board, the Governor, and Comptroller of Public Account any changes in federal law, rules or regulations in programs that receive appropriations under this Article that could create a future fiscal obligation beyond fiscal year 2011 to the state. Upon such notification, the Legislative Budget Board may consult with the Governor. If after the tenth business day after notification from the agency, the governor does not issue a written disapproval, the Comptroller of Public Accounts shall release the funds.

(c) Prior to processing any voucher for the expenditure of funds appropriated by this Article, the Comptroller shall review each proposed expenditure for compliance with applicable state and federal law and shall note such compliance review on each voucher. At the request of the Legislative Budget Board, the State Auditor may also review vouchers for the expenditure of funds appropriated by this Article.

**Floor Amendment No. 433**

Amend **CSSB 1**, as introduced, as follows:

(1) In ARTICLE 12 of the bill, insert a new Section, appropriately numbered, to read as follows:

Sec. \_\_\_\_\_. Contingency Rider: No-Interest Energy Loan Program. Contingent upon the passage of House Bill 4261 and to the extent allowed by federal law and regulations, out of funds appropriated above in Item 1, State Energy Program, to the Fiscal Programs Office of the Comptroller the State Energy Conservation Office shall allocate up to \$65,000,000 to a no-interest loan program to promote the use of energy efficiency measures and renewable energy technology in certain residential dwellings and commercial buildings.

(2) Renumber subsequent Sections of ARTICLE 12 of the bill appropriately.

**Floor Amendment No. 435**

Amend **CSSB 1**, as introduced, as follows:

(1) In ARTICLE 12 of the bill, insert a new Section, appropriately numbered, to read as follows:

Sec. \_\_\_\_\_. Health Information Technology and Veterans care. To the extent allowed by federal law and regulations, if additional federal dollars are received, out of funds appropriated above in Item 1, the Texas Legislature will allocate \$75,000,000 to the Department of State Health Services (DSHS) to coordinate with the Veterans Administration, Federally Qualified Health Centers and the Texas Health Services Authority to coordinate a seamless health information exchange program for veterans. DSHS will facilitate the Health Information Technology/Exchange program statewide through Federally Qualified Health Centers. DSHS shall report to the Legislative Budget Board before September 30, 2009, regarding programs and recovery funding streams in other state and local agencies that could be part of the coordinated Health Information Technology/Exchange strategy including funds allocated for veterans programs, health information technology, and/or any other recovery funds.

(2) Renumber subsequent Sections of ARTICLE 12 of the bill appropriately.

**Amendment No. 436**

Amend **CSSB 1** as follows:

Add the following appropriately numbered rider in Article 12 following the special provisions regarding appropriations under the American Recovery and Reinvestment Act:

\_\_\_\_\_. Legal Services Victim Assistance Grants. Out of the funds appropriated in Item 1, Byrne Justice Assistance Grants (JAG), to the Trusteed Programs within the Office of the Governor, \$6.5 million in fiscal year 2010 and \$6.5 million in fiscal year 2011 of those funds shall be directed for grants to nonprofit programs that provide basic civil legal services to assist indigent individuals that have been victims of domestic violence, sexual assault, or human trafficking. The Office of the Governor may enter into a Memorandum of Understanding with the Supreme Court of Texas for the administration, and monitoring of Legal Services grants to assist crime victims.

**Floor Amendment No. 438**

Amend **CSSB 1** by adding the following appropriately numbered rider to Article XII of the bill following the special provisions regarding appropriations under the American Recovery and Reinvestment Act:

Sec. \_\_\_\_\_. State Energy Projects Funding. Contingent on H.B. No. 3706 or similar legislation of the 81st Legislature relating to the creation of a solar energy system rebate program, being enacted and becoming law, from funds appropriated to the Comptroller of Public Accounts in this article for the State Energy Program (page XII-1) and to the extent allowed by federal law and regulations, the Comptroller of Public Accounts shall allocate at least \$55,000,000 in fiscal year 2010 and \$50,000,000 in fiscal year 2011 for funding incentives for homeowners and businesses in this state to encourage the development of distributed solar energy technology. The funds are in addition to any funds collected under H.B. No. 3706 or similar legislation.

**Floor Amendment No. 457**

Amend **CSSB 1**, as introduced, as follows:

(1) In ARTICLE 12 of the bill, insert a new Section, appropriately numbered, to read as follows:

Sec. \_\_\_\_\_. Green Jobs Training Program. To the extent allowed by federal law and regulations, out of funds appropriated above, the Workforce Commission shall allocate \$10,000,000 to facilitate a green jobs training program. The commission shall report to the Legislative Budget Board before September 30, 2009, regarding programs and recovery funding streams in other state and local agencies that could be part of a coordinated green jobs strategy including funds allocated for child care programs, vocational training initiatives, energy efficiency measures, the Weatherization Assistance Program (WAP), and/or any other recovery funds.

(2) Renumber subsequent Sections of ARTICLE 12 of the bill appropriately.

**Floor Amendment No. 458**

Amend **CSSB 1**, as introduced, as follows:

(1) In ARTICLE 12 of the bill, insert a new Section, appropriately numbered, to read as follows:

Sec. \_\_\_\_\_. Contingency Rider: Green Jobs Training Program. Contingent upon the passage of House Bill 516 and to the extent allowed by federal law and regulations, out of funds appropriated above, the Workforce Commission shall allocate \$10,000,000 to facilitate a green jobs program. The commission shall report to the Legislative Budget Board before September 30, 2009, regarding programs and recovery funding streams in other state and local agencies that could be part of a coordinated green jobs strategy including funds allocated for child care programs, vocational training initiatives, energy efficiency measures, the Weatherization Assistance Program (WAP), and/or any other recovery funds.

(2) Renumber subsequent Sections of ARTICLE 12 of the bill appropriately.

**Floor Amendment No. 459**

Amend **CSSB 1** in Article XII by adding the following appropriately numbered rider in the Special Provisions American Recovery and Reinvestment Act:

Sec. \_\_\_\_\_. State Energy Funding: Loanstar Revolving Loan Program. From funds appropriated to the Comptroller of Public Accounts in this Article for the State Energy Program and to the extent allowed by federal law and regulations, the Comptroller of Public Accounts shall grant to the loanstar revolving loan program under Section 2305.032, Government Code, a total of \$150,000,000 for the state fiscal year ending August 31, 2010, for the purposes of making energy saving retrofits for public buildings, including state agencies, school districts, institutions of higher education, local governments, and hospitals.

**Floor Amendment No. 461**

Amend **CSSB 1** on page XII-1 (Trusted Programs Within the Office of the Governor) by inserting the appropriately-numbered rider and renumbering any subsequent riders accordingly:

#\_\_\_\_. Human Trafficking and Violence Against Women. Out of the funds appropriated above in item 1: Byrne Justice Assistance Grants (JAG) is \$18,060,000 for the biennium for the prevention and prosecution of human trafficking and violence against women.

**Floor Amendment No. 463**

Amend **CSSB 1** in Article XII of the bill by adding the following rider, numbered appropriately, under Special Provisions American Recovery and Reinvestment Act:

Sec.\_\_\_\_. American Recovery and Reinvestment Act Effect on Future Budgeting. A agency of this state that receives funding derived from money under the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) may not take an action that obligates this state to increase the level of funding for a program during the state fiscal biennium beginning September 1, 2011 or a subsequent biennium.

**Floor Amendment No. 464**

Amend **CSSB 1**, House printing version, by adding the following rider under Article XII:

Federal Stimulus Funding for the Electronic Health Information Exchange Program. The Health and Human Services Commission shall pursue grants and other funds available under the American Recovery and Reimbursement Act of 2009 to support the network infrastructure necessary for the implementation of S.B. 7, Section 4, relating to the Electronic Health Information Exchange Program. The commission shall submit a report that includes information on what sources of funds it plans access through the American Recovery and Reimbursement Act of 2009 to the Legislative Budget Board and the Governor by December 1, 2009. The Commission shall also submit an implementation plan with milestones to the Legislative Budget Board and the Governor by March 1, 2010 that describes how the funds will be used to meet the requirements under S.B. 7, Section 4.

**Floor Amendment No. 465**

Amend **CSSB 1**, Article XII, by adding a new appropriately numbered section as follows:

"Section \_\_\_\_\_. Out of the funds appropriated above to the Texas Workforce Commission, the Commission shall use \$2,500,000 for the fiscal biennium beginning September 1, 2009, for an approved trade school engaged in solar energy education and training provided that the trade school does not currently receive state funding."

**Floor Amendment No. 467**

Amend **CSSB 1** as follows:

(1) Add the following appropriately numbered rider in Article XII of the bill following the special provisions regarding appropriations under the American Recovery and Reinvestment Act:

Sec. \_\_\_\_\_. Additional Funds for Energy Assistance Program. In addition to other amounts appropriated to the Department of Housing and Community Affairs, the amount of \$10.7 million shall be allocated in fiscal year 2010 to fund energy efficiency programs including the Energy Assistance Program in Article VII, Strategy C.2.1 (page VII-2), and programs to promote passive solar energy systems.

(2) Reduce the Article XII appropriations to the Department of Housing and Community Affairs for the HOME Program (page XII-5) by \$10.7 million for the state fiscal year ending August 31, 2010.

(3) Adjust the totals and methods of financing accordingly.

#### **Floor Amendment No. 468**

Amend **CSSB 1** in Article XII by adding the following appropriately numbered rider in the Special Provisions American Recovery and Reinvestment Act:

\_\_\_\_\_. It is the intent of the legislature that the Department of Housing and Community Affairs shall use portion of the Neighborhood Stabilization Program to assist cities with a population of 40,000 or less with a high level of foreclosures. The funds shall be use for foreclosure prevention programs and for the purchase and rehabilitation of vacant housing to provide affordable housing for low income population.

#### **Floor Amendment No. 469**

Amend **CSSB 1** in Article XII by adding the following appropriately numbered rider in the Special Provisions American Recovery and Reinvestment Act:

\_\_\_\_\_. It is the intent of the legislature that the Department of Housing and Community Affairs may use a portion of the funds from the Federal American Recovery and Reinvestment Act to assist counties located in areas affected by a natural disaster to recover and digitize court records.

#### **Floor Amendment No. 470**

Amend **CSSB 1** in Article XII by adding the following appropriately numbered rider in the Special Provisions American Recovery and Reinvestment Act:

Sec. \_\_\_\_\_. Minority Participation in Certain Contracts. It is the intent of the legislature that each state agency or institution take action to ensure minority participation in contracts for the purchase of goods, including agricultural products, and services using money appropriated under this article.

#### **Amendment No. 472**

Amend **CSSB 1** as follows:

Add the following appropriately numbered rider in Article 12 following the special provisions regarding appropriations under the American Recovery and Reinvestment Act:

\_\_\_\_\_. State Vehicle Emissions Reduction Program. Out of the funds appropriated in Item 1, State Energy Program, to the Fiscal Programs of the Comptroller of Public Accounts, \$218.8 million for the fiscal year 2010, ten percent of those funds shall be directed for the purpose of reducing the emissions of state vehicles.



**Floor Amendment No. 474**

Amend **CSSB 1**, Article \_\_\_\_, Texas Historical Commission, on page \_\_\_\_, by adding a new rider to read as follows and by numbering it accordingly:

"\_\_\_\_. For the purpose of allocating dedicated bonds for historical and recreational projects. Out of the bonds appropriated above, the Commission shall receive appropriations for historical and recreational projects.

**Floor Amendment No. 475**

Amend Amendment No. 474 to **CSSB 1** by Hilderbran (on page 26 of the prefiled amendment packet) on line 6 of the amendment at the end of the amendment by inserting the following:

Any and all funds appropriated out of Strategy A.1.5, Courthouse Preservation shall give priority to restoration projects in which the historic courthouse has been vacated and restoration construction is already in progress as of May 1, 2009.

The amendments were read.

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

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 1** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Ogden, Chair; Shapiro, Williams, West, and Hinojosa.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 714** by Ellis, In memory of Beatrice Chapa Gutierrez of Houston.

**SR 719** by Shapleigh, In memory of Pablo Salcido.

**SR 720** by Van de Putte, In memory of James Nelson Orozco of San Antonio.

**Congratulatory Resolutions**

**SR 710** by Gallegos, Recognizing Herbert Pohler of Houston on the occasion of his 100th birthday.

**SR 711** by Shapiro, Recognizing the Samaritan Inn in Collin County on the occasion of its 25th anniversary.

**SR 713** by Ellis, Recognizing Saint John Missionary Baptist Church of Houston on the occasion of the dedication of its new sanctuary.

**SR 715** by Hegar, Recognizing Paul Hernandez on the occasion of his retirement from the Office of the Comptroller of Public Accounts.

**SR 717** by Estes, Congratulating Sherry Cannedy of Wichita Falls for receiving the 2008 Linden Heck Howell Outstanding Teaching of Texas History Award from Humanities Texas.

**SR 718** by Estes, Recognizing Oscar C. Page on the occasion of his retirement as president of Austin College.

### ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:00 p.m. adjourned, in memory of the Honorable Lena Guerrero of Austin, until 11:00 a.m. Monday, April 27, 2009.

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## APPENDIX

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### COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

April 24, 2009

NATURAL RESOURCES — **CSSB 2317**

EDUCATION — **CSSB 382, CSSB 2270**

GOVERNMENT ORGANIZATION — **CSSB 1002**

STATE AFFAIRS — **CSSB 671, CSSB 1358, CSSB 1895**

BUSINESS AND COMMERCE — **CSSB 681, CSSB 693, CSSB 1772, CSSB 1913, CSSB 1982, CSSB 2349, CSHB 1382, CSHB 2310, CSHB 2238**

CRIMINAL JUSTICE — **CSSB 1169, CSSB 1953**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSSB 2222**

FINANCE — **SB 1265, SB 2149, SB 2484**

INTERNATIONAL RELATIONS AND TRADE — **SB 2231**

JURISPRUDENCE — **CSSB 1675, CSSB 2344**

HIGHER EDUCATION — **CSSB 9, CSSB 1560**

GOVERNMENT ORGANIZATION — **CSSB 664**

JURISPRUDENCE — **CSSB 2221**

HEALTH AND HUMAN SERVICES — **CSSB 97, CSSB 455, CSSB 1050, CSSB 1193, CSSB 1415, CSSB 1476, CSSB 1663, CSSB 1713, CSSB 1730, CSSB 1766, CSSB 1932, CSSB 2273, CSSB 2339, CSSB 2389, CSSB 2419, CSSB 2423**

EDUCATION — **CSSB 3, CSSB 2206, CSSB 1830**

HEALTH AND HUMAN SERVICES — **CSSB 1521**

**INTERGOVERNMENTAL RELATIONS — CSSB 978, CSSB 994, CSSB 2148, CSSB 2507****BILLS AND RESOLUTION ENGROSSED**April 23, 2009

**SB 31, SB 62, SB 96, SB 174, SB 181, SB 187, SB 329, SB 332, SB 366, SB 367, SB 369, SB 371, SB 379, SB 419, SB 423, SB 495, SB 537, SB 551, SB 585, SB 712, SB 719, SB 743, SB 787, SB 865, SB 871, SB 873, SB 882, SB 892, SB 893, SB 894, SB 897, SB 909, SB 929, SB 930, SB 931, SB 932, SB 935, SB 936, SB 937, SB 1077, SB 1093, SB 1094, SB 1095, SB 1097, SB 1106, SB 1109, SB 1124, SB 1165, SB 1166, SB 1171, SB 1182, SB 1188, SB 1200, SB 1201, SB 1212, SB 1241, SB 1246, SB 1271, SB 1273, SB 1291, SB 1299, SB 1320, SB 1331, SB 1367, SB 1432, SB 1464, SB 1474, SB 1504, SB 1505, SB 1529, SB 1540, SB 1557, SB 1599, SB 1620, SB 1628, SB 1692, SB 1694, SB 1699, SB 1701, SB 1702, SB 1703, SB 1710, SB 1741, SB 1745, SB 1775, SB 1777, SB 1796, SB 1798, SB 1811, SB 1820, SB 1826, SB 1896, SB 1930, SB 1941, SB 1945, SB 1947, SB 1967, SB 1969, SB 1970, SB 1979, SB 2019, SB 2027, SB 2028, SB 2041, SB 2044, SB 2052, SB 2058, SB 2072, SB 2074, SB 2225, SB 2292, SB 2306, SB 2311, SB 2312, SB 2314, SB 2315, SB 2319, SB 2371, SB 2397, SB 2453, SB 2462, SB 2474, SB 2480, SJR 25**

**RESOLUTIONS ENROLLED**April 23, 2009

**SCR 41, SR 499, SR 649, SR 664, SR 678, SR 680, SR 701, SR 702, SR 703, SR 704, SR 705, SR 706, SR 707, SR 708, SR 709**

**SENT TO GOVERNOR**April 24, 2009**SCR 41**

**In Memory**  
**of**  
**Lena Guerrero**  
**Senate Concurrent Resolution 62**

WHEREAS, The Honorable Lena Guerrero of Austin passed away on April 24, 2008, at the age of 50, bringing to a close a full and accomplished life; and

WHEREAS, Born in 1957 to Adela and Alvaro Guerrero, Lena Guerrero grew up in Mission, the fifth of nine children; she went on to attend The University of Texas at Austin, where she became active in the Democratic Party and where, in 1979, she became the first woman and the first Hispanic elected president of the Texas Young Democrats; and

WHEREAS, Some five years later, at the age of 25, Ms. Guerrero won election to the Texas House of Representatives, becoming only the second Hispanic woman to ever hold office as a state legislator; voters subsequently returned her to office three more times, and during nearly a decade of service, she made her mark as a champion for migrant farmworkers, teenage pregnancy prevention, and a variety of environmental and social justice issues; named one of the 10 best legislators of 1989 by *Texas Monthly* magazine, she further distinguished herself as vice chair of the House Committee on State Affairs and the Texas Sunset Advisory Commission; and

WHEREAS, Ms. Guerrero was equally accomplished in her professional life, serving as executive director of the Texas Women's Political Caucus and as co-owner of an Austin advertising and consulting firm, Bravo Communications; and

WHEREAS, In 1991, she was appointed to the Railroad Commission by Governor Ann Richards, breaking yet another barrier as a Hispanic woman; she was a leading supporter of tax incentives for independent oil and gas producers and an early advocate for alternative fuels, and she played a key role in revamping regulation of the industry; and

WHEREAS, Ms. Guerrero was among the brightest and hardest working public officials in Texas; she graduated from UT-Austin in 1993, demonstrating that our mistakes are often the gateway to growth and success in other arenas; and

WHEREAS, This beloved woman fought brain cancer with grace, dignity, and her trademark humor, along with the help of her husband, Leo Aguirre, their son, "Little" Leo Aguirre, other family members, and countless friends; although her life ended far too soon, she will long be remembered with great affection and admiration by all those who were privileged to know her; now, therefore, be it

RESOLVED, That the 81st Legislature of the State of Texas hereby honor the life and legacy of Lena Guerrero as a dedicated and inspiring public servant, a loving wife, a caring mother, a trusted friend, and a true pioneering daughter of the State of Texas.

HINOJOSA

