

Amend amendment by P. King on pg. 48 to read as follows:

Amend **CSHB 4** by adding the following section, numbered appropriately, and renumbering subsequent sections of the bill accordingly:

SECTION \_\_\_\_\_. (a) In this section, "state agency" has the meaning assigned by Section 317.001, Government Code.

(b) Except as provided by Subsection (d) of this section, a state agency may not:

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

(A) is vacant on the effective date of this section; or

(B) becomes vacant after the effective date of this section; 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, 2011, the comptroller shall deposit the 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) A state agency may fill a vacant position and may 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:

(1) the agency determines that filling the position is necessary to prevent or ameliorate an emergency related to the agency's public purposes;

(2) the agency notifies the governor and the Legislative Budget Board of:

(A) the nature of the emergency;

(B) the functions of the position to be filled;

(C) the salary, wages, and benefits proposed to be paid to a person to fill the position; and

(D) any other information requested by the governor or the Legislative Budget Board, ~~and~~.

~~(3) the governor and the Legislative Budget Board approve the agency's proposal to fill the position and the salary, wages, and benefits to be paid to fill the vacancy.~~

(e) To the extent of any conflict, this section supersedes any other Act of the 82nd Legislature, Regular Session, 2011.

(f) This section expires September 2, 2011.

~~(g) This section takes 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 this section to take immediate effect, this section does not take effect.~~