

Suspending limitations on conference committee
jurisdiction, S.B. No. 1 (Duncan/Pitts)

By: Pitts

H.R. No. 232

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 82nd Legislature, 1st Called Session, 2011, That House Rule
3 13, Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on Senate Bill 1 (certain state fiscal
6 matters; providing penalties) to consider and take action on the
7 following matters:

8 (1) House Rule 13, Section 9(a)(1), is suspended to permit
9 the committee to change text which is not in disagreement in
10 proposed Section 4.02 of the bill, in added Section 111.0041(c),
11 Tax Code, to read as follows:

12 Contemporaneous records and supporting documentation appropriate
13 to the tax or fee may include, for example, invoices, vouchers,
14 checks, shipping records, contracts, or other equivalent records,
15 such as electronically stored images of such documents, reflecting
16 legal relationships and taxes collected and paid.

17 Explanation: The change is necessary to provide clear
18 examples of what types of records or documentation appropriate to a
19 tax or fee may be used to verify certain claims.

20 (2) House Rule 13, Section 9(a)(2), is suspended to permit
21 the committee to omit text which is not in disagreement, Article 5
22 of the senate engrossment of Senate Bill No. 1 and the corresponding
23 article of the bill as the bill was amended by the house of
24 representatives, relating to unclaimed property, that reads:

ARTICLE 5. UNCLAIMED PROPERTY

SECTION 5.01. Subsection (a), Section 72.101, Property Code, is amended to read as follows:

(a) Except as provided by this section and Sections 72.1015, 72.1016, 72.1017, and 72.102, personal property is presumed abandoned if, for longer than three years:

(1) the existence and location of the owner of the property is unknown to the holder of the property; and

(2) according to the knowledge and records of the holder of the property, a claim to the property has not been asserted or an act of ownership of the property has not been exercised.

SECTION 5.02. Subchapter B, Chapter 72, Property Code, is amended by adding Section 72.1017 to read as follows:

Sec. 72.1017. UTILITY DEPOSITS. (a) In this section:

(1) "Utility" has the meaning assigned by Section 183.001, Utilities Code.

(2) "Utility deposit" is a refundable money deposit a utility requires a user of the utility service to pay as a condition of initiating the service.

(b) Notwithstanding Section 73.102, a utility deposit is presumed abandoned on the latest of:

(1) the first anniversary of the date a refund check for the utility deposit was payable to the owner of the deposit;

(2) the first anniversary of the date the utility last received documented communication from the owner of the utility deposit; or

1 (3) the first anniversary of the date the utility
2 issued a refund check for the deposit payable to the owner of the
3 deposit if, according to the knowledge and records of the utility or
4 payor of the check, during that period, a claim to the check has not
5 been asserted or an act of ownership by the payee has not been
6 exercised.

7 SECTION 5.03. Subsection (c), Section 72.102, Property
8 Code, is amended to read as follows:

9 (c) A money order to which Subsection (a) applies is
10 presumed to be abandoned on the latest of:

11 (1) the third [~~seventh~~] anniversary of the date on
12 which the money order was issued;

13 (2) the third [~~seventh~~] anniversary of the date on
14 which the issuer of the money order last received from the owner of
15 the money order communication concerning the money order; or

16 (3) the third [~~seventh~~] anniversary of the date of the
17 last writing, on file with the issuer, that indicates the owner's
18 interest in the money order.

19 SECTION 5.04. Section 72.103, Property Code, is amended to
20 read as follows:

21 Sec. 72.103. PRESERVATION OF PROPERTY. Notwithstanding any
22 other provision of this title except a provision of this section or
23 Section 72.1016 relating to a money order or a stored value card, a
24 holder of abandoned property shall preserve the property and may
25 not at any time, by any procedure, including a deduction for
26 service, maintenance, or other charge, transfer or convert to the
27 profits or assets of the holder or otherwise reduce the value of the

1 property. For purposes of this section, value is determined as of
2 the date of the last transaction or contact concerning the
3 property, except that in the case of a money order, value is
4 determined as of the date the property is presumed abandoned under
5 Section 72.102(c). If a holder imposes service, maintenance, or
6 other charges on a money order prior to the time of presumed
7 abandonment, such charges may not exceed the amount of \$1 ~~[50 cents]~~
8 per month for each month the money order remains uncashed prior to
9 the month in which the money order is presumed abandoned.

10 SECTION 5.05. Section 73.101, Property Code, is amended by
11 amending Subsection (a) and adding Subsection (c) to read as
12 follows:

13 (a) An account or safe deposit box is presumed abandoned if:
14 (1) except as provided by Subsection (c), the account
15 or safe deposit box has been inactive for at least five years as
16 determined under Subsection (b);
17 (2) the location of the depositor of the account or
18 owner of the safe deposit box is unknown to the depository; and
19 (3) the amount of the account or the contents of the
20 box have not been delivered to the comptroller in accordance with
21 Chapter 74.

22 (c) If the account is a checking or savings account or is a
23 matured certificate of deposit, the account is presumed abandoned
24 if the account has been inactive for at least three years as
25 determined under Subsection (b)(1).

26 SECTION 5.06. Subsection (a), Section 74.101, Property
27 Code, is amended to read as follows:

1 (a) Each holder who on March 1 [~~June 30~~] holds property that
2 is presumed abandoned under Chapter 72, 73, or 75 of this code or
3 under Chapter 154, Finance Code, shall file a report of that
4 property on or before the following July [~~November~~] 1. The
5 comptroller may require the report to be in a particular format,
6 including a format that can be read by a computer.

7 SECTION 5.07. Subsection (a), Section 74.1011, Property
8 Code, is amended to read as follows:

9 (a) Except as provided by Subsection (b), a holder who on
10 March 1 [~~June 30~~] holds property valued at more than \$250 that is
11 presumed abandoned under Chapter 72, 73, or 75 of this code or
12 Chapter 154, Finance Code, shall, on or before the following May
13 [~~August~~] 1, mail to the last known address of the known owner
14 written notice stating that:

15 (1) the holder is holding the property; and

16 (2) the holder may be required to deliver the property
17 to the comptroller on or before July [~~November~~] 1 if the property is
18 not claimed.

19 SECTION 5.08. Subsections (a) and (c), Section 74.301,
20 Property Code, are amended to read as follows:

21 (a) Except as provided by Subsection (c), each holder who on
22 March 1 [~~June 30~~] holds property that is presumed abandoned under
23 Chapter 72, 73, or 75 shall deliver the property to the comptroller
24 on or before the following July [~~November~~] 1 accompanied by the
25 report required to be filed under Section 74.101.

26 (c) If the property subject to delivery under Subsection (a)
27 is the contents of a safe deposit box, the comptroller may instruct

1 a holder to deliver the property on a specified date before July
2 [~~November~~] 1 of the following year.

3 SECTION 5.09. Subsection (e), Section 74.601, Property
4 Code, is amended to read as follows:

5 (e) The comptroller on receipt or from time to time may
6 [~~from time to time~~] sell securities, including stocks, bonds, and
7 mutual funds, received under this chapter or any other statute
8 requiring the delivery of unclaimed property to the comptroller and
9 use the proceeds to buy, exchange, invest, or reinvest in
10 marketable securities. When making or selling the investments, the
11 comptroller shall exercise the judgment and care of a prudent
12 person.

13 SECTION 5.10. Section 74.708, Property Code, is amended to
14 read as follows:

15 Sec. 74.708. PROPERTY HELD IN TRUST. A holder who on March
16 1 [~~June 30~~] holds property presumed abandoned under Chapters 72-75
17 holds the property in trust for the benefit of the state on behalf
18 of the missing owner and is liable to the state for the full value of
19 the property, plus any accrued interest and penalty. A holder is
20 not required by this section to segregate or establish trust
21 accounts for the property provided the property is timely delivered
22 to the comptroller in accordance with Section 74.301.

23 SECTION 5.11. (a) Except as provided by Subsection (b) or
24 (c) of this section, this article takes effect on the 91st day after
25 the last day of the legislative session.

26 (b) Except as provided by Subsection (c) of this section,
27 Subsection (a), Section 74.101, Subsection (a), Section 74.1011,

1 Subsections (a) and (c), Section 74.301, and Section 74.708,
2 Property Code, as amended by this article, take effect January 1,
3 2013.

4 (c) If H.B. No. 257, Acts of the 82nd Legislature, Regular
5 Session, 2011, becomes law, this article has no effect.

6 SECTION 5.12. A charge imposed on a money order under
7 Section 72.103, Property Code, by a holder before the effective
8 date of this article is governed by the law applicable to the charge
9 immediately before the effective date of this article, and the
10 holder may retain the charge.

11 Explanation: The article is omitted as unnecessary because
12 its provisions were largely duplicative of those of House Bill No.
13 257, Acts of the 82nd Legislature, Regular Session, 2011, as
14 effective September 1, 2011, and January 1, 2013.

15 (3) House Rule 13, Section 9(a)(3), is suspended to permit
16 the committee to add text on a matter which is not in disagreement
17 in proposed Sections 5.01 and 5.02 of the bill to read as follows:

18 SECTION 5.01. Subsection (b), Section 72.1017, Property
19 Code, as effective September 1, 2011, is amended to read as follows:

20 (b) Notwithstanding Section 73.102, a utility deposit is
21 presumed abandoned on the latest of:

22 (1) the first anniversary of [~~18 months after~~] the
23 date a refund check for the utility deposit was payable to the owner
24 of the deposit;

25 (2) the first anniversary of [~~18 months after~~] the
26 date the utility last received documented communication from the
27 owner of the utility deposit; or

1 (3) the first anniversary of ~~[18 months after]~~ the
2 date the utility issued a refund check for the deposit payable to
3 the owner of the deposit if, according to the knowledge and records
4 of the utility or payor of the check, during that period, a claim to
5 the check has not been asserted or an act of ownership by the payee
6 has not been exercised.

7 SECTION 5.02. This article takes effect on the 91st day
8 after the last day of the legislative session.

9 Explanation: The change is necessary to provide for a
10 presumption of abandonment of certain utility deposits after one
11 year.

12 (4) House Rule 13, Section 9(a)(4), is suspended to permit
13 the committee in proposed Section 7.01 of the bill to add text on a
14 matter not included in either the house or the senate version of the
15 bill to read as follows:

16 SECTION 7.01. Section 51.008, Government Code, as effective
17 September 1, 2011, is amended by amending Subsection (c) and adding
18 Subsection (d) to read as follows:

19 (c) The Office of Court Administration of the Texas Judicial
20 System may collect the fees recommended by the process server
21 review board and approved by the supreme court. Fees collected
22 under this section shall be sent to the comptroller for deposit to
23 the credit of the general revenue fund ~~[and may be appropriated only~~
24 ~~to the office for purposes of this section]~~.

25 (d) Fees collected under this section may be appropriated to
26 the Office of Court Administration of the Texas Judicial System for
27 the support of regulatory programs for process servers, guardians,

1 and court reporters.

2 Explanation: The changes are necessary to clarify the
3 purposes for which certain deposited fees may be appropriated.

4 (5) House Rule 13, Section 9(a)(2), is suspended to permit
5 the committee to omit text which is not in disagreement, Section
6 8.01 of the senate engrossment of Senate Bill No. 1 and the
7 corresponding section of the bill as the bill was amended by the
8 house of representatives, relating to petroleum industry
9 regulation, that reads:

10 SECTION 8.01. Section 26.3574, Water Code, is amended by
11 amending Subsection (b) and adding Subsection (b-1) to read as
12 follows:

13 (b) A fee is imposed on the delivery of a petroleum product
14 on withdrawal from bulk of that product as provided by this
15 subsection. Each operator of a bulk facility on withdrawal from
16 bulk of a petroleum product shall collect from the person who orders
17 the withdrawal a fee in an amount determined as follows:

18 (1) not more than \$3.125 [~~\$3.75~~] for each delivery
19 into a cargo tank having a capacity of less than 2,500 gallons [~~for~~
20 ~~the state fiscal year beginning September 1, 2007, through the~~
21 ~~state fiscal year ending August 31, 2011~~];

22 (2) not more than \$6.25 [~~\$7.50~~] for each delivery into
23 a cargo tank having a capacity of 2,500 gallons or more but less
24 than 5,000 gallons [~~for the state fiscal year beginning September~~
25 ~~1, 2007, through the state fiscal year ending August 31, 2011~~];

26 (3) not more than \$9.37 [~~\$11.75~~] for each delivery
27 into a cargo tank having a capacity of 5,000 gallons or more but

1 less than 8,000 gallons [~~for the state fiscal year beginning~~
2 ~~September 1, 2007, through the state fiscal year ending August 31,~~
3 ~~2011~~];

4 (4) not more than \$12.50 [~~\$15.00~~] for each delivery
5 into a cargo tank having a capacity of 8,000 gallons or more but
6 less than 10,000 gallons [~~for the state fiscal year beginning~~
7 ~~September 1, 2007, through the state fiscal year ending August 31,~~
8 ~~2011~~]; and

9 (5) not more than \$6.25 [~~\$7.50~~] for each increment of
10 5,000 gallons or any part thereof delivered into a cargo tank having
11 a capacity of 10,000 gallons or more [~~for the state fiscal year~~
12 ~~beginning September 1, 2007, through the state fiscal year ending~~
13 ~~August 31, 2011~~].

14 (b-1) The commission by rule shall set the amount of the fee
15 in Subsection (b) in an amount not to exceed the amount necessary to
16 cover the agency's costs of administering this subchapter, as
17 indicated by the amount appropriated by the legislature from the
18 petroleum storage tank remediation account for that purpose.

19 Explanation: The text is omitted as unnecessary because it
20 largely duplicates provisions of Section 4.19, House Bill No. 2694,
21 Acts of the 82nd Legislature, Regular Session, 2011, as effective
22 September 1, 2011.

23 (6) House Rule 13, Section 9(a)(1), is suspended to permit
24 the committee to alter text which is not in disagreement in proposed
25 Section 15.05 of the bill to read as follows:

26 SECTION 15.05. Subsection (d), Section 19.002, Election
27 Code, as effective September 1, 2011, is amended to read as follows:

(d) The secretary of state [~~comptroller~~] may not make a payment under Subsection (b) [~~issue a warrant~~] if on June 1 of the year in which the payment [~~warrant~~] is to be made [~~issued the most recent notice received by the comptroller from the secretary of state under Section 18.065 indicates that~~] the registrar is not in substantial compliance with Section 15.083, 16.032, or 18.065 or with rules implementing the registration service program.

Explanation: The change is necessary to conform the bill to changes in law made by House Bill No. 2817, Acts of the 82nd Legislature, Regular Session, 2011, as effective September 1, 2011.

(7) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text which is not in disagreement, text of Article 24 of the senate engrossment of Senate Bill No. 1 and the corresponding article of the bill as the bill was amended by the house of representatives, relating to leasing certain state facilities, that reads:

ARTICLE 24. FISCAL MATTERS REGARDING LEASING CERTAIN STATE FACILITIES

SECTION 24.01. The heading to Section 2165.2035, Government Code, is amended to read as follows:

Sec. 2165.2035. LEASE OF SPACE IN STATE-OWNED PARKING LOTS AND GARAGES; USE AFTER HOURS.

SECTION 24.02. Subchapter E, Chapter 2165, Government Code, is amended by adding Sections 2165.204, 2165.2045, and 2165.2046 to read as follows:

Sec. 2165.204. LEASE OF SPACE IN STATE-OWNED PARKING LOTS AND GARAGES; EXCESS INDIVIDUAL PARKING SPACES. (a) The commission

1 may lease to a private individual an individual parking space in a
2 state-owned parking lot or garage located in the city of Austin that
3 the commission determines is not needed to accommodate the regular
4 parking requirements of state employees who work near the lot or
5 garage and visitors to nearby state government offices.

6 (b) Money received from a lease under this section shall be
7 deposited to the credit of the general revenue fund.

8 (c) In leasing a parking space under Subsection (a), the
9 commission must ensure that the lease does not restrict uses for
10 parking lots and garages developed under Section 2165.2035,
11 including special event parking related to institutions of higher
12 education.

13 (d) In leasing or renewing a lease for a parking space under
14 Subsection (a), the commission shall give preference to an
15 individual who is currently leasing or previously leased the
16 parking space.

17 Sec. 2165.2045. LEASE OF SPACE IN STATE-OWNED PARKING LOTS
18 AND GARAGES; EXCESS BLOCKS OF PARKING SPACE. (a) The commission
19 may lease to an institution of higher education or a local
20 government all or a significant block of a state-owned parking lot
21 or garage located in the city of Austin that the commission
22 determines is not needed to accommodate the regular parking
23 requirements of state employees who work near the lot or garage and
24 visitors to nearby state government offices.

25 (b) Money received from a lease under this section shall be
26 deposited to the credit of the general revenue fund.

27 (c) In leasing all or a block of a state-owned parking lot or

1 garage under Subsection (a), the commission must ensure that the
2 lease does not restrict uses for parking lots and garages developed
3 under Section 2165.2035, including special event parking related to
4 institutions of higher education.

5 (d) In leasing or renewing a lease for all or a block of a
6 state-owned parking lot or garage under Subsection (a), the
7 commission shall give preference to an entity that is currently
8 leasing or previously leased the lot or garage or a block of the lot
9 or garage.

10 Sec. 2165.2046. REPORTS ON PARKING PROGRAMS. On or before
11 October 1 of each even-numbered year, the commission shall submit a
12 report to the Legislative Budget Board describing the effectiveness
13 of parking programs developed by the commission under this
14 subchapter. The report must, at a minimum, include:

- 15 (1) the yearly revenue generated by the programs;
16 (2) the yearly administrative and enforcement costs of
17 each program;
18 (3) yearly usage statistics for each program; and
19 (4) initiatives and suggestions by the commission to:
20 (A) modify administration of the programs; and
21 (B) increase revenue generated by the programs.

22 Explanation: The text is omitted as unnecessary because it
23 largely duplicates or is in conflict with provisions of Senate Bill
24 No. 1068, Acts of the 82nd Legislature, Regular Session, 2011, as
25 effective June 17, 2011.

26 (8) House Rule 13, Section 9(a)(2), is suspended to permit
27 the committee to omit text which is not in disagreement, Sections

1 26.02, 26.03, 26.06, and 26.08 of the senate engrossment of Senate
2 Bill No. 1 and the corresponding sections of the bill as the bill
3 was amended by the house of representatives, relating to the review
4 by the attorney general of invoices related to legal services
5 provided to state agencies, that reads:

6 SECTION 26.02. The heading to Section 402.0212, Government
7 Code, is amended to read as follows:

8 Sec. 402.0212. PROVISION OF LEGAL SERVICES--OUTSIDE
9 COUNSEL; FEES.

10 SECTION 26.03. Section 402.0212, Government Code, is
11 amended by amending Subsections (b) and (c) and adding Subsections
12 (d), (e), and (f) to read as follows:

13 (b) An invoice submitted to a state agency under a contract
14 for legal services as described by Subsection (a) must be reviewed
15 by the attorney general to determine whether the invoice is
16 eligible for payment.

17 (c) An attorney or law firm must pay an administrative fee
18 to the attorney general for the review described in Subsection (b)
19 when entering into a contract to provide legal services to a state
20 agency.

21 (d) For purposes of this section, the functions of a hearing
22 examiner, administrative law judge, or other quasi-judicial
23 officer are not considered legal services.

24 (e) ~~[(e)]~~ This section shall not apply to the Texas Turnpike
25 Authority division of the Texas Department of Transportation.

26 (f) The attorney general may adopt rules as necessary to
27 implement and administer this section.

1 SECTION 26.06. The fee prescribed by Section 402.0212,
2 Government Code, as amended by this article, applies only to
3 invoices for legal services submitted to the office of the attorney
4 general for review on or after the effective date of this article.

5 SECTION 26.08. The changes in law made by this article apply
6 only to a contract for legal services between a state agency and a
7 private attorney or law firm entered into on or after the effective
8 date of this article. A contract for legal services between a state
9 agency and a private attorney or law firm entered into before the
10 effective date of this article is governed by the law in effect at
11 the time the contract was entered into, and the former law is
12 continued in effect for that purpose.

13 Explanation: The text is omitted as unnecessary because it
14 largely duplicates or is in conflict with provisions of Senate Bill
15 No. 367, Acts of the 82nd Legislature, Regular Session, 2011, as
16 effective June 17, 2011.

17 (9) House Rule 13, Section 9(a)(2), is suspended to permit
18 the committee to omit text which is not in disagreement, Sections
19 26.04 and 26.07 of the senate engrossment of Senate Bill No. 1 and
20 the corresponding sections of the bill as the bill was amended by
21 the house of representatives, relating to the review by the
22 attorney general of invoices related to legal services provided to
23 state agencies, that reads:

24 SECTION 26.04. Section 371.051, Transportation Code, is
25 amended to read as follows:

26 Sec. 371.051. ATTORNEY GENERAL REVIEW AND EXAMINATION FEE.

27 (a) A toll project entity may not enter into a comprehensive

1 development agreement unless the attorney general reviews the
2 proposed agreement and determines that it is legally sufficient.

3 (b) A toll project entity shall pay a nonrefundable
4 examination fee to the attorney general on submitting a proposed
5 comprehensive development agreement for review. At the time the
6 examination fee is paid, the toll project entity shall also submit
7 for review a complete transcript of proceedings related to the
8 comprehensive development agreement.

9 (c) If the toll project entity submits multiple proposed
10 comprehensive development agreements relating to the same toll
11 project for review, the entity shall pay the examination fee under
12 Subsection (b) for each proposed comprehensive development
13 agreement.

14 (d) The attorney general shall provide a legal sufficiency
15 determination not later than the 60th business day after the date
16 the examination fee and transcript of the proceedings required
17 under Subsection (b) are received. If the attorney general cannot
18 provide a legal sufficiency determination within the
19 60-business-day period, the attorney general shall notify the toll
20 project entity in writing of the reason for the delay and may extend
21 the review period for not more than 30 business days.

22 (e) After the attorney general issues a legal sufficiency
23 determination, a toll project entity may supplement the transcript
24 of proceedings or amend the comprehensive development agreement to
25 facilitate a redetermination by the attorney general of the prior
26 legal sufficiency determination issued under this section.

27 (f) The toll project entity may collect or seek

1 reimbursement of the examination fee under Subsection (b) from the
2 private participant.

3 (g) The attorney general by rule shall set the examination
4 fee required under Subsection (b) in a reasonable amount and may
5 adopt other rules as necessary to implement this section. The fee
6 may not be set in an amount that is determined by a percentage of the
7 cost of the toll project. The amount of the fee may not exceed
8 reasonable attorney's fees charged for similar legal services in
9 the private sector.

10 SECTION 26.07. The fee prescribed by Section 371.051,
11 Transportation Code, as amended by this article, applies only to a
12 comprehensive development agreement submitted to the office of the
13 attorney general on or after the effective date of this article.

14 Explanation: The text is omitted as unnecessary because it
15 largely duplicates or is in conflict with provisions of Senate Bill
16 No. 731, Acts of the 82nd Legislature, Regular Session, 2011, as
17 effective June 17, 2011.

18 (10) House Rule 13, Section 9(a)(4), is suspended to permit
19 the committee in proposed Sections 23.01-23.04 of the bill to add
20 text on a matter which is not included in either the house or senate
21 version of the bill to read as follows:

22 SECTION 23.01. Section 572.054, Government Code, is amended
23 by adding Subsection (g-1) to read as follows:

24 (g-1) For purposes of this section, the Department of
25 Information Resources is a regulatory agency.

26 SECTION 23.02. Section 2054.005, Government Code, is
27 amended to read as follows:

1 Sec. 2054.005. SUNSET PROVISION. (a) The Department of
2 Information Resources is subject to Chapter 325 (Texas Sunset
3 Act). Unless continued in existence as provided by that chapter,
4 the department is abolished and this chapter expires September 1,
5 2013 [~~2011~~].

6 (b) The review of the Department of Information Resources by
7 the Sunset Advisory Commission in preparation for the work of the
8 83rd Legislature, Regular Session, is not limited to the
9 appropriateness of recommendations made by the commission to the
10 82nd Legislature. In the commission's report to the 83rd
11 Legislature, the commission may include any recommendations it
12 considers appropriate.

13 SECTION 23.03. Subchapter C, Chapter 2054, Government Code,
14 is amended by adding Section 2054.064 to read as follows:

15 Sec. 2054.064. BOARD APPROVAL OF CONTRACTS. The board by
16 rule shall establish approval requirements for all contracts,
17 including a monetary threshold above which board approval is
18 required before the contract may be executed.

19 SECTION 23.04. Subsection (b), Section 2054.376,
20 Government Code, is amended to read as follows:

21 (b) This subchapter does not apply to:

22 (1) the Department of Public Safety's use for criminal
23 justice or homeland security purposes of a federal database or
24 network;

25 (2) a Texas equivalent of a database or network
26 described by Subdivision (1) that is managed by the Department of
27 Public Safety;

1 (3) the uniform statewide accounting system, as that
2 term is used in Subchapter C, Chapter 2101;

3 (4) the state treasury cash and treasury management
4 system; ~~[or]~~

5 (5) a database or network managed by the comptroller
6 to:

7 (A) collect and process multiple types of taxes
8 imposed by the state; or

9 (B) manage or administer fiscal, financial,
10 revenue, and expenditure activities of the state under Chapter 403
11 and Chapter 404; or

12 (6) a database or network managed by the Department of
13 Agriculture.

14 Explanation: The change is necessary to provide for Sunset
15 Advisory Commission review of and for functions and activities of
16 the Department of Information Resources and to provide for the
17 applicability of restrictions on certain activities by former
18 employees of the Department of Information Resources.

19 (11) House Rule 13, Section 9(a)(4), is suspended to permit
20 the committee in proposed Section 23.06 of the bill to add text on a
21 matter which is not included in either the house or senate version
22 of the bill to read as follows:

23 SECTION 23.06. Subsections (b) and (d), Section 2157.068,
24 Government Code, are amended to read as follows:

25 (b) The department shall negotiate with vendors ~~[to~~
26 ~~attempt]~~ to obtain the best value for the state in the purchase of
27 commodity items. The department may consider strategic sourcing

1 and other methodologies to select the vendor offering the best
 2 value on [~~a favorable price for all of state government on licenses~~
 3 ~~for~~] commodity items[~~, based on the aggregate volume of purchases~~
 4 ~~expected to be made by the state~~]. The terms and conditions of a
 5 license agreement between a vendor and the department under this
 6 section may not be less favorable to the state than the terms of
 7 similar license agreements between the vendor and retail
 8 distributors.

9 Explanation: The change is necessary to provide authority
 10 for negotiations for the best value in commodity purchases.

11 (12) House Rule 13, Section 9(a)(1), is suspended to permit
 12 the committee to alter text which is not in disagreement in proposed
 13 Section 26.01 of the bill to read as follows:

14 SECTION 26.01. Subsection (c), Section 434.017, Government
 15 Code, is amended to read as follows:

16 (c) Money in the fund may only be appropriated to the Texas
 17 Veterans Commission. Money appropriated under this subsection
 18 shall be used to:

- 19 (1) make grants to address veterans' needs; [~~and~~]
- 20 (2) administer the fund; and
- 21 (3) analyze and investigate data received from the
 22 federal Public Assistance Reporting Information System (PARIS)
 23 that is administered by the Administration for Children and
 24 Families of the United States Department of Health and Human
 25 Services.

26 Explanation: The change is necessary to conform the text to
 27 the change in law made by Senate Bill No. 1739, Acts of the 82nd

Legislature, Regular Session, 2011, as effective June 17, 2011.

(13) House Rule 13, Section 9(a)(4), is suspended to permit the committee in proposed Section 34.06 of the bill to add text on a matter which is not included in either the house or senate version of the bill to read as follows:

SECTION 34.06. It is the intent of the legislature that the Legislative Budget Board place information on its Internet website that provides additional program detail for items of appropriation in the General Appropriations Act. The Legislative Budget Board shall include as additional program detail the specific programs funded, the source of that funding, and the related statutory authorization.

Explanation: The change is necessary to provide for greater access to information regarding the state budget.

(14) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add text on a matter which is not in disagreement in proposed Section 35.02 of the bill by adding Section 314.002(d), Labor Code, to read as follows:

(d) The commission, for the purposes of this section, may use:

(1) money appropriated to the commission; and
(2) money that is transferred to the commission from
trusteed programs within the office of the governor, including:

(A) appropriated money from the Texas Enterprise
Fund;

(B) available federal funds; and

(C) money from other appropriate, statutorily

1 authorized funding sources.

2 Explanation: The change is necessary to clarify funding
3 matters for purposes of the Texas Back to Work Program.

4 (15) House Rule 13, Section 9(a)(4), is suspended to permit
5 the committee in proposed Section 41.01 of the bill to add text on a
6 matter which is not included in either the house or the senate
7 version of the bill by adding amended Subsections (b), (c), and (e),
8 Article 103.0033, Code of Criminal Procedure, to read as follows:

9 (b) This article applies only to:

10 (1) a ~~[each]~~ county with a population of 50,000 or
11 greater; ~~[in this state]~~ and

12 (2) a ~~[to each]~~ municipality with a population of
13 100,000 or greater.

14 (c) Unless granted a waiver under Subsection (h), each
15 county and municipality shall develop and implement a program that
16 complies with the prioritized implementation schedule under
17 Subsection (h). ~~[A county may develop and implement a program that~~
18 ~~complies with the prioritized implementation schedule under~~
19 ~~Subsection (h).]~~ A county program must include district, county,
20 and justice courts.

21 (e) Not later than June 1 of each year, the office shall
22 identify those counties and municipalities that:

23 (1) have not implemented a program; and

24 (2) are able ~~[planning]~~ to implement a program before
25 April 1 of the following year.

26 Explanation: The change is necessary to change the
27 population of counties to which the Office of Court

Administration's collection improvement program applies.

(16) House Rule 13, Section 9(a)(1), is suspended to permit the committee to alter text which is not in disagreement in proposed Section 43.03 of the bill, added Section 2306.2585(c), Government Code, to read as follows:

(c) The department may use any available revenue, including legislative appropriations, appropriation transfers from the trustee programs within the office of the governor, including authorized appropriations from the Texas Enterprise Fund, available federal funds, and any other statutorily authorized and appropriate funding sources transferred from the trustee programs within the office of the governor, for the purposes of this section. The department shall solicit and accept gifts and grants for the purposes of this section. The department shall use gifts and grants received for the purposes of this section before using any other revenue.

Explanation: The change is necessary to clarify the funding sources available for purposes of the homeless housing and services program.

(17) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text which is not in disagreement, Article 57 of the senate engrossment of Senate Bill No. 1 and the corresponding article of the bill as the bill was amended by the house of representatives, relating to the place of business of a retailer for sales tax purposes, that reads:

ARTICLE 57. PLACE OF BUSINESS OF A RETAILER FOR SALES TAX PURPOSES

SECTION 57.01. Subdivision (3), Subsection (a), Section

321.002, Tax Code, is amended to read as follows:

(3) "Place of business of the retailer" means an established outlet, office, or location operated by the retailer or the retailer's agent or employee for the purpose of receiving orders for taxable items and includes any location at which three or more orders are received by the retailer during a calendar year. A warehouse, storage yard, or manufacturing plant is not a "place of business of the retailer" unless at least three orders are received by the retailer during the calendar year at the warehouse, storage yard, or manufacturing plant. An outlet, office, facility, or any location that contracts with a retail or commercial business ~~[engaged in activities to which this chapter applies]~~ to process for that business invoices, purchase orders, ~~[or]~~ bills of lading, or other equivalent records onto which sales tax is added, including an office operated for the purpose of buying and selling taxable goods to be used or consumed by the retail or commercial business, is not a "place of business of the retailer" if the comptroller determines that the outlet, office, facility, or location functions or exists to avoid the tax imposed by this chapter or to rebate a portion of the tax imposed by this chapter to the contracting business. Notwithstanding any other provision of this subdivision, a kiosk is not a "place of business of the retailer." In this subdivision, "kiosk" means a small stand-alone area or structure that:

(A) is used solely to display merchandise or to submit orders for taxable items from a data entry device, or both;

(B) is located entirely within a location that is

1 a place of business of another retailer, such as a department store
2 or shopping mall; and

3 (C) at which taxable items are not available for
4 immediate delivery to a customer.

5 SECTION 57.02. (a) Except as provided by Subsection (b) of
6 this section, this article takes effect October 1, 2011.

7 (b) If H.B. No. 590, Acts of the 82nd Legislature, Regular
8 Session, 2011, becomes law, this article has no effect.

9 Explanation: The text is omitted as unnecessary because it
10 largely duplicates Section 1, House Bill No. 590, Acts of the 82nd
11 Legislature, Regular Session, 2011, as effective September 1, 2011.

12 (18) House Rule 13, Section 9(a)(2), is suspended to permit
13 the committee to omit text which is not in disagreement, Article 58
14 of the senate engrossment of Senate Bill No. 1 and the corresponding
15 article of the bill as the bill was amended by the house of
16 representatives, relating to farm and ranch lands conservation,
17 that reads:

18 ARTICLE 58. TEXAS FARM AND RANCH LANDS CONSERVATION PROGRAM

19 SECTION 58.01. Subsection (b), Section 183.059, Natural
20 Resources Code, is amended to read as follows:

21 (b) To receive a grant from the fund under this subchapter,
22 an applicant who is qualified to be an easement holder under this
23 subchapter must submit an application to the council. The
24 application must:

25 (1) set out the parties' clear conservation goals
26 consistent with the program;

27 (2) include a site-specific estimate-of-value

1 appraisal by a licensed appraiser qualified to determine the market
2 value of the easement; and

3 (3) ~~[demonstrate that the applicant is able to match~~
4 ~~50 percent of the amount of the grant being sought, considering that~~
5 ~~the council may choose to allow a donation of part of the appraised~~
6 ~~value of the easement to be considered as in-kind matching funds,~~
7 ~~and~~

8 ~~[(4)]~~ include a memorandum of understanding signed by
9 the landowner and the applicant indicating intent to sell an
10 agricultural conservation easement and containing the terms of the
11 contract for the sale of the easement.

12 SECTION 58.02. If S.B. No. 1044, Acts of the 82nd
13 Legislature, Regular Session, 2011, becomes law, this article has
14 no effect.

15 Explanation: The text is omitted as unnecessary because it
16 largely duplicates provisions of Section 3, Senate Bill No. 1044,
17 Acts of the 82nd Legislature, Regular Session, 2011, as effective
18 June 17, 2011.

19 (19) House Rule 13, Section 9(a)(2), is suspended to permit
20 the committee to omit text which is not in disagreement, Section
21 60.02 of the senate engrossment of Senate Bill No. 1 and the
22 corresponding section of the bill as the bill was amended by the
23 house of representatives, that reads:

24 SECTION 60.02. Subsection (a), Section 811.012, Government
25 Code, as effective September 1, 2011, is amended to read as follows:

26 (a) Not later than June 1 of every fifth ~~[each]~~ year, the
27 retirement system shall provide to the comptroller, for the purpose

1 of assisting the comptroller in the identification of persons
2 entitled to unclaimed property reported to the comptroller, the
3 name, address, social security number, and date of birth of each
4 member, retiree, and beneficiary from the retirement system's
5 records.

6 Explanation: The text is omitted as unnecessary because it
7 duplicates the substance of Section 4, Senate Bill No. 1664, Acts of
8 the 82nd Legislature, Regular Session, 2011, as effective September
9 1, 2011.

10 (20) House Rule 13, Section 9(a)(4), is suspended to permit
11 the committee in proposed Section 61.02 of the bill to add text on a
12 matter which is not included in either the house or senate version
13 of the bill to read as follows:

14 SECTION 61.02. Subchapter A, Chapter 30A, Education Code,
15 is amended by adding Section 30A.007 to read as follows:

16 Sec. 30A.007. LOCAL POLICY ON ELECTRONIC COURSES. (a) A
17 school district or open-enrollment charter school shall adopt a
18 policy that provides district or school students with the
19 opportunity to enroll in electronic courses provided through the
20 state virtual school network. The policy must be consistent with
21 the requirements imposed by Section 26.0031.

22 (b) For purposes of a policy adopted under Subsection (a),
23 the determination of whether or not an electronic course will meet
24 the needs of a student with a disability shall be made by the
25 student's admission, review, and dismissal committee in a manner
26 consistent with state and federal law, including the Individuals
27 with Disabilities Education Act (20 U.S.C. Section 1400 et seq.)

1 and Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section
2 794).

3 Explanation: The change is necessary to provide for
4 consistent policies for student enrollment through the state
5 virtual school network.

6 (21) House Rule 13, Section 9(a)(4), is suspended to permit
7 the committee in proposed Section 61.03 of the bill to add text on a
8 matter which is not included in either the house or senate version
9 of the bill to read as follows:

10 SECTION 61.03. Subchapter C, Chapter 30A, Education Code,
11 is amended by adding Section 30A.1021 to read as follows:

12 Sec. 30A.1021. PUBLIC ACCESS TO USER COMMENTS REGARDING
13 ELECTRONIC COURSES. (a) The administering authority shall
14 provide students who have completed or withdrawn from electronic
15 courses offered through the virtual school network and their
16 parents with a mechanism for providing comments regarding the
17 courses.

18 (b) The mechanism required by Subsection (a) must include a
19 quantitative rating system and a list of verbal descriptors that a
20 student or parent may select as appropriate.

21 (c) The administering authority shall provide public access
22 to the comments submitted by students and parents under this
23 section. The comments must be in a format that permits a person to
24 sort the comments by teacher, electronic course, and provider
25 school district or school.

26 Explanation: The change is necessary to gather and
27 disseminate information on students' and parents' experiences with

1 the state virtual school network.

2 (22) House Rule 13, Section 9(a)(4), is suspended to permit
3 the committee in proposed Section 61.04 of the bill to add text on a
4 matter which is not included in either the house or senate version
5 of the bill to read as follows:

6 SECTION 61.04. Section 30A.104, Education Code, is amended
7 to read as follows:

8 Sec. 30A.104. COURSE ELIGIBILITY IN GENERAL. (a) A course
9 offered through the state virtual school network must:

10 (1) be in a specific subject that is part of the
11 required curriculum under Section 28.002(a);

12 (2) be aligned with the essential knowledge and skills
13 identified under Section 28.002(c) for a grade level at or above
14 grade level three; and

15 (3) be the equivalent in instructional rigor and scope
16 to a course that is provided in a traditional classroom setting
17 during:

18 (A) a semester of 90 instructional days; and

19 (B) a school day that meets the minimum length of
20 a school day required under Section 25.082.

21 (b) If the essential knowledge and skills with which an
22 approved course is aligned in accordance with Subsection (a)(2) are
23 modified, the provider school district or school must be provided
24 the same time period to revise the course to achieve alignment with
25 the modified essential knowledge and skills as is provided for the
26 modification of a course provided in a traditional classroom
27 setting.

1 Explanation: The change is necessary for the administration
2 of changes in essential knowledge and skills applicable to an
3 approved state virtual school network course.

4 (23) House Rule 13, Section 9(a)(4), is suspended to permit
5 the committee in proposed Sections 61.07, 61.08, and 61.09 of the
6 bill to add text on a matter which is not included in either the
7 house or senate version of the bill to read as follows:

8 SECTION 61.07. Subchapter D, Chapter 30A, Education Code,
9 is amended by adding Section 30A.153 to read as follows:

10 Sec. 30A.153. FOUNDATION SCHOOL PROGRAM FUNDING. (a) A
11 school district or open-enrollment charter school in which a
12 student is enrolled is entitled to funding under Chapter 42 for the
13 student's enrollment in an electronic course offered through the
14 state virtual school network in the same manner that the district or
15 school is entitled to funding for the student's enrollment in
16 courses provided in a traditional classroom setting, provided that
17 the student successfully completes the electronic course.

18 (b) The commissioner, after considering comments from
19 school district and open-enrollment charter school
20 representatives, shall adopt a standard agreement that governs
21 payment of funds and other matters relating to a student's
22 enrollment in an electronic course offered through the state
23 virtual school network. The agreement may not require a school
24 district or open-enrollment charter school to pay the provider the
25 full amount until the student has successfully completed the
26 electronic course.

27 (c) A school district or open-enrollment charter school

1 shall use the standard agreement adopted under Subsection (b)
2 unless:

3 (1) the district or school requests from the
4 commissioner permission to modify the standard agreement; and

5 (2) the commissioner authorizes the modification.

6 (d) The commissioner shall adopt rules necessary to
7 implement this section, including rules regarding attendance
8 accounting.

9 SECTION 61.08. Subsection (a), Section 42.302, Education
10 Code, is amended to read as follows:

11 (a) Each school district is guaranteed a specified amount
12 per weighted student in state and local funds for each cent of tax
13 effort over that required for the district's local fund assignment
14 up to the maximum level specified in this subchapter. The amount
15 of state support, subject only to the maximum amount under Section
16 42.303, is determined by the formula:

$$\text{GYA} = (\text{GL} \times \text{WADA} \times \text{DTR} \times 100) - \text{LR}$$

18 where:

19 "GYA" is the guaranteed yield amount of state funds to be
20 allocated to the district;

21 "GL" is the dollar amount guaranteed level of state and local
22 funds per weighted student per cent of tax effort, which is an
23 amount described by Subsection (a-1) or a greater amount for any
24 year provided by appropriation;

25 "WADA" is the number of students in weighted average daily
26 attendance, which is calculated by dividing the sum of the school
27 district's allotments under Subchapters B and C, less any allotment

1 to the district for transportation, any allotment under Section
2 42.158[, ~~42.159,~~] or 42.160, and 50 percent of the adjustment under
3 Section 42.102, by the basic allotment for the applicable year;

4 "DTR" is the district enrichment tax rate of the school
5 district, which is determined by subtracting the amounts specified
6 by Subsection (b) from the total amount of maintenance and
7 operations taxes collected by the school district for the
8 applicable school year and dividing the difference by the quotient
9 of the district's taxable value of property as determined under
10 Subchapter M, Chapter 403, Government Code, or, if applicable,
11 under Section 42.2521, divided by 100; and

12 "LR" is the local revenue, which is determined by multiplying
13 "DTR" by the quotient of the district's taxable value of property as
14 determined under Subchapter M, Chapter 403, Government Code, or, if
15 applicable, under Section 42.2521, divided by 100.

16 SECTION 61.09. Section 42.159, Education Code, is repealed.

17 Explanation: The changes are necessary to clarify issues
18 regarding funding for students enrolled in electronic courses
19 offered through the state virtual school network.

20 (24) House Rule 13, Section 9(a)(4), is suspended to permit
21 the committee in proposed Article 66A of the bill to add text on a
22 matter which is not included in either the house or senate version
23 of the bill to read as follows:

24 ARTICLE 66A. GUARDIANSHIP MATTERS AND PROCEEDINGS: AMENDMENTS TO
25 ESTATES CODE

26 SECTION 66A.01. Subpart B, Part 2, Subtitle Y, Title 3,
27 Estates Code, as effective January 1, 2014, is amended by adding

Section 619 to read as follows:

Sec. 619. REVIEW OF TRANSFERRED GUARDIANSHIP. Not later than the 90th day after the date the transfer of the guardianship takes effect under Section 616, the court to which the guardianship was transferred shall hold a hearing to consider modifying the rights, duties, and powers of the guardian or any other provisions of the transferred guardianship.

SECTION 66A.02. Section 1253.051, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 1253.051. APPLICATION FOR RECEIPT AND ACCEPTANCE OF FOREIGN GUARDIANSHIP. A guardian appointed by a foreign court to represent an incapacitated person who is residing in this state or intends to move to this state may file an application with a court in which the ward resides or intends to reside to have the guardianship transferred to the court. The application must have attached a certified copy of all papers of the guardianship filed and recorded in the foreign court.

SECTION 66A.03. Section 1253.053, Estates Code, as effective January 1, 2014, is amended by amending Subsection (a) and adding Subsection (f) to read as follows:

(a) The ~~[On the court's own motion or on the motion of the ward or any interested person, the]~~ court shall hold a hearing to:

(1) consider an application for receipt and acceptance of a foreign guardianship under this subchapter; and

(2) consider modifying the administrative procedures or requirements of the proposed transferred guardianship in accordance with local and state law.

(f) At the time of granting an application for receipt and acceptance of a foreign guardianship, the court may also modify the administrative procedures or requirements of the transferred guardianship in accordance with local and state law.

SECTION 66A.04. Subsection (b), Section 1253.102, Estates Code, as effective January 1, 2014, is amended to read as follows:

(b) In making a determination under Subsection (a), the court may consider:

- (1) the interests of justice;
- (2) the best interests of the ward or proposed ward;
- ~~[and]~~
- (3) the convenience of the parties; and
- (4) the preference of the ward or proposed ward, if the
- ward or proposed ward is 12 years of age or older.

SECTION 66A.05. Chapter 1253, Estates Code, as effective January 1, 2014, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. DETERMINATION OF MOST APPROPRIATE FORUM FOR CERTAIN
GUARDIANSHIP PROCEEDINGS

Sec. 1253.151. DETERMINATION OF ACQUISITION OF JURISDICTION IN THIS STATE DUE TO UNJUSTIFIABLE CONDUCT. If at any time a court of this state determines that it acquired jurisdiction of a proceeding for the appointment of a guardian of the person or estate, or both, of a ward or proposed ward because of unjustifiable conduct, the court may:

- (1) decline to exercise jurisdiction;
- (2) exercise jurisdiction for the limited purpose of

1 fashioning an appropriate remedy to ensure the health, safety, and
2 welfare of the ward or proposed ward or the protection of the ward's
3 or proposed ward's property or prevent a repetition of the
4 unjustifiable conduct, including staying the proceeding until a
5 petition for the appointment of a guardian or issuance of a
6 protective order is filed in a court of another state having
7 jurisdiction; or

8 (3) continue to exercise jurisdiction after
9 considering:

10 (A) the extent to which the ward or proposed ward
11 and all persons required to be notified of the proceedings have
12 acquiesced in the exercise of the court's jurisdiction;

13 (B) whether the court of this state is a more
14 appropriate forum than the court of any other state after
15 considering the factors described by Section 1253.102(b); and

16 (C) whether the court of any other state would
17 have jurisdiction under the factual circumstances of the matter.

18 Sec. 1253.152. ASSESSMENT OF EXPENSES AGAINST PARTY. (a)
19 If a court of this state determines that it acquired jurisdiction of
20 a proceeding for the appointment of a guardian of the person or
21 estate, or both, of a ward or proposed ward because a party seeking
22 to invoke the court's jurisdiction engaged in unjustifiable
23 conduct, the court may assess against that party necessary and
24 reasonable expenses, including attorney's fees, investigative
25 fees, court costs, communication expenses, witness fees and
26 expenses, and travel expenses.

27 (b) The court may not assess fees, costs, or expenses of any

1 kind against this state or a governmental subdivision, agency, or
2 instrumentality of this state unless authorized by other law.

3 SECTION 66A.06. The following are repealed:

4 (1) Section 1253.054, Estates Code, as effective
5 January 1, 2014;

6 (2) the changes in law made by Sections 66.05 and 66.06
7 of this Act to Sections 892 and 894, Texas Probate Code; and

8 (3) Section 895, Texas Probate Code, as added by
9 Section 66.07 of this Act.

10 SECTION 66A.07. This article takes effect January 1, 2014.

11 Explanation: The change is necessary to conform the
12 provisions of the Estates Code, as effective January 1, 2014, to the
13 changes in law to be made by proposed Article 66 of the bill to the
14 Texas Probate Code.

15 (25) House Rule 13, Section 9(a)(4), is suspended to permit
16 the committee in proposed Article 71 of the bill to add text on a
17 matter which is not included in either the house or senate version
18 of the bill to read as follows:

19 ARTICLE 71. CHRONIC HEALTH CONDITIONS SERVICES MEDICAID WAIVER
20 PROGRAM

21 SECTION 71.01. Subchapter B, Chapter 531, Government Code,
22 is amended by adding Section 531.0226 to read as follows:

23 Sec. 531.0226. CHRONIC HEALTH CONDITIONS SERVICES MEDICAID
24 WAIVER PROGRAM. (a) If feasible and cost-effective, the commission
25 may apply for a waiver from the federal Centers for Medicare and
26 Medicaid Services or another appropriate federal agency to more
27 efficiently leverage the use of state and local funds in order to

1 maximize the receipt of federal Medicaid matching funds by
2 providing benefits under the Medicaid program to individuals who:

3 (1) meet established income and other eligibility
4 criteria; and

5 (2) are eligible to receive services through the
6 county for chronic health conditions.

7 (b) In establishing the waiver program under this section,
8 the commission shall:

9 (1) ensure that the state is a prudent purchaser of the
10 health care services that are needed for the individuals described
11 by Subsection (a);

12 (2) solicit broad-based input from interested
13 persons;

14 (3) ensure that the benefits received by an individual
15 through the county are not reduced once the individual is enrolled
16 in the waiver program; and

17 (4) employ the use of intergovernmental transfers and
18 other procedures to maximize the receipt of federal Medicaid
19 matching funds.

20 Explanation: The change is necessary to provide for prudent
21 purchasing of services for chronic health conditions and to
22 maximize receipt of federal Medicaid matching funds.

23 (26) House Rule 13, Section 9(a)(4), is suspended to permit
24 the committee in proposed Article 74 of the bill to add text on a
25 matter which is not included in either the house or the senate
26 version of the bill to read as follows:

ARTICLE 74. OPERATION AND ADMINISTRATION OF THE TEXAS DEPARTMENT
OF HOUSING AND COMMUNITY AFFAIRS

SECTION 74.01. Section 2306.022, Government Code, is amended to read as follows:

Sec. 2306.022. APPLICATION OF SUNSET ACT. The Texas Department of Housing and Community Affairs is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this chapter expires September 1, 2013 [~~2011~~].

SECTION 74.02. Subsections (d-1) and (d-2), Section 2306.111, Government Code, are amended to read as follows:

(d-1) In allocating low income housing tax credit commitments under Subchapter DD, the department shall, before applying the regional allocation formula prescribed by Section 2306.1115, set aside for at-risk developments, as defined by Section 2306.6702, not less than the minimum amount of housing tax credits required under Section 2306.6714. Funds or credits are not required to be allocated according to the regional allocation formula under Subsection (d) if:

(1) the funds or credits are reserved for contract-for-deed conversions or for set-asides mandated by state or federal law and each contract-for-deed allocation or set-aside allocation equals not more than 10 percent of the total allocation of funds or credits for the applicable program;

(2) the funds or credits are allocated by the department primarily to serve persons with disabilities; or

(3) the funds are housing trust funds administered by

1 the department under Sections 2306.201-2306.206 that are not
2 otherwise required to be set aside under state or federal law and do
3 not exceed \$3 million for each programmed activity during each
4 application cycle.

5 (d-2) In allocating low income housing tax credit
6 commitments under Subchapter DD, the department shall allocate five
7 percent of the housing tax credits in each application cycle to
8 developments that receive federal financial assistance through the
9 Texas Rural Development Office of the United States Department of
10 Agriculture. Any funds allocated to developments under this
11 subsection that involve rehabilitation must come from the funds set
12 aside for at-risk developments under Section 2306.6714 and any
13 additional funds set aside for those developments under Subsection
14 (d-1). This subsection does not apply to a development financed
15 wholly or partly under Section 538 of the Housing Act of 1949 (42
16 U.S.C. Section 1490p-2) unless the development involves the
17 rehabilitation of an existing property that has received and will
18 continue to receive as part of the financing of the development
19 federal financial assistance provided under Section 515 of the
20 Housing Act of 1949 (42 U.S.C. Section 1485).

21 SECTION 74.03. Section 2306.67022, Government Code, is
22 amended to read as follows:

23 Sec. 2306.67022. QUALIFIED ALLOCATION PLAN; MANUAL. At
24 least biennially, the [The] board [~~annually~~] shall adopt a
25 qualified allocation plan and a corresponding manual to provide
26 information regarding the administration of and eligibility for the
27 low income housing tax credit program. The board may adopt the plan

1 and manual annually, as considered appropriate by the board.

2 SECTION 74.04. Subsections (b) and (f), Section 2306.6711,
3 Government Code, are amended to read as follows:

4 (b) Not later than the deadline specified in the qualified
5 allocation plan, the board shall issue commitments for available
6 housing tax credits based on the application evaluation process
7 provided by Section 2306.6710. The board may not allocate to an
8 applicant housing tax credits in any unnecessary amount, as
9 determined by the department's underwriting policy and by federal
10 law, and in any event may not allocate to the applicant housing tax
11 credits in an amount greater than \$3 [~~\$2~~] million in a single
12 application round or to an individual development more than \$2
13 million in a single application round.

14 (f) The board may allocate housing tax credits to more than
15 one development in a single community, as defined by department
16 rule, in the same calendar year only if the developments are or will
17 be located more than two [~~one~~] linear miles [~~mile~~] apart. This
18 subsection applies only to communities contained within counties
19 with populations exceeding one million.

20 SECTION 74.05. Subsections (a), (b), and (c), Section
21 2306.6724, Government Code, are amended to read as follows:

22 (a) Regardless of whether the board will adopt the plan
23 annually or biennially [~~Not later than September 30 of each year~~],
24 the department, not later than September 30 of the year preceding
25 the year in which the new plan is proposed for use, shall prepare
26 and submit to the board for adoption any proposed [~~the~~] qualified
27 allocation plan required by federal law for use by the department in

1 setting criteria and priorities for the allocation of tax credits
2 under the low income housing tax credit program.

3 (b) Regardless of whether the board has adopted the plan
4 annually or biennially, the [The] board shall ~~[adopt and]~~ submit to
5 the governor any proposed [the] qualified allocation plan not later
6 than November 15 of the year preceding the year in which the new
7 plan is proposed for use.

8 ~~[(c)]~~ The governor shall approve, reject, or modify and
9 approve the proposed qualified allocation plan not later than
10 December 1.

11 SECTION 74.06. Section 1201.104, Occupations Code, is
12 amended by amending Subsections (a), (g), and (h) and adding
13 Subsections (a-1), (a-2), (a-3), and (a-4) to read as follows:

14 (a) Except as provided by Subsection (g) ~~[(c)]~~, as a
15 requirement for a manufacturer's, retailer's, broker's,
16 installer's, salvage rebuilder's, or salesperson's license, a
17 person who was not licensed or registered with the department or a
18 predecessor agency on September 1, 1987, must, not more than 12
19 months before applying for the person's first license under this
20 chapter, attend and successfully complete eight ~~[20]~~ hours of
21 instruction in the law, including instruction in consumer
22 protection regulations.

23 (a-1) If the applicant is not an individual, the applicant
24 must have at least one related person who satisfies the
25 requirements of Subsection (a) ~~[meets this requirement]~~. If that
26 applicant is applying for a retailer's license, the related person
27 must be a management official who satisfies the requirements of

1 Subsections (a) and (a-2) at each retail location operated by the
2 applicant.

3 (a-2) An applicant for a retailer's license must complete
4 four hours of specialized instruction relevant to the sale,
5 exchange, and lease-purchase of manufactured homes. The
6 instruction under this subsection is in addition to the instruction
7 required under Subsection (a).

8 (a-3) An applicant for an installer's license must complete
9 four hours of specialized instruction relevant to the installation
10 of manufactured homes. The instruction under this subsection is in
11 addition to the instruction required under Subsection (a).

12 (a-4) An applicant for a joint installer-retailer license
13 must comply with Subsections (a-2) and (a-3), for a total of eight
14 hours of specialized instruction. The instruction under this
15 subsection is in addition to the instruction required under
16 Subsection (a).

17 (g) Subsections [Subsection] (a), (a-2), (a-3), and (a-4)
18 do ~~does~~ not apply to a license holder who applies:

19 (1) for a license for an additional business location;
20 or

21 (2) to renew or reinstate a license.

22 (h) An examination must be a requirement of successful
23 completion of any initial required course of instruction under this
24 section. The period needed to complete an examination under this
25 subsection may not be used to satisfy the minimum education
26 requirements under Subsection (a), (a-2), (a-3), or (a-4).

27 SECTION 74.07. Section 1201.303, Occupations Code, is

1 amended by amending Subsection (b) and adding Subsections (c), (d),
2 (e), (f), and (g) to read as follows:

3 (b) The department shall establish an installation
4 inspection program in which at least 75 ~~[25]~~ percent of installed
5 manufactured homes are inspected on a sample basis for compliance
6 with the standards and rules adopted and orders issued by the
7 director. The program must place priority on inspecting
8 multisection homes and homes installed in Wind Zone II counties.

9 (c) On or after January 1, 2015, the director by rule shall
10 establish a third-party installation inspection program to
11 supplement the inspections of the department if the department is
12 not able to inspect at least 75 percent of manufactured homes
13 installed in each of the calendar years 2012, 2013, and 2014.

14 (d) The third-party installation inspection program
15 established under Subsection (c) must:

16 (1) establish qualifications for third-party
17 inspectors to participate in the program;

18 (2) require third-party inspectors to register with
19 the department before participating in the program;

20 (3) establish a biennial registration and renewal
21 process for third-party inspectors;

22 (4) require the list of registered third-party
23 inspectors to be posted on the department's Internet website;

24 (5) establish clear processes governing inspection
25 fees and payment to third-party inspectors;

26 (6) establish the maximum inspection fee that may be
27 charged to a consumer;

1 (7) require a third-party inspection to occur not
2 later than the 14th day after the date of installation of the
3 manufactured home;

4 (8) establish a process for a retailer or broker to
5 contract, as part of the sale of a new or used manufactured home,
6 with an independent third-party inspector to inspect the
7 installation of the home;

8 (9) establish a process for an installer to schedule
9 an inspection for each consumer-to-consumer sale where a home is
10 reinstalled;

11 (10) if a violation is noted in an inspection, require
12 the installer to:

13 (A) remedy the violations noted;

14 (B) have the home reinspected at the installer's
15 expense; and

16 (C) certify to the department that all violations
17 have been corrected;

18 (11) require an inspector to report inspection results
19 to the retailer, installer, and the department;

20 (12) require all persons receiving inspection results
21 under Subdivision (11) to maintain a record of the results at least
22 until the end of the installation warranty period;

23 (13) authorize the department to charge a filing fee
24 and an inspection fee for third-party inspections;

25 (14) authorize the department to continue to conduct
26 no-charge complaint inspections under Section 1201.355 on request,
27 but only after an initial installation inspection is completed;

1 (15) establish procedures to revoke the registration
2 of inspectors who fail to comply with rules adopted under this
3 section; and

4 (16) require the department to notify the relevant
5 state agency if the department revokes an inspector registration
6 based on a violation that is relevant to a license issued to the
7 applicable person by another state agency.

8 (e) Not later than January 1, 2015, the department shall
9 submit to the Legislative Budget Board, the Governor's Office of
10 Budget, Planning, and Policy, and the standing committee of each
11 house of the legislature having primary jurisdiction over housing a
12 report concerning whether the department inspected at least 75
13 percent of manufactured homes installed in each of the calendar
14 years 2012, 2013, and 2014.

15 (f) Not later than December 1, 2015, the director shall
16 adopt rules as necessary to implement Subsections (c) and (d) if the
17 department did not inspect at least 75 percent of manufactured
18 homes installed in each of the calendar years 2012, 2013, and 2014.
19 Not later than January 1, 2016, the department shall begin
20 registering third-party inspectors under Subsections (c) and (d) if
21 the department inspections did not occur as described by this
22 subsection.

23 (g) If the department is not required to establish a
24 third-party installation inspection program as provided by
25 Subsection (c), Subsections (c), (d), (e), and (f) and this
26 subsection expire September 1, 2016.

27 SECTION 74.08. The changes in law made by this article to

1 Section 2306.6711, Government Code, apply only to an application
2 for low income housing tax credits that is submitted to the Texas
3 Department of Housing and Community Affairs during an application
4 cycle that begins on or after the effective date of this Act. An
5 application that is submitted during an application cycle that
6 began before the effective date of this Act is governed by the law
7 in effect at the time the application cycle began, and the former
8 law is continued in effect for that purpose.

9 SECTION 74.09. The change in law made by this article in
10 amending Section 1201.104, Occupations Code, applies only to an
11 application for a license filed with the executive director of the
12 manufactured housing division of the Texas Department of Housing
13 and Community Affairs on or after the effective date of this
14 article. An application for a license filed before that date is
15 governed by the law in effect on the date the application was filed,
16 and the former law is continued in effect for that purpose.

17 Explanation: The changes are necessary to provide for the
18 administration and Sunset Advisory Commission review of the Texas
19 Department of Housing and Community Affairs, including the
20 department's activities related to certain housing tax credits and
21 the regulation of manufactured housing and mobile homes.

22 (27) House Rule 13, Section 9(a)(4), is suspended to permit
23 the committee in proposed Article 79A of the bill to add text on a
24 matter which is not included in either the house or senate version
25 of the bill to read as follows:

ARTICLE 79A. CONFIDENTIALITY OF

CERTAIN PEACE OFFICER VOUCHERS

SECTION 79A.01. 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; QUARTERLY SUMMARIES. (a) A voucher or other expense
reimbursement form, and any receipt or other document supporting
that voucher or other expense reimbursement form, that is submitted
or to be submitted under Section 660.027 is confidential under
Chapter 552 for a period of 18 months following the date of travel
if the voucher or other expense reimbursement form is submitted or
is to be submitted for payment or reimbursement of a travel expense
incurred by a peace officer while assigned to provide protection
for an elected official of this state or a member of the elected
official's family.

(b) At the expiration of the period provided by Subsection
(a), the voucher or other expense reimbursement form and any
supporting documents become subject to disclosure under Chapter 552
and are not excepted from public disclosure or confidential under
that chapter or other law, except that the following provisions of
that chapter apply to the information in the voucher, reimbursement
form, or supporting documents:

(1) Section 552.117;

(2) Section 552.1175;

(3) Section 552.119;

(4) Section 552.136;

(5) Section 552.137;

1 (6) Section 552.147; and

2 (7) Section 552.151.

3 (c) A state agency that submits vouchers or other expense
4 reimbursement forms described by Subsection (a) shall prepare
5 quarterly a summary of the amounts paid or reimbursed by the
6 comptroller based on those vouchers or other expense reimbursement
7 forms. Each summary must:

8 (1) list separately for each elected official the
9 final travel destinations and the total amounts paid or reimbursed
10 in connection with protection provided to each elected official and
11 that elected official's family members; and

12 (2) itemize the amounts listed under Subdivision (1)
13 by the categories of travel, fuel, food, lodging or rent, and other
14 operating expenses.

15 (d) The itemized amounts under Subsection (c)(2) must equal
16 the total amount listed under Subsection (c)(1) for each elected
17 official for the applicable quarter.

18 (e) A summary prepared under Subsection (c) may not include:

19 (1) the number or names of the peace officers or
20 elected official's family members identified in the vouchers,
21 expense reimbursement forms, or supporting documents;

22 (2) the name of any business or vendor identified in
23 the vouchers, expense reimbursement forms, or supporting
24 documents; or

25 (3) the locations in which expenses were incurred,
26 other than the city, state, and country in which incurred.

27 (f) A summary prepared under Subsection (c) is subject to

1 disclosure under Chapter 552, except as otherwise excepted from
2 disclosure under that chapter.

3 (g) A state agency that receives a request for information
4 described by Subsection (a) during the period provided by that
5 subsection may withhold that information without the necessity of
6 requesting a decision from the attorney general under Subchapter G,
7 Chapter 552. The Supreme Court of Texas has original and exclusive
8 mandamus jurisdiction over any dispute regarding the construction,
9 applicability, or constitutionality of Subsection (a). The supreme
10 court may appoint a master to assist in the resolution of any such
11 dispute as provided by Rule 171, Texas Rules of Civil Procedure, and
12 may adopt additional rules as necessary to govern the procedures
13 for the resolution of any such dispute.

14 SECTION 79A.02. Section 660.2035, Government Code, as added
15 by this article, applies according to its terms in relation to
16 travel vouchers or other reimbursement form and any supporting
17 documents that pertain to expenses incurred or paid on or after the
18 effective date of this article.

19 Explanation: The changes are necessary to provide for
20 confidentiality and disclosure requirements for vouchers submitted
21 for expenses incurred by a peace officer while assigned to provide
22 protection for an elected official of this state or a member of the
23 elected official's family.