Amend Amendment No. 228 by P. King on pg. 377 to read:

Amend **CSHB 1** in Article IX by adding the following rider, numbered appropriately, in Part 3:

3.____. Hiring Freeze. (a) In this section, "state agency" means a public entity in the executive branch of state government eligible under law to receive an appropriation.

(b) Except as provided by Subsection (d) of this section, during the state fiscal biennium that ends August 31, 2013, it is the intent of the legislature that a state agency not:

(1) fill the position of an employee if the position:

(A) is vacant on September 1, 2011; or

(B) becomes vacant after September 1, 2011; or

(2) divert to another use, including a use for salary, wages, or benefits of another employee, money appropriated for the salary, wages, or benefits attributable to a position described by Subdivision (1) of this subsection.

(c) On September 1, 2013, the comptroller shall deposit any unexpended money appropriated for salary, wages, or benefits for an employee's vacant position to which Subsection (b) of this section applies to the credit of the fund or account from which the money was appropriated.

(d) It is the intent of the legislature that a state agency fill a vacant position and use to fill that position money appropriated for the salary, wages, or benefits attributable to one or more positions described by Subsection (b)(1) of this section only if the agency determines that filling the position is necessary to prevent or ameliorate an emergency related to the agency's public purposes. Upon such determination the agency shall notify the governor and the Legislative Budget Board of:

(1) the nature of the emergency

(2) any other information requested by the governor or the Legislative Budget Board.

(e) Once notice is provided on a specific position pursuant to Subsection (d) of this section, no additional notice is required in the event that same position becomes vacant again.

(f) This section expires September 2, 2013.